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## Appeal Decision

Inquiry held on 11-14 & 18-20 November 2025 and 9 February 2026

Site visit made on 20 & 21 November 2025

by **A Dawe BSc (Hons), MSc, MPhil, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> February 2026

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### Appeal Ref: APP/Q3115/W/25/3370273

#### Land off the B480, Chalgrove OX49 5BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Limited against the decision of South Oxfordshire District Council.
  - The application Ref is P25/S0867/O.
  - The development proposed is described as: Outline planning application for the erection of up to 160 dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.
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### Decision

1. The appeal is allowed and planning permission is granted for Outline planning application for the erection of up to 160 dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access; all matters reserved except for means of access at Land off the B480, Chalgrove OX49 5BA in accordance with the terms of the application, Ref P25/S0867/O, subject to the conditions in the attached schedule in Annex A.

### Application for Costs

2. An application for costs was made by Gladman Developments Limited against South Oxfordshire District Council. This application will be the subject of a separate Decision.

### Preliminary Matters

3. The appeal relates to an outline planning application with all matters reserved for future consideration other than access. In considering access, this relates to solely to the vehicular access to the site from the B480. The matters of appearance, landscaping, layout and scale would therefore be for future consideration were the appeal allowed. The Appellant has however submitted a Development Framework Plan which I have therefore taken into consideration.
4. The proposed development is very similar to that considered under a previous planning application and at appeal Ref APP/Q3115/W/22/3309622 for which the decision was dated 5 May 2023, and which I shall refer to in this decision as the previous appeal on the site. That decision is therefore a material consideration in relation to this appeal, although I have determined it on its own merits based on all of the evidence provided, the current circumstances, and my observations.

5. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework) and with a deadline for comments by 10 March 2026. A Written Ministerial Statement was published on the same day outlining the key changes proposed. The Consultation Draft Framework has limited weight as a material planning consideration. In respect of the main issues which are pertinent to the consideration of this appeal I have continued to afford full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) as a whole from the point of view of determining this appeal. The Consultation Draft Framework does not alter or outweigh my conclusions below.

### **Main Issues**

6. On the basis that the Council and Appellant have agreed the planning obligations contained in the submitted s106 Agreement, addressing the Council's reasons for refusal 2 and 3, notwithstanding the disputed positions in relation to primary school provision and associated provision of school transport and whether provision for a clause enabling amendment to the proposed affordable housing scheme should be included within the s106, I consider that the main issues in this case are therefore:
- i) the effect of the proposed development in terms of the Council's spatial strategy; and access to local services, facilities and public transport;
  - ii) the effect of the proposed development on the provision of local primary school education;
  - iii) the effect of the proposed development on the character and appearance of the surrounding area;
  - iv) the situation in respect of local housing land supply (HLS);
  - v) other related planning matters, including any benefits of the proposed development to be weighed in the planning balance.

### **Reasons**

#### *Spatial Strategy*

7. Policy STRAT 1 of the South Oxfordshire Local Plan 2011-2035 adopted December 2020 (the Local Plan) sets out 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 of, amongst other things, focussing major new development in Science Vale; providing strategic allocations, including at Chalgrove amongst others; supporting and enhancing the roles of the Larger Villages, including Chalgrove; protecting and enhancing the countryside by ensuring that outside of the towns and villages any change relates to very specific needs such as those of the agricultural industry or enhancement of the environment.
8. Policy H1 of the Local Plan states, amongst other things, that residential development on sites not allocated in the Development Plan will only be permitted where it fulfils various criteria, none of which apply to the proposed development. Furthermore, the proposals do not relate to development of previously developed land or the remediation of despoiled, degraded, derelict, contaminated or unstable

land and so do not draw support from the element of that policy that supports residential development in such circumstances.

9. Policy C1 of the Chalgrove Neighbourhood Development Plan 2018 to 2033 (the CNDP) sets out, amongst other things, that proposals for residential development outside of the built-up area of Chalgrove will only be supported if it is necessary or suitable for a countryside location and is consistent with development plan policies.
10. The proposed development, being located on agricultural land outside of the built up area of the Larger Village of Chalgrove would therefore be contrary to the above policies, which is not disputed by the main parties to this appeal. As such, it would fail to accord with the Council's spatial strategy. I shall return to this in the planning balance.

*Access to local services, facilities and public transport*

11. The proposed development would be located on the edge of Chalgrove beyond the existing built-up area. As such, other than the nearest bus stop, it would not be within close walking distance of the various local services and facilities mainly located towards the centre of the village, and more so for those prospective residents that would be located furthest from the existing built-up area.
12. There would not be direct connection to the adjacent Chalgrove Meadows development from the centre of the site. Nevertheless, there would be pedestrian connectivity to those destinations referred to above via connections from the proposed development to existing footways. One would be to the south of the adjacent Chalgrove Meadows development via the existing footpath through the site, albeit not indicated to be upgraded to include specific provision for cyclists. The other would be a new shared cycle/footway linking section, to Francis Brown Way.
13. Whilst Monument Road and High Street are lit with street lighting, before reaching those roads, the existing pedestrian route to the south of the Chalgrove Meadows development is unlit, and there is no indication that the proposed path within the site that would connect with that existing path would be lit either. That would make such a route less attractive during hours of darkness, which would be particularly impactful during the months with less daylight hours. Nevertheless, residents would have the choice of a lit route alongside the B480, albeit for some that would be a longer distance. That route would also be exposed to traffic on the B480, albeit I have no substantive basis to consider that likely to be unsafe, subject to provision of a footway of appropriate width and specification.
14. In terms of natural surveillance of the pedestrian routes, within the site I have no substantive basis to consider this could not be achieved through the detailed design at the reserved matters stage. For the part of the route to the south of Chalgrove Meadows, the existing houses facing the path on the southern side of that development would provide some degree of such surveillance, albeit restricted to some extent by the degree they are set away from the path and the intervening vegetation. Nevertheless, that alternative route to the north, alongside the B480, would have closer range and less impeded natural surveillance from houses on the northern side of Chalgrove Meadows, providing that alternative option.
15. Additionally, play areas would be provided on the site which would therefore be in close proximity to the proposed houses. In terms of the natural surveillance of

those areas, they are shown on the Development Framework Plan (DFP) as being slightly detached, to varying degrees, from the nearest proposed housing area. Nevertheless, based on that outline DFP, I have no substantive basis to consider that this matter could not be appropriately addressed at the detailed reserved matters stage, to make them safe and attractive spaces to use.

16. The proposed development would also include provision of off-site highways works to provide some albeit limited improvements for pedestrians walking between the site and the village centre. These would include dropped kerbs and tactile paving at crossing points where not currently present and provision for a short new footway and dropped kerb crossing point between the central island at the junction of Monument Road and High Street to the southern footway of High Street.
17. I noted that the footway route on the northern side of High Street is generally narrow and therefore likely to make it more difficult for some people to use. However, I have no substantive reported evidence of any accidents or conflicts between road vehicles and pedestrians. Furthermore, the footway on the southern side of High Street is generally wider, albeit with some narrowing, thereby offering an alternative route via that new section of footway referred to above.
18. The services and facilities are also limited to those expected within a larger village, including a primary school, church, two small convenience shops, post office, pharmacy, bakery, public houses, doctor's surgery and community hall and recreation ground, also with limited employment provision. I note that, in a change of circumstances since the previous appeal, the current post office was due to be closed, believed to be in January 2026, albeit I have no substantive evidence of a lack of viability or that this service could not re-open under different management.
19. Oxford County Council's Local Transport and Connectivity Plan 2022-2050 (LTCP), updated in November 2024 highlights that by providing residents with relevant goods and services within a 20 minute walk (10 minutes out and 10 minutes back), equating to approximately 800m walking distance, they are more likely to walk or cycle. However, the LTCP recognises that it may not be practical to deliver some services within walking distance of a rural area and that the liveable neighbourhood concept can be tailored to rural areas, including, amongst other things, to look at providing access to a frequent public transport route or mobility hub within 20 minutes.
20. Most of those services and facilities referred to above are generally further away from the proposed development site than the distances suggested by the Chartered Institution of Highways and Transportation (CIHT) to be desirable or acceptable walking distances, and those relating to liveable neighbourhoods. Nevertheless, most would still be under or a little over what the CIHT suggest would be the preferred maximum walk distances. The exceptions to this would be the doctor's surgery and community hall which are further to the west which, whilst still accessible on foot, may be more likely to be reached by car.
21. Furthermore, in relation to walking to Chalgrove Primary School, that distance would only be slightly more than the CIHT acceptable walking distance. Notwithstanding national figures indicating that a significant percentage of 5-10 year old children travel to school by car, albeit for trips of less than a mile a large proportion walk; inevitable effects depending on factors such as weather conditions or other parental commitments; and my findings under the second main issue

- relating to the capacity of Chalgrove Primary School; given the circumstances referred to above relating to the route to school I have no substantive basis to consider walking there would not be a viable option. There is also no substantive basis to indicate that the distances involved would necessarily discourage combined trips to the school and other services and facilities in the village on foot.
22. The proposals would add to the demand on those local village services and facilities, given the significant number of additional prospective residents that would inevitably be generated. However, I have no substantive evidence that this would be to such an extent as to cause unacceptable additional pressure on them. Furthermore, the proposals would include provision for public open space on the site itself, including play areas, thereby within close reach and likely to minimise additional pressure on other such existing facilities in the village. It is also common ground between the Council and Appellant that community healthcare providers could receive Community Infrastructure Levy money as a result of the proposed development, thereby mitigating the impact on local health care provision, and I have no substantive basis to find differently.
  23. Given the nature of the roads surrounding Chalgrove, it is unlikely that cycling to services and facilities at destinations in the wider area would be an option taken by many people. There is also a bus route that runs through the village with bus stops close to the site on Monument Road that would allow access to a wider range of services, facilities and places of employment at further destinations along that route, although limited by the specific destination of the bus and frequency of service. Access to large employers in the wider area for shift work outside of those daytime bus services would also remain unlikely to be possible by bus. There is also no train station in the village.
  24. It is likely that use of the bus service would be made more attractive with the bus stop improvements proposed as part of the intended off-site works, albeit acknowledging that this would not fundamentally increase the frequency, times and destinations of that service. Furthermore, I have no substantive evidence of an intention for the frequency of the service to be increased. Therefore, whilst access to the wider area by bus would be possible, with a regular, albeit not highly frequent day time bus service, it is inevitable that there would be a significant degree of car use.
  25. As such, notwithstanding proposed measures to encourage alternative modes of transport to the private car, including provision for cycle parking and a Travel Plan, the proposal would have shortcomings having regard to the liveable neighbourhood concept. Nevertheless, for the reasons given above, there would remain some degree accessibility to local services, facilities and public transport, even if the post office were to permanently close.
  26. The Framework highlights that 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. It does go on to note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision-making.
  27. For the above reasons, I conclude on this issue that the proposed development would have shortcomings in respect of access to local services, facilities and public transport. As such, in respect of this issue, it would not accord with policies DES1,

TRANS2 and TRANS5 of the Local Plan which together, amongst other things, set out the requirements for all new development to be of a high quality design that provides access to local services and facilities; designed to encourage walking and cycling, not only within the development, but also to nearby facilities, employment and public transport hubs; and provide safe and convenient routes for cyclists and pedestrians. It would also be at odds with policies 2 and 13 of the LTCP which together, amongst other things, relate to ensuring that new developments have safe and attractive walking and cycling connections to the site and that internal routes connect easily and conveniently to community facilities and the local cycle and walking network; and support application of the liveable neighbourhood model to create walkable, vibrant neighbourhoods.

