

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	20 March 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	DATE: 11 March 2025
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	DATE 12 March 2025
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

Implications	Commentary
Finance	Whilst there are no direct implications arising from this report it should be noted that the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% Quality threshold.

	<p>This has meant it has been necessary to call upon the appeals reserve to mitigate the overspend on spend to date. Any further cost incurred in defending appeals will require alternative sources of funding.</p> <p>Kelly Wheeler, Finance Business Partner 11 March 2025</p>			
Legal	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill Law & Governance Legal Services 11 March 2025</p>			
Risk Management	<p>This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader 11 March 2025</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		<p>Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.</p> <p>Celia Prado-Teeling, Performance Team Leader.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			

Consultation & Engagement	Not applicable in respect of this report
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Supporting Information

3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

Written Representations

4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00519/F	Manor House, Isip Road, Bletchington, Kidlington, OX5 3DP.	Variation of condition 2 (plans) of 22/03088/F – alterations to design of main house and garage to include amended chimney design, the use of different construction materials, removal of porch, provision of fire escapes, installation of doors, erection of	Refused Delegated	30.01.2025.

		external stairs to garage, alteration of garage roof from hipped to pitched style roof, insertion of rooflights and addition of solar panels		
24/02261/F	29 Buckhurst Close Banbury OX16 1JT	RETROSPECTIVE - Erection of a wooden shed on 10cm concrete base to the rear of garden.	Refused Delegated	03.02.2025.
24/02403/F	2 Meadow Walk Heathfield OX5 3FG	Dormer extension to rear roof slope and rooflights to rear roof slope to facilitate conversion of loft to habitable accommodation	Refused Delegated	05.02.2025.
24/01193/F	Fullers Farm, North Street, Fritwell, Bicester, Oxon, OX27 7QJ	RETROSPECTIVE - Change of Use of existing office (Unit 1) and ancillary accommodation (Unit 2) to separate dwellings	Refused Delegated	21.02.2025
24/02814/ADV	Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF	1no D6 internally illuminated (digital advertisement) screen	Refused Delegated	26.02.2025
24/02664/PIP	The Pheasant Pluckers Inn Street Through Burdrop OX15 5RQ	Planning Permission in Principle is sought for the provision of 3-7 dwellings within the area outlined in red on the accompanying Ordnance Survey Map	Refused Delegated	05.03.2025

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00150/CLUE	Unit 22 Beaumont Close, Banbury	Certificate of Lawfulness for the Existing Development: Implementation of planning permission 18/01366/F subsequent	Delegated Refusal	15.06.2023.

		to 20/00046/DISC. Erection of 10 small commercial units (B2/B8) with associated car parking and landscaping - (resubmission of 22/00193/CLUE)		
24/01489/F	17 Read Place Ambrosden Bicester OX25 2BH	Single storey side extension, flat roof, to add a bedroom for disabled person	Delegated Refusal	29.10.2024.
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.
24/01541/F	Cherry Tree House, 7 Evenlode, Banbury, Oxon, OX16 1PQ.	Dropped kerb along with tarmac from road to the access in our rear garden. The current fence height will be lowered to allow safe entry and exit.	Delegated Refusal	04.11.2024.
23/01960/PIP	Barn Farm Planys Garden Centre, Thorpe Road, Wardington	To develop the site for 7-9 dwellings with associated access, parking and amenity space.	Delegated Refusal	06/06/2024.
21/02058/FUL	Shelswell Inn, Buckingham Road, Newton Purcell	Erection of Barns	Delegated Refusal	02.07.2024
23/01616/F	Leys Farm, Hook Norton, Banbury, OX15 5BZ.	Change of use of land from agricultural to residential and construction of swimming pool with associated landscaping.	Delegated Refusal	08.10.2024.

24/00628/Q56	Quarry Farm, Rattlecombe Road, Shenington	Change of Use and associated building operations to convert existing agricultural building to single dwellinghouse.	Delegated Refusal	09/07/2024.
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
23/03376/F	5 Mill Lane, Adderbury, Banbury	Natural ironstone rear extension with natural slate roof incorporating 1 No conservation rooflight, internal alterations, removal of timber shed and replacement with timber garden studio (revised scheme of 16/01819/F).	Delegated Refusal	17.07.2024.
23/02071/F	Land to Rear of Wheelright Cottage, Main Street, North Newington	New Build Dwelling.	Delegated Refusal	31.07.2024.
23/02865/F	Slatters Barn, Epwell Road, Shutford	RETROSPECTIVE - Installation of two shepherd's huts for use as holiday lets and construction of a driveway to the shepherd's huts - re-	Delegated Refusal	01.08.2024.

