



---

## Appeal Decision

Inquiry held on 17-20 and 24-25 February 2026

Site visit made on 19 February 2026

by **S Wilkinson BA, BPI, Dip LA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> March 2026

---

### Appeal Ref: **APP/Q3115/W/25/3374232**

### Land adjacent to **The Orchard, Braze Lane, Benson, OX10 6JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Beechcroft Developments Ltd against the decision of South Oxfordshire District Council.
  - The application Ref is P24/S3131/FUL.
  - The development proposed is erection of 40 no. age-restricted dwellings (Use Class C3) including 40% affordable housing and communal facilities, together with a new access off Braze Lane and pedestrian footway, including parking, landscaping and all enabling and ancillary works.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. For the purposes of this appeal the Development Plan comprises the South Oxfordshire Local Plan 2035 (2020) (SOLP) and the Bension Neighbourhood Plan Review 2022-35 (2023) (BNPR).
3. The Council has commenced work on the preparation of a joint Local Plan with the Vale of White Horse District Council which was submitted to the Secretary of State on 9 December 2024. Following an interim report by the Examining Inspectors it is unclear whether the Plan will proceed as originally anticipated. Its draft policies were not referred to by the parties although background evidence with particular regard to housing land and specialist older persons housing was referred to during the Inquiry.
4. Benson Parish Council and Salome Berrick Parish Council were each granted Rule 6 status (the R6 party) although a single body of evidence was submitted on their behalf. Whilst the neighbouring Parish Council, Berrick Salome has an adopted Neighbourhood Plan 2022-35 its policies are not referred in this decision.
5. A draft National Planning Policy Framework (the Framework) was issued in December 2025 for consultation and new housing requirements were published. Limited references were made to the draft Framework during the Inquiry and I accord it very limited weight.
6. Since the date of the Council's refusal a revised Public Open Space Plan (3866.P.106 revision E) was consulted on through the appeal process. The plan identifies the quantum of open space types across the proposed scheme and

makes no substantive changes to the proposals. I accepted this plan during the Inquiry and I am satisfied that no parties are prejudiced by this minor amendment.

7. In advance of the Inquiry, I received Statements of Common Ground relating to general planning matters, flood risk and drainage, transport obligations, highways and connectivity, public open space, housing land supply and older persons housing.
8. A draft S106 Agreement was presented in advance of the Inquiry. A completed draft dated 16 March 2026 was received after the Inquiry. This is discussed in this decision.
9. The site has a recent planning history. A scheme for nineteen dwellings was dismissed on appeal<sup>1</sup> in July 2019. Another appeal for the same form of development was allowed on appeal but this decision was subsequently quashed in 2024<sup>2</sup>. The redetermined appeal was then dismissed. This latter is referred to in this decision as 'the previous decision'.
10. The site was initially allocated as part of a housing site in the BNPR but was withdrawn by the Parish Council; this was confirmed by the Examiner<sup>3</sup>.

### **Main Issues**

11. The Council decided in advance of the Inquiry not to defend its reasons for refusal relating to flood risk (reason 4) and that reasons 5 and 6 relating to biodiversity net gain and the provision of infrastructure could be resolved through planning obligations. For the purposes of this decision the main issues are:
12. The main issues are:
  - Housing land supply with particular regard to specialist older persons housing,
  - The location of the site with reference to national and local policies,
  - The effect of the scheme on the landscape character and appearance of the area,
  - The design of the scheme with regard to the provision of open space,
  - Whether or not the suggested tenure mix would adequately address the district's housing needs, and

These matters will be taken into account in the evidence on the planning balance.

### **Reasons**

#### ***Housing Land Supply***

13. Although both parties accept that the Council does not have a 5 year housing land supply (YHLS) resulting in the most important policies (included in both the Local and Neighbourhood plans) being deemed out of date the parties focussed on the

---

<sup>1</sup> APP/Q3115/W/18/3219295

<sup>2</sup> APP/Q3115/W/24/3297026

<sup>3</sup> CD 4.3.2 Examiners report

weight to be accorded to this issue given the magnitude of the shortfall. This is consistent with the Hallam Land judgement<sup>4</sup>

14. Whilst no evidence was presented to the Inquiry addressing the deliverability of housing sites the two main parties accepted the findings of a recent appeal decision<sup>5</sup> which through an examination of specific sites accepted a supply figure of 3.81YHLS. Given the recent date of this decision, I have no reason to dispute this figure which is used as a baseline for the purpose of further calculation. Instead, the parties focussed on how the District contributes to meeting the housing needs of the City of Oxford as required by policy STRAT1.
15. The SOLP includes a housing requirement of 18,600 dwellings for the District for the plan period (2011-2035) with a further 4,950 dwellings required for the period 2021-2036 to address the needs of Oxford. These housing figures were originally derived from an uplift in the standard method to reflect the Oxfordshire Growth Deal agreed as a partnership between the City, Oxfordshire districts and the Government. This amounted to 775 dwelling per annum (dpa) for the District and 354dpa (31.3% of total supply) to meet the needs of Oxford which would be achieved through a stepped delivery which for the current 5 year period amounts to 1,120 dpa.
16. From December 2025 the Development Plan became over five years old and the revised housing requirement included in the standard method now applies; this equates to 6,484 (including 5% buffer) dwellings for the period 2026-3031 or 1,235 dpa. The new standard method also now applies to the housing requirement of the city of Oxford.
17. The spatial strategy included in policy STRAT1 identifies that growth would be focussed on the Science Vale and Didcot Garden Town and Culham with strategic allocations located throughout the district. Policies STRAT11, STRAT12 and STRAT13 include allocations to address Oxford's housing needs on strategic sites at Grenoble Road, Northfield and Bayswater Brook respectively. Larger villages such as Benson are required to contribute to this requirement based on their size and services and the SOLP identifies that Benson requires 440 additional dwellings<sup>6</sup> during the plan period.
18. The PPG and Framework are silent on how supply should be apportioned in these circumstances and it is left to an Inspector's judgement on a case by case basis. My Inspector colleagues in their appeal decisions on housing schemes in district's which 'host' sites to accommodate the housing needs of neighbouring cities have addressed this issue through a range of approaches responding to the particular circumstances of each appeal.
19. Figures suggested by the parties<sup>7</sup> range from the Council's primary position of no discount resulting in 3.81YHLS or its secondary position of 3.64YHLS to account for the 225 deliverable units on the Bayswater Brook site included in the supply figures, 3.64HLS. In contrast the appellant considers that 31.3%<sup>8</sup> (this percentage being derived from the amount of housing included in the requirement for Oxford)