28. However, for the reasons also referred to above the extent of harm would be to a limited degree. I shall consider this further in the planning balance.

*Primary school education*

29. Oxfordshire County Council (OCC) has a duty to educate children in its area. Chalgrove Primary School is the nearest primary school to the site being located towards the centre of the village and therefore within viable walking distance. I understand that this school is unable to expand to create additional pupil capacity. Other schools, such as Watlington Primary School are further afield, at distances that would make it unrealistic to walk to them.
30. The proposed development would be likely to generate 46 primary school pupils and I have no substantive basis to consider that OCC would not be able to fulfil its duty to educate them. The question remains as to whether they could be accommodated in Chalgrove Primary School. This is in terms of that being the closest school to the site, having regard to any potential consequences of a lack of capacity, including in relation to social coherence, public health, environmental sustainability, parental choice and convenience.
31. In terms of whether there is capacity at Chalgrove Primary School, the most up to date 2025 data, relied upon by the Council at the Inquiry, is now agreed by the Council and Appellant to have been validated since the November Inquiry by the Department for Education (DfE). Both the validated 2024 and, at that time, unvalidated 2025 forecasts were considered at the Inquiry. No queries have subsequently been raised by DfE on the 2025 data concerned and I understand that no changes have been made to it since the November Inquiry. No parties would therefore be prejudiced by my taking the now validated and most up to date 2025 forecast into consideration.
32. Furthermore, in terms of an indicator of accuracy, I note that whilst the forecast for 2025/26 reception pupils in the 2024 data was reflected in the actual number of allocations for September 2025, I understand that two further pupils joined at the beginning of term taking it within one of the 30 forecast in the 2025 figures. Whilst pupils could also leave within the year, there is a high likelihood of pupils staying once at the school and for one additional pupil to arrive within the year to make up the 30 capacity. Additionally, I understand from the Council that based on the 2025 data the indication is that the trend is not for a locally falling birth rate. As such, unlike depicted in the 2024 forecast, the trend in the 2025 forecast is no longer showing such a clear reduction in the number of reception age pupils in the same period from 2026/27 to 2030/31.

33. When considering the 2025 data, albeit the same being true for that of 2024, regardless of the referred to 6 out of catchment pupils and 1 spare place in the 2025/26 reception intake, there would be little spare capacity in the school in the years 2028/29 and 2029/30 when the proposed development could start yielding potential pupils, including only one in the reception year. There is also no substantive evidence of there being any likely reasons for further exceeding the 30 in a class level where already forecast to be at or above that level.
34. Furthermore, it cannot be assumed that people moving into the proposed development with children already attending primary school elsewhere will continue to send their children to that other school, particularly if having moved from a location some distance away, albeit likely to some extent, particularly for more local house moves. Additionally, it cannot be assumed that people would check the likely availability of places at Chalgrove Primary School before making their decision to move to the proposed development, and in any case there would still remain some degree of uncertainty if they did check.
35. I have also taken account of the likelihood that the number of out of catchment places would be reduced in the future, such as due to displacement by children from existing new dwellings in the village that are either completed or in the pipeline, albeit some of those could already be attending and will remain in other schools or may have other reason to go to a different school; a higher pre-school population; and artificial inflation of out of catchment potential due to higher numbers currently in specific year groups.
36. There are currently 30 out of catchment pupils at the school, with last year having had 20 spare places also, amounting to a total of potentially 50 spaces for future children within catchment. Existing development in the village could generate a further 44 primary age children in the future. Whilst they could take up all but 6 of those 50 spaces, with potential for still less availability due to those other above factors, that nevertheless remains uncertain, including in relation to the number of out of catchment places that would still be available in 2028/29. Additionally, as referred to above, some may not attend that school for varying reasons.
37. I have also taken account of the potential circumstances whereby parents of the primary age children generated from the proposed development would not all necessarily wish their children to attend Chalgrove Primary School for various reasons, such as keeping them in a school already attending, albeit only likely to be a small number at most.
38. For the above reasons, there would be the potential for at least some places being available at Chalgrove Primary School for children of the proposed development. There would however also be a likelihood that some of the children would have to attend an out of catchment school, albeit with the actual number being uncertain. In the context of factors relating to social cohesion, environmental sustainability relating to additional car journeys, public health relating to not being able to walk or cycle to school and additional traffic fumes, reduced parental choice and convenience, that would be a less than optimal situation and likely to amount to some degree of harm.
39. In this respect I have had regard to the Cholsey decision<sup>1</sup> referred to by the Council and the harm that was found would be caused as a result of the social effects of

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<sup>1</sup> Cholsey case Ref. APP/Q3115/W/22/3296251

some children being displaced to travel to schools some distance from their homes. That decision related to secondary school children and a noticeably longer travel distance than in this case, amounting to some 10 miles. There are therefore differences to the situation in this case, in terms of the lesser travel distance to the primary school concerned and time spent doing so, although there would still be the possible disconnect in the children's social lives regardless of that, particularly given the younger age group.

40. The generally smaller catchment areas of primary schools compared with secondary schools also means that bussing primary school children is likely to be less common. Furthermore, parents of those younger age children may be less inclined to send their children on a bus.
41. However, any degree to which the above social and environmental factors would manifest themselves and cause harm would be reduced by the likelihood of a proportion of children being able to attend Chalgrove Primary School; that some parents may choose to send their children to a different school anyway, albeit unlikely to be a significant number; and with some likely to stay in their existing school following the move of house, again unlikely to be many though.
42. Given that likelihood that some children from the proposed development would have to attend an out of catchment school, there is therefore some justification for the provision of free school transport to facilitate school attendance. That is in a situation where, other than Chalgrove Primary School, there is no other school within acceptable walking distance of the proposed development site. In itself that would not overcome that degree of harm identified above, albeit potentially limiting the amount of additional car journeys that might otherwise have to be made.
43. The submitted planning obligations make provision for an appropriate financial contribution to school transport to enable such a service. The obligations include options for either three or seven years' worth of such provision. Having regard to the Department for Education document 'Securing developer contributions for education (August 2023)', this clarifies the funding situation for such provision in the event of there being no suitable solution for sustainable access to school. It highlights that developer contributions towards the cost of home to school transport can be sought for an agreed period, such as three years following the occupation of dwellings, to reflect the usual timescale for government revenue funding to take account of the latest pupil projections. It goes on to clarify that the majority of funding of home to school transport comes under the local government settlement and that such transport receives no ringfenced funding of its own, and that there are many competing demands on funding from the settlement.
44. The proposed financial contribution set out in the planning obligations would be payable prior to first occupation of any dwelling on the site. The build out and occupation timeline for the whole development would be spread out beyond that initial first occupation. However, I have no substantive basis to consider that it would extend beyond three years and that such an amount of time would be insufficient in this case for government revenue funding to take account of the latest pupil projections. Whilst government settlement funding beyond that period would not be ringfenced for home to school transport, it would be one of the services identified as being subject to such funding even though I understand it would be low in the list of Council priorities.

45. There would therefore be a possibility that appropriate ongoing funding beyond the three years would not be provided, albeit there is no substantive evidence that the Council would not utilise settlement funding for this purpose. Nevertheless, that would be a matter for the Council given that the settlement allows for such transport. A planning obligation for funding beyond the three years would therefore have the potential for a degree of double counting and would therefore not meet the tests<sup>2</sup> of being necessary to make the development acceptable in planning terms or being fairly and reasonably related in scale to the development. A financial contribution towards three years' worth of home to school transport would, for the above reasons, meet all of the CIL Regulations tests. I have addressed this further under the conditions and planning obligations section below.
46. For the above reasons, I conclude on this issue that the proposed development would be likely to cause some harm in respect of provision of local primary school education. As such, in respect of this issue, it would be contrary to policy INF1 of the Local Plan which, amongst other things, requires new development to be served and supported by appropriate infrastructure and services.
47. However, for the reasons also referred to above the extent of harm would be at a moderate level. I shall consider this further in the planning balance.

#### *Character and appearance*

48. The Appellant has undertaken a Landscape and Visual Impact Assessment, which I shall take into consideration along with all other relevant evidence from all parties, also including an agreed walking route which helped my observations when visiting the site and surrounding area.
49. The site is located in the countryside on agricultural land, albeit not designated, and with the chalk stream of Chalgrove Brook bordering it to the south. As such it provides a distinctly rural setting to the village. Furthermore, the site is distinctly separated from the existing built-up area of the village by a thick belt of trees alongside the neighbouring Chalgrove Meadows development. Nevertheless, in the months of leaf fall, that belt of trees allows glimpses of the existing houses from vantage points to the east, albeit still with significant screening, including from the approach along the B480 and footpath through the field immediately to the east of the site. Furthermore, where the tree belt ends, just short of the B480, the adjacent part of the Chalgrove Meadows development can be seen more clearly from those vantage points, albeit in the close context of the B480.
50. The site and that tree belt feature can be clearly seen from the B480 in the vicinity of the site and from various vantage points to the east, south-east and south in particular, albeit to varying degrees as is the case with northern vantage points where views are largely screened with intervening vegetation.
51. That open and pleasant countryside character, contrasting with the built up settlement edge, also taking in the tree lined Chalgrove Brook environment and the woodland area that significantly divides the northern and southern parts of the site, can be appreciated at close hand from the footpath running through the site and beyond. The sharp contrast between that and the built up settlement is also particularly apparent from the point that the path to the south of Chalgrove Meadows breaks through the tree belt. Notwithstanding that, from the path through

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<sup>2</sup> Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations).

the site, views beyond the site to the wider countryside to the east are limited by a distinct albeit thinner belt of trees alongside the eastern boundary of the southern part of the site, including a mix of deciduous and evergreen varieties. Furthermore, the experienced sense of openness of that countryside setting to the village from that footpath through and extending eastwards from the site is impeded to varying degrees by the sense of vehicles moving along the B480, both visually and audibly.

