

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL AGAINST WEST OXFORDSHIRE DISTRICT COUNCIL TO REFUSE DETAILED PLANNING PERMISSION FOR:

The erection of a country house and gardens, stables courtyard, new highway accesses, solar array, drainage works and landscape proposals, including a new lake on land at E 437424 N 228877 Chipping Norton Road Little Tew, Oxfordshire

August 2026

**Statement of Common Ground
On Planning matters**

Agreed between the Appellant and West Oxfordshire District Council

PINS Ref: 6007555
LPA Ref: 24/01861/FUL

1 MATTERS AGREED

- 1.1.1 This Planning Statement of Common Ground (“the SoCG”) has been agreed between Twenty5 Planning Ltd (on behalf of Mr. R. Burkle – the Appellant) and West Oxfordshire District Council as the local planning authority in this case (“the LPA” or “the District Council”, as appropriate), who will be referred to together as “the principal parties”.
- 1.1.2 This SoCG deals with planning matters only – separate SoCGs will be provided dealing with heritage and landscape matters.
- 1.1.3 The description of development for the Appeal Scheme is as follows:

‘Erection of a country house and gardens, stables courtyard, new highway accesses, solar array, drainage works and landscape proposals, including a new lake (Additional information submitted)’

- 1.1.4 The application was submitted to the LPA on 16 July 2024 and was validated on 08 August 2024.
- 1.1.5 The Appeal Scheme was accompanied by numerous supporting reports in accordance with WODC’s validation requirements. A full set of the Appeal Scheme documents are listed below, together with a schedule of drawings submitted with the appeal:
- Access Appraisal
 - Ecological Impact Assessment and Biodiversity Net Gain Assessment
 - Archaeological Desk-Based Assessment
 - Construction Management Plan
 - Covering Letter
 - Design and Access Statement (Volumes 1, 2 and 3)
 - Design Statement for Revised Schemes for Proposed House on Land West of Little Tew, West Oxfordshire
 - Drainage Strategy
 - Energy and Sustainability Statement
 - Heritage Impact Assessment / Worlledge Heritage Impact Assessment
 - Landscape and Visual Impact Assessment
 - Landscape Statement
 - Passivhaus Energy Assessment
 - Specialist Design Review
 - Tree Survey and Impact Assessment
 - Biodiversity Net Gain Metric and supporting habitat documents
 - Statement of Benefits
 - Summary of Benefits Report
 - Hierarchy of Houses Report

- Summary Presentation
- Summary of Additional Information
- Summary of Proposals
- Update Planning Policy Review and Commentary
- Agent Response to Comments
- Agent Response to Objections
- Summary Applicant's Response on Some of the Key Issues Raised.

1.1.6 A schedule of drawings which would comprise the approved plans if allowed is appended.

1.1.7 The Appeal Scheme was refused under delegated powers on 17 October 2025. The LPA refused planning permission for the following reason(s):

'The proposed development, by reason of its nature, siting, scale, massing, design and form, would fail to represent a development which would help to raise standards of design more generally in rural areas, and would be adversely urbanising and transformative in the landscape, failing to significantly enhance its immediate setting, or be sensitive to the defining characteristics of the local area. The development would also result in a high level of less than substantial harm to the setting of the Little Tew Conservation Area. The public benefits are not considered to outweigh this harm identified.

Assessing the scheme in the wider planning balance, the benefits of the proposal, which include the provision of a single private dwellinghouse towards the Council's housing land supply shortfall, the provision of BNG, the introduction of a new public access, and short-term benefits to the local economy and trade/skills opportunities through the construction period would not outweigh the identified harm to the heritage assets, the landscape character and setting of the village.

As such, the proposal is contrary to policies OS2, OS4, H2, EH2, EH9, EH10, EH11, EH13, EH14 and EH16 of the West Oxfordshire Local Plan 2031, the relevant provisions of the National Planning Policy Framework, in particular paragraphs 11(d), 84(e) and 215, the West Oxfordshire Design Guide and the Little Tew Conservation Area Appraisal.'

