

Planning and Heritage Statement



Proposal: Erection of one self-build dwelling with all associated works

Address: 2 Shepherds Close, Burdrop, Banbury, OX15 5RN

Date: 1 October 2025

Proposal

- 1.0 This Planning and Heritage Statement accompanies a full planning application for Mr H Brown for the erection of one new dwelling alongside No 2 Shepherds Close, with all associated works. The proposed dwelling is to be a self-build for the applicant.
- 1.1 The statement has been prepared for submission in connection with this planning application only for Mr H Brown and for no other purpose.
- 1.2 The statement has been prepared with reference to drawing numbers: 25-30-ESP1b, 25-30-EX1b, 25-30-EX2b, 25-30-L1a, 25-30-P1c, 25-30-P2d and 25-30-PSP1 by Lusardi Architects and Designers. The full development for which planning permission is sought is shown on the submitted plans.

Site description

- 2.0 No 2 Shepherds Close is a semi-detached property on a large corner plot located within Burdrop. The site comprises domestic land which is presently part of No 2. The site lies adjacent but outside the Conservation Area. Shepherd's Knoll and West Side Cottage are both Grade II listed. Jesamine Cottage is also Grade II listed. There are other listed properties beyond these within the locality. The Cottage and Bank House are two of a number of properties which are identified as locally listed buildings in the Conservation Area Appraisal. The site lies in flood zone 1. In the 2025 Environment Agency mapping changes, there is some surface water flood risk shown on the site.
- 2.1 No 2 Shepherds Close is one of 3 similar, but not uniform, pairs of dwellings. They wrap around Acre Ditch and Shepherds Close and are not read in a row on a streetscene.
- 2.2 Various photographs of the site are shown below.





Various photographs with site for proposed dwelling alongside No 2 Shepherds Close arrowed.

Planning History

- 3.0 Application reference 03/01496/F described as: 'Two storey Side Extension (as amended by plans received in the department 12.08.03 with agent's letter dated 11.08.03)' was granted on 12.09.2003. 03/01496/F granted planning permission for a two storey extension to the side of the existing dwelling, in the general location of where the dwelling the subject of this application is now proposed. The decision notice is at Appendix 1.
- 3.1 03/01496/F was granted subject to a number of conditions, including condition 5 which required full design details of the dormer window prior to commencement. Information on the Council's website indicates in an email dated 7 August 2008 that the then applicant advised the Council he was commencing work. The information on the Council's website also shows a building control reference 08/00867/DEXFP for 'two storey side extension' and 'Commencement Date' of 22/08/2008. A letter from the Council to that applicant dated 3 October 2008 acknowledged that work had recently started and noted that condition 5 details needed to be submitted and approved prior to commencement. It is noted that there is a drawing 0340-04 A on the Council's files revision A dated 23.12.03 where there is a handwritten annotation (not known by who) stated 'Details acceptable for purpose of condition 5 (see letter dated 08/01/04)'.

Planning Policy Context

- 4.0 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Section 70 of the Town and Country Planning Act 1990 requires that regard should be had to the provisions of the development plan so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application, and local finance considerations so far as material to the application, and to any other material considerations.

- 4.1 The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need was formally adopted as part of the development plan by the Council on 7 September 2020.
- 4.2 Some key material considerations include the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and the Cherwell Residential Design Guide.
- 4.3 The Council submitted its Cherwell Local Plan Review 2042 to the Secretary of State for Independent Examination on 31 July 2025. This is therefore at a very early stage in the Examination process.

Principle of development

- 5.0 Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the District and seeks to deliver new development to the most sustainable locations. Burdrop, together with Sibford Ferris and Sibford Gower, forms a Category A Village. This has been accepted by the Council in dealing with other applications at Burdrop (e.g. 24/02664/PIP). Residential development is permissible within the built up limits of Category A villages if it comprises conversion, infilling or minor development.
- 5.1 The development constitutes minor development within the built up limits of Burdrop and therefore accords with the type of development Policy Villages 1 considers suitable in Category A Service Villages. The proposal therefore complies with Policy Villages 1.
- 5.2 There is supporting text to Policy Villages 1 (which is not part of the policy itself) that sets out that when considering whether minor development would be acceptable CLP 2015 paragraph C.262 states that regard will be given to the following criteria:
 - the size of the village and the level of service provision
 - the site's context within the existing built environment
 - whether it is in keeping with the character and form of the village
 - its local landscape setting
 - careful consideration of the appropriate scale of development
- 5.3 The site very clearly lies within the built up limits of Burdrop, being existing domestic land associated with No 2 Shepherds Close and surrounded by residential development. The site is well contained within the village, surrounded by other built form and would have no adverse impact on the local landscape setting.

- 5.4 The application site is located adjacent a bus stop which is on the pavement immediately outside the site. The 75/75A services operates at this bus stop providing connections between Stratford-upon-Avon to Banbury. Bus timetables are at Appendix 2.
- 5.5 There are a number of amenities in close proximity to the application site:
Village Hall – approx. 125m
Holy Trinity Church – approx. 125m
Primary School – approx. 360m
Public House (The Wykham Arms) – approx. 580m
Doctor's Surgery – approx. 220m
Convenience shop and post office – approx. 670m
- 5.6 Guidance contained within the Chartered Institute of Highways and Transportation Guidelines (CIHT), 'Planning for Walking' 2015 indicates that most people will only walk if their destination is less than a mile away. Manual for Streets states at 4.4.1 that 'Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2 km...'. 2km equates to approx. 1.24 miles.
- 5.7 NPPF para 110 sets out that 'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'. The development is not 'significant development' and the final sentence acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
- 5.8 Based on the above information, the site is clearly located in an accessible location with options to access local amenities on foot, by cycle or there are bus connections to further afield.
- 5.9 It is noted that the appeal inspector in determining 24/02664/PIP (appeal ref APP/C3105/W/25/3360446) at paras 11 - 14 set out:

11. Burdrop is located between Sibford Ferris and Sibford Gower, as such the appeal site benefits from a range of local services and facilities within a short walk, including a shop, post office, primary school, village hall and doctors' surgery.
12. The nature of the routes to these services and facilities tends to reflect the rural environment of the area, comprising country lanes with limited street lighting. I saw on my visit that the routes largely benefit from pedestrian footways, albeit narrow ones. The sections where there is no footway are within Burdrop and Sibford Ferris where speed limits are limited to 20mph. Moreover, the amount of vehicle movements along these routes is modest, and the nature of the routes means that vehicles travel at a low speed, even between the villages where the speed limit increases to 60mph. I recognise that my observations only represent a snapshot in time, and that the number of car movements may increase at other points in the day. However, there is nothing to suggest that what I saw on site was untypical.
13. Future occupants of the proposal would also benefit from the pedestrian only path connecting Hawk's Lane with Acre Ditch to access the local service and facilities in Sibford Gower, which include a nursery and primary school, a village hall and

church and the Wykham Arms, another public house that serves both food and drink daily. This pedestrian only path also benefits from natural surveillance from the adjacent houses.

14. I appreciate that the route to Sibford Ferris includes steep topography, which could be challenging and uninviting for certain users. However, the appeal site is also located close to bus stops providing services to Sibford Gower, Stratford upon Avon, Sibford Ferris and Banbury. Although the services may be limited, the bus would provide an alternative form of transport for those less able to walk or cycle.

And at paras 16-18:

16. I am mindful that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making.
17. Overall, I consider the appeal site to benefit from a reasonable level of accessibility, which reflects both its rural location and central position within a Category A Service Village. Future occupants of the proposed dwellings would have a reasonable choice of sustainable transport modes to access day-to-day facilities and services.
18. Accordingly, the proposal would accord with Policies ESD 1, Villages 1 and SLE 4 of the Local Plan Part 1. These policies seek to ensure that new development is distributed to the most sustainable locations, reduces the need to travel and encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.

Extracts from Appeal Decision APP/C3105/W/25/3360446 at The Pheasant Pluckers Inn, Burdrop, OX15 5RQ

- 5.10 There is no known evidence that the size of the village and its level of service provision cannot accommodate an additional dwelling. In fact the development would support local services and complies with NPPF para 83 which states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'. This is therefore an appropriate scale of development.