		submission of 22/02411/F.		
24/00342/F	141 Bismore Road, Banbury	Erection of Single Storey Garage	Delegated Refusal	21.08.2024
24/01225/F	14 Bismore Road, Banbury	Erection of a single-storey flat roof garage at end of driveway into rear garden	Delegated Refusal	21.08.2024
24/01405/F	Quarry Farm Rattlecombe Road Shenington Oxfordshire OX15 6LZ	Conversion of barn to form a dwellinghouse - self-build	Delegated Refusal	28 10.2024.
21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00779/F	6 Railway Cottages, Shipton on Cherwell	1m extension to existing ground floor with new first floor extension over - re-submission of 23/03177/F.	Delegated Refusal	06.09.2024
24/00912/F	4 The Glades, Launton, Bicester, OXON, OX26 5ED	Erection of a garden building in front of the dwelling with a sliding door and composite decking on the front and a high-level vent window on a right-side elevation. The one-room insulated building will measure 3.8 width, 3 m depth, and 2.5 m at the highest point.	Delegated Refusal	26.11.2024.
24/01391/F	82 High Street, Banbury	Change of use for the ground floor existing charity shop (Class E1) to a tanning salon (sui generis).	Delegated Refusal	17.09.2024
24/00298/Q56	Malthouse Farm, North	Change of Use of two agricultural buildings to	Delegated Refusal	19.09.2024

	Aston Road, Duns Tew	form five dwellinghouses		
24/00917/LB	Village Farm, Blackbull Lane, Fencott, Kidlington, OX5 2RD.	Single storey front, rear, end extensions and carport with associated internal/external works.	Delegated Refusal	11.10.2024.
23/01736/F	Land at Home Farm Close, Ambrosden, Bicester, OX25 2NP.	Erection of 9 dwellings of 1 x 5 bed detached, 4 x 3 bed terraced and 4 x 2 bed terraced.	Delegated Refusal	20.11.2024.
24/00249/F	Land Adj To 6 Lake View, Cottisford, NN13 5ST	New Detached 3 Bedroom Dwelling.	Delegated Refusal	22.11.2024.
24/01810/F	60 Corncrake Way, Bicester, OX26 6UE.	Two storey rear extension with associated internal and external works.	Delegated Refusal	03.12.2024.
24/01740/DISC	Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon, OX25 4SF.	Discharge of Condition 3 (construction details) of 24/00512/LB.	Delegated Refusal	04.12.2024.
24/00658/CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Delegated Refused	10.12.2024.
24/02205/F	26 Winchester Close Banbury OX16 4FP	Change of Use of land to residential and erection of a detached double garage ancillary to No. 26 Winchester Close - re-submission of 23/03406/F	Delegated Refusal	10.01.2025.
24/01476/F	133 Warwick Road, Banbury, Oxon, OX16 2AR.	RETROSPECTIVE - Single storey rear extension and outbuilding (not built in	Delegated Refusal	02.01.2025.

		accordance with 23/01466/F)		
24/01295/F	Duns Tew Manor Main Street Duns Tew OX25 6JP	rection of a garden room and associated landscaping.	Delegated Refusal	07.01.2025.
24/02259/F	28 Buckhurst Close Banbury OX16 1JT	RETROSPECTIVE - Single storey shed to rear garden	Delegated Refusal	29.01.2025.
24/01378/CLUP	Manor House Islip Road Bletchington Kidlington OX5 3DP	Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015	Delegated Refusal	29.01.2025.

Informal Hearings

4.3. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.	Refused Delegated	12.02.2025.
22/03873/F	Land North And Adjacent To Mill Lane Stratton Audley	Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based	Committee Refusal Against Officers Recommendation	20.02.2025

		electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.		
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4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/01293/F	Land at Manor View (West of Manor Park) Hampton Poyle, Kidlington, OX5 2PW.	Change of use of land for the creation 2 Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch.	Delegated Refusal	04.11.2024
22/03802/OUT	Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way Hempton Road Hempton	Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025

Public Inquiries

4.5. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

4.6. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	28.11.2024.