52. I note that the South Oxfordshire District Council and Vale of White Horse District Council Landscape Character Assessment 2024 has updated the South Oxfordshire Landscape Character Assessment 2017 that was considered at the previous appeal for this site, albeit I have no substantive evidence of any significant changes to the landscape in the vicinity of the appeal since that appeal. Those key characteristics shared with the appeal site, relate to LCA 12C: Eastern Middle Vale and include it being part of the low-lying, gently rolling landform with associated valley landforms and riparian vegetation, which add landscape and ecological diversity; a moderately wooded landscape with several small, scattered blocks of woodland; predominantly under large-scale arable cultivation, although there are smaller-scale areas of pasture concentrated around settlements and adjacent to watercourses; hedgerow boundaries are variable; open character enabling long distance views towards the National Landscape to the south-east; rural character with some localised intrusion from built development; tree cover around infrastructure having a screening function which limits the urbanising influence of the developments; and smaller scale fieldscapes around watercourses with intimate, pastoral and tranquil character contrast with the larger open arable farmland that dominates much of the area.
53. I also note that the Chalgrove Design Guidance and Codes, February 2025 has been published since the previous appeal in which the site is identified as part of the village's hinterland and not anticipated for development.
54. The site lies approximately 200 metres from the valued landscape comprising the Chiltern Chalk Escarpment Foothills Local Landscape Designation (the LLD) to the east of the site, as identified in the Local Landscape Designation Review of South Oxfordshire and Vale of White Horse, September 2024, also published since the previous appeal. There is therefore a degree of separation between the site and that local designation, and the southern part of the site also has that belt of trees along its eastern edge which provides visual separation. Nevertheless, the northern part of the site in particular is exposed to and very similar in nature to the field immediately to its east, including part of the LLD, and there are open views from and into the northern section of the site particularly from the footpath through that adjacent field.
55. Similar open views of that northern part of the site can be had from the B480 to varying degrees and from vantage points further afield, including footpaths to the south-east, albeit again to varying degrees due to differing extents of screening or softening by intervening trees. The varying extent to which existing development, including Monument Park, can be seen beyond the site to the north from southern and south-eastern vantage points also contributes to the context to a degree as viewed from those points.
56. The proposed development would inevitably change the character and appearance of the site and further increase the size of the village away from its centre. It would substantially reduce the site's pleasant open rural nature, also in the context of the

village's setting, given the change from open agricultural land to housing and associated features. Nevertheless, the majority of housing would be located on the northern part of the site where there is the greater influence of the B480 and consequent reduced level of tranquillity.

57. The proposal would relate locationally to the existing settlement in terms of being adjacent to it. Nevertheless, that change referred to above would be accentuated by the separation from the adjacent Chalgrove Meadows development by the strong visual feature defining that edge of the village, comprising the existing tree belt which would remain, albeit with that reduced screening effect in the months of leaf fall and beyond its northern end referred to previously.
58. The proposals would also extend the manner in which the village has become significantly more linear in form alongside the B480 following more recent housing developments on the east and west sides of the settlement. The required new road junction, whilst just a T-junction, would further draw attention to that circumstance. However, because of that existing linear development pattern, the proposals would not appear as an alien feature in that particular context.
59. The block of woodland extending across a significant part of the middle of the site would be retained. The proposals indicate the opportunity for a pedestrian route through it but I have no substantive evidence to indicate that this would significantly alter the nature of that woodland generally. The immediate setting of that woodland would inevitably be significantly altered with the presence of the proposed housing close to it, albeit with the indication of a degree of separation by a narrow buffer of open space. Nevertheless, it would serve to reinforce the confinement of the largest proportion of the proposed housing to the northern part of the site nearest the B480, away from the existing more tranquil environment to its south and relating to Chalgrove Brook.
60. It may still be possible to see proposed housing in the north-eastern corner of the site from vantage points on the slightly raised ground to the south-west of the site, albeit likely to be confined to the tops of houses. However, that would be from some distance away and where the views would be in the context of existing development to the north of the B480 seen beyond to varying extents.
61. Whilst hedgerow along the site's northern boundary would be significantly affected by the proposed new access and associated visibility splays, it is generally of poor quality, and it is indicated that this would be replaced with new hedgerow planting behind the line of the visibility splays. On maturity, that would therefore be likely to contribute to softening the visual effects of the proposed development.
62. The proposed housing on the northern part of the site would be clearly visible from the stretch of the B480 in front of the site, and on its close approaches, albeit in that respect it would not be a particularly alien feature in the existing context of the neighbouring Chalgrove Meadows development, notwithstanding their separation by the existing tree belt. That northern frontage of the proposed development would also be visible in that context from nearby vantage points to the north of the B480, albeit to varying degrees due to the significant degrees of intervening vegetation screening or softening.
63. That proposed housing on the northern part of the site would also be clearly exposed, at least initially, in views from nearby eastern and south-eastern vantage points, including from the LLD, where not screened by intervening vegetation. In

that respect, the eastern site boundary to that northern part of the site currently only comprises an immature line of small hedge plants which does not therefore currently represent a distinct boundary feature either. Furthermore, there is no indication of any intended lessening of housing density on the eastern side of the site.

64. However, new planting is proposed on that eastern boundary which would be likely to soften the appearance of the development over time once matured, albeit unlikely to be for a number of years. Such a tree line, as opposed to the existing very immature hedge planting along that boundary, would itself interrupt the open nature of those fields close to the B480 extending from the site eastwards. Nevertheless, it would not appear as a particularly alien feature in the context of that existing tree line to the east of the southern part of the site.
65. The change to the character and appearance of the site and its environs would also be clearly evident at the southernmost part of the site, closest to the currently tranquil environment relating to Chalgrove Brook, particularly from the footpath through the site. That would include more activity and noise in the vicinity of the brook. That element of the proposals would also be visible to some varying extent, due to the intervening trees, from vantage points to the south-west, particularly on the Shakespeare Way where not screened by mature hedgerow alongside that path.
66. Nevertheless, housing spilling into that southern area of the site would be confined to the north-west part of that area, set away from the brook to varying degrees. As such, that immediate open nature of the brook's setting would be largely retained, albeit with proposed new open space at the southern end of the site and landscaping within it, separating the brook from the proposed housing area, including intended complimentary planting. Furthermore, the existing tree belt on the eastern side of the southern part of the site would be retained with clear separation from the proposed housing. Views towards that tree belt from the footpath would therefore also be largely retained, albeit in the context of the proposed play areas, allotments, and new open space planting. From further viewpoints to the south-west, that southern part of the site would be more likely to be softened or screened by intervening vegetation.
67. Long range views towards the proposed development from the east, including from the Chilterns, would be significantly influenced by distance, any intervening vegetation, and the context of wide ranging views taking in various pockets of development. As such it is unlikely that there would be any harm caused to such views.
68. In terms of any impacts of proposed off-site works on the character and appearance of the area, I note the intended replacement of part of the grassed area on the island at the junction of Monument Road and High Street with a footway to provide pedestrian connection to the southern side of High Street. However, that would only be a short additional section of hard surfacing. In the context of the significant degree of grassed area that would remain on that island area and in the vicinity of that road junction generally, those works would be unlikely to cause unacceptable harm to the character and appearance of that part of the village.
69. For the above reasons, I conclude on this issue that the proposed development would harm the character and appearance of the surrounding area. As such, in

respect of this issue, it would be contrary to policies ENV1, STRAT1 and H1 of the Local Plan and C1 of the CNDP which together, amongst other things, set out that South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development and that development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of that landscape; and that residential development on sites not allocated in the Development Plan will only be permitted where certain criteria set out in policy H1 is met, the site concerned not relating to any of those criteria; and that proposals for residential development outside the built-up area of Chalgrove will only be supported if it is necessary or suitable for a countryside location and is consistent with development plan policies.

70. However, also for the reasons set out above, the extent of that harm would at a moderate level, which I shall consider further in the planning balance.

### *Housing land supply*

71. Paragraph 78 of the Framework sets out, amongst other things, that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing (5-year HLS) against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In this case it is not disputed that the Council cannot demonstrate a 5-year HLS and that as the adopted Local Plan is now more than five years old the supply should be provided against the local housing need, calculated using the standard method.
72. The difference between the Council and Appellant on this matter relates to the disputed deliverability of 15 sites and I have no substantive basis to consider otherwise. As such, in relation to a five year requirement plus required 5% buffer of 6,484 homes equating to 1,297 per annum, the Council considers there to be 4.39 years' worth of supply whilst the Appellant considers it to be 3.13 years. I have had regard to the evidence of both parties taking account of the Framework's definition of 'deliverable' in this context and considered each of the disputed sites below.

### Site 1, Land north of Bayswater Brook

73. Planning permission was granted in November 2025. No reserved matters (RMs) application has been submitted as there are some pre-reserved matters conditions that would need to be discharged. Nevertheless, I understand from the Council that the applicant is intending to submit applications for the discharge of pre-commencement conditions from the first quarter of 2026. Furthermore, in relation to the condition requiring a Design Code, I note that the planning application has already included a very detailed Design and Access Statement. I acknowledge that there is no updated position submitted directly by the developer in relation to the timescales for submitting those conditions. However, the Council's trajectory is cautious, compared to that of the developer, pushing first completions back a year. On that basis and given the circumstances referred to above, 225 dwellings should remain within the 5 year HLS.
74. The Council and Appellant dispute whether this site should be included in the 5-year HLS on the basis that it relates to Oxford's unmet need. I shall consider this further in my conclusions on this main issue.

### Site 2, Land to the north of the A4130, Didcot

75. Whilst full planning permission remains to be granted relating to the proposal concerned on this allocated site, progress has been made, with the draft officer report prepared and a s106 Agreement being finalised, and with no outstanding issues in respect of statutory consultees. I note that at the Bayswater appeal<sup>3</sup> my colleague was told then that the planning application was being written up for approval, and that it is now approximately 10 months on from then. Nevertheless, there appears to be some more certainty now in respect of when the decision will be issued following amendments to the draft s106 Agreement. Furthermore, the trajectory has year 5 as a fall back. Given the circumstances referred to above, 168 dwellings should remain within the 5 year HLS.

### Site 3, Land at Ladygrove East

76. No longer disputed.

### Site 4, Didcot Gateway South

77. An outline application for 144 dwellings was submitted in February 2022 and remains under consideration. I understand that all outstanding issues have been resolved apart from in relation to the level of affordable housing provision, about which discussions are ongoing, although with no clear evidence as to any progress made. Uncertainty therefore remains around that matter. There is also no indication of any progress in securing a delivery partner for the development. The Council has indicated a decision date at the end of the 2026/27 period, to allow some flexibility, which would be approximately a year on from now, and first completions in 2029/30. However, no information has been provided from the applicant in relation to anticipated start date and build-out rates. For those reasons, there is no substantive basis for indicating a likely decision date or when first completions will occur, even with some built in flexibility. Given that current position, there is not clear evidence that any housing completions will begin on the site within the five year period. The 94 dwellings should therefore be removed from the 5 year HLS.

### Site 5, Wallingford Site E, Land north of A4130

78. The Council's 5 year HLS on this site relates to three phases of an outline planning permission for 502 homes. Phase 3 relates to 209 dwellings, the subject of a RM application which remains to be decided. There are outstanding matters arising from consultee responses and I note that additional information and amended plans were submitted in November and December 2026. Whilst the Council is assuming a determination of the application by the end of March 2026, there is no clear indication as to whether those recent submissions are likely to be adjudged to have addressed the outstanding issues, albeit indicating the developer's commitment to resolving them.

