

13 April 2026

Abbey House, Abbey Close
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THE TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78

THE TOWN AND COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS PROCEDURE) (ENGLAND) REGULATIONS 2009 (SI2009/452)

**Appeal by Michael and Edward Daly & Smythe
Against the refusal of it planning permission for:**

A hybrid planning application seeking:

A) Full planning permission for the erection of two detached two-storey self/custom build dwellings with access, parking and amenity space (Plots 2 and 4).

B) Outline planning permission for the erection of two detached two-storey self/custom build dwellings with access, parking and amenity space (Plots 1 and 3). (Comprising four dwellings in total)

Site Address: Land to the rear of The Paddocks, Lower Icknield Way, Chinnor, Oxfordshire, OX39 4GR

Planning Inspectorate Reference: 6005521

South Oxfordshire District Council Reference: P24/S1287/FUL

LOCAL PLANNING AUTHORITY APPEAL STATEMENT

1.0 INTRODUCTION

- 1.1 This is the full statement of case on behalf of South Oxfordshire District Council (the council) which has been prepared in response to the appeal by Michael and Edward Daly & Smythe in relation to the council's decision to refuse planning permission for a hybrid planning application seeking:
- A) Full planning permission for the erection of two detached two-storey self/custom build dwellings with access, parking and amenity space (Plots 2 and 4). B) Outline planning permission for the erection of two detached two-storey self/custom build dwellings with access, parking and amenity space (Plots 1 and 3). Comprising four dwellings in total at Land to the rear of The Paddocks, Lower Icknield Way, Chinnor (P24/S1287/FUL).

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1.2 The application was considered at the meeting of the planning committee on 29 October 2025¹ and was refused planning permission, against officer recommendation for the following reasons as confirmed in the decision notice dated 4 November 2025:

1. The proposed development is on a site not allocated for residential development and would extend the existing built-up limits of the settlement in a north-westerly direction. As such, the proposal would conflict with the development plan housing distribution strategy as set out by Policies STRAT1, H1, H12 and H16 of the South Oxfordshire Local Plan 2035 and Policies CH H1 and CH H7 of the Chinnor Neighbourhood Plan 2011-2035. Having regard to paragraph 14 of the NPPF, the adverse impact of allowing development that conflicts with the neighbourhood plan would significantly and demonstrably outweigh the benefits of providing four self-build or custom-build dwellings.

1.3 This statement should be read alongside the committee report.

2.0 APPEAL SITE AND SURROUNDINGS

2.1 The site is located on the northern side of Lower Icknield Way, to the west of the junction with Elderdene, and comprises a broadly 'L-shape' section of land extending to an area of approximately 0.47 hectares. The site, which has a lawful use as paddocks, is generally level with existing vegetation limited to the boundaries of the site. However, whilst the adjacent housing development of 1 – 7 The Paddocks was in process, the site was used as a storage compound.

2.2 Part of the south-western and south-eastern site boundary is with 1-7 The Paddocks, a residential development of seven detached and semi-detached two-storey dwellings constructed in 2021, accessed via an adopted highway known as The Paddocks off Lower Icknield Way. The Paddocks also serves five other dwellings built in recent years to the rear of 65 and 69 Lower Icknield Way. The remainder of the south-western site boundary adjoins the gardens of 46 & 47 Elderdene. The north-western boundary is within fields in open countryside. The north-eastern boundary is within a paddock, further to the east of which is a recent residential development (Braken Road and Rumpenny), the north-western extent of which aligns with the northern boundary of the site.

¹ See Appendix 1 which gives the minutes of the committee meeting

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- 2.3 A 0.07-hectare strip of land along the northern boundary, which is within the applicants' ownership, is excluded from the application site on the submitted site location plan and is shown to be retained as a Green Infrastructure Corridor on the submitted site plan. The site is located wholly within the Chinnor settlement boundary as defined in the Chinnor Neighbourhood Plan Review II 2011-2035, made in November 2023. There are no other special designations on the site.

3.0 PLANNING HISTORY

- 3.1 Section 4.0 of the committee report sets out the relevant planning history.

4.0 PLANNING POLICIES AND GUIDANCE

- 4.1 See paras. 6.1 to 6.4 of the committee report. Copies of the policies referred to in the refusal reason have been provided with a copy of the council's questionnaire. Some policy updates are included below for reference.

4.2 Emerging Joint Local Plan

The Council has prepared a Joint Local Plan (JLP) for South Oxfordshire and Vale of White Horse, which, once adopted, will replace the existing local plans. The JLP was submitted to the Secretary of State on Monday 9 December 2024 for independent examination. In line with paragraph 49 of the National Planning Policy Framework (NPPF), decision-makers may give weight to relevant policies in emerging plans depending on several factors: the stage of preparation, the extent of unresolved objections, and the degree of consistency with the NPPF.