---

<sup>4</sup> Hallam Land Management Ltd vs Secretary of State for Communities and Local Government & Anor [2018] EWCA Civ. 1808 {46&51}

<sup>5</sup> APP/Q3115/W/25/3370273 and APP/T3725/W/23/3319752

<sup>6</sup> SOLP Table f

<sup>7</sup> ID.30

<sup>8</sup> This represents a proportion of the overall requirement included in STRAT2 for Oxford

should be applied as a discount to the supply figures resulting in 2.62YHLS. The appellants secondary position seeks to apply a discount of 26% to reflect the proportion of supply identified from the three strategic sites for the current five year period included in the SOLP for examination, 2.82YHLS.

20. The application of a percentage discount as suggested by the appellant, potentially confuses the requirement with deliverable supply and furthermore, given that none of these sites are specifically ringfenced does not reflect that houses completed can accommodate people from both the District and Oxford. The application of a percentage discount in this way is not consistent with the settlement strategy and conversely it is unclear how housing delivered on the three allocated sites could be accounted for in the HLS figures of Oxford; they could be lost in the supply of each district. This is a point identified by the Inspector in the recent Chalgrove decision referred to above.
21. The application of a broad discount has been used by other Inspector colleagues in districts where specific sites were not identified<sup>9</sup>. Other decisions reflect the outcome of joint monitoring arrangements across sub areas located across several districts following adoption of a joint local plan<sup>10</sup>; these allow for a detailed assessment of how supply addresses strategic growth policies. None of these circumstances apply in this case.
22. In the absence of a detailed analysis of the rate of housing delivery on these three strategic sites I consider that the application of a broad percentage would result in grossly inaccurate figures. However, given that the supply figures include 225 dwellings on the Bayswater Brook site, a reduction from the Council's supply to reflect this acknowledges that a large percentage of dwellings on this site would be taken by households overspilling from Oxford. Whilst imperfect this would be preferable to the appellant's primary and secondary positions being a more accurate reflection of the exigencies of the current supply position in the context of the settlement strategy and for this reason is to be preferred.
23. Whilst this approach differs from that taken in the recent Chalgrove decision I am unaware of the detailed evidence which informed the Inspector's conclusions. On the basis of the evidence before me I find that the Council's approach is to be preferred and I conclude that the Council has 3.64YHLS. I still find that this shortfall is significant which will be weighed into the planning balance.

### *Specialist Older Persons Housing*

24. It is recognised that there is an acute national need for housing for older and disabled people with the Planning Practice Guidance referring to this as critical. Estimates identify an additional 30-50,000pa<sup>11</sup>; figures echoed by the Mayhew Review which recommended an accelerated construction programme to address this.
25. Whilst there is not an agreed methodology to accurately predict the need for future provision both parties accept that whatever rate is adopted<sup>12</sup> there is still a significant need for older persons housing in South Oxfordshire. Both parties draw on methodologies which are acknowledged to be imperfect. For this reason in my

---

<sup>9</sup> APP/F10140/W/25/3368728 & APP/T3725/W/23/3319752

<sup>10</sup> APP/G1630/W/22/3310117 & 3284820

<sup>11</sup> CD12.1 Our Future Homes

<sup>12</sup> ID.19

final conclusions on this matter, I accept that the figures are only indicative of the level of need and have sought to balance the parties' findings.

26. There is a supply of 1,326 homes with support in the District<sup>13</sup> (2024) and there is a further 280 homes in the pipeline. The Council estimate that presently (Q4 2025) there is a stock of around 1,499 homes with support equating to around 86/1,000 homes which is a low rate of provision when compared to the methodologies relied on by the parties. Drawing on the background papers for the JLP it is agreed that the population of persons aged 75+ years of 17,465 (2024) would increase to 25,975 by 2041.
27. The Council's need figure of 772 homes with support is derived from the Joint Housing Needs Assessment derived from the application of the SHOP@ rates from the Housing LIN Resource Tool balanced with the application of the CRESR<sup>14</sup> model. This is empirically based reflecting both the existing provision within the district but accounting for those Council's across the country with the highest levels of provision. An allowance includes the exigencies of the existing stock. This addresses in part a criticism that prevalence rates are not indicative of need.
28. In contrast the appellant identifies a need for around 992 homes with support. This is derived from the application of the Housing LINSHOP@ resource. Following the RTS the appellant through the application of the County's Specialist and Supported Housing Needs Assessment (SSHNA) identifies the level of need could be up to 1,408 homes which if adjusted to reflect recent population projections (2022) could be by 2041, 2,804 homes. However, the appellant acknowledges that this does not account for the amount of existing stock and that some of the need will extend beyond 2041.
29. I find that to reach a judgment on this range of figures which both parties accept are informed by the application of methodologies with inherent weaknesses would be precarious. For this reason, I accept their conclusions in the light of the Mayhew report that the level of need for specialist older persons housing is significant; this will be weighed into the planning balance.

### ***Character and appearance***

#### ***Landscape impacts***

30. The site comprises three paddocks of around 1.2ha located on the south side of Braze Lane and includes a menage and shed structure. Across Braze Lane lie arable fields but to the south is a recently completed development, Chiltern Grange which includes a landscaped belt of public open space which lies on the southern and western boundaries of the appeal site. This is identified in the BNPR as the green wedge which reinforces Benson's settlement boundary with the countryside beyond.
31. The site's northern boundary is common with the Orchard, one of two large detached dwellings which due to their large gardens present a contrast with the modern estate houses in Chiltern Grange. The site's boundary treatment includes post and rail fencing and hedging which adjacent to the orchard is dense. Its frontage to Braze Lane comprises a high hedge of around 2m height set at around 0.3m above the carriageway.