Enforcement Appeals

4.7. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
15/00256/COU	Hebbons Yard, Bicester Road, Kidlington, OX5 2LD	Expansion Of Yard Onto Agricultural Land	Enforcement Notice. 1 Day Inquiry	24.02.2025

4.8. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.	Enforcement Notice	10.11.2023 Written Reps
23/00001/ENF	Ashberry Cottage,	Without the benefit of planning permission, the unauthorised erection of	Enforcement Notice	28.11.2023

	Duns Tew, Bicester	a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)		Written Reps
20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024 Written Reps

Forthcoming Public Inquiries and Hearings between 20 March 2025 and April 2025.

4.9

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/01293/F	Land at Manor View (West of Manor Park) Hampton Poyle, Kidlington, OX5 2PW.	Change of use of land for the creation 2 Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch.	Delegated Refusal	04.11.2024

4.10 **Appeals Results**

23/02355/F - Waverly House, Queens Avenue, Bicester, Oxon, OX26 2PY.

Demolition of existing building and construction of 33 No apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure - re-submission of 21/02573/F.

Appeal Allowed.

Character and appearance.

The appeal decision notice considers the appeal site is part of a mixed urban form outside the adjacent Conservation Area (CA) and nearby listed building (Bicester House), therefore making little contribution to the CA. Despite its additional height, the proposed building due to its setback distances from the front and side boundaries, comparable hipped roof within existing building and broken roof line to include the gable end features, it's scale would not appear incongruous in the context of the mixed surroundings. Furthermore, the proposed materials are considered appropriate and accentuate the building features, add interest, and unify the two elements (gable and hipped roof features) of the frontage. Overall, the proposed development was considered by the Inspector to preserve the character and appearance of the CA and would not be harmful to the setting and significance of the nearby listed building.

The complete loss of the non-designated heritage asset (NDHA) was considered acceptable considering the existing fall-back position the applicant has to demolish this under an approved prior notification application to demolish the building. The Inspector afforded this substantial weight. Furthermore, it was noted that the building had been altered, which diminished its aesthetic value, and it was no longer used as a civic building which severed its links to the adjacent Police House, which is also a NDHA. Therefore, for these reasons it was also considered that the effect of the loss of the building and its replacement with the proposed scheme on the setting of the neighbouring (NDHA) Police House would be limited, and it would not lead to harm to its significance. Any harm to the loss of the NDHA would be outweighed by the benefits of the scheme, in particular provision of housing in this sustainable location.

Overall, the proposal was considered to accord with Policies C28 and C30 of the Cherwell Local Plan (1996) (CLP) and Cherwell Local Plan (2015) Policy ESD 15.

Infrastructure provisions and viability review mechanism

The inspector removed the viability review mechanism related to the provision of the infrastructure provisions which could not be viably provided at the application stage. The inspector states that there are no Local Plan Policies which reference a viability review mechanism and the Developer Contribution's SPD references that in exceptional circumstances' (paragraph 3.18) 'it can be a requirement of the S106 Agreement for there to be a second viability appraisal at some point during the course of the development'. The Inspector went on to say that the SPD is guidance not policy and no 'exceptional circumstances' had been demonstrated to justify that a viability review mechanism would be required for the scheme. Moreover, he mentioned it was not clear as to the process and terms of engagement regarding how and when viability will be reassessed as required by Paragraph 009 Reference ID: 10-009-20180724 of the NPPG (2019), which sets out;

'Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles'

Overall, the Inspector concluded that the need for a viability review mechanism has not been demonstrated, and he was satisfied that, due to viability the lack of provision for affordable housing, community facilities (community hall), indoor and outdoor sport and public art does not conflict with LP Policies BCS3 and INF1.

Therefore, the legal agreement submitted to provide a viability review mechanism is not necessary to make the development acceptable in planning terms.

Other considerations.

-The inspector considered that the waste and highway improvement contributions sought after by OCC passed the necessary planning obligations test and local policies.

-The car free nature of the development considering the site's sustainable location was considered to be acceptable by the Inspector as it would not lead to an unacceptable impact on highway safety, harm to the amenity of nearby residents or that the residual cumulative impacts on the road network would be severe. The conditions would also secure mitigation measures to manage the parking issues and encourage the use of sustainable travel modes.

-The scheme was not considered to cause any harm to foraging and commuting bats and mitigation measures have been secured to ensure this is the case.

23/02780/F – Land to west of Griffin Gate, Station Road, Blackthorn, Bicester, OX25 1TA

Erection of a detached dwelling/holiday let and associated works.

Appeal Allowed.

The Inspector stated that the main issues were the effect of the proposed development on the character and appearance of the area and the living conditions for occupiers of the proposed dwelling/holiday let.