The starting point for decision taking remains with the policies in the current adopted plan(/s). The JLP is at examination, an advanced stage of preparation and carries some weight. Where unresolved objections have been received on policies, limited weight should be applied, but where there are no unresolved objections, moderate weight can be applied. Full weight should only be applied, where relevant, following the outcome of the independent examination and adoption of the JLP. Latest news on the examination is available at <https://www.southandvale.gov.uk/joint-local-plan-2041-examination/>.

4.3 NPPF (December 2024)

Regard has been had to the updated version of the NPPF (December 2024). However, the updated NPPF is not considered to alter or change the council's concerns or its assessment with regard to the development.

5.0 Environmental Impact Assessment

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The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

6.0 THE COUNCIL'S CASE

6.1 Refusal reason.

The proposed development is on a site not allocated for residential development and would extend the existing built-up limits of the settlement in a north-westerly direction. As such, the proposal would conflict with the development plan housing distribution strategy as set out by Policies STRAT1, H1, H12 and H16 of the South Oxfordshire Local Plan 2035 and Policies CH H1 and CH H7 of the Chinnor Neighbourhood Plan 2011-2035. Having regard to paragraph 14 of the NPPF, the adverse impact of allowing development that conflicts with the neighbourhood plan would significantly and demonstrably outweigh the benefits of providing four self-build or custom-build dwellings.

6.2 Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the appeal decision should be in accordance with the development plan unless material considerations indicate otherwise. This was recently reinforced by Matthew Pennycook, the Housing and Planning Minister in a Written Ministerial Statement on 27 November 2025 in which he stated:

‘...The plan-led approach is, and must remain, the cornerstone of our planning system. Local plans are the best way for communities to shape decisions about how to deliver the housing and wider development their areas need...’

6.3 Policy STRAT1 of the SOLP states that proposals for development in South Oxfordshire will be assessed using **national policy** and guidance and the whole of the Development Plan and should be consistent with the overall strategy. In doing so the policy seeks to direct development to the districts larger settlements. A key aim of policy STRAT1 is to deliver sufficient new homes to meet the needs of the communities and economy supported by appropriate infrastructure, services and facilities. The Council does not consider Chinnor (which is defined as a larger village) has the infrastructure to deliver additional housing beyond the built area of the development.

6.4 Policy H1 of the SOLP seeks to direct new housing to the most appropriate locations, it states that residential development on sites not allocated in the development plan will only be permitted where:

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- i) it is for affordable housing on a rural exception site or entry level housing scheme; or
- ii) it is for specialist housing for older people in locations with good access to public transport and local facilities; or
- iii) it is **development within the existing built-up areas of Towns and Larger Villages** as defined in the settlement hierarchy (shown in Appendix 7); provided an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed; or
- iv) it is infilling, and brownfield sites within Smaller and Other Villages as defined in the settlement hierarchy; or
- v) it is brought forward through a Community Right to Build Order; or
- vi) there are other specific exceptions/circumstances defined in a Neighbourhood Development Plan and/or Neighbourhood Development Orders; or
- vii) it would bring redundant or disused buildings into residential use and would enhance its immediate surroundings; or
- viii) the design is outstanding or innovative and of exceptional quality and would significantly enhance its immediate setting.

6.5 Most of the above criterion do not accord with the proposed development. It is accepted that Chinnor is defined as a larger village, although, the site is situated on a green space, outside of the built-up area of the settlement, it does not constitute infill development or is the site brownfield land.

6.6 The policies supporting text states that the council expects windfall development to take place in accordance with the development plan, which will focus speculative development to infill sites within settlements. Infill development is defined as, the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. In this instance neighbouring buildings are only located to the south-east and south-west. Open countryside is located to the north.

6.7 A very large amount of housing development has been developed in Chinnor in recent years. The Chinnor Neighbourhood plan acknowledges this in its neighbourhood plan which does not allocate any additional housing.

6.8 Policy H16 of the SOLP concerns back land and infill development and redevelopment. Infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within

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settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location. Policy H16 states that, where a proposal encompasses residential development of land behind an existing frontage or placing of further dwelling/s behind existing dwelling/s within the existing site, the proposals should demonstrate that:

- i) the privacy of existing and future residents will be protected;
- ii) means of access can be appropriately secured; and
- iii) **development would not extend the built limits of the settlement.**