---

<sup>13</sup> CD11.4

<sup>14</sup> Centre for Regional Economic and Social Research at Sheffield Hallam University

32. The site is not a valued landscape as defined by Paragraph 187 of the Framework. All parties agree that given the size of the appeal scheme and its distances from both the North Wessex Downs and Chiltern National Landscapes no harm would arise on these two protected landscapes from the development of the appeal scheme. In its present condition and with its location adjacent to Braze Lane, a country lane surrounded by tall hedgerows, the site contributes to the areas rural character.
33. The appeal scheme is too small to have any impacts on Landscape Character Area 108, Upper Thames Clay Vales. The site lies in LCA12C<sup>15</sup> Eastern Middle Vale but few of this area's characteristics apart from hedgerows and limited long distance views towards the Chilterns are shared with the appeal site.
34. The BNPR identifies that the site lies within LCT19 Undulating Open Vale characterised as having a transitional character reflecting the presence of Chiltern Grange and the broad sweep of large arable fields, rectilinear in pattern which extend eastwards from Braze Lane<sup>16</sup>. Whilst unremarkable in character and containing no distinguishing landscape features, it forms an area of transition between town and country. For this reason, it would have a medium sensitivity to the proposed scheme.
35. The appeal scheme includes blocks of housing and apartments arranged around the site with 2 storey plots on its frontage. Building heights vary from 7.5-9m. The form and scale of the scheme contrasts with that included in the previous decision which comprised nineteen detached and semi-detached dwellings.
36. There would be a significant impact on the character of the site which, given the nature of the works involved, would partially reduce over time as the proposed landscaping took effect. The proposed blocks of housing and apartments would be set between 5-31m and between 19-32m from its western edge and eastern edges respectively but around 5m from its northern boundary. The landscaping strip on the site's southern boundary would only be around 6m deep and would include the trim trail. The landscaping area on its eastern edges includes areas of parking and the sub station; this would even by year 15 be insufficient to overcome the impact of the scheme on the surrounding landscape leading to moderately adverse impacts.
37. The recent implementation of the green buffer around Chiltern Grange reinforces the distinction between the settlement edge of Benson and the countryside beyond. Whilst the appeal scheme lies adjacent to the Orchard and Port Hill House, their character is markedly different from that of the proposed scheme which would be urban in scale and form resulting in it appearing as an outlier of Benson. This adversely impacts on the existing character at a point of transition in the landscape resulting in moderate adverse impacts and undermining the role of the 'green wedge' as an effective buffer between the village and its rural setting.

### *Visual Impacts*

38. A series of viewpoints along roads and footpaths/bridleways included in the Itinerary and Appendix L03 were used for the site visit, part of which was

---

<sup>15</sup> Landscape Character Assessment for South Oxfordshire and Vale of White Horse 2024

<sup>16</sup> BNPR – Appx E Part 2

unaccompanied. The site does not lie within any of the important significant views of Benson referenced in the BNPR<sup>17</sup>.

39. The proposed scheme would be highly visible from the recently completed dwellings in Chiltern Grange and for visitors using the footpaths which run through the areas of public open space included in the green wedge. Presently, visitors and residents enjoy views across the site towards the arable fields beyond. On its development these views would be restricted leading to significant adverse impacts from these points which due to the sensitivity of the receptors I accord significant weight. The depth of the proposed landscaping along the site's western edge would by year 15 only partially diminish these adverse visual impacts. From beyond its southern edge given the limitations on landscaping within the site the adverse visual impacts would remain, undermining the role of the green wedge.
40. Views from Public Right of Way (PROW) 125/12/20 lying to the south west of the site are limited by the extent of hedgerows along the northern edge of this way. Whilst gappy and limited in extent the hedgerows constrain views towards the site which are limited further by the hedgerows along Watlington Road/The Sands and the extent of housing in Chiltern Grange. There would be no views of the appeal scheme from points along this way.
41. Similarly views from along Braze Lane south east of The Sands are restricted by the existing hedgerows until its junction with The Sands when parts of the development would become visible. The proposed housing would be partially masked by the existing vegetation but a large section would be seen appearing as an extension to Chiltern Grange resulting in moderate adverse impacts.
42. Presently, views into the site from Braze Lane are limited due to the height of the hedge which extends across virtually the entire frontage to Braze Lane. However, the appeal scheme would become visible by the proposed access which at its widest point would extend to 13m. Around 23m of hedgerow either side of the access would be trimmed to preserve sight lines allowing views into the scheme leading to a significant loss of visual amenity for walkers. In contrast drivers and cyclists would only experience fleeting views with negligible impacts on their visual amenity.
43. From along Tidmarsh Lane PROW 125/14/10, through a combination of hedgerows and topography, limited views of the site would only become possible on the approach to its junction with The Sands. From this junction however, the height of hedgerows along both sides of the road would limit views resulting in negligible impacts for walkers.
44. From PROWs 125/10a/20 and 127/1/10, the degree of mature woodland cover along each path/bridleway limits entirely any views of the site. In contrast, from PROW 127/2/10 there would be clear views of the proposed development which would appear as a significant extension into the wider landscape. Given the site's context in relation to Chiltern Grange, it would appear as a significant intrusion into the landscape in views from along this path. The proposed mitigation on the site's eastern edge which includes oak trees would only partially diminish these adverse impacts by Year 15. There would be conflict with policy NP28.

---

<sup>17</sup> Appx E Part 3

45. Drivers and cyclists travelling towards Benson along The Sands would only have brief views of the proposed scheme from around its junction with Braze Lane to where housing in Chiltern Grange occurs (a distance of around 70m). Given the nature of these receptors, I consider that they would experience negligible /minor adverse impacts.
46. The landscaping included in the scheme would be insufficient to entirely offset its adverse visual impacts from views beyond its western, eastern and southern boundaries.