- 5.11 Other factors in considering minor development are considerations about the site's context within the existing built environment, whether it is in keeping with the character and form of the village. These factors are considered in the design section of this statement however, the development is acceptable in these respects.
- 5.12 The development complies with Policy Villages 1 and is acceptable in principle.
- 5.13 Also material, is that the Council cannot demonstrate a 5 year housing land supply. The Council can only demonstrate a 2.3 year housing land supply.
- 5.14 NPPF Paragraph 11 sets out that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means, as set out at Para 11 of the NPPF,

c) approving development proposals that accord with an up to date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸ granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

⁽⁷⁾ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

⁽⁸⁾ This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232.

(9) The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

5.15 The principle of development has already been found to accord with Policy Villages 1 in principle, so there is no conflict. Given the accessibility and sustainability of the location, the development also complies with CLP 2015 Policies ESD1 and SLE4 so there is no conflict with these either. The considerations of NPPF para 11d are returned to in the overall conclusions.

5.16 Detailed matters are now considered.

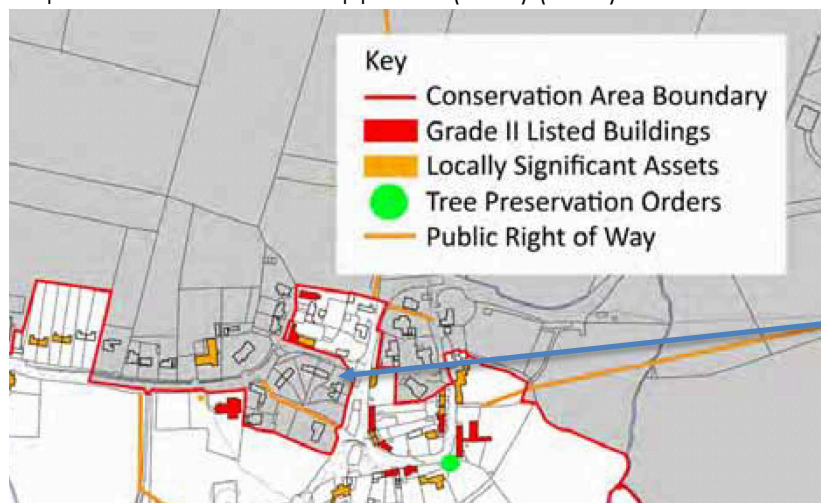
Heritage Statement
including consideration of Design and Visual Impact on Character of Area

6.0 Policy ESD 15 provides a number of criteria for new development proposals and sets out that successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context.

6.1 Saved Policy C28 states *inter alia* that control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.

6.2 Saved Policy C30 states *inter alia* that that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

6.3 The site lies outside but adjacent the Sibford Ferris, Sibford Gower and Burdrop Conservation Area (CA). An extract from the Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal (2012) (CAA) is below.



Site arrowed. Red line is Conservation Area boundary. Extract from Figure 3 of the Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal

- 6.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the CA.
- 6.5 Nearest listed buildings are shown shaded red on the above image. Shepherd's Knoll and West Side Cottage are both Grade II listed and are situated to the south-east. Jesamine Cottage is also Grade II listed and is situated to the north-west.
- 6.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the special regard that must be had to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses.
- 6.7 The Cottage and Bank House are two of a number of properties which are identified as locally listed buildings in the CAA. These, which are nearest to the site, are shaded yellow on the above image.
- 6.8 CLP 2015 Policy ESD15 includes that development proposals should conserve, sustain and enhance designated and non designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.
- 6.9 The NPPF refers to heritage assets as an irreplaceable resource, which should be conserved in a manner appropriate to their significance. Paragraphs 212 – 216 of the NPPF set out the varying degrees of impact a development proposal may have on a heritage asset and the necessary levels of harm to which Local Planning Authorities should have regard, weighing any public benefits against such harm accordingly.
- 6.10 The CAA sets out that Sibford Gower and Burdrop retain the atmosphere of a quiet rural village backwater. Burdrop is composed of clusters of historic properties perched on a small south facing out crop and some 20th century infill. The settlement is clustered around the junction of Hawkes Lane, which leads east to join the B4035 to Banbury; Acre Ditch, which leads west along the contours of the valley to Sibford Gower; and Main Street which leads south across the valley to Sibford Ferris.
- 6.11 9.5.7 of the CAA sets out that 'The dwellings constructed in the earlier parts of the 20th century, such as the former council housing, break with the vernacular tradition of using local materials. These houses with their consistent use of imported 'modern estate' style architecture and a blatant disregard for local materials, created their own pocket of character. Latterly the importance of 'local distinctiveness' and using local materials has come to be appreciated. But the consistent use of estate style architecture, out of keeping with the organic development of the historic part of the settlement, has lead to these parts of Burdrop being excluded from the conservation area'.

- 6.12 Burdrop has quite a mixed character with many older traditional buildings but also dwellings construction in the 20th century which break from the vernacular designs and materials. Generally properties are two storeys. Land levels vary in the settlement, creating an often stepped appearance in pairs of semi-detached properties or terrace properties, or even on detached properties with lower side sections. The CAA sets out at 9.10.4 that 'the special character of Burdrop is also derived from its eclectic mix of materials and architectural styles where building have evolved with a 'make do and mend' ethic which exemplifies their vernacular origins.' The CAA goes on to say this should be taken as a carte-blanc for an 'anything goes' approach.
- 6.13 Burdrop has clustered streets which provide limited glimpsed views across the valley with closed internal views. Some of the former council houses have exposed areas of gardens.
- 6.14 The site is visible from the passing pavement and road and is located on a corner plot with its side elevation presenting as quite bleak and inactive.



View towards site. Side elevation of No 2 visible.

- 6.15 In closer up views, the site is also unattractive, visible from the public realm.



Photograph looking into site.

- 6.16 The application site is not considered to provide any particular contribution to the special characteristics of the adjacent Conservation Area. In fact the exposed garden covered by swathes of hardstanding currently visually detracts from the setting of the Conservation Area and character of the area.
- 6.17 The previous permission for a two storey side extension on the site is relevant to consider (Appendix 1). It confirms that the erection of two storey built form at this location was previously considered acceptable. It is considered this principle still holds true.
- 6.18 In considering the design approach for the proposed dwelling, it is to be a self-build for the applicant, Mr Harry Brown, to live in.
- 6.19 The proposed dwelling would be situated to the side of No 2. More active elevations to public frontages are proposed, particularly compared to the current side elevation. Lusardi have purposefully designed the windows to depart from those seen on No 1 and 2. There is a mix of window types within the locality and what is proposed is an improvement on the proportions on the existing Nos 1-2. The development also purposefully steps up in ridge height, to reflect the character of the area. The proposed dwelling remains set some way back from the pavements, retaining openness to the corner. The parking for both No 2 and the proposed dwelling is to the north-west of the property, in an area which is currently hardstanding and used for parking. The development also provides an opportunity to green up large areas of the site, including those visible from the public realm and this would result in visual improvement to the character of the area.
- 6.20 With regard to materials, it is recognised that the No.2 and neighbours depart from traditional materials found within the Conservation Area, however, it is considered that materials to match the existing would be more appropriate given it is to attach to No 2. It is noted that in determining 03/01496/F the Council conditioned that materials should match No 2.

- 6.21 Taking the existing visual baseline into account, the mixed character of the area, and the planning history, the development is considered to represent a visual improvement to the character of the area, and result in a form of development which is not out of keeping with the character and form of the village. The development is considered to preserve the setting of the Conservation Area.
- 6.22 With regards to impact on nearest listed buildings, due to the distance and intervening buildings, the development would not affect their setting. Due to the scale, siting, levels and previous planning history, the development is considered to preserve the setting of nearest non-designated heritage asset Bank House.
- 6.23 The development is therefore considered to comply with CLP 2015 Policy ESD15 and Policies C28 and C30 of the CLP 1996 in these respects.

Amenity

- 7.0 Policy ESD 15 of the CLP 2015 sets out relevant criteria with respect to the consideration of neighbouring land uses, properties and their amenity. Amongst the listed criteria, the policy states that new development should:
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space

This reflects the need not only to ensure that existing properties and their amenity are not harmed by the development but also to ensure that the amenity provided for new dwellings and future occupants is also satisfactory. The Cherwell Design Guide is also relevant.