The inspector considered that the area had a 'close-knit' character that is formed by the informal development pattern and varied vernacular built form. It was noted that an extant permission exists for a smaller timber-clad storage building in a similar position. Whilst there would be a difference in size and appearance (due to the intended use), the inspector concluded the construction of a building in this location which suitably references traditional structures in design and use of materials would not be inconsistent with the informal development pattern of this small village and not, therefore, unduly cramped.

In considering the living conditions for the future occupiers of the property, the inspector concluded it is entirely appropriate to expect an intervening hedging/high fencing to be erected at the boundary, which is common in residential areas, thus preventing direct overlooking of the new property. In addition, the inspector noted the main living room/kitchen would be triple aspect and therefore occupiers could exercise choice as to whether blinds are used. Overlooking of the proposed garden from neighbouring bedrooms was considered to be neither uncommon in suburban layouts nor absent in tight-knit rural housing which is highly sought after for other reasons. Overall, the inspector did not consider deficiencies as to privacy to be a significant impairment of living conditions having regard to the nature of the dwelling proposed and its setting.

The inspector considered the suggested conditions submitted by the Local Planning Authority; it is noted that suggested conditions requiring a materials schedule, contaminated land conditions, ecological survey and removal of permitted development right for outbuildings were not included on the decision. Conditions relating to boundary

treatment, parking/turning area, covered cycle parking, water efficiency and removal of permitted development rights for extensions were accepted.

21/04289/OUT – OS Parcel 1570, West of Chilgrove Drive and North of Camp Road, Heyford Park

Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access to Camp Road and all associated works, with all matters reserved apart from means of access to Camp Road.

The Appeal was Allowed

The application was submitted on 24th December 2021 and refused on 31st March 2023 following a Planning Committee overturn of an Officer recommendation to approve. The application was refused on two grounds: firstly, that the development would be outside the existing and proposed development limits of Heyford Park, contrary to Policies ESD1 and Villages 5 and saved Policies H18 and C8 and that it would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site's openness, contrary to Policy ESD13 and would also harm the character of the built and historic environment of the adjacent RAF Upper Heyford Conservation Area, contrary to Policy ESD15; and secondly, the lack of a satisfactory S106 Unilateral Undertaking to provide appropriate infrastructure to mitigate the harmful impacts of development, would be contrary to Policy INF1.

The Council accepted at the Inquiry that a S106 UU provided by the Appellant at the Inquiry addressed this matter and the Council's second reason for refusal had therefore been overcome. The Council also conceded under cross-examination that based on the landscape evidence presented, the proposal could reach a point of negligible landscape harm at year 15, subject to mitigation, which overcame part of the Council's first reason for refusal.

Accordingly, the main issues outstanding between the Council, a Rule 6 Party (the Dorchester Group) and the Appellants (Richborough Estates, Lone Star Ltd and the six landowners) at the Inquiry, which was held over 8 days between 5th and 15th December 2023, were:

- Whether the appeal site forms a suitable location for development having regard to national and local planning policies;
- The effect of the proposed development on heritage assets;
- Whether the development makes appropriate provision for infrastructure and transport mitigation to ensure a sustainable development and make the development acceptable in planning terms; and
- Whether the Council could demonstrate a deliverable housing land supply, as required by the NPPF.

The NPPF was amended shortly after completion of the Inquiry (on 19th December 2023) and the Council published a revised Housing Land Position Statement in response to that publication in January 2024. Revised Housing Supply and Delivery guidance PPG was also published on 5th February 2024 and Inspector Hockenull asked for comments from all parties on the updated publications before issuing her appeal decision on 5th March 2024.

In respect to the first issue (site sustainability), the Inspector concluded that Heyford Park forms a sustainable location that benefits from a community centre, shops, pharmacy, restaurant, school, pub, hotel and bowling alley, many of which are within walking or cycling distance from the appeal site. Notwithstanding the sustainability of the settlement, the Inspector concluded that the proposal failed to comply with Policies ESD1 and PV5 and

also that the scheme failed to comply with saved Policies H18 and C8, albeit she gave the conflict with those policies limited weight by virtue of their age.

In respect to the second issue (heritage impact), the Inspector concluded that given a lack of harm to protected views in either the Local Plan or Neighbourhood Plan, the provision of screen landscaping and the site's relationship to proposed new development, she was not persuaded that development of the appeal site would harm the setting of the CA or its significance as a Cold War airbase. In addition, notwithstanding proximity to non-designated heritage assets (Hardened Aircraft Shelters and the Southern Bomb Stores) she concluded that the appeal scheme would not cause harm to the setting of the shelters or Bomb Stores or their significance.