2 Planning History

- 2.1.1 Prior to the submission of the first application for a dwelling at the site in 2022, the scheme was the subject of pre-application discussions with the LPA under reference 21/02807/PREAPP.
- 2.1.2 A previous full application was then submitted under reference 22/01785/FUL (“the 2022 application”) for ***‘the construction of a country house and gardens, stable courtyard, new highway accesses, solar array, drainage works and landscape proposals, including a new lake’***. That 2022 application was refused. The officer report for the current application confirms that the earlier proposal was found to fail the relevant design, landscape and heritage tests, including those pertaining to isolated dwellings in the countryside under what was then paragraph 80(e) and is now paragraph 84(e) of the Framework.
- 2.1.3 The Appeal Scheme was prepared as an updated and evolved scheme following that refusal. The submission material explains that further work was undertaken in the interim, including an additional Design South East review, a Parish presentation, and updated heritage, ecology, landscape and drainage assessment, together with design revisions to the proposed house and stable courtyard.

3 The Appeal Site and Surroundings

3.1 Site Description

- 3.1.1 The Appeal Site (outlined in red on the site location plan) is an irregular shaped area of land that reflects the areas where built development is proposed. It extends to approximately 4.37 hectares and takes up parts of five adjoining fields that are located to the northwest of Little Tew, West Oxfordshire, on the southwestern side of Chipping Norton Road. The site location plan shows the whole of these five fields and three other adjoining fields to the west as “blue line land” within the Appellant’s control. Together, the red line and blue line areas will be referred to in this SoCG as “the wider site”, which has a total area of some 36Ha. The red line Appeal Site lies in open countryside approximately 220 metres from the nearest property in Little Tew (Rymans Cottage) The wider site is approximately 70m from Rymans Cottage and approximately 220 metres from the nearest part of Little Tew Conservation Area.
- 3.1.2 At present, the whole of the wider Site comprises land under arable cultivation. In physical terms, it is characterised by a gently undulating landform and a broadly open aspect, with the site falling generally southwards towards the River Dorn. The Appeal Site and the wider site are currently free from built development, with a public right of way (“PRoW”) bordering the southeastern edge of the wider site. This PRoW (ref. 282/5/40, a bridleway) connects to a network of PRoWs that provide access and recreation to locals and visitors to the area, including leisure walkers and others. This network includes PRoW ref. 282/8/10 (another bridleway), which runs north from Banbury Road some 240m west of the wider site and 282/7/50 (a footpath), which runs broadly southeast from Banbury Road a further 160m to the west and passes close to the southwestern boundary of the wider site before meeting PRoW ref.282/5/40 close to Magpie Farm. The surrounding highway network provides access through the wider countryside for vehicles and bicycles.

3.2 Site Context

- 3.2.1 In flood risk terms, the Site lies within Flood Zone 1, which has the lowest risk of fluvial flooding. The Lead Local Flood Authority (LLFA) raised no objection, subject to conditions. The application was also considered in relation to potential hydrological effects on the nearby Little Tew Meadows SSSI, with Natural England ultimately raising no objection subject to appropriate mitigation being secured.
- 3.2.2 Although there are no defined settlement boundaries in the adopted West Oxfordshire Local Plan, the parties agree that the Appeal Site lies in open countryside outside the main built up area of Little Tew .

4 The Appeal Proposal

4.1 Background

- 4.1.1 The Appeal Scheme was submitted to West Oxfordshire District Council on 16 July 2024 and was validated on 08 August 2024 with the following description of development:

‘Erection of a country house and gardens, stables courtyard, new highway accesses, solar array, drainage works and landscape proposals, including a new lake (Additional information submitted)’

- 4.1.2 During the application process a list of benefits was supplied to the LPA, first in February 2025 and subsequently in June 2025. No comments were received in relation to this specific issue, despite a request for a meeting to discuss, although other aspects of the proposal were discussed.

4.2 Design and Appearance

- 4.2.1 The proposal includes a principal dwellinghouse and associated stable courtyard, together with related structures, swimming pool and poolhouse, landscape works and infrastructure. Full details of the buildings proposed, including their scale and arrangement, are contained in the submitted plans, with further description of the proposal and its underlying design approach provided in the Design Statement for Revised Schemes for Proposed House on Land West of Little Tew, West Oxfordshire, which sets out some of the design aims of the proposal on page 14, as follows:

“We have imagined a house that is a satellite of a great estate, such as a dower house or a hunting lodge. As such it is an adornment to the landscape, rather than its focal point, whilst completely engaging with the best of architecture.

.....the approach to the house from the public road is through newly planted woodland to the north which opens into the Upper Park. The drive sweeps through an area of grassland, dotted with trees in a naturalistic way, in the English landscape tradition. The visitor arrives obliquely at the entrance forecourt before turning to see the house revealed.” ”.