79. Phase 5 relates to a full application for 65 homes and a medical centre which was submitted in June 2025. However, there remain outstanding issues relating to technical matters and the provision of affordable housing arising from consultee comments. Furthermore, a section 73 application to vary the approved parameter plans concerning land originally intended to accommodate a school is still under

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<sup>3</sup> Appeal Ref. APP/G3110/W/24/3353532 Land at Bayswater Farm, Bayswater Farm Road, Oxford, OX3 8EB

consideration and again I have no clear indication as to the likely outcome or timescales for that.

80. Phase 4 relates to the final residential parcel that has outline planning permission. However, a RM application remains to be submitted relating to the proposed care home. Whilst anticipated sometime in 2026, there is no more information to indicate more precisely when such an application would be likely to be made. There is also no indication as to whether or not there are likely to be any issues arising from that which could delay determination.
81. For these reasons, despite there being multiple phases and a developer already building on the wider site, there is not clear evidence that any housing completions will begin on phases 3, 4 and 5 within the five year period. As such, the 237 dwellings should be removed from the 5 year HLS.

#### Site 6, Land to the south of Newnham Manor, Crowmarsh Gifford

82. Whilst full planning permission has not been granted, this relates to the need to complete the s106 Agreement. That was delayed due to the need to provide school land as part of the application, but which I understand from the Council has now been resolved such that the s106 is anticipated to be completed very soon. It is no longer the case that the implementation of the planning permission is tied to any reserved matters approval.
83. It is also apparent that pre-application work relating to the reserved matters that would follow any permission relating to the outline element concerning the school, has progressed successfully in terms of ensuring that all stakeholders are content that the scheme can be delivered. Whilst there will be a number of pre-commencement conditions to address, I understand that these have been agreed by the applicant.
84. The Council's trajectory has built in some flexibility and is based on average build out rates of 54 homes per annum for sites of this size. Furthermore, with that only leaving the final 15 homes to be completed in 2029/30 there is some scope for slippage into that year. For the above reasons, the 100 dwellings should remain within the 5 year HLS.

#### Site 7, Land west of Fair Mile

85. No longer disputed.

#### Site 8, Miss Tomb's Field

86. This relates to a hybrid planning application including commercial development as well as the proposed 55 dwellings. I understand that outstanding matters have all been resolved and that work is now being undertaken on the wording of conditions, with an expected decision by the end of March 2026. Additionally, I understand from the Council that the proposed provision of a quantum of housing above that in the allocation is an accepted position in this case.
87. I note that the provision of the commercial element is included in the Neighbourhood Plan allocation, such that there would be an expectation for it to be implemented along with the housing. I have no substantive basis to consider that such commercial provision would not come forward. Furthermore, I heard from the Council that there is the intention to tie the implementation of the employment

provision into the permission but not in an early phase. As such that factor would be unlikely to disrupt the implementation of the housing element.

88. The delivery in the Council's trajectory is aligned with the developer's expectations and signed proforma. That indicates that all completions would be prior to year 5 such that there would be provision for slippage in the trajectory were that to occur. For the above reasons, the 63 dwellings should remain within the 5 year HLS.

#### Site 9, Land south of Appleford Road, Didcot

89. There is outline planning permission for 150 dwellings approved in November 2022. A reserved matters application for 145 dwellings was submitted in October 2025 just before the expiry of the outline consent and I understand that no objections have been raised by the Parish Councils. However, more detailed plans for the landscape elements of the Nature Park are awaiting submission and there is no clear indication as to when that will be, notwithstanding the Council's anticipated determination by the end of February, beginning of March. Furthermore, it is unknown as to whether or not those plans will be found acceptable following the re-consultation process referred to by the Council.
90. Additionally, there is not a housebuilder on board, albeit that the process towards this is ongoing. As such, there is no evidence either way as to whether or not such a housebuilder would be likely to want to alter the detailed scheme, with implications of potential delays associated with seeking approval for that and subsequent implementation.
91. For the above reasons, there is not clear evidence that any housing completions will begin on the site within the five year period. The 125 dwellings should therefore be removed from the 5 year HLS.

#### Site 10, Community Hub, Didcot

92. This relates to a full planning application submitted on April 2023 for 45 dwellings, a community hub, primary school, and a village green. Furthermore, the proposal has delegated approval subject to the signing of a s106 Agreement, albeit I understand that there is no delegated report on the Council's application portal and no details of the required s106 contributions. However, the applicant has raised viability concerns in relation to the existing s106 requirements, albeit I understand that not to have been the case when a previous developer partner was on board. It is therefore unclear as to how this situation will be resolved and whether the new developer will be able to satisfactorily address this matter.
93. I acknowledge that the Parish Council has confirmed the importance of the scheme to the village, thereby demonstrating clear commitment to progressing the development. Nevertheless, and notwithstanding the Council's trajectory taking into account delays thus far, for the above reasons, there is not clear evidence that any housing completions will begin on the site within the five year period. The 45 dwellings should therefore be removed from the 5 year HLS.

#### Site 11, Wallingford Road, Goring

94. A resolution to grant full planning permission for a net of 43 homes on this allocated site, subject to completion of a s106 Agreement, was made in September 2024. Progress has been made on the s106, which is being drafted with the Council expecting its completion by April 2026, albeit that the developer has not provided

updated responses in a trajectory proforma. It appears that previously in 2024 it was indicated that the lead in time would be 2 years. In this respect, the proposals include significant earthworks which would be likely to increase the lead in time and I also note that there are a large number of conditions to discharge, including some pre-commencement.

95. The Council has now adopted a trajectory based on the average lead in time for a site of this size from planning permission, assumed to be by April 2026, to first completions of 0.8 years albeit erring on the cautious side and indicating the latter to be July 2027. Whilst that does not amount to the 2 years previously indicated, there would remain some degree of fallback into 2029/30, with there only being the remaining 9 dwellings currently in that fifth year. Average build out rates have also been adopted of 17 homes per annum. For the above reasons, the 43 dwellings should remain within the 5 year HLS.

#### Site 12, Land north east of Didcot

96. This relates to a full planning application for a 66 bed care home, equivalent to 35 homes, on part of a wider allocation on which there is outline consent for 2030 dwellings, with 1323 having detailed consent. Planning permission remains to be granted, although I understand that there remain no outstanding issues and that the s106 Agreement is being finalised. Furthermore, this proposal is reliant on site 2 referred to previously, which is similarly progressing. The Council's trajectory, based on average lead in times for a site of this size, and assuming that planning permission is granted shortly, would see completions within 2027/28. However, as it is a flatted development, completions would be likely in one phase. I note that the 2025 trajectory proforma has not been signed by all parties, but even if there were to be some slippage there is scope for fall back into 2028/29 and 2029/30. For the above reasons, the 35 dwellings should remain within the 5 year HLS.

#### Site 13, Land to the north east of Didcot

97. This relates to RM applications for 64 dwellings, that has now been granted, and 311 dwellings, awaiting determination, and an outline permission for 178 dwellings, again all on part of the wider allocation referred to in relation to sites 2 and 12. It is agreed by the Council and Appellant that the 64 relating to the first of those should be included in the 5 year HLS and I have no basis to find otherwise.
98. In relation to the second proposal, more time than the average has been needed to address technical stakeholder comments, and it remains the case that the additional information submitted is currently under consideration. I have no indication as to whether or not that is likely to address the outstanding matters, however the Council in September 2025 mentioned that the objections related to minor changes, alterations or updates to technical studies. As such, the Council anticipate a decision by the end of March 2026. Based on delivery rates for other developments on the wider site, first completions would then be likely at the beginning of 2027/28. In terms of build out rates, the developer has not provided any information. However, based on other development on the wider site and having regard to it being a large development, I have no substantive basis to find differently to the Council's projected 100 dwellings per annum, and that 290 of the 311 homes would be completed in the 5 year period.
99. For the third proposal for 178 dwellings, no RM application has been submitted, and there is no indication from any developer as to when that is likely to be,

notwithstanding that the proposal relates to the large wider site for which there have been several RMs each year and the Council anticipating a submission in 2026/27. There would also be the potential, without any information to say differently, for technical issues, and subsequent delays, to arise from any RM. For those reasons, there is not clear evidence that any housing completions will begin on the site within the five year period. The 144 of the 178 dwellings that the Council forecast for completion in the 5 year period should therefore be removed from the 5 year HLS.

100. In total for site 13, 354 dwellings should therefore be retained in the 5 year HLS and the remaining 144 removed.

#### Site 14, Reserve Site F

101. Planning permission remains to be granted on this site allocated for housing in the Neighbourhood Plan, having been submitted in December 2023. However, I understand that all outstanding matters have now been addressed, that a delegated officer report has been drafted and detailed heads of terms of a s106 Agreement been agreed. It is anticipated that planning permission will be issued by the end of March 2026.

102. The build out rate based on that for sites of this size aligns with that of the developer. The Council's trajectory is based on the average lead in times which, based on the above decision date, would indicate first completions in approximately August 2027. It may therefore not be the case that a full 50 homes would be completed in the 2027/28 year. However, there would remain scope for some slippage into 2029/30 which currently only includes the last 11 homes, even if there were to be some other small delay in the process. For the above reasons, the 111 dwellings should remain within the 5 year HLS.

#### Site 15, Land off Pyrton Lane, Watlington

103. No longer disputed.

#### Site 16, SCNDP site SON 15: Chiltern Edge Top Field

104. Planning permission remains to be granted on this site allocated for housing in the Neighbourhood Plan, having been submitted in November 2024. I understand that whilst there remain outstanding highways and drainage matters, these are considered to be minor and expected to be addressed by the amended and additional material submitted in January 2026. Nevertheless, that material is still being consulted upon and there is no clear indication that the matters will have been addressed.

105. The main issue on this site relates to the mitigation for the loss of playing field land. Separate planning applications have been submitted to address this. Whilst I understand that there is a resolution to approve one of those, relating to a new 3G pitch, there is no clear indication as to the outcome or likely outcome relating to that for sport mitigation measures under planning application Ref. P24/S3635/FUL.

106. Furthermore, whilst I understand that a s106 Agreement has been prepared by the Council relating to various matters, this remains to be shared with the applicant's solicitor, albeit anticipated to be done shortly. There is therefore no clear indication that the content of the s106 is in an agreed form. I also note that Sport England have an outstanding objection that they will remove once a s106 has been finalised

to address its concerns, and there is no clear indication that the current draft s106 does that or again that it is agreed by all parties in this respect.

107. The Council's trajectory adopts an average lead in time to first completions for sites of this size which was confirmed verbally as being approximately 3 years for full applications, along with an average build out rate of 38 homes per annum, which takes the completions to the end of the 5 year period. However, in light of those outstanding matters remaining to be resolved in this case, there is not clear evidence that any housing completions will begin on the site within the five year period. The 50 dwellings should therefore be removed from the 5 year HLS.

#### Site 17, Woodcote NDP Site 30: Church Farm

108. This relates to an outline application for 30 dwellings on a site allocated in the Neighbourhood Plan, submitted in July 2023. Whilst the average lead in times for sites of this size indicate approximately 4 years from submission of an outline application to first completions, it is now approximately 2.5 years into that period without outline permission having been granted. It is also with all matters reserved accept for access, leaving significant matters yet to be considered at the RM stage. There also remain some technical consultee comments to be addressed in relation to the outline application, albeit I understand are likely to be dealt with via a s106 Agreement which I understand is almost finalised, and/or the RMs.