### *Coalescence*

47. The importance of preserving the gap between Benson and Rokemarsh is identified within the BNPR<sup>18</sup> and supported by policy NP27. It was a consideration in the deletion of the site as a housing allocation through the Examination process.
48. An assessment of the impact of the proposed scheme on this gap from aerial photographs identifies that whilst it would be eroded due to the scheme's eastern extension beyond the settlement boundary towards Rokemarsh, it would not lead to coalescence.

### *Conclusions*

49. I am aware of the conclusion of my Inspector colleague in the previous decision on this site<sup>19</sup> but this appeal scheme is entirely different in form and layout for more dwellings proposed in blocks of housing and apartments.
50. Policies ENV1, DES1 DES2 and BNPR policies NP27, NP28 and NP29 are consistent in requiring development to respond positively to landscape character and the setting of settlements.
51. The appeal scheme would have an adverse impact on the character of the site; an inevitable impact given its existing character and the scale of the scheme. However, these landscape impacts would not extend much beyond the site impacting on LCA108 and LCA12C but result localised impacts on LCT19.
52. There would be adverse visual impacts for walkers on PROW 127/2/10 and from within the green wedge. I conclude that the scheme would result in limited adverse landscape impacts but considerable visual harm which together amount to conflict with policies ENV1, DES1, DES2 and policies NP27, NP28 and NP29.

### ***Public Open Space***

53. The appeal scheme includes 5,969sm of open space including public open space of 2,308sm which contains a proposed trim trail of 266m length running around the perimeter of the site. There are landscape amenity areas (2,301sm), a multi-use SuDS (recreational space) of 379sm and landscape attenuation areas of 981sm. In addition, there is 909sm in private amenity spaces. These areas are primarily set in the landscaped areas to the scheme's western and eastern sides. These areas exceed the Council's standard which requires only 520sm for a resident population of 52.

---

<sup>18</sup> Appx E Part 4

<sup>19</sup>APP/Q3115/W/22/3297026

54. The form of open space demonstrates the limitations of designing a major scheme in a uniform shaped site area rather than the Council's position that they represent 'the spaces left over after planning' (SLOPE).
55. Whilst I have already highlighted the scheme's conflict with landscaping policies with regard to the site's southern and northern edges in consideration of the site's western and eastern edges these areas would allow for a number of passive activities appropriate for the resident population. These result in qualitative advantages for occupiers and users of this space.
56. For these reasons I do not find a conflict with DES5 which requires that public space with development has been designed as integral to the whole scheme.

### ***Affordable housing***

57. Policy H9 requires that housing schemes include 40% affordable housing on all sites with a net gain of over 10 units or where the site has an area of over 0.5ha. This is caveated in the policy with explicit reference that this housing should comprise 40% affordable rent, 35% social rent and 25% from other affordable routes to home ownership. These requirements are based on evidence of housing need and affordability identified through the Joint Housing Needs Assessment and Oxfordshire SHMA<sup>20</sup> which demonstrate that around 24% of single person households over 55yrs and 6% and 8% of couples aged between 55-64yrs and over 65yrs are unable to afford market housing.
58. Application of the policy to the appeal scheme identifies a requirement for 6 units of both social and affordable rent and 4 for home ownership. These would in part address the households identified in the Housing Needs Register as living in the District and /or have specified Benson as their preferred location who are have acute and urgent housing needs.
59. Through its partnerships with Registered Providers (RPs) the Council seeks the delivery of affordable housing through the planning process following the grant of permission. This can involve the Clearing Service arranged through Homes England. The appellant has approached all the RPs listed by the Council but without success due to a lack of interest and concerns over the size of the site. The appellant's suggested mix includes units offered at up to 20% discount on sale value; this is an acceptable form of affordable housing as defined by the Glossary to the Framework albeit one which is not compliant with policy H9.
60. In part to address the different approaches the S106 Agreement includes a 'cascade' mechanism similar to other schemes allowed by the Council<sup>21</sup>. This allows for the inclusion of six social rent dwellings through a RP (the Council's preferred mix) or the appellants preferred mix of the units at a discount market rate or a third option which requires that the appellant continues to seek a RP but on the receipt of written notice that its best endeavours have failed then their preferred mix would prevail.
61. I am satisfied that the suggested mechanism is a pragmatic approach seeking to respond to matters which are not within the appellant's control. The suggested approach would deliver affordable housing as defined by the Framework. The proposed cascade could still allow an opportunity for RPs to come on board if I

---

<sup>20</sup> Mr Pitts PoE

<sup>21</sup> APP/Q3115/W/25/3289271

were minded to allow this appeal. For this reason, I accept that the S106 obligation still allows for an opportunity for the tenure mix to meet the requirements of policies H9, H11 and DES1.

### ***Access and connectivity***

#### *Policy background*

62. The Framework at paragraphs 110 and 117 require that development should be in locations which offer a choice of transport modes. Paragraph 117 identifies a preferred hierarchy of pedestrians, cycling and public transport and includes a requirement that the needs of persons with reduced mobility should be addressed in all transport modes. Paragraph 110 recognises that opportunities to maximise transport solutions will vary depending on locations in urban and rural areas.
63. Policy H1 requires that specialist housing for older people will only be allowed on unallocated sites, such as the appeal site, in locations with good access to public transport and local facilities. Policy H13 is consistent with this objective which is reinforced in policy TRANS5 which includes a specific requirement to make adequate provision for those whose mobility is impaired. Policy TRANS2 requires designs to encourage walking and cycling, and policy NP1 allows development outside settlement boundaries but only where they would be consistent with the Local Plan.
64. The Local Transport and Connectivity Plan aims to achieve 'Liveable Neighbourhoods' with residential development located within a 10 minute walk of local facilities and services.
65. Whilst the SOLP has not defined 'good access' I accept that that it is informed by both the needs of occupants and the requirements of Paragraphs 110 and 117 of the Framework.
66. There are two matters within this issue which are addressed below.