- 7.1 The proposed dwelling has been carefully designed to take account of habitable room windows on No 2 and the submitted drawings demonstrate that there would be no breach of the 45 degree line taken from the centre of the nearest rear window of No 2. No 2 also has a sheeted up north facing ground floor window, the applicant advises that this serves a utility. This room also is served by another window facing west. There would also be suitable boundary treatment erected between No 2 and the proposed dwelling. No 2 would not therefore be adversely affected by the proposed development.
- 7.2 With regards No 3 Shepherds Close, the Council's *guidance* looks for 14m from rear elevation to two storey side gable. In this instance there is approx. 17m from the two storey rear of the proposed dwelling to the two storey side gable of No 3. It is also material that 03/01496/F approved a two storey extension within similar proportions. There are no habitable windows which face each other and therefore no unacceptable overlooking would arise. Both the proposed home office and bedroom are served by rooflights, and the bedroom also has a north facing window. Proposed first floor habitable room windows are not within 7m of the boundary of No 3.

7.3 The Council have no minimum garden standards. The Cherwell Design Guide sets out at 6.7 that the amount of gardens and outdoor space should be appropriate to the size of the property, with an expectation that larger properties will be located within larger plots with larger gardens, reflecting the likely needs of larger families. In this case, a 1-bed dwelling is proposed. The proposed rear garden area (excluding bike parking area) measures approx. 55 sq m. This shape of the area is useable without awkward corners meaning it can be used for sitting out in or other usual garden activities. It provides sufficient space to serve the modest 1-bed dwelling. No 2 does not appear to use any of the application site as *private* garden area so its loss to the proposed new dwelling would have no material impact on No 2's rear garden area.

7.4 With regards to privacy of the proposed garden area, No 2 presently has a first floor bedroom window facing north which could provide views into the garden of the proposed dwelling. This bedroom is served by two other windows, one in its west and one in its south elevations. The applicant is a 50% owner of No 2, the other 50% being owned by his Father. The applicant advises that both he and his Father are content that a Grampian condition be imposed on any forthcoming planning permission to require the northern first floor bedroom window facing the proposed rear garden to be obscured and fixed shut and retained in such condition in perpetuity, prior to first occupation of the proposed dwelling. The Planning Practice Guidance sets out the following in relation to Grampian Conditions:

'When can conditions be used relating to land not in control of the applicant?'

Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

Paragraph: 009 Reference ID: 21a-009-20140306

Revision date: 06 03 2014'

If the Council are unwilling to secure this via a Grampian condition, and consider the obscuring and fixing shut of the window necessary, then the applicant is willing to enter into a legal agreement to secure this.

7.5 No 3 Shepherds Close has two ground floor side windows facing eastwards towards the application site. These serve non-habitable rooms and as such no harmful overlooking would arise to the proposed dwelling or its garden.

- 7.6 Subject to the aforementioned obscure/fixing of No 2's window, it is considered that amenity for existing dwellings and the future dwelling would be acceptable.

Other Matters

- 8.0 Access – There is an existing vehicular access onto Acre Ditch which is to be retained. The development makes provision for 2 parking spaces for No 2 (a 3-bed property) and 1 parking space for the proposed 1-bed property to meet the Council's standards. A rear pedestrian access is provided to No 2 as well as it having pedestrian access to its front. The proposed dwelling would also be provided with an area within its rear garden for secure cycle parking.
- 8.1 Achieving appropriate densities – making effective use of land. The land where the dwelling is proposed is underused and the erection of a dwelling in an accessible location would make more efficient use of land. NPPF para 129 sets out that planning decision should support development that makes efficient use of land taking into account various factors. It is considered these factors are met and this should carry positive weight in the overall planning balance.
- 8.2 Mix of housing – the proposed development seeks to create a 1-bed dwelling. This is a positive contribution to the overall housing stock of Burdrop given it would be a smaller sized dwelling. This should carry positive weight in the overall planning balance.
- 8.3 Self-build - The proposed house is to be a self-build for the applicant. The NPPF makes clear at para 61 that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community, and at para 63 that people wishing to commission or build their own homes should be assessed and reflected in planning policy. The provision of a self-build should carry positive weight in the overall planning balance.
- 8.4 Para 73 of the NPPF sets out that small and medium sized sites can make an important contribution to meeting the housing requirement of an area (and in this case Cherwell DC has a significant shortfall with only a 2.3 year housing land supply), are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. The development is a small site, being capable of being delivered relatively quickly, in a District which is in need of delivering housing. This should carry positive weight in the overall planning balance.
- 8.5 At Appendices 3 and 4 are two appeal decisions confirming that even though developments may propose small numbers of dwellings, or a single dwelling, they still make a meaningful contribution and should still carry positive weight in the planning balance.

Conclusions

- 9.0 Planning permission is sought for the erection of one dwelling with all associated works, for the applicant to live in. The development comprises minor development within a Category A Village and is compliant in principle with CLP 2015 Policy Villages 1.
- 9.1 The Council does not have a five-year supply of housing. NPPF paragraph 11d therefore needs to be considered.
- 9.2 The existing site is visually unattractive and a detractor to the setting of the Conservation Area. The development would result in visual improvement to the character of the area and would preserve the setting of the Conservation Area. The visual benefits carry positive weight in the overall planning balance.
- 9.3 Impact on highways, and impact on neighbours subject to condition, carry neutral weight.
- 9.4 The proposed one-bed dwelling of modest size would positively contribute to the housing stock of Burdrop, be a self-build, and as a small site is anticipated that it could be delivered relatively quickly. It would contribute to the Council's shortfall in its 5 year housing land supply. It would make the more effective and efficient use of land. These factors carry positive weight in the overall planning balance.
- 9.5 Having regard to NPPF para 11d, limb i, there are no known strong reasons for refusing the development. Having regard to limb ii, there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places. The proposal is considered sustainable development and it is respectfully requested that planning permission is granted.

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NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

Mr Cedric Brown
c/o Mr William Essex
Cleford Essex Associates
45 North Bar
Banbury
Oxon
OX16 0TH



4. DECISION NOTICE

Date Registered : 12th August 2003

Proposal : Two storey Side Extension (as amended by plans received in the department 12.08.03 with agent's letter dated 11.08.03)

Location : 2 Shepherds Close Burdrop Banbury

Parish : Sibford Gower

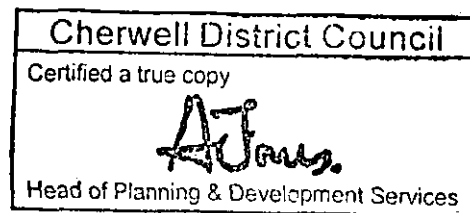
UPRN : 999000069708

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision : 12th September 2003

Head of Planning & Development Services

SCHEDULE OF CONDITIONS

- 1 That the development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2 That the materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used on the existing building.

- 3 That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety.

- 4 That prior to the first occupation of the extension hereby approved the fence along the whole of the shared boundary with 3 Shepherds Close shall be increased in height to 1.8m above ground level or if removed it shall be replaced with a fence at a height of 1.8m above ground level and shall permanently remain as such thereafter.

Reason - To protect the private amenity of the adjoining property.

- 5 That full design details of the dormer window to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity.

- 6 That the bottom cill of the roof light in the rear roof slope of the extension hereby approved shall be positioned at a height of 1.8m above the finished floor levels and shall be retained as such thereafter.