109. Notwithstanding the above, the Council's trajectory, based on average lead in times, shows first completions in July 2027, the developer saying 2027. The Council has used an average built out rate of 17 homes per annum and is indicating the full 17 in the first year of completions. However, as those first completions are not likely until well into 2027 there is a likelihood of slippage. I also note that the developer expects the RMs to be submitted within 12 months of outline planning permission. There would then be a period for determining the RMs, such that any decision and subsequent first completions would not be likely until well into 2027/28 at the earliest. That is also assuming that there are no significant issues that arise with the RMs, or in respect of third party land relating to highways land that the Council is aware of. Time would also be needed to discharge any conditions.

110. For the above reasons, there is not clear evidence that any housing completions will begin on the site within the five year period. The 30 dwellings should therefore be removed from the 5 year HLS.

#### Site 18, JHHNDP Site E: Empstead Works/Stuart Turner

111. A full planning application for 57 dwellings was submitted in October 2025, relating to this site allocated in the Neighbourhood Plan for mixed use development including housing. Pre-application discussion and public consultation has taken place, a number of technical reports have been carried out and there is a signed written agreement by the applicant and Council relating to the trajectory for the development of the site. Together, this demonstrates a commitment to bring the site forward. Nevertheless, it remains the case that planning permission was refused in December 2025, with a number of reasons for refusal.

112. Meetings have recently been held to discuss how to overcome the various concerns and the Council mentions that the applicant is working rapidly to address the issues, and that a revised application is likely by spring 2026. However,

notwithstanding the applicant's commitment, there is no substantive evidence to indicate the extent to which such a revised planning application would be likely to satisfactorily address all of those reasons for refusal or that more time would not be needed to do so prior to submission. As such, despite the Council's cautious trajectory, there is not clear evidence that any housing completions will begin on the site within the five year period. The 21 dwellings should therefore be removed from the 5 year HLS.

### Conclusions on 5 year HLS

113. Based on the above findings, I have deducted 746 dwellings from the Council's claimed 5 year HLS of 5,688 dwellings. This reduces the supply to 4,942 dwellings against the requirement for 6,484, amounting to 3.81 years' worth of supply, which represents a deficit of 1,542 homes.
114. I have had regard to whether the dwellings relating to site 1 should also be removed due to it relating to Oxford's unmet need, which would reduce the supply to 4,717 dwellings, amounting to 3.64 years' worth of supply, representing a deficit of 1,767 homes. However, I have also had regard to the Council's position that if it was not included it would not be accounted for anywhere.
115. Depending on whether site 1 is disregarded, the Council's housing land supply is therefore either 3.64 or 3.81 years' worth. That difference in itself is not significant, albeit amounting to 225 homes, such that I have not needed to conclude on whether or not site 1 should be disregarded. However, whether the supply is 3.64 or 3.81 years' worth, the shortfall is still significant ranging from 1,542 to 1,767 homes. I shall consider this further in the planning balance.

### *Other Matters*

116. I have had regard the matter of flood risk and drainage and whether the proposed development would be likely to exacerbate existing problems. In this respect, the site is located in Flood Zone 1 and therefore of lowest risk of flooding from rivers and watercourses. Furthermore, whilst noting concerns about the runoff resulting from buildings and hard surfacing where there is currently only a field, I have no substantive basis to consider that this could not be controlled through appropriate measures, including provision for an attenuation basin and flow regulation of surface water drainage from the site, taking account of the site being above clay. Such measures could be ensured and controlled through conditions. I therefore have no substantive basis to consider that the proposals would be likely to exacerbate existing local flooding problems. Furthermore, I note that the Environment Agency, the Council's Drainage Officer and the Lead Local Flood Authority raise no objections subject to conditions.
117. In terms of foul drainage, I have no substantive basis to find that the proposed development would be served by inadequate infrastructure, or that there would be additional local pollution or flooding arising from it, noting that Thames Water has withdrawn its original objection. Furthermore, submission and implementation of a detailed foul drainage scheme to ensure acceptable provision could be secured by condition.
118. The development of this green field site would inevitably affect the site's existing ecology to some degree, albeit that boundary tree features would be retained, with protection during construction that could be secured by condition. Updated species

surveys would be required. However, there is sufficient certainty from the submissions to date that the proposals would not cause fundamental harm to the site's ecology subject to the reserved matters taking account of the results of updated ecology surveys and for the inclusion of measures to enhance biodiversity, which could be secured by condition. Intended measures to prevent pollution of the chalk stream could also be secured by condition, along with their ongoing management and maintenance.

119. There would be the loss of Grade 3 agricultural land which could potentially be classified as best and most versatile agricultural land (BMVAL). In this respect I note that policy DES7 of the Local Plan sets out that new development is required to make provision for the effective use and protection of natural resources where applicable, including, amongst other things, avoiding the development of BMVAL, unless it is demonstrated to be the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality.
120. I have also taken account of the Framework which states in paragraph 187 that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Local Plan policy DES7 is therefore broadly consistent with the Framework with regard to this matter.
121. I note that no clarifying evidence has been provided by the Appellant as to whether the site does actually comprise BMVAL, albeit not requested by the Council at the application stage. Nevertheless, even were it to be of such a classification, I have no substantive evidence to indicate that the extent of loss would significantly reduce the overall provision of such land in the wider area. As such, it is likely that limited harm would be caused by the loss of what could potentially be BMVAL in this case.
122. In terms of highway safety and capacity, the Appellant has submitted a Transport Assessment. That demonstrates that there would be sufficient capacity to accommodate the additional traffic from the proposed development on the network, and that the proposals would be acceptable in terms of highway and pedestrian safety, including the site access from the B480, and in the wider local area. That would be subject to appropriate conditions and planning obligations that are referred to below. Furthermore, I note that the Local Highway Authority raises no objections to those various conditions and planning obligations, and I have no substantive basis to find otherwise.
123. Furthermore, the proposed new footway/cycleway running between the site and the junction with Francis Brown Way would include construction over an existing drainage ditch. I have no substantive evidence to indicate that this could not be satisfactorily be achieved, subject to detailed design, nor that it would unacceptably impact on drainage. There is also no substantive evidence to indicate that the formation of that footway would have a harmful effect on the amenities and security of residents of Chalgrove Meadows fronting onto it, especially given the degree of separation.
124. I note that it is common ground between the Council and Appellant that the site is located in an area of archaeological interest, settlement and associated activity of

primarily prehistoric and Romano-British date, and potentially of later medieval or post-medieval periods. The Appellant has undertaken an assessment that incorporates the results of a geophysical survey of the site and a trenched evaluation carried out on the site. I note that Oxfordshire County Council's Archaeological Services are satisfied that whilst the work to date has clearly demonstrated that the site contains below ground archaeological remains, they are not considered to be of a significance that would preclude or constrain development, albeit requiring further investigation and recoding ahead of any such development. It is common ground between the above parties that such mitigation could be secured by conditions, and I have no substantive basis to find differently. As such there would be no harm caused in respect of the site's archaeological interest.

125. There is a gas pipeline that crosses the site. However, the proposals have been designed to accommodate it, together with its buffer zone.
126. In terms of any impacts of the proposed development during its construction on the living conditions of neighbouring residents, this could be controlled by securing the submission and implementation of a Construction Method Statement and Traffic Management Plan (CMSTMP) through a condition. Furthermore, there is no substantive basis to indicate that the proposed construction works would cause damage to any existing properties, such as due to pile driving activity, and the CMSTMP would include measures to control vibration during construction.

#### *Conditions and planning obligations*

127. The Council has provided a schedule of suggested conditions in the event of the appeal being allowed which I have considered in the light of advice in the National Planning Practice Guidance. The Appellant has commented upon that schedule and the two parties have reached agreement on its content following further discussion and some suggested amendments during the course of the Inquiry. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes.
128. Notwithstanding the Inquiry discussion, I have amended condition 7 to ensure the submitted surveys are approved in writing by the local planning authority. I have also amended condition 26 to make it clear that it relates to the issue of contamination.
129. The standard conditions (1, 2 & 3) would be necessary to secure the submission of the reserved matters, which shall demonstrate broad accordance with the Development Framework Plan (CSA/5776/111 rev A), and to set the timescales for that and the commencement of development. In terms of the timescale for submitting the reserved matters, I have had regard to the representations concerning whether this should be 18 months or 2 years. To enable sufficient time for the site to be fully marketed and given the overall timescale for commencing the development, it is appropriate for the reserved matters to be submitted not later than 2 years in this case. Additionally, for certainty, it would be reasonable to include a condition (5) setting out information needed for inclusion with the reserved matters; also including the stipulation for the proposed dwellings to have a maximum of two storeys, in the interests of the character and appearance of the area. For certainty, a condition requiring the development to be carried out in accordance with the approved plans would also be necessary (4).

130. In the interests of securing an appropriate housing mix on the site and to facilitate a balanced community, it would be necessary to include a condition requiring the submission, approval and implementation of a housing delivery document (6).
131. In order to protect local ecological interests, the following conditions would be necessary, to secure the submission, approval and implementation of: updated protected species surveys (7); a biodiversity enhancement plan (8); a construction environmental management plan for biodiversity (13); and an Ecology Management Plan (22).
132. In the interests of the character and appearance of the surrounding area, it would be necessary to secure the submission, approval and implementation of: a landscape management plan (9); a scheme for the landscaping of the site (10); and measures to protect retained trees during construction, also in the interests of local ecological interests (20).
133. In the interests of environmental sustainability, conditions would be necessary to secure: appropriate cycle parking facilities, also to promote travel by means other than the private car (11); the submission and implementation of an energy statement, relating to a reduction in carbon emissions (12), and associated verification report (23); a scheme for providing electric vehicle charging points (17); and submission and implementation of a Travel Plan together with provision of an associated travel information pack for first residents (28).
134. In order to protect the amenities of existing and future local residents it would be necessary to secure the submission and implementation of a Construction Method Statement and Traffic Management Plan, also in the interests of highway safety (14); and to restrict the hours of construction (30). Also in the interests of highway safety it would be necessary to secure the proposed means of access to the site, including visibility splays, prior to first occupation (27).
135. To ensure that any features on the site which are of archaeological interest are properly recorded, a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation would be necessary (15 & 16).
136. To ensure acceptable drainage for the proposed development, conditions would be necessary to secure the submission and implementation of: surface water drainage works, comprising a detailed sustainable drainage scheme, also in the interests of preventing exacerbation of flooding locally and to protect the chalk stream priority habitat (18), and associated compliance report (25); and a detailed foul drainage scheme, to prevent pollution and flooding (19). It would also be necessary secure measures to ensure sufficient water supply (29).
137. In order to protect prospective residents and the local environment from the effects of any contaminated land on the site, conditions would be necessary to secure appropriate risk assessment and any necessary investigation and remediation work (21), and associated validation report (26); and measures for investigating and remediating any unsuspected contamination encountered during construction (31).
138. In the interests of the amenities of prospective residents of the proposed development, to contribute towards sustainable living and to enable home working, it would be necessary to secure the means for connecting dwellings to the utilities to be provided on the site for facilitating superfast broadband (24).