#### *Footway*

67. Braze Lane is unlit and has no footways and is subject to a speed limit of 50mph and in its current state is entirely inappropriate for the proposed scheme. To address these matters the appeal scheme includes a reduction of the speed limit to 20mph from the north west corner of the site to its junction with The Sands and the inclusion of a footway of width 1.2m from the south east corner of the site extending 85m along Braze Lane where it would extend to a new footpath of 2m width which would connect to the existing footways located on the relief road which runs through the Chiltern Grange housing scheme.
68. The proposed highway changes are similar to those considered as acceptable by my Inspector colleague in the previous decision<sup>22</sup>. However, that scheme was for nineteen market dwellings.
69. Despite the age limitation it is acknowledged that occupant's average age, based on the appellant's other schemes, would be between 75-80years<sup>23</sup>. I accept that age alone is not the sole determinant of mobility and that large numbers of people in this cohort can walk and drive, but it is generally accepted that age reduces

---

<sup>22</sup> APP/Q3115/W/22/3297026

<sup>23</sup> Mr Brockbank Rebuttal

mobility. The Council identifies that 35% of people over 70 years experience mobility difficulties; I have no reason to dispute this.

70. From the southeastern corner of the site the pedestrian footway of 1.2m width would lie around 0.25m above the carriageway along a straight section of Braze Lane. The combination of the narrow footway, its height above the carriageway and the age of residents using this route are issues identified by the Road Safety Audit which have not been addressed.
71. Guidance from the Highway Authority, the Department of Transport and Manual for Streets advise that footways should be between 1.8 - 2m width and where it has to be 1.5m there should be 'passing places included. This would allow wheelchairs and double buggies to pass. These are not prescribed distances and I accept that opportunities to walk is related both to distance and the quality and safety of the immediate environment.
72. Whilst the proposed footway would not meet the range of guidance the parameters of its design have to be seen in context. The number of pedestrians users generated by the scheme would be around 3 person per hour and the number of wheelchair users is likely to be extremely low. Despite being an integral part of the public highway the footway would effectively serve just the proposed development and would not be part of a wider footway network where a variety of users with different needs could feel comprised by the reduction in width. The proposed speed reduction from 50 to 20mph would assist.
73. I acknowledge the findings of the Road Safety Audit but for the above reasons the prospects of serious accident would be limited and the width of the footway is acceptable for this scheme.

### *Connectivity*

74. The Transport Statement of Common Ground identifies the specific distances from both the rear and front of the site to various points within and around Benson. By adapting these figures it is possible to identify approximations of the shortest routes from the centre of the site; I have used these to inform this decision.
75. The appellant's scheme is targeted at persons over 55 years of age and is not an extra care facility which normally includes on site facilities designed to cater for day to day needs such as those included in recent decisions at Sonning Common<sup>24</sup> and Shiplake<sup>25</sup>. In contrast this appeal scheme includes as 'support' an estate manager with the only on site facility being a resident's lounge. Given the limited range of on site facilities the need for access to shops and services makes the provision of good access particularly important.
76. The scheme includes 50 parking spaces (1:1.25 spaces per dwelling) a ratio above that of the appellant's other schemes, and 40 cycle parking spaces and through a planning obligation would include the provision of a minibus service.
77. Benson has a small centre which includes GP surgery, dentist, pharmacy, small supermarket and hairdresser consistent with its designation as a large village. For example, the library, Millstream Centre and surgery would be around 1.6km from the centre of the site whereas the Co-Op would be around 1.5km. The bus stops at

---

<sup>24</sup> APP/Q3115/W/21/3265861

<sup>25</sup> APP/Q3115/W/22/3320425

- the Marina and Blacklands Road would be around 1.9 and 1.2km respectively from the site. These stops serve the 139 and X40 services to Wallingford and between Reading; these distances lie well beyond the 400m desirable walking distances<sup>26</sup>.
78. Overall shops and services are on average around 1.5-1.6km or around 1 mile from the centre of the site which is well beyond the walking distances advocated by the CIHT<sup>27</sup> or that advocated by other guidance<sup>28</sup>. The CIHT provides advice that acceptable walking distances relate to a range of factors including fitness and physical ability (Tables 3.2 and 4.2).
79. I acknowledge that these suggested distances included in the range of guidance presented in evidence are not fixed but are broadly consistent in demonstrating that the site is too far from the centre of Benson. This is particularly important for elderly people where these distances are more likely to be perceived as beyond an acceptable maximum distance which the site's location exceeds. The occupancy of the scheme is a material consideration which distinguishes this appeal from the previous decision.
80. The walk to the centre involves a gradual descent and pedestrians from the scheme would likely take any number of routes depending on their personal preferences; a point acknowledged by the County as Highway Authority<sup>29</sup>. These routes could include roads within Benson which do not include footways or pedestrian crossings given the village's historic development which towards its centre in part retains the street pattern of a rural village. However, in line with the national guidance<sup>30</sup> I find it is not just the distances involved but the quality of experience that would matter. In this regard a shopper in their mid 70's returning with bags of shopping up the incline on the return journey could be challenged and faced with this the use of private transport would be an attractive option.
81. Whilst the National Travel Survey identifies that for those aged 70 years and over walking is preferred for 29% of trips it is unclear on the purpose of these trips whether for leisure, work or shopping and does not reflect the exigencies of particular routes. If these figures are applied to the appeal scheme private transport would be an attractive option for around 70% of trips and not just to Benson but to other centres instead of local bus services. In this context whilst details of a local travel information pack is included in the draft conditions, in practice its provisions designed to reduce private transport would have limited impact.
82. In part to address these concerns the scheme includes a minibus which would be guaranteed in perpetuity through planning obligations. It is fair to say that the appellants understanding of how this would operate has evolved through the planning process. Initially it was described as operating as a regular timetabled service to fixed destinations to a bookable 'on demand' service funded through the service charge. There is also reference in evidence to its operation through contracting arrangements through the estate manager.
83. I accept that minibuses are provided in schemes for extra care accommodation which include on site services (for example, appeal decisions at Sonning Common and Shiplake) where residents have impaired mobility.

---

<sup>26</sup> CD13.7 Providing for Journeys on Foot

<sup>27</sup> Ibid

<sup>28</sup> Active Travel Guidance

<sup>29</sup> Oxfordshire County Council Walking Design Standards.