Reason - To protect the private amenity of adjoining properties.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun either within 5 years from the date of the grant of the outline permission or within 2 years from the final approval of all the matters reserved, whichever is the later.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 5 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with The Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under The Building Regulations can be obtained by contacting the Building Control Manager on 01295 221597, fax 01295 253153 or E-mail at building.control@cherwell-dc.gov.uk

- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1SD.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the Secretary of State for the Environment, Transport and the Regions in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice, using a form which you can obtain from the **Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: (0117) 372 8000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and the Regions grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

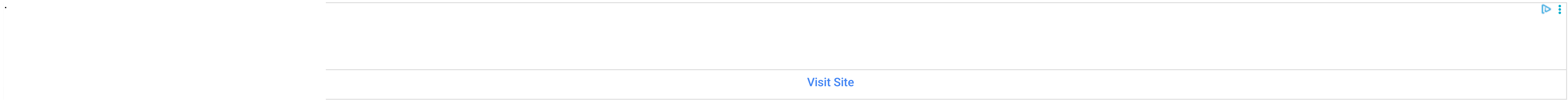
In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

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Tuesday 23 September 2025

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Stratford-upon-Avon, adj Oxfam	05:40	10:30	12:50
Stratford-upon-Avon, opp Civic Hall	05:40	10:30	12:50
Stratford-upon-Avon, adj Broad Walk	05:41	10:31	12:51
Stratford-upon-Avon, adj Old Town Mews	05:41	10:31	12:51
Stratford-upon-Avon, opp Clifford Road	05:43	10:33	12:53
Atherstone on Stour, opp Turn	05:47	10:37	12:57
Preston on Stour, opp Turn	05:48	10:38	12:58
Wimpstone, opp Turn	05:49	10:39	12:59
Alderminster, opp Church	05:51	10:41	13:01
Alderminster, adj Tithe Farm	05:52	10:42	13:02
Crimscote, opp Turn	05:53	10:43	13:03
Newbold Stores (Adj)	05:54	10:44	13:04
Newbold on Stour, opp Church	05:54	10:44	13:04
Armscote, opp Turn	05:56	10:45	13:05
Halford, adj Bridge Inn			13:06
Halford, opp Bridge Inn			13:08
Tredington, adj Bus Shelter	05:58	10:47	13:11
Honington, adj Turn	06:01	10:49	13:14
Shipston on Stour, adj Hospital	06:03	10:51	13:16
Shipston on Stour, opp Tesco Express	06:03	10:51	13:16
Shipston on Stour, opp Mill Court	06:03	10:51	13:16
Upper Brailes, adj Fountain	06:09	10:57	13:22
Upper Brailes, adj The Gate	06:09	10:57	13:22
Lower Brailes, opp Sutton Lane	06:10	10:58	13:23
Lower Brailes, adj Church	06:11	10:59	13:24
Lower Brailes, adj The Park	06:11	10:59	13:24
Sibford Gower, opp High Meadow	06:19	11:07	13:32
Sibford Gower, o/s School	06:19	11:07	13:32
Burdrop, opp Acre Ditch	06:20	11:08	13:33
Sibford Ferris School (E-bound)	06:21	11:09	13:34
Sibford Ferris, opp Folly Court	06:21	11:09	13:34
Swalcliffe, o/s Church	06:24	11:12	13:37
Tadmarton Swalcliffe Road East (E-bound)	06:25	11:13	13:38
Tadmarton, opp Church	06:26	11:14	13:39
Tadmarton, o/s Brookfield Rise	06:27	11:15	13:40
Lower Tadmarton Fourways (E-bound)	06:27	11:15	13:40
Broughton, opp Wykham Lane	06:32	11:20	13:45
Broughton, opp Danvers Road	06:32	11:20	13:45
Poets Corner Broughton Road (NE-bound)	06:37	11:25	13:50
Neithrop, adj Hornbeam Close	06:38	11:26	13:51
Neithrop West Bar Street (NE-bound)	06:40	11:28	13:53
Banbury High Street (NE-bound)	06:41	11:29	13:54
Banbury George Street (E-bound)	06:41	11:29	13:54
Banbury Bus Station (Bay 8)	06:42	11:30	13:55

Banbury Bus Station - NatWest Bank Stratford-upon-Avon

Timing points All stops

<u>Banbury Bus Station (Bay 8)</u>	11:40	18:00	
Banbury, opp Calthorpe Street	11:42	18:01	
Neithrop West Bar Street (SW-bound)	11:43	18:01	
Neithrop, opp Hornbeam Close	11:45	18:01	
Poets Corner Broughton Road (SW-bound)	11:46	18:02	
Broughton, adj Danvers Road	11:51	18:03	
Broughton, adj Wykham Lane	11:52	18:03	
Lower Tadmarton Fourways (W-bound)	11:55	18:05	
Tadmarton, opp Brookfield Rise	11:56	18:07	
Tadmarton, o/s Church	11:57	18:09	
Tadmarton Swalcliffe Road East (W-bound)	11:57	18:11	
Swalcliffe, opp Church	11:59	18:14	
Sibford Ferris, adj Folly Court	12:01	18:19	
Sibford Ferris School (W-bound)	12:02	18:20	
Burdrop, adj Acre Ditch	12:02	18:22	
Sibford Gower, opp School	12:03	18:23	
Sibford Gower, adj High Meadow	12:03	18:24	
Lower Brailes, opp The Park	09:00	12:12	18:32
Lower Brailes, adj The George	09:00	12:12	18:32
Upper Brailes, adj Sutton Lane	09:01	12:13	18:33
Upper Brailes, opp The Gate	09:02	12:14	18:34
Upper Brailes, opp Castle Hill	09:03	12:15	18:35
Barcheston, opp Turn	09:09	12:20	18:40
Shipston on Stour, adj Mill Court	09:09	12:21	18:41
Shipston on Stour, adj Tesco Express	09:10	12:21	18:41
Shipston on Stour, opp River Way	09:11	12:22	18:42
Honington, opp Turn	09:12	12:23	18:43
Tredington, adj White Lion	09:15	12:25	18:45
Halford, adj Bridge Inn	09:19		18:49
Halford, opp Bridge Inn	09:20		18:50
Armscote, adj Turn	09:21	12:27	18:51
Newbold on Stour, adj Church	09:22	12:29	18:53
Newbold Stores (Opp)	09:23	12:29	18:54
Crimscote, adj Turn	09:24	12:31	18:55
Alderminster, opp Tithe Farm	09:26	12:32	18:57
Alderminster, adj Church	09:27	12:33	18:58
Alderminster, nr Bell	09:27	12:33	18:58
Wimpstone, adj Turn	09:28	12:34	18:59
Preston on Stour, adj Turn	09:29	12:35	19:00
Atherstone on Stour, adj Turn	09:31	12:37	19:01
Stratford-upon-Avon, adj Clifford Road	09:35	12:41	19:05
Stratford-upon-Avon, opp Old Town Mews	09:37	12:43	19:06
Stratford-upon-Avon, opp Broad Walk	09:38	12:44	19:07
Stratford-upon-Avon, adj Civic Hall	09:39	12:45	19:08
Stratford-upon-Avon, adj NatWest Bank	09:39	12:45	19:08

Timetable data from [Stagecoach Midlands](#), 22 September 2025

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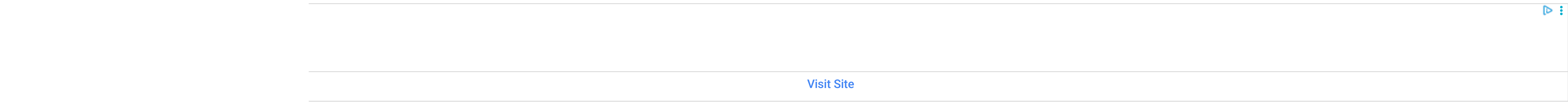
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Tuesday 23 September 2025 75 75A 75C 75S