139. Planning obligations are set out in the s106 Agreement, dated 27 November 2025, that would secure covenants relating to:

- A minimum of 40% affordable housing provision, comprising 40% affordable rented, 35% social rented, 19% shared ownership and 6% first homes. Such provision would be necessary to meet local needs and, notwithstanding more detailed design and layout considerations at reserved matters stage, would accord with policy H9 of the Local Plan relating to affordable housing. It is disputed as to whether the mechanism at section 7 of the first schedule of the s106 Agreement, relating to affordable housing provision, concerning a clause enabling amendment to the affordable housing scheme, should be included in the planning obligations. I address this matter below following the consideration of all of the other obligations.
- Provision and management of on-site open space. This relates to the part of the development identified, and shown indicatively on the Development Framework Plan, as public open space comprising allotments; equipped children's play areas relating to a locally equipped area for play (LEAP) and a neighbourhood equipped area of play (NEAP); sustainable urban drainage area (SUDs); and public amenity space comprising informal and formal areas of open space, excluding the allotments, play areas and SUDs. This would be in accordance with policy CF5 of the Local Plan relating to the provision of open space, sport and recreation in new residential developments, and would be necessary in the interests of the amenities, health and well-being of prospective residents. The planning obligations include specific provision for an orchard, again shown indicatively on the Development Framework Plan. Whilst not a specific policy requirement, it would form a part and contribute to the quality of the necessary amenity greenspace on the site relating to policy CF5 and provide habitat in relation to the biodiversity of the site.
- In the event of my finding that there would be insufficient capacity in Chalgrove Primary School for prospective pupils arising from the proposed development, a financial contribution towards primary school transport to other local schools would be necessary. The planning obligations make provision for either 3 or 7 years' worth of such contributions, depending on my previous findings on this matter. In light of those findings, it would be necessary to make provision for 3 years' worth of contributions. As such, that would accord with policy INF1 of the Local Plan which, amongst other things, sets out that new development must be served and supported by appropriate off-site infrastructure and services. I therefore find that the element of the planning obligation relating to 7 years' worth of School Transport to be unnecessary, such that I have not accounted for it in my decision.
- Appropriate financial contributions to mitigate the impact of the proposed development in respect of early years, secondary and SEND education. Such contributions would be necessary to mitigate the likelihood of otherwise insufficient capacity relating to those respective elements of local education provision. As such, those contributions would again accord with policy INF1 of the Local Plan as they would facilitate appropriate off-site infrastructure and services.

- Appropriate financial contribution to mitigate the impact of the proposed development in respect of the additional street name plates that would be generated, and thereby necessary and in accord with Local Plan policy INF1 which sets out that infrastructure, required as a consequence of development, will be sought and secured through planning obligations.
- Appropriate financial contributions towards provision of waste and recycling bins, which would be necessary in terms of waste management and encouraging sustainable recycling, and in accordance with policies EP3 and INF1 of the Local Plan which together, amongst other things, requires provision for adequate facilities for the sorting, storage and collection of waste and recycling; and towards the cost of the expansion and efficiency of household waste recycling centres serving the site, necessary due to currently operating at over-capacity, again in accordance with policy INF1 of the Local Plan.
- Appropriate financial contributions towards the cost of retaining the existing frequency of the number 11 bus service, upgrading and adding additional infrastructure to the two nearest bus stops to the site, and monitoring of the required Travel Plan; all necessary to encourage the use of public transport as an alternative to private car use, to reduce private car journeys and to enable those without a car to reach local services, in accordance with policies INF1, TRANS2, TRANS4 and TRANS5 of the Local Plan which together, amongst other things, relate to promoting sustainable transport and accessibility.
- Provision for Biodiversity Net Gain (BNG) in accordance with policy ENV3 of the Local Plan relating to biodiversity and paragraph 187 of the Framework which sets out, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- Provision of highway works including: site access and associated works; new footway/cycleway within the site and continuing alongside the B480 to connect with the Chalgrove Meadows development; pelican controlled pedestrian crossing to upgrade existing crossing on the B480 in the vicinity of the junction with Monument Road; resurfacing and widening of the existing public right of way through the site; and improvements for pedestrians along Monument Way and High Street. Such works would be necessary in the interests of highway and pedestrian safety, and providing connectivity for prospective residents with the existing village on foot, in accordance with paragraph 115 of the Framework which sets out, amongst other things, that it should be ensured that safe and suitable access to the site can be achieved for all users.

140. The amendment clause in section 7 of the first schedule of the s106 Agreement, relating to affordable housing provision, as referred to previously would enable, subject to the Council's approval and having demonstrated reasonable endeavours to secure the current affordable housing mix/tenures, the provision of a revised mix and/or tenures.

141. There are national difficulties in securing Registered Providers (RPs) of affordable housing for schemes. In that climate, I acknowledge that the Council has been

successful in implementing a cooperative process to support developers in securing RPs and to ensure all possible avenues have been exhausted before alternative mixes/tenures are considered. The opportunity for the Council to undertake that process for the current mix/tenures set out in the s106 would remain.

142. However, it cannot be certain that the same success in securing a RP would occur in this case when it came to the time of marketing. There would be an option, in the absence of the clause, for a Deed of Variation of the s106 (DoV). However, the clause provides flexibility, without having to undertake the DoV. Furthermore, the Council would continue to have control over firstly considering whether best endeavours have been undertaken and then as to the proposed amended mix and/or tenures. Whilst not under a formal application process, it would be a transparent process as set out in the s106, and I have no substantive evidence to demonstrate how that would cause problems in terms of monitoring and enforcement resources.

143. I acknowledge that in the event of such a clause being triggered, there could be the risk of dispute, including in the interpretation of “reasonable endeavours”, with the subsequent time, cost and resources needed to deal with that. However, that dispute scenario would not necessarily occur, and the clause would have the benefit of built in flexibility. Furthermore, any process involving the seeking of amendment via a DoV could also take up time and resources.

144. For the above reasons, paragraphs 7.2-7.4 of the first schedule of the s106 Agreement, relating to affordable housing provision, should apply in the s106 Agreement.

## **Harms, Benefits and Planning Balance**

### *Harms*

145. I have found that the proposed development would fail to accord with the Council’s spatial strategy. In terms of access to local services, facilities and public transport, I have found that the degree of harm in that respect would be limited.

146. I have also found that a moderate degree of harm would be likely to be caused in respect of provision of local primary school education, taking into consideration the various social and environmental implications resulting from the likelihood that some children from the proposed development would have to attend an out of catchment school.

147. Furthermore, I have found that a moderate level of harm would be caused to the character and appearance of the surrounding area.

148. I have also found that there would be likely limited harm caused in terms of the loss of potentially BMVAL.

### *Benefits*

149. Having regard to the Government’s objective of significantly boosting the supply of homes, the proposed development would have the benefit of contributing upto 160 dwellings towards the District’s supply. Furthermore, the proposed housing provision would include the added benefit of a minimum of 40% affordable

- dwellings, with an appropriate mix of tenures, in the context of a significant unmet need for such housing in the District.
150. Such housing provision would be in the context of the Council being unable to demonstrate a 5-year HLS, with the current figure standing at what I found to be either 3.64 or 3.81 years' worth. Even at 3.81 years' worth that represents a significant shortfall, amounting to 1,542 dwellings.
151. The Local Plan is no longer in a situation of being recently adopted as opposed to when my colleague made his decision on the previous appeal on the site, finding that it was too early to say in that case that the Local Plan strategy was exacerbating the issue of an adequate HLS. I note that the Council entered into the Oxfordshire Growth Deal and incorporated an ambitious housing requirement into its Local Plan that was well above the minimum housing need figure. That clearly demonstrates a commitment to boosting housing supply.
152. Furthermore, I note the Council's good record of housing delivery and intentions relating to plan led growth with a focus for development to be in locations consistent with its spatial strategy, including in the Science Vale. I also acknowledge its identification of developments likely to deliver homes beyond the 5-year period but within the remainder of the Plan period, including allocation sites.
153. Notwithstanding that, the emerging Joint Local Plan, even if its examination were to proceed, is not in such a position as to be adopted in the near future, so as to provide for its plan-led growth. There is also no certainty that the Council's plan period housing requirement will be met in full. In this respect, I also note that there is a strategic allocation in the Local Plan for Chalgrove to the north of the village with continued firm commitment from Homes England to progress that, including pre-application engagement with the Council. Nevertheless, there is no certainty relating to that development coming forward, noting that its allocation has been removed in the emerging Joint Local Plan, or in relation to any future planning application decisions.
154. I appreciate that factors relating to poor economic growth, the Covid pandemic, and developer decisions are not in the control of the Council. Notwithstanding that, the Local Plan's housing requirement was considered to be an achievable one. Furthermore, the evidence indicates that the Council has been unable to demonstrate a 5 year HLS in recent years, including since the previous appeal decision for this site. That remains the case for the current base date in relation to the local housing need calculated using the standard method, and it is unclear if that situation is likely to change going forward.
155. There is no certainty as to when any detailed reserved matters (RMs) would be decided should this appeal be allowed, or as to any decision made by the Council on such a RM application, or that the proposals would be implemented if approved, noting that there is no house builder on board. Nevertheless, the Appellant has indicated a willingness to progress the proposals as soon as possible in agreeing to a condition to ensure that any RM application would be made not later than 2 years from the date of my decision were I to allow the appeal. The proposed development would therefore have the potential to deliver homes within the 5 year HLS period.
156. For the above reasons, those benefits relating to the proposed additional housing generally and the affordable dwellings, particularly given the significant shortfall in 5 year HLS, would be very significant.

157. Notwithstanding the change in character of the site that would result from the proposals, they would include a significant amount of new green infrastructure accessible as public open space. Provision for the proposed recreational routes and public open space generally within the site, as shown indicatively on the Development Framework Plan, would have the benefit of providing existing local residents with additional options for walking locally, albeit not within the open countryside. The existing footpath through the site would be retained, which in itself would be a neutral factor, albeit that some benefit would arise from the opportunity expressed in the submissions for it to be upgraded.
158. Provision for equipped children's play areas would be necessary to support the health and well-being of prospective residents of the proposed development. However, due to the likely degree of detachment from existing dwellings in the village, and the presence of an existing NEAP adjacent to the adjoining Chalgrove Meadows development, there is likely to be little benefit to existing residents from such new facilities. The proposed allotments would have the potential for beneficial use by existing as well as prospective new residents. However, the extent to which the former would be the case, and the number of people that would benefit, is unclear.
159. For the above reasons, the benefit afforded to existing residents of providing the proposed public open space would be limited.
160. There would be likely limited benefits to existing residents of the village relating to the proposed off-site improvements to existing pedestrian infrastructure in the village and to bus stops closest to site, and to maintenance of the current frequency of the City 11 bus service.
161. There would be moderate environmental benefit in providing additional tree and other planting and various different habitats on the site, resulting in the scope to achieve BNG in excess of policy requirements.
162. The proposed landscaping at the southern end of the site is proposed to complement the setting of Chalgrove Brook. However, in the context of the existing open countryside setting provided by the site, were the appeal allowed and the proposed development implemented, I consider this to be a necessary but neutral environmental factor.
163. There would be likely economic benefits associated with construction spend, in terms of supporting significant direct and indirect jobs albeit over a relatively short period of time. Furthermore, economically active prospective residents would be likely to contribute to the local economy, but the extent to which that would be the case is unclear. It is likely these would be moderate benefits.
164. In terms of the Community Infrastructure Levy that would be payable, that would be fundamentally to mitigate the proposed development and it is unclear as to the extent to which that, including a proportion to the Parish, would benefit existing residents. Likewise, it is unclear as to the extent to which the planning obligations relating to education provision would have any benefits other than mitigation the effect of the proposed development; or that the New Homes Bonus and Council Tax that would arise from the proposed development would provide net benefits. These are therefore likely to be neutral factors and so attract no weight.