- 6.9 The Council considers that the proposed development is contrary to criterion 3, in that the development would be situated on land beyond the existing built limit of the settlement. Furthermore, the development is not considered to represent infill development as neighbouring buildings are only located to the south-east and south-west, and open countryside is located to the north.
- 6.10 The Chinnor Neighbourhood Development Plan Review II was made and became part of the development plan on 17 November 2023 and carries full weight in the determination of planning applications. This plan replaces the Chinnor Neighbourhood Plan Review. The Plan Review II covers the period up to 2035. The Chinnor Neighbourhood Plan states in para 2.15 that there were 2389 dwellings in Chinnor in 2011. The SOLP expected a 15% increase in dwellings, i.e. the provision of an additional 358 houses before 2034. The Chinnor Neighbourhood Plan Site Allocations review (August 2019) stated that the actual permissions at this time stood at 926 houses, which represented an increase of 159% above the 15% increase in provision (358 houses). Chinnor has therefore demonstrated that it has met its housing requirement.
- 6.11 The original Neighbourhood Plan considered a number of potential sites for allocation. No selected sites were included in the 2017 Chinnor Neighbourhood Plan because the two preferred sites (CHI 7 and CHI 8) plus one reserved site (CHI 20) had already been granted planning permission.
- 6.12 Policy CH H1 of the Chinnor Neighbourhood Plan concerns infill development. It states that, infill development within the Chinnor Development Boundary as defined in Policy CH7, will be supported subject to the following, where the proposed development:
- Does not cause an unacceptable impact on the residential amenities of adjacent residential properties.
 - Provides appropriate access, appropriate car parking provision and turning arrangements.
 - Does not severely impact on the free and safe flow of traffic on the local highway network.

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- Does not cause the loss of important open space of public environmental or ecological value, nor spoil an important public view.
- Is designed so that its appearance, height, scale and materials are in keeping with the proposed surroundings and the character of the area is not adversely affected. Design guidance is set out in CH C1 and Appendix 3.
- Does not create problems of privacy and access and would not extend the built limits of the settlement.

6.13 As previously mentioned above, the Council do not consider the proposed development to represent infill development.

6.14 Policy CH H7 of the Chinnor Neighbourhood Development Plan references the village development boundary which the development is part of. The policy states that proposals for development inside the development boundary will be supported where they constitute sustainable development and are consistent with development plan policies. Proposals for development outside the development boundary will only be supported where they are necessary or suitable for a countryside location, or are infill development as defined in CH H1, and they are consistent with development plan policies.

6.15 **Housing land supply**

The council is currently unable to demonstrate a five-year housing land supply. The council's most recently published Housing Land Supply Statement (HLSS, December 2025) uses a base date of 1st April 2025 and identifies a supply of 4.46 years, calculated using the Local Housing Need (LHN) requirement in accordance with national policy.

6.16 **Self-build**

The Council has a duty under the Self Build and Custom Housing Act 2015 (as amended by the Levelling-up and Regeneration Act 2023) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet this demand. The NPPF paragraph 73 b) requires Local Planning Authorities to address the need for all types of housing, which includes provision for self-build or custom-build housing. Officers acknowledge there is a shortfall of 276 plots, when measured against the latest available data on demand and supply (up to 30th October 2024).

6.17 Policy H12 of the SOLP concerns custom-build and self-build. It states that the Council will support proposals for self-build and custom-build projects

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that are delivered in accordance with policies in the development plan. As explained above, the Council consider the development on this site to be contrary to the development plan by virtue of it being situated outside of the Chinnor built-area. Nevertheless, in the instance that the appeal is approved the council and appellant have agreed a S106 legal agreement to secure the units are used as self/custom build dwellings.

- 6.18 The NPPG sets out that in considering whether a home is self/custom build housing the decision maker must be satisfied that the initial owner of the home will have primary input into its final design and layout. It does not require the first occupant to make any physical contribution to the construction of the home. In order to address this, a S106 legal agreement is required to secure the following:
- The plots are built out as self/custom build housing;
 - Evidence to demonstrate the first occupiers' primary input into the final design and layout of the self/custom build housing to be provided prior to occupation to the council's satisfaction;
 - Proof of occupation by the first occupiers' of the SBCH as their sole and main residence within six months of occupation.

6.19 **Planning Balance**

The council acknowledges that it cannot presently demonstrate a 5-year deliverable supply of housing. It is also accepted that there would be economic benefits associated with the appeal proposal including the creation of construction jobs in the short term.

- 6.20 Considering the housing land supply position, paragraph 11d of the NPPF is engaged. Paragraph 11d states that where the policies which are the most important for determining the application are out-of-date, permission should be granted unless one of two criteria apply:

"i. the application of policies in this Framework that protect areas or assets of particular importance 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 combination."

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- 6.21 Paragraph 14 of the NPPF states that, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).
- 6.22 In this instance paragraph 14 is engaged. The plan is less than 3 years old, and the has met its housing requirement as two original allocated sites, and a preferred site have been built out over the plan period.
- 6.23 It is therefore considered that the harm caused by the proposed development will not be outweighed by the benefits of the scheme. Chinnor has seen a vast amount of new housing in recent years, far beyond what was planned for. This increase in housing has brought with it pressures on the village's infrastructure. As such all three objectives of sustainable development would not be achieved.

7.0 CONCLUSION

- 7.1 The council respectfully requests that the appeal is dismissed. The proposed development would extend the existing built-up limit of the settlement. Having regard to paragraph 14 of the NPPF, the adverse impact of allowing development that conflicts with the neighbourhood plan would significantly and demonstrably outweigh the benefits of providing four self-build or custom-build dwelling.
- 7.2 In the event that the inspector is minded to allow the appeal, and without prejudice to the council's case, suggested conditions are contained in **Appendix 2** to this statement.