<sup>30</sup> CIHT Planning for Walking

84. Whilst car sharing is recognised as a sustainable service in the glossary to the Framework, no evidence was before me to demonstrate how the provision of similar proposals at sites operated by the appellant actually work in practice to reduce the number of road trips through shared journeys. An 'on demand' service would be a form of private transport which would be unappealing when compared to the attraction of private transport given the amount of on site parking. That the appellant has suggested its inclusion in the S106 Agreement highlights that a proportion of residents would have difficulties accessing services and facilities by foot. Accordingly, I give it only limited weight in the planning balance.
85. The scheme includes 40 cycle parking spaces which is below the Highways recommended standard. The appellant justifies this with reference to the development being age restricted leading to less demand for cycling. This is in itself an indication of that residents would not prefer active travel.

### *Conclusions*

86. I accept that despite its limitations the design of the proposed footway along Braze Lane is acceptable for the scheme. However, in the consideration of the provision of 'good access' for the occupants of the scheme and the priority given to pedestrians, cyclists and access to public transport referred to in Paragraph 117 of the Framework the scheme conflicts with policies H1, H13, TRANS5, TRANS2 and NP1.
87. Whilst Paragraph 110 of the Framework acknowledges the difficulties in the provision of sustainable transport solutions in rural areas, the distance of the appeal scheme from shops and services and to public transport would be excessive for the occupants of this particular scheme resulting in harm conflicting with adopted policy.

### *Infrastructure*

88. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind. The Council submitted a CIL compliance schedule which references the S106 Planning Obligations SPD which together identify how each suggested obligation is consistent with its adopted policies and the requirements of the Regulations.
89. The S106 Agreement includes a series of covenants in favour of the County and District Councils.

### *Financial obligations*

90. These include index linked financial contributions to street naming (£1,072), waste management (£4,075) and waste recycling bins (£8,480). These amounts are justified with reference to the County's fees schedule, April 2025. The waste management contribution would be directed to improving the capacity issues of local waste and recycling centres.
91. An obligation requires payment to the County Council of £119,735 towards the provision of a new cycle way along the A4074 directed towards the replacement of the shared cycle/footway which currently exists along part of this route which is off

limited width. This obligation is supported by policies 1 and 2 of the LCTP<sup>31</sup> and policies INF1 and TRANS2 of the SOLP. These works will be linked to the s278 Agreement.

92. A contribution of £53,040 (derived from a standard charge of £1,326 per dwelling) is included as a commuted sum to provide ongoing financial support to the County's public transport services to maintain their viability. This would benefit residents of the appeal scheme. A monitoring fee of £5,680 is required and included as an obligation in the draft S106 Agreement.
93. A financial contribution of £9,617.17 is required for BNG monitoring given that the uplift in BNG will in part be addressed in the proposed landscaping scheme but will also involve the purchase of credits off site where biodiversity units will be provided.

#### *Non financial obligations*

94. A range of non-financial contributions are included in the Agreement.
95. An obligation restricts the age of occupants to over 55 years in keeping with the purpose of the whole scheme.
96. The cascade mechanism included in the obligation for affordable housing allows flexibility in the delivery of affordable housing as identified in the glossary to the Framework. It recognises the difficulties which the RPs face with small schemes and allows the appellant a second opportunity following its earlier attempts to address the Council's preferred mix. The structure of the obligation would avoid the difficulties in securing a later variation to the S106 Agreement. This would secure the delivery of affordable housing consistent with the Framework. If I were to allow this appeal drafting changes as allowed by clause 4.3 would be required to the obligation to give effect to this.
97. Finally, the S106 Agreement includes an obligation for the provision of a minibus based at the site to be available at all reasonable hours which cannot be withdrawn without the written permission of the Council. This would be consistent with the Framework's definition of sustainable transport included in the Glossary. The Council state that this obligation is unnecessary and point to the appellant's evidence<sup>32</sup> that this is not essential to make the scheme acceptable.
98. The obligation would mean that the minibus would be there as a 'fall back' in the event that other forms of transport cannot be accessed. In this regard, and despite my comments above, it would be consistent with the tests included in Regulation 122 and the Framework.
99. I conclude that subject to the required amendment identified above the obligations include the provision of infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. To conclude, I am satisfied that each of these obligations fall within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 58 of the Framework.

---

<sup>31</sup> Local Transport and Connectivity Plan

<sup>32</sup> Mr Brockbank xx

## **Other Matters**

### ***Drainage***

100. In advance of the CMC the main parties agreed a Statement of Common Ground which confirmed that the issue is not one concerning the capacity of the sewage system to cope with an additional 40 dwellings but one relating to the ingress of surface water entering the foul drainage system leading to localised flooding.
101. The appeal scheme is designed to connect with the drainage system which serves Rokemarsh. There is no objection to the proposed scheme from both Thames Water and Lead Local Flood Authority. However, localised flooding is long acknowledged by Thames Water who commenced works to strengthen pipework lining and the sealing of manholes in November 2025 with additional phases programmed.
102. The appeal scheme would not affect the capacity of the local drainage system which has been designed to connect with that which runs into Rokemarsh village and there would be no impacts on the drainage system in Benson. This was acknowledged by the interested party who raised this matter during the Inquiry.
103. For these reasons, I conclude that the appeal scheme would not conflict with policies EP4,DES1 and NP30.

### ***Biodiversity Net Gain (BNG)***

104. Policies ENV3 and NP23 require that opportunities are taken to protect and enhance biodiversity and provide for the needs of wildlife in development wherever possible.
105. The appeal scheme includes 10% BNG; this is compliant with the Environment Act 2021 and the Framework and would be secured through planning obligations included in the S106 Agreement. Part of the gain would include enhancements on and off site. I conclude that the suggested obligation means that there would be no conflict with policies ENV3 and NP23.