- 4.2.2 The extent to which these design aims were achieved and/or the extent to which they are suitable for the proposed location will be discussed at the inquiry.

4.3 Sustainability

- 4.3.1 Passivhaus Status: The concept of the Passivhaus is that of a dwelling in which there is high resistance to heat flow between the outside and the inside of the building.
- 4.3.2 The Appeal Scheme is intended to achieve the Passivhaus Premium Standard for the main dwelling whilst also significantly exceeding national/local planning policy targets and meeting 100% of the Key Performance Indicators of the WODC Net Zero Carbon Toolkit.

- 4.3.3 The site is not readily accessible by means of transport other than the private motor car for access to schools, shops, leisure facilities, healthcare facilities, and public transport links. There are no facilities within 1.5 miles; and the nearest public transport options are bus stops at Great Tew and Chalford Oaks. It is agreed that accessibility is not a criteria for assessment under paragraph 84(e) of the NPPF and that matters relating to sustainability/ accessibility do not form part of the Reason for Refusal or the Council's Statement of Case.

4.4 Assessment of Design

- 4.4.1 It is agreed that the design meets the first element of paragraph 84(e), in that it is truly outstanding, reflecting the highest standards in architecture (using the terminology of paragraph 84(e) of the NPPF).

4.5 Landscape

- 4.5.1 Landscape and Visual Matters are dealt within in a separate SoCG. However, the site is not covered by any national landscape designations; it is not National Park nor a National Landscape.
- 4.5.2 The site is not a paragraph 187a Valued Landscape.

4.6 Heritage

- 4.6.1 As per the Heritage SoCG, all harms to any of the designated heritage assets of concern to the LPA would be less than substantial in the terms of the NPPF. The Appellant contends that there would be no harm.

4.7 Ecology

- 4.7.1 The Appeal Scheme includes substantial landscape works and planting, together with wider green infrastructure and ecological or biodiversity enhancements across the site.
- 4.7.2 The application was supported by ecological surveys and a biodiversity net gain metric. These documents assess the existing ecological conditions and the proposed mitigation and enhancement measures.
- 4.7.3 The supporting documents at application stage indicate that the scheme is likely to deliver a Biodiversity Net Gain of 614.65% increase in Habitat Units and a 146.90% increase in Hedgerow units, subject to a legal agreement. Achieving these gains into the future would be secured through a combined Landscape and Ecology Management Plan (LEMP), as could be required by planning condition(s), in addition to the necessary legal agreement.

4.8 Site Access

- 4.8.1 These proposals include new accesses to serve the development, as shown on the submitted plans and assessed within the supporting access and highway documentation.
- 4.8.2 The LPA does not object to the new site accesses on highway safety grounds and no objection was raised by the Highway Authority in this respect.

4.9 Development Plan

4.9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S.70 of the TCPA 1990 require planning decision-makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.

4.9.2 The Development Plan in this case effectively comprises the following relevant documents:

- West Oxfordshire Local Plan 2031 (adopted September 2018)
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy

4.9.3 There is no made Neighbourhood Plan that relates to the appeal site.

4.9.4 The relevant Development Plan policies are outlined below:

- Policy OS1 (Presumption in Favour of Sustainable Development)
- Policy OS2 (Locating Development in the Right Places)*
- Policy OS4 (High Quality Design)*
- Policy H2 (Delivery of New Homes)*
- Policy EH2 (Landscape Character)*
- Policy EH3 (Biodiversity and Geodiversity)
- Policy EH8 (Environmental Protection)
- Policy EH9 (Historic Environment)*
- Policy EH10 (Conversation Areas)*
- Policy EH11 (Listed Buildings)*
- Policy EH13 (Historic Landscape Character)*
- Policy EH14 (Registered Historic Parks and Gardens)*
- Policy EH16 (Non-Designated Heritage Assets)*
- Policy T3 (Public Transport, Walking and Cycling)
- Policy T4 (Parking Provision).