### *Planning balance*

165. Due to the harms that I have found would be caused, as referred to previously, and the associated conflict with development plan policies, including those of both the Local Plan and CNDP, the proposed development would be contrary to the development plan as a whole. That is therefore an important consideration in the context of a plan-led system whereby planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
166. Furthermore, I agree with my colleague in his decision relating to the previous appeal, about the importance of public confidence in the planning system, and that the CNDP is highly valued by local residents, albeit that the Local Plan is no longer recently adopted. I do also acknowledge, in the context of the importance of a plan-led system, that the 15% growth figure set out for Larger Villages in the Local Plan, whilst not a maximum, has been met and noticeably exceeded at Chalgrove.
167. I have also had regard to the Council's submissions relating to the Crane case<sup>4</sup>, relating to how conflict with a recently adopted spatial strategy in a neighbourhood plan can constitute an adverse impact even in the absence of other harm and where the Council could not demonstrate a 5 year HLS. Notwithstanding that, it is inevitable that the case in hand does not have exactly the same range of considerations and balances to be made as for the Crane case, and I have determined this appeal on its merits, taking account of all the relevant evidence concerning harms and benefits.
168. Having regard to the Framework as a material consideration, under paragraph 11(d) of that document, in light of the shortfall in the 5-year HLS, the policies which are most important for determining the application are out-of-date. With regard to paragraph 11(d)(i) of the Framework, I have found there to be no substantive basis to consider that the proposals would be likely to exacerbate existing local flooding problems; and that there would be no harm caused in respect of the site's archaeological interest. As such there are no policies in the Framework, that protect areas or assets of particular importance, that provide a strong reason for refusing the development proposed.
169. In light of the above, paragraph 11(d)(ii) of the Framework is triggered. As such, it is necessary to consider whether any adverse impacts of granting permission 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.
170. I have also had regard to paragraph 14 of the Framework which sets out 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 a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided two criteria apply. Those criteria are that the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

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<sup>4</sup> Ivan Crane v SoSCLG and Harborough District Council [2015] EWHC 425 (Admin)

171. In this case the CNDP has recently undergone a review and that new version became part of the development plan on 6 November 2025. As such the first of the above criteria is met. Furthermore, as noted above, Chalgrove has met the 15% growth figure set out for Larger Villages in the Local Plan which was the reason for not including any housing requirement policies or allocations in the new version of the CNDP.
172. The Council and Appellant disagree on the interpretation of paragraph 14(b) of the Framework which does not explicitly address the situation of there being no housing requirement for a neighbourhood plan due to it already having been met. Having regard to that paragraph, there is no outstanding housing requirement to be met for Chalgrove based on the current Local Plan, a situation different to the Edith Weston case<sup>5</sup> referred to by the Appellant. The circumstances here are also different to the other cases referred to by the Council at Shiplake, Cholsey and Chinnor<sup>6</sup> whereby that at Shiplake related to a smaller village, where Local Plan policy does not set out housing requirements for such villages; at Chinnor, related to a situation where there were allocations in the neighbourhood plan; and at Cholsey, referred to an allocation in the neighbourhood plan, albeit also highlighting that Local Plan policy does not countenance development in Cholsey because, through its Neighbourhood Plan, it has already committed to more housing growth than the strategy envisages.
173. Nevertheless, even if I were to apply paragraph 14 of the Framework on the basis that there is no identified housing requirement to be met, notwithstanding the provisions within the emerging Joint Local Plan which remains to be fully examined, the Local Plan and CNDP are now in place in a situation where, since 10 December 2025, the Council's up-to-date housing requirement for decision making purposes is significantly higher than was previously the case. The CNDP clearly does not therefore address that change in circumstances.
174. Even if applying paragraph 14 of the Framework, for all of the reasons given, I find that the adverse impacts of granting permission, also taking account of the varying levels of harm found, including the conflicts with the CNDP, would not significantly and demonstrably outweigh the benefits, having regard to paragraph 11(d)(ii) of the Framework. This outweighs the conflict I have found would be caused with the development plan.

## **Conclusion**

175. For the above reasons, the appeal should be allowed.

*A Dawe*

INSPECTOR

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<sup>5</sup> Edith Weston Parish Council v SoSHCLG and Rutland County Council [2025] EWHC 2908 (Admin)

<sup>6</sup> Shiplake case Ref. APP/Q3115/W/24/3350999; Cholsey case Ref. APP/Q3115/W/22/3296251; Chinnor case Ref. APP/Q3115/W/25/3365193

## **ANNEX A – CONDITIONS**

1. The development to which this permission relates shall be begun not later than whichever is the later of the following dates:
  - a) the expiration of three years from the date of this permission; or
  - b) the expiration of one year from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Application for approval of all the Reserved Matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.
3. Details of the scale, appearance, landscaping, layout, and means of access within the site for the development hereby permitted (hereinafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall thereafter be carried out as approved. The submission of reserved matters applications pursuant to this outline planning permission shall demonstrate broad accordance with the Development Framework Plan (CSA/5776/111 rev A).
4. The development hereby approved shall be carried out in accordance with the following approved plans:

Site location plan CSA 5776 118  
Proposed Access Strategy P25011 001
5. All applications for reserved matters shall include the following information:
  - i. An overlay plan showing utilities and services including drainage, lighting columns and tree planting
  - ii. Existing and Proposed Levels
  - iii. Recycling and waste storage
  - iv. Vehicle parking
  - v. Garden sizes

The reserved matters application shall indicate dwellings hereby permitted shall have a maximum of two storeys only.

6. Prior to the submission of reserved matters for residential development, a Housing Delivery Document shall be submitted for approval in writing by the local planning authority. The Housing Delivery Document shall demonstrate the disposition of housing across the whole site and provide the following information:
  - a) The number and mix (bedroom size) of market dwellings to be provided including a mix of dwelling types and sizes to meet the needs of current and future households, informed by an agreed housing needs assessment;

- b) The number of accessible and adaptable homes to be built to Building Regulations Part M4 Category 2 (all affordable housing and 15% of market dwellings) for both market and affordable sectors and Part M4 Category 3 wheelchair accessible housing (5% of affordable housing).

All affordable housing and 1 and 2 bed market housing dwellings shall be designed to meet the Nationally Described Space Standards.

The development shall be carried out in accordance with the approved Housing Delivery Document as updated and approved in writing by the Local Planning Authority.

- 7. Prior to the submission of any Reserved Matters or the commencement of any work on site including any site clearance or archaeological investigation, updated protected species surveys shall be submitted to and approved in writing by the Local Planning Authority. The Reserved Matters submission shall then be informed by the approved survey results.
- 8. Concurrent with the submission of each reserved matters application, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The BEP shall identify dark zones around the central woodland, eastern boundary and southern Chalgrove Brook watercourse, and how the Chalgrove Brook is protected and enhanced as a result of development.

The BEP shall include:

- a) Details of habitat creation or enhancements (this should cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required;
- b) Details of species enhancements including relevant scale plans and drawings showing the location, elevation and type of features such as bat and bird boxes etc. as appropriate;
- c) Selection of appropriate strategies for creating/restoring target habitats or introducing target species;
- d) Selection of specific techniques and practices for establishing vegetation;
- e) Sources of habitat materials (e.g. plant stock) or species individuals;
- f) Method statement for site preparation and establishment of target features;
- g) Extent and location of proposed works.

Thereafter, the biodiversity enhancement measures shall be implemented on site and retained in accordance with the approved details. All enhancements shall be delivered prior to the occupation of the 155th dwelling.

9. Concurrent with the submission of each reserved matters, a maintenance schedule and a long-term management plan (for a minimum period of 20 years), for the soft landscaping works shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall include:
- a) Details of long-term design principles and objectives;
  - b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme including hard surfaces, street furniture within open spaces and any play/youth provision;
  - c) A plan detailing which areas of the site the Landscape Management Plan covers and also who is responsible for the maintenance of the other areas of the site;
  - d) Summary plan detailing different management procedures for the types of landscape on site e.g. Wildflower meadows, native or ornamental hedgerows.

The schedule and plan shall be implemented in accordance with the agreed details.

10. Accompanying any application for Landscaping Reserved Matters for the development hereby permitted a scheme for the landscaping of the site, including the planting of live trees and shrubs, details of the tree species and the tree pits and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The tree/s must be planted into site specific tree pits. The tree pits are to be a crated pit design that incorporates technology that will enable tree/s to successfully grow in hard surface environments. The pits must provide the significant quantities of growing medium required to allow the trees to become established and grow on to maturity, sustaining the trees in a healthy condition and allow for ease of maintenance.

The scheme shall be implemented in accordance with the implementation programme and thereafter be maintained in accordance with the approved scheme.

In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the local planning authority, shall be planted and properly maintained in a position or positions first approved in writing by the local planning authority.

11. Concurrent with the submission of reserved matters application(s), details of cycle parking facilities shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved cycle parking shall be provided before first occupation of each dwelling within the site to which it relates and be maintained and retained at all times.
12. Prior to the submission of any reserved matters for built development, an Energy Statement, including SAP (Standard Assessment Procedure) calculations in line with the recognised methodology set by Government, which demonstrates how the development will achieve carbon reduction compared with code 2013 Building Regulations: - at least a 40% reduction in carbon emissions, shall be submitted to and approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved details.

13. Prior to the commencement of the development, including vegetation clearance or preparatory groundworks, a construction environmental management plan for Biodiversity (BCEMP) shall be submitted to and approved in writing by the local planning authority. The BCEMP shall include the following:
  - a) Updated ecological surveys for relevant habitats and species, update surveys shall follow national good practice guidelines.
  - b) Risk assessment of potentially damaging construction activities.
  - c) Identification of biodiversity protection zones.
  - d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction.
  - e) The location and timing of sensitive works to avoid harm to biodiversity features.
  - f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - g) Responsible persons and lines of communication.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved BCEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

14. No development shall commence on site (including any works of demolition), until a Construction Method Statement and Traffic Management Plan (CMSTMP), which shall include the following has been submitted to, and approved in writing by, the Local Planning Authority:
  - a) the parking of vehicles of site operatives and visitors;

- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt, noise and vibration during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The CMSTMP shall also state that no deliveries of plant or materials will take place between the hours of 0730 - 0930 and 1600 - 1800.