### **Planning benefits of the appeal scheme**

106. The appeal scheme includes a range of social, economic and environmental benefits consistent with the Framework's definition of sustainable development. I have identified the following as benefits of the appeal scheme:

#### ***Social benefits***

107. Whilst both parties accept that the Council does not have a 5YHLS resulting in the most important policies (included in both the Local and Neighbourhood plans) deemed out of date the parties focussed on the weight to be accorded to this given their different findings on housing land supply (YHLS). This is consistent with the judgement in Hallam Land.
108. The provision of 40 dwellings would make a small contribution to this under supply and given my findings above on the level of need for older persons housing I accord the provision of these units significant weight. Whilst the proposed tenure pattern included in the S106 does not meet the Council's requirements it would be consistent with the Framework. Accordingly, I accord it moderate weight.

109. The provision of the older persons housing would lead to positive impacts on the wider housing market from the 'freeing' up of a similar number of units from the stock of large dwellings as the old family home is released. Furthermore, it is recognised<sup>33</sup> that occupants of the proposed scheme could experience improvements to their health and wellbeing through companionship and shared lives.
110. Together these benefits are consistent with the Framework's housing policies and I accord them significant weight.

#### *Economic benefits*

111. It is acknowledged that the appeal scheme would result in a range of economic benefits. The appellant<sup>34</sup> refers to several aspects including the creation of 124 jobs in its development although this number is not supported in other evidence<sup>35</sup> and is not consistent with that of the appellant's other witnesses<sup>36</sup>. There would be £482,120 and £45,178.4 generated in tax revenue and Council tax as indicated through the House Builders Housing Calculator although no detailed rationale to merit these figures is included in evidence.
112. Other economic benefits, recognised by the Older Person's Task Force and supported by the appellant include savings in energy bills for the occupants, delaying the time when older persons may have to move into care potentially resulting in savings estimated to be around £28,080 for each individual affected.
113. Whilst I acknowledge the importance of the scheme's economic benefits consistent with Paragraph 85 of the Framework, I accord only moderate weight to these benefits given the lack of details to support these figures included in evidence.

#### *Environmental benefits*

114. The appeal scheme includes a 10% BNG. This is consistent with Paragraph 187d) of the Framework. This meets the statutory target and for this reason I recognise that it is neutral in the planning balance. The obligations requiring financial contributions for transport infrastructure and the provision of the minibus are merely designed to offset the planning implications of the proposed scheme. The suggested 'on demand' service undermines its function as a form of sustainable transport.
115. These are neutral as they are consistent with legal requirements and designed to address the exigencies of the scheme.

#### **Planning balance and conclusions**

116. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.
117. There is an undersupply of housing land and in particular specialist older persons housing which I accord significant weight. In these circumstances there is a presumption in favour of sustainable development as defined by the Framework.

---

<sup>33</sup> Our Future Homes

<sup>34</sup> Planning Statement

<sup>35</sup> Mr Tiley para 8.43PoE

<sup>36</sup> Mr Brockbank – Planning Statement and Mr Tiley PoE para 8.42

Accordingly, Paragraph 11dii) of the Framework applies resulting in the policies of the Development Plan deemed as out of date.

118. The fact that the most important policies, i.e. those identified in the Council's refusal are deemed as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 232, which amongst other things, states that the closer that local policies are to those in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date by reason of an inadequate land supply to still carry significant weight.
119. I find that there is no evidence to support the Council's 4<sup>th</sup> reason for refusal concerning drainage and that through the draft S106 Agreement reasons, 5, and 6 have been satisfactorily addressed. The suggested cascade mechanism included in the S106 Agreement regarding the provision of affordable housing would address the scheme's conflict with DES5. Accordingly, there is no conflict with SOLP policies EP3, EP4, relevant parts of DES1, ENV3, TRANS4, H9, H11, INF1 and BNPR policies NP1 (relevant parts), NP10, NP23, NP25 and NP30.
120. However there are outstanding conflicts with policies H1, H13, TRANS5 and NP1 related to the site's location. I find that these policies are consistent with Paragraphs 110 and 117 of the Framework in requiring that development has good access to shops and services by a range of transport modes. Accordingly, I accord substantial weight to the appeal scheme's conflict with them.
121. Policies ENV1, DES1, DES2, NP27, NP28 and NP29 aim to protect the countryside. However given how policies H1 and H13 reference each of these policies they act as permissive policies which allow housing development on unallocated sites beyond settlement boundaries subject to the provision of good access. For this reason when read together they are consistent with the nuanced policies on landscape included in Paragraph 187b of the Framework. Accordingly, I accord substantial weight to this conflict.
122. The BNPR became part of the Development Plan within the last five years and contains policies and allocations to meet its identified housing requirement. I have identified conflict between the scheme and several policies of the BNPR and in these circumstances Paragraph 14 of the Framework advises that the adverse impacts of allowing development is likely to significantly and demonstrably outweigh the benefits. This presents a high bar for the scheme to overcome and reflects the importance attached by the Government to the role that Neighbourhood Plans have in the planning system.
123. However, the housing land supply position presents a broader context for this decision. The Council has not been able to demonstrate a five year supply for several years. I accept that work is proceeding on the JLP which is currently held in abeyance pending further work by the Council but its adoption date is unclear.
124. Under the transitional arrangements included in the Framework preparation of the JLP is proceeding on the basis of the local housing need based on the 2023 figures which are well below those included in the most recent figures released on 10 December 2025. In these circumstances, once adopted, the Framework requires that a new plan should be prepared within a year of adoption which should proceed on the basis of the new housing figures from 10 December 2025. I accept that in

this context an appropriate plan led solution to addressing the chronic undersupply is some years away.