(those policies marked with an “*” are those cited in the reason for refusal)

4.10 Other Material Considerations

4.10.1 The documents below are agreed as being of relevance.

- West Oxfordshire Design Guide
- Little Tew Conservation Area Appraisal and Preservation and Enhancements Document
- West Oxfordshire Landscape Assessment,
- Oxfordshire Wildlife and Landscape Study
- Natural England – National Character Area Profiles

National Planning Policy Framework ('NPPF' 2024)

4.10.2 The following paragraphs/ sections of the December 2024 NPPF are of particular relevance to the Appeal Scheme.

- Chapter 2 Achieving sustainable development; and the relevant Paragraph 11(d) balances, including any footnote 9 key policies”,
- Chapter 4 *Decision-making*; including paragraphs 56-59 relating to conditions and obligations
- Chapter 5 (Delivery a Sufficient Supply of Homes), including paragraph 84
- Chapter 12 (Achieving Well-Designed Places) , including paragraphs 135 and 139
- Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), including paragraph 161
- Chapter 15 (Conserving and Enhancing the Natural Environment), including paragraphs 187 (b)
- Chapter 16 (Conserving and Enhancing the Historic Environment), including paragraphs 212, 213, 215 and 216.
- Annex 1 Implementation, including paragraph 232;

4.10.3 The parties will provide an update following the publication of the August 2026 NPPF.

4.10.4 Paragraph 84 requires that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances specified exhaustively in paragraphs 84(a)-84(e) apply. In this case paragraph 84(a)-84(d) do not apply. The only part of paragraph 84 in dispute and the part of paragraph 84 on which the appellant relies is Paragraph 84(e), which states:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”

4.10.5 Both parties agree that the proposal does not comply with any other elements of paragraph 84, which is a “footnote 9 key policy”.

4.10.6 It is agreed that the appeal proposal satisfies the first of the four elements of paragraph 84(e) of the Framework, in that the design would be truly outstanding, and reflects the highest standards in architecture, seen in isolation.

Housing Land Supply

4.10.7 The LPA has not published an updated housing land supply position statement since 2024. In many reports to its Planning Committees since then officers have referred to a

series of appeal decisions in 2024 that indicated that the LPA had a 4.3 years deliverable supply. However, it is likely that this position has worsened, possibly significantly since that time for a variety of reasons that include changes in the basis of calculation of local housing need under the standard method, which is likely to increase the LPA's requirement considerably. In any event, it is agreed that the LPA cannot demonstrate a full 5-year deliverable HLS and that under the operation of footnote 8, paragraph 11(d) is engaged and the policies which are most important for determining the application are therefore out-of-date

4.11 Planning Assessment

- 4.11.1 The starting point for the assessment of the Appeal Scheme is via the Development Plan. When considering whether a proposal would conflict with the Development Plan as a whole, it is important to remember that policies in the Development Plan can pull in different directions. The LPA considers that the proposal conflicts with the development plan as a whole. The appellant does not.
- 4.11.2 However, even if it should be concluded that the proposal conflicts with the development plan as a whole, the NPPF is a relevant material planning consideration; and it is therefore also necessary to consider the relevant balances set out in paragraph 11(d) of the NPPF, which is engaged through the operation of footnote 8.
- 4.11.3 Under paragraph 11(d)(i), which is considered first, the relevant footnote 7 policies of the NPPF seek to protect, amongst other things, designated heritage assets. Under paragraph 215, the public benefits likely to arise from the proposal are weighed against the harms likely to arise to the significance of designated heritage assets. It is the Council's view that the Appeal Scheme should be refused under the application of paragraph 11(d)(i) . The Appellant disagrees.
- 4.11.4 If the appellant is correct on this last point, it would then be necessary to consider the proposal under a paragraph 11(d)(ii) "tilted balance". Under a paragraph 11(d)(ii) "tilted balance" (if this applies) it is necessary to assess whether any adverse impacts likely to arise from the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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. These key policies are specified in footnote 9; and include paragraph 84(e) of the NPPF.
- 4.11.5 The following tables set out the harms and benefits that the parties consider would be likely to arise from the proposal and the weights they consider appropriate to give those harms and benefits in carrying out this balance .

Appellant Position

<u>Harms</u>	<u>Benefits</u>
Development on a greenfield site Limited Weight	Outstanding Design (both architecturally and landscape) raising the standard of design in rural areas/ Substantial Weight
	Economic Benefits – supporting traditional skills. Creation of Apprenticeship(s) to assist in learning traditional trade skills and craftsmanship. Significant Weight
	Achievement of Passivhaus Premium Standard for the main dwelling. Significant Weight
	Significant landscape enhancement including considerable native tree planting and a native tree nursery Significant Weight
	Bio-Diversity Net Gain 614.6% increase in habitat units 146.9% increase in hedgerow units. Both of the above are considerably in excess of the minimum 10% requirement and therefore afforded significant weight in the planning balance, Significant Weight
	Proposed Permissive Footpath – a new permissive footpath will extend through the southern part of the site thus allowing for public access onto a site where there is currently no public access. Moderate Weight.
	Provision of a new dwelling in an area where this is an acknowledged shortfall in housing land supply.