Stratford - Shipston - Banbury Stratford - Banbury

Timing points All stops

Stratford-upon-Avon, adj Bell	16:15
Stratford-upon-Avon, adj The Willows	16:20
Stratford-upon-Avon, opp Broad Walk	16:22
Stratford-upon-Avon, adj Civic Hall	16:24
Stratford-upon-Avon, adj NatWest Bank	07:30 16:25
Stratford-upon-Avon, opp McDonalds	07:32 16:27
Stratford-upon-Avon, adj Shell Garage	07:34
Stratford-upon-Avon, opp Shell Garage	16:30
Stratford-upon-Avon, opp Old Tramway	07:35
Stratford-upon-Avon, adj Hunts Road	16:31
Stratford-upon-Avon, opp Rushbrook Road	16:34
Stratford-upon-Avon, adj Amis Way	16:35
Stratford-upon-Avon, opp Betjeman Road	16:36
Stratford-upon-Avon, opp Clifford Road	07:37 16:37
Clifford Park (Adj)	07:38 16:39
Clifford Chambers, opp New Inn	07:40 16:40
Clifford Chambers, opp Garden Centre	07:41 16:41
Willicote Pastures (Opp)	07:43 16:43
Lower Quinton, opp Londis	07:47 16:47
Lower Quinton, opp The Fordway	07:50 16:50
Lower Quinton, adj Quinton Primary School	07:50 16:50
Lower Quinton, adj The Close	07:51 16:51
Lower Quinton, nr College Arms	07:52 16:52
Ilmington, adj Armscote Road	08:01 17:01
Ilmington, opp Red Lion	08:02 17:02
Darlingscott, adj Potters Lane	08:07 17:06
Shipston High School (Adj)	08:13
Shipston on Stour, adj Beecham Road	08:18 17:10
Shipston on Stour, opp Tesco Express	08:21 17:13
Shipston on Stour, opp Mill Court	08:21 17:14
Barcheston, opp Turn	08:22 17:15
Upper Brailes, adj Fountain	08:27 17:22
Upper Brailes, adj The Gate	08:27 17:23
Lower Brailes, opp Sutton Lane	08:28 17:25
Lower Brailes, adj Church	08:29 17:25
Lower Brailes, adj The Park	08:29 17:26
Sibford Gower, opp High Meadow	08:33 17:34
Sibford Gower, o/s School	08:37 17:34
Burdrop, opp Acre Ditch	08:37 17:35
Sibford Ferris School (E-bound)	08:37 17:35
Sibford Ferris, opp Folly Court	08:38 17:35
Swalcliffe, o/s Church	08:39 17:38
Tadmarton Swalcliffe Road East (E-bound)	08:40 17:39
Tadmarton, opp Church	08:40 17:40
Tadmarton, o/s Brookfield Rise	08:40 17:41
Lower Tadmarton Fourways (E-bound)	08:45 17:42
Broughton, opp Wykham Lane	08:50 17:47
Broughton, opp Danvers Road	08:50 17:47
Poets Corner Broughton Road (NE-bound)	08:55 17:53
Neithrop, adj Hornbeam Close	08:57 17:54
Neithrop West Bar Street (NE-bound)	08:58 17:55
Banbury High Street (NE-bound)	08:59 17:56
Banbury George Street (E-bound)	08:59 17:56
Banbury Bus Station (Bay 8)	09:00 17:57

Banbury - Shipston - Stratford Banbury - Stratford

Timing points All stops

Banbury Bus Station (Bay 8)	06:50 14:30
Banbury, opp Calthorpe Street	06:52 14:32
Neithrop West Bar Street (SW-bound)	06:53 14:33
Neithrop, opp Hornbeam Close	06:54 14:34
Poets Corner Broughton Road (SW-bound)	06:55 14:34
Broughton, adj Danvers Road	07:00 14:39
Broughton, adj Wykham Lane	07:01 14:39
Lower Tadmarton Fourways (W-bound)	07:05 14:45
Tadmarton, opp Brookfield Rise	07:06 14:46
Tadmarton, o/s Church	07:07 14:46
Tadmarton Swalcliffe Road East (W-bound)	07:08 14:47
Swalcliffe, opp Church	07:09 14:48
Sibford Ferris, adj Folly Court	07:12 14:51
Sibford Ferris School (W-bound)	07:12 14:51
Burdrop, adj Acre Ditch	07:12 14:52
Sibford Gower, opp School	07:13 14:53
Sibford Gower, adj High Meadow	07:13 14:53
Lower Brailes, opp The Park	07:22 15:02
Lower Brailes, adj The George	07:23 15:03
Upper Brailes, adj Sutton Lane	07:23 15:03
Upper Brailes, opp The Gate	07:24 15:04
Upper Brailes, opp Castle Hill	07:25 15:05
Barcheston, adj Turn	07:31 15:10
Shipston on Stour, adj Mill Court	07:32 15:11
Shipston on Stour, adj Tesco Express	07:32 15:11
Shipston on Stour, opp Badger Valley	07:35 15:14
Shipston on Stour, adj Darlingscote Road	07:35 15:19
Shipston High School (Adj)	15:21
Darlingscott, adj Crossroads	07:38 15:27
Ilmington, opp Red Lion	07:42 15:33
Ilmington, adj Howard Arms	07:42 15:33
Lower Quinton, nr College Arms	07:28 07:52 15:42
Lower Quinton, opp Back Lane	07:28 07:52 15:42
Lower Quinton, opp The Close	07:28 07:52 15:43
Lower Quinton, adj Surgery	07:29 07:53 15:43
Lower Quinton, adj The Fordway	07:30 07:53 15:43
Lower Quinton, opp Londis	07:33 07:57 15:47
Willicote Pastures (Adj)	07:37 08:01 15:51
Clifford Chambers, adj Garden Centre	07:39 08:03 15:54
Clifford Chambers, adj New Inn	07:40 08:04 15:54
Clifford Park (Opp)	07:42 08:09 15:56
Stratford-upon-Avon, adj Clifford Road	07:44 08:13 15:58
Stratford-upon-Avon, opp Old Town Mews	07:47 08:20
Stratford-upon-Avon, opp Avon View Hotel	16:00
Stratford-upon-Avon, opp Broad Walk	07:49 08:23
Stratford-upon-Avon, adj Old Tramway	16:00
Stratford-upon-Avon, adj Civic Hall	07:50 08:25
Stratford-upon-Avon, opp Shell Garage	16:01
Stratford-upon-Avon, adj Greenhill Launderette	08:27
Stratford-upon-Avon, adj NatWest Bank	07:50
Stratford-upon-Avon, adj McDonalds	16:02
Stratford-upon-Avon, opp Railway Station Bridge	08:30
Stratford College (Adj)	08:31
Stratford High School (Adj)	08:32
Stratford-upon-Avon, opp Clarence Road	08:32
Stratford-upon-Avon, opp Brookside Road	08:33
Stratford-upon-Avon, adj Bell	08:35

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Appeal Decision

Site visit made on 29 January 2025

by **Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/J0405/W/24/3356545

Land off Oxford Road, Dinton, Buckinghamshire, HP17 8UU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dinton Homes Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 24/02205/APP.
 - The development proposed is two detached dwellings with access, parking/garaging, amenity space and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for two detached dwellings with access, parking/garaging, amenity space and landscaping at land off Oxford Road, Dinton, HP17 8UU in accordance with the terms of the application, Ref 24/02205/APP, subject to the conditions in the attached schedule.

Preliminary Matters

2. As part of the appeal the views of the main parties were sought on whether the Biodiversity Metric Calculation submitted with the application met the Biodiversity Metric Rules set out in Table 2 of the Statutory Biodiversity Metric User Guide¹. This was not an invitation to amend the proposal. In response the appellant provided an updated Biodiversity Net Gain Report and Metric Calculation, which included the provision of additional on-site habitat units achieved through the addition of traditional orchards and slight loss of vegetated garden.
3. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.
4. In this case, the amendments would not fundamentally change the proposal. However, accepting amendments, such as these, could deprive parties of the opportunity to comment. I am aware that interested parties to the application have raised concerns regarding the impact of the proposal on biodiversity. Thus, taking the amended documents into account could prejudice their interests.
5. The appeal process should not be used to evolve a scheme. Any amendments should be made as part of a fresh planning application. I shall therefore determine the appeal on the basis of the plans and documents which were before the Council when it made its decision.

¹ https://assets.publishing.service.gov.uk/media/669e45fba3c2a28abb50d426/The_Statutory_Biodiversity_Metric_-_User_Guide_23.07.24_.pdf

Main Issues

6. The main issues in this appeal are:
- whether the appeal site would be an appropriate location for the proposal with regard to the Council's spatial strategy for the area; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of location

7. The appeal site is located within Gibraltar, a hamlet with no facilities and services, other than the Bottle and Glass Public House (PH).
8. Policy S2 of the Vale of Aylesbury Local Plan 2013-2033 (2021) (Local Plan) sets out where strategic growth and investment will be permitted in the district. The policy strictly limits any housing development in rural areas outside of the strategic settlements and the larger, medium and smaller villages. In these areas, it considers it likely for housing development to be incremental infill development principally in line with Policy D5 and other relevant policies in the Local Plan.
9. Policy D5 of the Local Plan permits new homes in 'other settlements' in specific circumstances. Gibraltar is not identified as an 'other settlement' in the Council's settlement hierarchy set out at Table 2 of the Local Plan. Policy D5 would therefore not be applicable to new homes outside of 'other settlements', such as the appeal proposal. The corollary of the lack of support from Policies S2 or D5 of the Local Plan is that the proposal would be at odds with the spatial strategy.
10. In conclusion, the appeal site would not be a suitable location for the appeal proposal when applying the spatial strategy set out in the development plan. This would harm the public interest of having a genuinely plan-led system that provides consistency and direction.