In respect to the third issue (transport mitigation), the Inspector concluded that the appeal scheme is in an accessible location and would be integrated with the surrounding location. It provides links to the north, west and east in order to meet with future proposed routes, so the proposal meets the objectives of Policy PV5 and the Heyford Park Masterplan.

Finally, in respect to the fourth issue (housing land supply) the Inspector concluded that there should be one housing requirement for the District as a whole and based on the Appellant's supply position, there would be just a 2.26-year housing land supply with a shortfall of 3,475 homes. Also, taking the Council's updated supply position and based on a combined District need figure including the housing overspill from Oxford city, there would be a 3.32-year supply and a shortfall of 2,129 homes. Overall, she concluded that the Council has less than a four year supply of deliverable housing land and this shortfall is significant. Accordingly, development plan policies which are most important for determining this appeal are out-of-date and paragraph 11 d) of the Framework applies.

In terms of the overall planning balance, the Inspector concluded that the proposal did not accord with the development plan taken as a whole. However, the proposal would contribute towards the supply of market and affordable housing and the Council's January 2024 AMR indicates that there is a shortfall of some 5,913 homes at the strategic allocations at Bicester, Banbury and Upper Heyford to 2031. This indicates a significant failure of the Local Plan to deliver the housing requirement. In terms of affordable housing, there has also been an acute failure to deliver the homes needed amounting to 1,149 affordable homes. She gave both those benefits significant weight. She acknowledged that the proposal would likely boost the local economy by providing temporary construction jobs and supporting local building trades during construction and future occupants of the development would be likely to support local businesses and facilities. Those benefits weighed moderately in support of the appeal. In terms of heritage matters, the Inspector determined that the proposal would cause no harm to the setting of the RAF Upper Heyford CA and the non-designated heritage assets near the site, so the matter was neutral in the overall planning balance, as was the landscape impact following 15 years of growth in screen landscaping. Given all of the above, the Inspector concluded that the harm she had identified did not significantly and demonstrably outweigh the benefits of the proposal. Therefore, overall, and subject to the provision of the section 106 planning obligations that met the statutory tests and the conditions she recommend be imposed, the appeal scheme would be compliant with the Framework when read as a whole and would therefore form sustainable development. Hence the appeal was allowed, and outline planning permission was granted.

The Inspector's conclusions in respect to housing land supply matters were not agreed by either the Council nor the Rule 6 Party and both therefore applied to the High Court to challenge the legal validity of the decision based on an erroneous consideration of NPPF guidance. However, before High Court consideration, the Council accepted Counsel advice on the matter and withdrew its challenge, but The Dorchester Group maintained its challenge. The High Court dismissed that challenge and found the appeal decision to be sound. Notwithstanding that conclusion, Dorchester have chosen to further appeal the decision to the Appeals Court and that matter has still to be considered by the Court. An

update in that respect can be provided in due course. Please note that subsequent to the appeal decision and the decision of the High Court, the Council has published an updated 2024 AMR, in January 2025, which concludes that the District's housing land supply figure is now just 2.3-years.

24/01766/PIP – Former Paddocks, Land off Backside Lane, Sibford Gower.

Permission in Principle - construction of up to 5no. dwellings.

Appeal Dismissed.

The application was for a Permission in Principle for the construction of up to 5 dwellings, in the village of Sibford Gower. This village is classed as a Category A village, due to its clustering with other nearby villages. The first stage is to consider whether the site is suitable in principle. This was a delegated decision, as the site was outside the village confines, and would result in a detrimental impact on the character of the locality. The application was also refused on the development strategy, due to the site's accessibility to services and facilities. The application was also refused on making efficient use of land. At the time of the decision, the Council could demonstrate a five-year housing land supply. At the time of the appeal was considered, the new NPPF was released, and as a result the Council could not demonstrate a five-year housing land supply.

The inspector concluded that the site was outside the confines of the village, and that the site does have a positive contribution to the village, however, was satisfied that the construction of up to five dwellings could be designed so that it would not appear conspicuous from the surrounding countryside. In addition, considered the density was appropriate given its location and relationship with the village. The inspector however considered that the site would not be readily accessible to day-to-day services, facilities and sustainable transport mode. The Inspector concluded that the construction of up to five dwellings would make a small contribution to the housing supply, but the occupants would be largely dependent on travel by the private car, and this is not outweighed by the harm. The inspector therefore dismissed the appeal.

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
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