	Limited Weight
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LPA's Position, based on an initial assessment and on the current evidence

<u>Harms</u>	<u>Benefits</u>
Development of an isolated greenfield site in open countryside contrary to paragraph 84(e) of the NPPF Indicative: Very Significant Weight	Outstanding Design (both architecturally and landscape) raising the standard of design in rural areas/ Indicative: Limited Weight
Conflict with the Development Plan as a whole Indicative: Very Significant Weight	Economic Benefits – supporting traditional skills. Creation of Apprenticeship(s) to assist in learning traditional trade skills and craftsmanship. Indicative: Limited Weight
Failure to Conserve the heritage significance of the Little Tew CA, and Heythrop Huse and Gardens and Great Tew House and Park and gardens Indicative: Very Significant Weight And statutory presumption against harm to the LBs	Achievement of Passivhaus Premium Standard for the main dwelling. Indicative: Limited Weight
Adverse LV effects Indicative: Very significant weight	Significant landscape enhancement including considerable native tree planting and a native tree nursery Indicative: No Weight – The LPA considers the “enhancements” harmful in LV/ historic landscape terms
Adverse Impacts on the historic landscape Indicative: Significant weight	Bio-Diversity Net Gain 614.6% increase in habitat units 146.9% increase in hedgerow units. Indicative: Modest Weight
	Proposed Permissive Footpath – a new permissive footpath will extend through the southern part of the site thus allowing for public access onto a site where there is currently no public access. Indicative: Very limited Weight.

	Provision of a new dwelling in an area where this is an acknowledged shortfall in housing land supply. Indicative: Very Limited Weight
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5 Matters In Dispute

5.1 Paragraph 84(e) / Local Plan Policy H2

- 5.1.1 Whether the Appeal Scheme would help to raise standards of design more generally in rural areas. The Appellant considers it would; the LPA disagrees.
- 5.1.2 Whether the Appeal Scheme would significantly enhance its immediate setting. The Appellant considers it would; the LPA disagrees.
- 5.1.3 Whether the Appeal Scheme would be sensitive to the defining characteristics of the local area. The Appellant considers it would; the LPA disagrees.

5.2 Landscape

- 5.2.1 This matter is covered in the separate landscape SoCG.

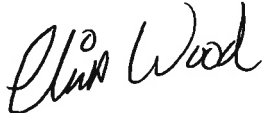
5.3 Heritage

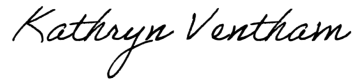
- 5.3.1 This matter is covered in the separate heritage SoCG, the Appellant does not consider that any harm arises to any designated or non designated heritage assets. The LPA disagrees.
- 5.3.2 In the event that any harm is found to arise, it is agreed that this would be less than substantial. The Appellant considers the public benefits outweigh any heritage harm. The LPA does not.

5.4 Planning

- 5.4.1 The Appellant considers the Appeal Scheme to be in accordance with the Development Plan as a whole; the LPA considers that the proposal would conflict with the Development Plan as a whole.
- 5.4.2 It is not agreed that the paragraph 11(d)(ii) “tilted balance” falls to be considered, because the LPA considers that policies in the NPPF that seek to protect designated heritage assets provide a “strong” reason for refusal. The Appellant does not accept this.
- 5.4.3 The Appellant believes that a paragraph 11(d)(ii) “tilted balance” would fall in favour of the appeal proposal; whereas the LPA believes that in a theoretical paragraph 11(d)(ii) balance, the adverse impacts of the proposal 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.

This Statement of Common Ground has been agreed by:

West Oxfordshire District Council	
Signed:	
Name:	Chris Wood Senior Planning Officer (Appeals)
Dated:	17.08.2026

Twenty5 Planning Ltd (on behalf of Mr R Buckle)	
Signed:	
Name:	Mrs Kathryn Ventham Senior Director
Dated:	17.08.2026