Character and appearance

11. The appeal site is located on the other side of the A418, the principal road between Thame and Aylesbury, to most of the other houses in Gibraltar and the Bottle and Glass PH.
12. There are frequent vehicle movements along the A418, which means the highway somewhat dominates the immediate area. The houses are set back from the A418, more so on the opposite side of the highway to the appeal site, particularly the PH, which is set behind a moderate sized open car park. This creates a sense of spaciousness. Soft boundary treatments along the A418, roadside hedges and verges add verdancy to the street scene. While there are glimpse views of the open countryside beyond the housing, many of these views include an element of built form.
13. I saw on my visit, that despite the presence of the A418 and regular vehicle movements, there is no clear distinction between the houses on either side of the highway. On the ground, Gibraltar appears as a cluster of houses with a countryside setting. It does not have a linear structure. The three houses on the side of the A418, where the appeal site is located, do not appear to have a more rural character than those on the opposite side of the A418, and their broadly

linear arrangement is not a noticeable characteristic. The pattern of development feels more organic and is centred on the houses being arranged to move away from the A418 rather than along it. Given this, despite there not being any other examples of backland development in the immediate area, the arrangement of the proposed dwellings would be in keeping with the existing pattern of development and would accord with the Vale of Aylesbury Local Plan Design Supplementary Planning Document (2023) in this regard.

14. Furthermore, the houses along New Road, a nearby side road providing access to Westlington, are noticeable from the A418. Although associated with another settlement, these houses reinforce the existing pattern of development in the area, as they are arranged to move away from the A418 rather than along it.
15. The appeal site is well contained by a recently built dwelling that fronts the A418 and close board boundary fencing, which on most sides is further supplemented by mature trees and other planting beyond the fenced boundary. I am of the view that these trees and planting are likely to remain for reasons of aesthetics and privacy. Given this, there would be very limited views of the proposed dwellings, if any, from the wider area.
16. The proposed dwellings would be visible from the A418. Nonetheless, they would be set back a significant distance from the highway. I saw on my visit that the land on the appeal site falls gently away from the A418. Given this, even in unobstructed views from the site entrance, and even if the proposed dwellings were slightly taller than the recently constructed dwelling fronting the A418, they would not be dominant or obtrusive. The views of Gibraltar from the A418, include built form positioned behind other built form. The proposed dwellings would therefore not appear incongruous or contrived in this regard. Moreover, the proposed dwellings would have generous plots with sufficient space around them and their detached garages to not appear cramped. Given this, and the existing trees and other planting around the perimeter of the site, the proposal would maintain the spacious and verdant character of this part of the A418.
17. I appreciate that the proposal would result in the development of undeveloped land, which contributes to the mosaic of smaller and moderate sized field parcels that prevail around the edge of Gibraltar and Dinton. However, the parcel of land is well contained and its loss to development would not urbanise the area to a degree that it would result in harm to its rural character and appearance or the character of the wider countryside.
18. Accordingly, for the reasons above, the proposal would not harm the character and appearance of the area. It would therefore accord with Policy BE2 of the Local Plan, which seeks to ensure that all new development proposals shall respect and complement, among other things, the physical characteristics of the site and its surroundings, including the scale and context of the site and its setting, as well as the local distinctiveness and vernacular character of the locality, and the natural qualities and features of an area.

Other Matters

19. On the opposite side of the A418 to the appeal site is the Bottle and Glass PH, which is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to

- preserving the building or its setting or any features of special architectural or historic interest which it possesses.
20. The A418 and the houses making up Gibraltar that surround the listed building form part of its setting. The car park in front of the public house, together with the soft boundary treatments along the A418, roadside hedges and verges, create a spacious and verdant character. It is this spacious and verdant setting that is significant in relation to this appeal.
 21. The appeal site and the listed building are separated by the A418, as well as a newly constructed dwelling located between the appeal site and A418 and behind reasonably dense and tall roadside hedging. There would be a significant distance between the proposed dwellings and the listed building, and they would not be seen within the same vista. Any intervisibility between them would be restricted to the proposed dwelling on Plot 1 and would be limited. In addition, I have found that the proposal would maintain the spacious and verdant character of this part of the A418. For these reasons, I conclude there would be no harm to the setting of the listed building or its significance as a designated heritage asset.
 22. The proposal is subject to Biodiversity Net Gain (BNG). That being the general Biodiversity Gain Condition, as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) would apply.
 23. The Planning Practice Guidance² confirms that BNG will often be a material consideration, and it should be considered, where relevant, whether the biodiversity gain condition is capable of being discharged successfully.
 24. To support this, as part of the application a Biodiversity Net Gain Report and Metric Calculation were submitted. These documents demonstrate that the proposal would increase on-site habitat by 0.03 habitat units (5%), as well as introduce 0.31 units of hedgerow habitat. However, the hedgerow habitat can not be counted towards the required 10% increase in BNG, as Rule 2 of the Biodiversity Metric Rules states that biodiversity unit outputs, for each type of unit, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit. Given this, another 0.03 habitat units are needed to meet BNG.
 25. It was confirmed during the appeal process that the remaining 0.03 habitat units would be provided off-site through a third party. Details of the off-site gains would be set out on the Biodiversity Gain Plan secured through the biodiversity gain condition.
 26. Based on the information before me and subject to a condition requiring a Habitat Management Monitoring Plan to be submitted to and approved in writing by the Local Planning Authority, I am satisfied that the biodiversity gain condition is capable of being successfully discharged.
 27. Interested parties have also raised concerns regarding highway safety and the effect of the proposal on the Dinton, Westlington, Upton and Gibraltar Conservation Area. The proposal was accompanied by a Transport Statement that concluded the proposed access onto the A418 would have appropriate levels of visibility and that the highway network could safely accommodate the additional

² Biodiversity net gain Paragraph: 002 Reference ID: 74-002-20240214

traffic generated. I also note that, subject to amended plans showing the access road widened to 4.8 metres, the Highways Officer was satisfied with the access arrangements. From the evidence before me and my observations on site, I can find no reason to disagree. Given the significant distance between the proposed dwellings and the conservation area, which are separated by the A418, as well as intervening landscape and built form, the proposal would not harm the setting or the significance of the conservation area.

Conditions

28. The Council has suggested that 16 conditions be imposed on any grant of permission, which I conclude on below. In imposing conditions, I have had regard to the approach in the National Planning Policy Framework (Framework) and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims. The numbers given in brackets (x) refer to the conditions being imposed, with the order being prescribed by the time when the condition needs to be complied with.
29. In addition to the statutory time limit condition (1), a condition specifying the plans that are approved, and that the development shall be undertaken in accordance with them (2) is required in the interests of certainty.
30. To ensure an appropriate and sustainable stock of housing, it is necessary to impose a condition to ensure that the proposed dwelling is constructed to meet the standards for a Category 2 M4(2) dwelling (3). This is an optional requirement so will only apply where a condition that the dwelling should meet the requirement is imposed as part of the process of granting planning permission.
31. To safeguard protected species, it is necessary to impose a condition to ensure the development is carried out in accordance with the Preliminary Ecological Appraisal and Roost Assessment (4).
32. To protect retained trees during the development works, a condition is necessary to ensure the development is carried out in accordance with the Tree Protection Plan (5). This condition must be pre-commencement to ensure that the trees are protected for the whole of the development process. This condition has been agreed by the appellant.
33. To be certain that the development does not increase flood risk on or off the site, a condition is required to ensure that the development includes an adequate surface water management scheme (6). This condition must be pre-commencement as the drainage scheme could affect the fundamental design of the proposal. This condition has been agreed by the appellant.
34. To enhance biodiversity, it is necessary to impose a condition requiring preparation of and accordance with a Habitat Management Monitoring Plan (7). This condition must be pre-commencement so that biodiversity can be appropriately managed during the whole of the development process. This condition has been agreed by the appellant.
35. In the interests of highway safety, a condition is necessary to ensure the site access is upgraded in accordance with the approved drawings (8). This condition must be pre-commencement to ensure suitable access is provided for the whole of the construction process, as well as when the dwellings are occupied. This

condition has been agreed by the appellant. For the same reason it is necessary to also impose a condition requiring the provision of the vehicular parking spaces and areas for manoeuvring vehicles (12) as well as adequate visibility splays (13) prior to occupation of the proposed dwellings.