The approved CMSTMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

15. Prior to the commencement of the development an Archaeological Written Scheme of Investigation, relating to the application site area, shall be submitted to and approved in writing by the Local Planning Authority.
16. Following the approval of the Written Scheme of Investigation referred to in condition 15, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall make provision for all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority within two years of the completion of the archaeological fieldwork.
17. Prior to the first occupation of any dwelling hereby approved, a scheme to provide each dwelling with Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each Electric Vehicle Charging Point shall be implemented prior to the occupation of the dwelling it would serve.
18. No phase or sub phase of the development shall begin until a detailed sustainable drainage scheme sufficient for the associated phase or sub phase and any upstream catchments, has been submitted to and approved in writing by the local planning authority. This shall be based on the Flood Risk Assessment and Outline Drainage Strategy Report, by Jackson Purdue Lever, Ref 002171-JPL-ZZ-ZZ-RP-D-2001-A2-CO7 April 2025 sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

No building shall be occupied until the surface drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

The scheme to be submitted shall include:

- Drainage Catchment Plans and outline strategy for the entire development;
- Information on proposed discharge rates with the overall discharge from the site restricted to the 1 in 1yr greenfield runoff rate for the worst case 1 in 1yr storm and the QBar greenfield runoff rate for the worst case 1:100yr + 40% storm; QBar is to be calculated based on the impermeable areas of the site only. Large areas of open space are to be excluded from the greenfield runoff calculations;
- A compliance report to demonstrate how the scheme complies with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire;
- Detailed hydraulic calculations including node references with consideration for the worst case 1:100 + 40% event based on using the latest FEH (Flood Estimation Handbook) input data;
- Fully detailed sustainable surface water drainage layouts;
- Proposed site levels, floor levels and an exceedance plan;
- SUDS features and sections;
- Landscape plans with sustainable drainage features integrated and coordinated as appropriate;
- Drainage Construction Details;
- Maintenance and Management Plan covering all surface water drainage and SUDS features.
- An assessment of water quality from the proposed development, and extra measures in addition to the simple index approach may be required given discharge to a chalk stream priority habitat.

19. No phase or sub phase of the development shall begin until a detailed foul drainage scheme sufficient for the associated phase or sub phase and any upstream catchments, has been submitted to and approved in writing by the local planning authority.

No building shall be occupied until the foul drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

20. Prior to the commencement of any site works or operations relating to the development hereby permitted, an arboricultural method statement to ensure the satisfactory protection of retained trees during the construction period shall be submitted to and approved in writing by the local planning authority. Written approval shall be obtained prior to commencement of any site works including demolition. The matters to be encompassed within the arboricultural method statement shall include the following:-

- a) A specification for the pruning of, or tree surgery to, trees to be retained, in order to prevent accidental damage by construction activities;
- b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection;
- c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
- d) The means of demolition of any existing site structures, and of the reinstatement of the area currently occupied thereby;
- e) The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees;
- f) The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;
- g) The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the root protection areas (RPAs), which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage, with particular reference to details of how the proposed woodland walk would be introduced without harming the integrity of the woodland;
- h) Provision for the supervision of any works within the RPAs of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the local planning authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the local planning authority.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

21. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites'. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 2 shall be completed in accordance with the details set out in the Phase 1 Report: Jackson Purdue Lever Geo-Environmental Phase 1 Desk Study Report Chalgrove South Oxfordshire GLD02171-03SI V1.1 12/11/2021 and shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy, and details of the outcome shall be submitted to and approved in writing by the Local Planning Authority.

If identified as necessary in Phase 2, Phase 3 requires that a remediation strategy be submitted to and approved by the Local Planning Authority to ensure the site will be rendered suitable for its proposed use. The development shall not commence until the approved remediation strategy has been implemented in full.

22. Prior to the first occupation of the development hereby approved, an Ecology Management Plan (EMP) shall be submitted to and approved in writing by the local planning authority. The content of the EMP shall include the following:
- a) Description and evaluation of ecological features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Length of the plan and preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The EMP shall include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMP 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 approved plan shall be implemented in accordance with the approved details and management prescriptions implemented across the site for the plan period.

23. Prior to the first occupation of each house type, an Energy Statement Verification Report shall be submitted to the local planning authority and approved in writing. The Verification Report(s) shall demonstrate (with photographic evidence) that the energy efficiency measures agreed in Condition 12 for each dwelling have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.
24. Prior to first occupation, details of the means by which the dwellings hereby approved shall be connected to the utilities to be provided on the site to facilitate superfast broadband connectivity shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
25. Prior to 75% of occupations in any phase, a SUDS Compliance report prepared by an appropriately qualified Engineer shall be submitted to and approved in writing by the Local Planning Authority. This shall suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report shall as a minimum cover the following;
  - a) Inclusion of as-built drawings;
  - b) Inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated;
  - c) Details of any remediation works required following the initial inspection;
  - d) Evidence that that remedial works have been completed;
  - e) Confirm details of any management company set up to maintain the system.
26. The development shall not be occupied until any previously approved contamination remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.
27. Prior to the first occupation of the development, the means of access, including visibility splays along the B480 shall be provided and constructed in accordance with drawing No P25011 001- Proposed Access Strategy and the Highway Authority's specifications. Within the visibility envelope, there shall be no obstructions whatsoever, (including vegetation) above 0.6 metres above the adjacent carriageway channel edge.
28. Prior to occupation of any part of the development a full and detailed Travel Plan and Travel Information Pack shall be submitted to and approved in writing by the

Local Planning Authority. Thereafter, upon first occupation, the Travel Plan shall be implemented in full and the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

29. No development shall be occupied until confirmation has been provided to the local planning authority that either:

- a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

30. The hours of operation for the development shall be restricted to 8:00 am - 6.00 pm Monday to Friday and 8.00 am - 1.00 pm on a Saturday. No work shall take place on Sundays or Public Holidays without the prior written authority of the Local Planning Authority.

31. The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue, and no further occupation shall take place until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works undertaken has been submitted to and approved in writing by the Local Planning Authority and implemented. The investigation/remedial works shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites'.

----- *End of Schedule* -----

## **ANNEX B - APPEARANCES**

### FOR THE APPELLANT:

Martin Carter

Instructed by Kathryn Fitzgerald of Gladman Developments Limited

who called:

Clive Self MA (Urban Des) Dip LA CMLI

Director, CSA Environmental

Stephen Harris BSc (Hons) MRTPI

Director, Emery Planning

Ben Hunter BA DipMS

Associate Director, Education Facilities Management Partnership Limited

Kathryn Fitzgerald BA (Hons) MPlan MRTPI

Planning Director, Gladman Developments Limited

### FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert

Instructed by Head of Legal for South & Vale

who called:

Anne Priscott BA (Hons) CMLI

Principal, Anne Priscott Associates Ltd

Helen Reid BSc MSc MRTPI MIED

Director, Lambert Smith Hampton

Louise Heavey BSc (Hons)

Pupil Place Planning Service Manager, Oxfordshire County Council

Tracy Smith BA (Hons) Bachelor of Town and Country Planning MRTPI

Principal Appeals Officer, South Oxfordshire and Vale of White Horse District Councils

and, for the planning obligations round table discussion (RTD):

Sarah Commins

Solicitor, South Oxfordshire District Council

Lewis Pitts

Senior Affordable Housing Officer, South Oxfordshire District Council

Clare Bennett

Senior Infrastructure Funding Negotiator, Oxfordshire County Council

and, just for the re-opened Inquiry RTD on housing land supply:

Nicola Smith

Acting Team Leader, South Oxfordshire District Council

FOR THE RULE 6 PARTIES:

Cllr Jan Russell

Chalgrove Parish Council

Simon Reynolds

Chalgrove Airfield Action Group

Nathan Thomas

CEO, Acer Trust

Heather Topping

Chair of Trustees and Committee,  
Chalgrove and Watlington First Steps  
Family Hub

David Fraser

Chief Executive, River Thame  
Conservation Trust

INTERESTED PARTIES:

Kevin Packham

Chair of Chalgrove Wildlife and  
Conservation Society

Mike Harris MRTPI

Senior Planning and Enabling Manager,  
Homes England

## **ANNEX C - INQUIRY DOCUMENTS**

1. High Court Judgement: Edith Weston Parish Council v Secretary of State for Housing, Communities and Local Government and Rutland County Council.
2. Opening statement on behalf of the Appellant.
3. Opening statement on behalf of the Council.
4. Opening statement on behalf of Chalgrove Parish Council and Chalgrove Airfield Action Group.
5. Statement made by Kevin Packham.
6. Landscape Institute TGN/02/21- Assessing landscape value outside national designations.
7. South Oxfordshire Local Plan 2011-2035 Advice Note on Policy DES10: Carbon Reduction, November 2022.
8. Rule 6 parties Character and Appearance statement.
9. Supplementary Planning Proof of Evidence of Tracy Smith, South Oxfordshire District Council, 13 November 2025.
10. Chalgrove Neighbourhood Development Plan Review 2018-2033: A report to South Oxfordshire District Council on the Chalgrove Neighbourhood Development Plan Review.
11. Statement by Heather Topping, Chalgrove and Watlington First Steps Family Hub.
12. Statement by Mike Harris, Homes England.
13. Court of Appeal Judgement: R. (on the application of Asda Stores Limited) v Leeds City Council and Commercial Development Projects Limited.
14. Rule 6 parties statement on Access to Local Services, Facilities and Public Transport and Other Planning Matters.
15. Planning Decision and s106 Agreement for Outline Planning Permission Ref. P22/S4618/O, Land North of Bayswater Brook near Barton.
16. Appeal Decision Ref. APP/H2265/W/24/3353896, Land to the east of Platinum Way and opposite Grange Road, St Marys Platt, Sevenoaks.
17. Appeal Decision Ref. APP/E3335/W/24/3354865, Land off Exeter Road, Rockwell Green, Wellington.
18. South Oxfordshire First Homes Interim Policy Statement and Affordable Homes Update Written Ministerial Statement made on 24 May 2021.
19. Copy of email dated 19 November 2025 from Tim Sonnex, Strategic Property Surveyor, of South Oxfordshire and Vale of White Horse District Councils concerning proposed grant of an easement over land adjacent to Luker Avenue, Henley.
20. Affordable Housing Statement of Senior Affordable Housing Officer, South Oxfordshire District Council, 20 November 2025.
21. High Court Judgement: Ivan Crane v Secretary of State for Communities and Local Government and Harborough District Council.
22. Closing submissions on behalf of the Council.
23. Closing statement on behalf of Chalgrove Parish Council and Chalgrove Airfield Action Group.
24. Closing submissions on behalf of the Appellant.
25. Supplementary closing submissions on behalf of the Council following re-opened Inquiry.
26. Further closing submissions of the Appellant following the re-opening of the Inquiry.