125. However, I accord substantial weight to the policies of the Development Plan and to those of the BNPR given the importance which the SOLP accords Neighbourhood Plans to direct growth to larger villages. The SOLP identifies that Benson was anticipated to take 383 dwellings but this was increased by the 'Growth Deal' by 15% to 440 dwellings<sup>37</sup>. However, the allocation include in the BNPR was for 561 additional dwellings<sup>38</sup> but instead 831 dwellings were actually allocated in the BNPR, a large proportion of which are included in the Chiltern Grange scheme which is nearing completion. Whilst these figures are not to be regarded as a 'cap' on future supply they reflect the positive engagement of the local community through the planning process. This is a matter of considerable importance.
126. I accept that many of these issues may have been rehearsed through the recent decision in Chalgrove but there are two important distinctions between that decision and the once before me. Firstly, that scheme was for a far greater number of dwellings recognised as sufficient to overcome the identified harms. Secondly, Benson has already experienced a considerable increase in housing above its allocation, acknowledged by the appellant<sup>39</sup> which is proportionally higher than that experienced in Chalgrove both through the SOLP and Neighbourhood Plan allocations. These are not allocations but their construction is being finalised.
127. Whilst there is a national imperative for additional housing<sup>40</sup> and for older persons specialist housing as identified in the Mayhew report this has to be located on sites with 'good access' as defined by both local and national policy. This is a matter of principle which the scheme fails and its location would undermine many of the potential benefits for occupants which could arise for this form of specialist housing. This would undermine the requirements of Paragraphs 61 and 63 of the Framework. I acknowledge that the BNPR does not include specific allocations for older persons housing but the Development Plan policies would allow for this in the right location.
128. The obligations included in the draft S106 Agreement in respect of the highway matters and the provision of the minibus would not adequately overcome the harm arising for residents from the site's location and result in conflicts with adopted policy and the Framework at paragraphs 110 and 117. Furthermore, there would be landscape harms undermining the function of the green wedge included in BNPR. I accord these matters substantial weight.
129. I have considered the range of social, economic and environmental benefits of the appeal scheme. While these are significant the harm arising from its location and landscape impacts would conflict with adopted policy and would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

---

<sup>37</sup> SOLP Table 4f

<sup>38</sup> SOLP Table 4b

<sup>39</sup> Mr Tiley XX

<sup>40</sup> 12.12.24 Written Ministerial Statement - Building the Home we need

130. For the reasons given above, I find that the appeal scheme would conflict with the Development Plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the Development Plan should be reached. I therefore conclude that the appeal should be dismissed.

*S Wilkinson*

INSPECTOR

## CORE AND RELEVANT APPEAL DOCUMENTS

These can be accessed through the following link:

<https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S3131/FUL#exactline>

## INQUIRY DOCUMENTS

ID.1	Appellant Openings
ID.2	Council Openings
ID.3	Rule 6 Openings
ID.4	Statement of Mr Whitworth for Berrick Salome Parish Council Drainage Group
ID.5	Statement of Ms Galpin for the Bensington Society
ID.6	Statement of Mr Glynn presented by Mr Marsh
ID.7	Statement by Mr McLaughlen
ID.8	Statement of Mr Brown
ID.9	Statement of Mr Hess
ID.10	Statement of Mr Ellingworth
ID.11	Landscape - summary Assessment Table
ID.12	Extract from the PINS report on the Examination of SOLP 27 November 2020
ID.13	Erratum re Councils Housing Evidence with Supplementary Note
ID.14	Round table agendas for Landscape, Public Open Space, Housing Land Supply, Older Persons Housing, Affordable Housing and Highways/Connectivity
ID.15	Itinerary of accompanied site visit
ID.16	N Tiley- Table of deliverable supply
ID.17	Erratum to rebuttal of Mr Tiley
ID.18	Plan with note on hedge removal
ID.19	Supplementary Note on need for housing with support in Benson
ID.20	Photo of raised kerb
ID.21	Routes of proposed minibus and bus routes
ID.22	Legal definition of SN38A Neighbourhood Development Plan
ID.23	Legal Authority – the Cherkley Case
ID.24	Trim Trail plan
ID.25	Revised schedule of weight
ID.26	Additional joint note on specialist and supported housing need assessment.
ID.27	Route and measurement of 'pink' walking route
ID.28	Appeal decision 3370273
ID.29	Landscape buffer parameters
ID.30	Commentary by Ridge Consultants on 3370273
ID.31	Commentary by Pegasus on 3370273
ID.32	Note of meeting between PINS and officer teams on JLP
ID.33	R6 note on Conditions
ID.34	Legal Authority Mid Counties Co-op

---

ID.35	Revised draft S106 Agreement
ID.36	Summary of the Agreement
ID.37	R6 closings
ID.38	Council closings
ID.39	Appellant closings

A completed S106 Agreement dated 16 March 2026 was received after the Inquiry.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr J Corbett Burcher, Counsel instructed by Giles Brockbank

He called:

Mr R Chana MEng, MA,CMLI, Director Pegasus Group

Mr N Tiley Assoc RTPI BSc (Hons), Senior Director, Pegasus Group

Mr T Foxall BA MCIHT, Managing Director, Glanville Consultants

Ms L Moxon MEng, CEng, MICE, Principal Engineer Glanville Consultants

Mr G Brockbank Dip TP MRTPI, Partner, Ridge and Partners LLP

Ms N Gooch, Partner, Birketts LLP

### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms E Dring, Counsel instructed by Ms V Williams, Deputy Head of Legal (Governance) SODC

She called:

Mr P Radmall MA BPhil, CMLI Director, Peter Radmall Associates

Ms H Reid BSc, MSc, MRTPI, MIED, Director, Lambert Smth Hampton

Ms T Smith BA (Hons) MRTPI, Principal Appeals Officer SODC

Mr L Pitts MSc Senior Affordable Housing Officer, SODC

Mr J Lee BSc Director, Opinion Research Services

Ms J Goodwin Senior Transport Development Officer, Oxfordshire County Council

### **FOR THE RULE 6 PARTY:**

Mr J Sirica, Counsel instructed by Mr P Murray, Parish Councillor

He called:

Mr J Unsworth MRTPI

### **INTERESTED PARTIES**

Mr Whitworth on behalf of the Berrick Salome Parish Drainage Group

Ms Galpin for the Bensington Society

Mr Marsh

Mr McLaughlan

Mr Brown

Mr Hess  
Mr Ellingworth

Accompanied site visit:

The visit was joined by  
Mrs C Murray Resident  
Mr A Heron, Senior Planning Officer SODC  
Mr R Workman Chair Berrick Salome Parish Council (part of the visit)