36. To protect the character and appearance of the area, it is necessary to impose conditions requiring a soft and hard landscaping scheme (9) and the details of all means of enclosure (10) to be approved by the Local Planning Authority.
37. In the interests of mitigating and adapting to climate change, it is necessary to impose a condition to ensure that suitable electric vehicle charging points are installed prior to occupation (11). For the same reason, a condition is needed to ensure that the development meets the Building Regulations optional water efficiency requirement (14). Again, this is an optional requirement so will only apply where a condition that the dwelling should meet the requirement is imposed as part of the process of granting planning permission.

Planning Balance and Conclusion

38. There is no dispute between the parties that the Council cannot demonstrate a five-year supply of deliverable housing sites. The current supply of sites is somewhere between 2.77 and 4.24 years.
39. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. Permission should therefore be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
40. I have found that the proposal would be at odds with the Council's spatial strategy. The spatial strategy is broadly consistent with the Framework in terms of locating housing in rural areas, where it would enhance or maintain the vitality of rural communities, allow villages to grow and thrive, especially where this would support local services, and avoid isolated homes in the countryside. Nevertheless, even at 4.24 years, there is a notable shortfall in deliverable housing sites, and the Council has not demonstrated that this is a temporary dip in supply or that they have a strategy to address the shortfall. Small-sized sites, such as the appeal site, are often built-out relatively quickly. The two proposed dwellings would therefore help address the shortfall more promptly. For these reasons, in this case, I afford the conflict with the spatial strategy limited weight.
41. Moreover, the parties agree that the appeal site is not isolated in the context of Paragraph 84 of the Framework and, although it lies outside of any settlement identified in the Council's settlement hierarchy, it would be, in principle, a sustainable location for limited small-scale development, such as the appeal proposal. I also note that an Inspector when determining an appeal close by, concluded Gibraltar to be a reasonably accessible and sustainable location, with bus stops a couple of minutes' walk from the site providing frequent services to Aylesbury, Thame and Oxford. Gibraltar is also within walking distance of Westlington with a continuous footway between the two settlements. On balance, I am of the view that Gibraltar is not an unsustainable location for two additional dwellings, which would help maintain the vitality of the rural communities of

Gibraltar, Westlington and Dinton as a collective. Thus, the proposal would not conflict with the overall aim of the spatial strategy to ensure development is located in sustainable locations. This would help moderate any harm to the public interest and plan-led system arising from the proposal being at variance with the associated policies.

42. The proposed dwellings would not comprise the infilling of a small gap in a developed frontage, as required by Policy D5 of the Local Plan, for other limited small-scale development outside of the strategic settlements, and smaller, medium and larger villages. Nonetheless, the proposal would be in keeping with the wider pattern of development, including the scale and spacing of nearby homes and would not have an adverse effect on the character of the countryside.
43. In terms of benefits, the proposal would deliver two dwellings in an accessible location and would support the objective of the Framework in boosting the supply of homes in an area where there is a significant shortfall in the current supply of deliverable housing sites. **Although the scale of the proposal is modest, the two dwellings, in this case, could be built-out relatively quickly and would make a meaningful and moderate contribution to the area's housing supply.**
44. The proposal would have modest social and economic benefits resulting from the construction of the dwellings and spending associated with their occupation. There would also be some modest environmental benefits arising from the additional biodiversity net gain associated with the increase in hedgerow habitat.
45. Overall, I find that the limited harm arising from the proposal being at odds with the Council's spatial strategy would not significantly and demonstrably outweigh the benefits of the proposal. Thus, in this case, material considerations justify allowing the appeal.
46. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed, subject to the conditions set out in the attached schedule.

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details set out in the planning application form and the following approved plans: 2402-001; 2402-002C; 2402-003A; 2402-004; Tree Protection Plan.
- 3) The development hereby permitted shall be constructed and fitted out to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015. Thereafter all such provisions shall be retained and maintained.
- 4) The development hereby permitted shall be implemented in accordance with the recommendations and enhancements set out in the Preliminary Ecological Appraisal and Roost Assessment 2024 prepared by 4 Acre Ecology Limited, dated 13 May 2024.
- 5) No development shall take place until the tree protection measures shown on the approved Tree Protection Plan have been installed. Thereafter, all phases of the development shall be carried out in accordance with the approved Tree Protection Plan.
- 6) No development shall take place until a scheme for surface water management has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby permitted the scheme for surface water management shall be implemented in accordance with the approved details and thereafter maintained for the lifetime of the development.
- 7) No development shall take place including demolition, ground works, and vegetation clearance until a Habitat Management Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the HMMP shall include the following:
 - description and evaluation of features to be managed.
 - ecological trends and constraints on site that might influence management.
 - aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan (4Acre Ecology BNG report July 2024 references 0.03-unit habitat gains & 0.31-unit hedge gains post development).
 - appropriate management options for achieving aims and objectives.
 - prescriptions for management actions.
 - preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
 - details of the body or organisation responsible for implementation of the plan.
 - ongoing monitoring and remedial measures.
 - details of species-specific enhancements proposed within the development including locations and models.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved HMMP.

- 8) No other part of the development shall take place until the site access has been upgraded in accordance with approved drawing 2402-002C.
- 9) No development above slab level shall take place until a scheme of soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - written specifications of planting and cultivation works;
 - a schedule of plants including species, plant sizes and proposed numbers/densities;
 - written specifications of planting and cultivation works; and
 - an implementation programme and schedule of landscape maintenance for a minimum period of five years.

The scheme of soft and hard landscaping shall be carried out in accordance with the approved details and agreed implementation programme. Thereafter the completed scheme shall be maintained in accordance with the approved details.

If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement of them) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of a similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.

- 10) Prior to first occupation of the development hereby permitted, all means of enclosure shall have been constructed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the means of enclosure shall be maintained.
- 11) Prior to first occupation of the development hereby permitted, electric vehicle charging points shall have been installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charging points shall be maintained, available at all times for the charging of electric vehicles.
- 12) Prior to first occupation of the development hereby permitted, the vehicle parking spaces and areas for manoeuvring vehicles shown on approved plan 2402-002C shall have been constructed. Thereafter the vehicle parking spaces and areas for manoeuvring vehicles shall be maintained, available at all times for their intended purpose.

- 13) Prior to first occupation of the development hereby permitted, minimum vehicular visibility splays of 195 metres from 2.4 metres back from the edge of the carriageway from both sides of the new site access onto the A418 shall be provided. Thereafter the visibility splays shall be kept free of obstruction between 0.6 metres and 2.0 metres above ground level.

- 14) Prior to first occupation of the development hereby permitted, measures shall be incorporated within the development to ensure the dwelling achieves a water efficiency standard of 110 litres (or less) per person per day, including a fixed factor of water for outdoor use of 5 litres per person per day. Thereafter these measures shall be maintained.

Appeal Decision

Site visit made on 2 April 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/U1105/W/24/3353376

Land adjacent to 5 Marles Close, Awliscombe EX14 3GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Groves against the decision of East Devon District Council.
 - The application Ref is 24/0556/FUL.
 - The development proposed is erection of a dwelling, to include a detached single garage, creation of a driveway and associated soft and hard landscaping.
-

Decision

1. The appeal is allowed, and planning permission is granted for erection of a dwelling, to include a detached single garage, creation of a driveway and associated soft and hard landscaping at Land adjacent to 5 Marles Close, Awliscombe EX14 3GA in accordance with the terms of the application, Ref 24/0556/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) in December 2024. The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken the submissions into account in my decision.
3. I note that an earlier application (16/0951/OUT) for a dwelling at the appeal site was refused by the Council. I have had regard to this insofar as it is relevant to the appeal before me, however I have considered the proposal on its own merits.

Main Issue

4. The main issue is whether the appeal site is a suitable location for a dwelling with particular regard to:
 - the development plan for the area; and
 - the accessibility of services and facilities.

Reasons

Suitable location

5. Strategy 1 of the East Devon Local Plan 2013 – 2031 (Adopted January 2016) (LP) sets out a spatial strategy for development in East Devon. The approach includes significant development in East Devon's West End, with the seven main

towns in the area forming the focal points for development. Strategy 2 of the LP sets out a pattern of distribution for residential development in the area.

6. Strategy 6 of the LP states that development within Built-Up Area Boundaries (BUABs) will be permitted subject to several criteria. Villages with BUABs are those which are considered appropriate to accommodate growth and development. Strategy 7 of the LP defines the countryside as all parts of the plan area outside of BUABs and site-specific allocations. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development, would not result in harm to the landscape, amenity and environmental qualities of its location and subject to several criteria.
7. Awliscombe does not have a BUAB and consequently, for the purposes of the LP, the appeal site is located within the countryside. The parties agree that the proposal would not accord with the exceptions set out in Strategy 7. As such, the proposal would conflict with the spatial strategy for East Devon.
8. Accordingly, I conclude that the appeal site is not a suitable location for a dwelling with particular regard to the development plan for the area. The proposal would therefore conflict with Strategies 1, 2, 6 and 7 of the LP which together seek to restrict development in locations outside of defined settlement limits and within the open countryside.

Accessibility

9. Awliscombe benefits from some facilities including a primary school, pre-school, village hall and church. These are within comfortable walking distance of the appeal site and would be accessible by foot. Although pavements are not continuous through the village, the sections which do not benefit from a dedicated footway are relatively short and there are some areas of pedestrian refuge from passing vehicles.
10. A bus service operates from Awliscombe to higher order settlements and local schools, although it is somewhat limited. Given the relatively short distance to Honiton, cycling to the town would also be an option for confident cyclists, although I acknowledge that this would not be a realistic prospect for all future residents.
11. The services and facilities which exist nearby would not be sufficient to meet all of the requirements of future residents. They would need to travel further afield to access a more comprehensive range of facilities and given the lack of regular public transport options, are likely to rely on a private car to do so.
12. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Given the presence of some nearby services and facilities, and some sustainable transport options, not all daily trips would require the use of the car. Furthermore, given the close proximity of Honiton, many car trips are likely to be short. In this rural context, I find that the appeal site has reasonable access to services and facilities.
13. Overall, I conclude that the appeal site is a suitable location for a dwelling, having regard to the accessibility of services and facilities. It would therefore accord with Strategy 5B and Policy TC2 of the LP which seek to ensure that development is

located where it would be accessible by sustainable modes of transport and minimise the need to travel by car.

Other Matters

14. The Council acknowledges that it is unable to demonstrate a five-year supply of housing land. As a result of the recent changes to the Framework, the Council can now demonstrate only 2.97 years of housing supply. This represents a significant shortfall in housing provision in the area. Set against this, the proposal would deliver a dwelling in a location with reasonable access to services and facilities. In this context, I give positive weight to the contribution the appeal scheme would make to housing supply.
15. The proposal would give rise to economic benefits as a result of jobs during the construction phase and local expenditure by future residents, who would also support local facilities and contribute towards the community. The proposal would also secure ecological enhancements. These factors also attract positive weight in the planning balance, I return to this matter below.
16. The proposed dwelling would sit comfortably in the gap between two existing dwellings. The pitched roof form with projecting gable and the design of the fenestration would echo that of other dwellings in the cul-de-sac. The ridge line would sit between that of the adjacent dwellings and the building line would be similar. Although the proposed garage would be closer to the road than those at adjacent plots it would not be overly prominent in the street scene. Consequently, the proposal would respond well to its context and would not result in harm to the character and appearance of the area.
17. The adjacent dwelling to the south has windows and doors on the side elevation which face the appeal site. However, the rooms which these openings serve benefit from other windows which also provide light to these areas. Therefore, the harm arising from any loss of light as a result of the proposed development would not be significant. The south elevation of the proposed dwelling would include two windows serving en-suites which would face the side elevation of the adjacent property. A condition could be imposed requiring these to be obscurely glazed. Subject to such a condition the proposal would not result in a significant loss of privacy for the occupiers of nearby dwellings.
18. The appeal scheme includes sufficient parking for future occupiers. The impact of the availability of on-street parking as a result of the proposal would not be significant. Although the presence of construction vehicles may result in temporary inconvenience, there would be space within the appeal site and nearby to accommodate these without resulting in significant adverse impacts.
19. Whilst there may be demand generally for single storey dwellings, the provision of a two-storey dwelling is not precluded by any policy. Surface water would be dealt with by way of a soakaway and foul water would connect into the mains sewer; there is no firm evidence before me which suggests that this would not be effective. Similarly, there is no substantive evidence that future residents would have poor internet access. I note that the Council have no concerns in respect of these matters. The potential impact on adjacent properties in terms of damage and boundary issues are private matters.

20. I am aware that there is a Grade II listed building, George Park, to the north of the appeal site. Mindful of the duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. George Park is appreciated principally from the A373 and although there is a small degree of intervisibility between the sites, given the presence of interceding development, the appeal proposal would preserve the setting of George Park, the significance of which would not be harmed. I note the Council had no concerns in this regard either.

Planning Balance

21. The proposal would conflict with Strategies 1, 2, 6 and 7 of the LP because the site is outside of any defined settlement boundary or allocated site. However, because the Council cannot demonstrate a five-year supply of deliverable housing sites, these policies which relate to the delivery of housing, are deemed to be out of date. Accordingly, paragraph 11d) of the Framework is engaged.
22. The provision of a dwelling in a reasonably accessible location and the associated social and economic benefits are positive aspects of the scheme to which I collectively attach moderate weight, given the small scale of the scheme.
23. The adverse impact arising from a conflict with the above-mentioned policies would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. Consequently, the presumption in favour of sustainable development applies and this indicates that planning permission should be granted.

Conditions

24. I have had regard to the suggested conditions proposed by the Council. Where necessary, I have undertaken some minor editing and rationalisation of the conditions where they meet the tests set out at paragraph 57 of the Framework in the interests of precision and clarity. In addition to those conditions which I have already referred to in my decision and the standard time limit condition, I have imposed a condition specifying the approved plans in the interests of certainty.
25. A condition requiring the implementation of the measures proposed in the submitted Preliminary Ecological Appraisal¹ is necessary to ensure that the proposal does not have a harmful effect on protected species. Conditions requiring details of the materials to be used in the development and the implementation of hard and soft landscaping are necessary to ensure a satisfactory appearance to the development.

Conclusion

26. The proposed development would conflict with the development plan but material considerations including the Framework indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal should succeed.

E Pickernell

INSPECTOR

¹ jh ecology, March 2024

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 23-66-01, 23-66-02, 23-66-03, 23-66-04, 23-66-05, 23-66-06.
- 3) The recommendations, mitigation and enhancement measures contained within the Preliminary Ecological Appraisal (JH Ecology, March 2024) shall be implemented in full prior to the first occupation of the dwelling hereby approved. Thereafter the mitigation and enhancement measures shall be retained in perpetuity.
- 4) No development above ground level shall take place until details of the following have been submitted to and approved in writing by the local planning authority:
 - a) materials to be used in the construction of the external surfaces; and
 - b) external windows and doors to be used in the development hereby permitted.

The development shall be carried out in accordance with the approved details.

- 5) No development above ground level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a) a scheme for the planting of trees, hedges, herbaceous plants and grassed areas; and
 - b) details of hard landscaped areas including driveway and paved/patio areas.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The hard landscaping works shall be carried out in full prior to the first occupation of the building and shall be retained as such thereafter.

- 6) The dwelling hereby permitted shall not be occupied until the windows on the south elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

End of Schedule