

WEST OXFORDSHIRE DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT SUB-COMMITTEE

Date: 15th June 2026

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Agenda Index

23/03071/FUL	Land South of Forest Road, Charlbury
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Application Number	23/03071/FUL
Site Address	Land South of Forest Road Charlbury Oxfordshire
Date	12 th June 2026
Officer	Mike Cassidy
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury
Grid Reference	435053 E 219433 N
Committee Date	15 th June 2026

Application Details:

Planning application for the erection of thirty seven dwellings including access road, landscaping, and associated earthworks.

Applicant Details:

HC (Charlbury) Limited
C/o Agent – Savills

Additional Representations:

Applicant

A booklet has been submitted by the applicant in support of the proposal. The document is summarised as follows:

- Notes that the application has previously been considered by Members and is recommended for approval by officers;
- Reiterates that the proposal comprises 37 dwellings, including 21 affordable homes, seven assisted living bungalows and 12 custom-build plots;
- Refers to the need for housing to meet local needs and to enable people with connections to Charlbury to remain within the town;
- Highlights a number of benefits said to arise from the development, including contributions towards healthcare, education, public transport, EV charging infrastructure, public open space and funding for Charlbury Town Council; and
- Maintains that the scheme and its associated benefits remain unchanged and requests that Members support the officer recommendation and approve the application.

Friends of the West Oxfordshire Cotswolds

A further representation has been received from Leigh Day Solicitors on behalf of Friends of the West Oxfordshire Cotswolds (FOWOC) following publication of the committee report. The representation maintains an objection to the proposal and is summarised as follows:

- Concern is raised regarding the weight afforded to Great Western Railway's representations, particularly in relation to future station car parking provision and the absence of a direct walking, cycling and wheeling connection to the northbound platform.
- It is asserted that Members are entitled to give greater weight to the concerns raised by Great Western Railway in the planning balance than that recommended within the officer report.

- Reference is made to the Council's Public Sector Equality Duty, with concerns raised regarding the potential impact of the absence of a direct accessible link to the railway station on elderly and disabled users.
- Objection is raised to the officer assessment of Local Plan Policies H2 and OS2. It is contended that the proposal does not meet an identified "essential operational or other specific local need" and that alternative housing sites have not been adequately considered.
- It is asserted that the proposal constitutes inappropriate residential development in the open countryside and is therefore contrary to Policies H2 and OS2 of the West Oxfordshire Local Plan.
- Objection is also raised to the conclusion that the proposal accords with Policy CHI of the Charlbury Neighbourhood Plan. It is argued that the proposal does not meet a specific local housing need and is therefore not policy compliant.

A full copy of the letter is attached as *Appendix One*.

Additional Representations

Further representations have been received following publication of the committee report.

In summary:

31 additional representations have been received objecting to the application. The representations raise the following concerns:

- Principle of development is unacceptable and contrary to policy;
- Location is unsuitable for housing development;
- Loss of view and visual impact;
- Adverse impact on Cotswold National Landscape;
- Air and noise pollution;
- Increase in traffic;
- Security concerns;
- Increase in sewage;
- The site must be preserved for future use as commuter parking for Charlbury train station;
- Unneighbourly form of development;
- Design and layout is unacceptable;
- Prejudicial to highway and pedestrian safety;
- Impact on ecology and landscape; and
- Increased danger of flooding.

197 additional representations have been received in support of the application. The representations raise the following:

- The site is appropriate for housing development;
- Need for new homes that will support the vitality of the village;
- Social housing and self-build provision is welcomed;
- There is a generous proportion (57%) of affordable homes;
- Support for the assisted living bungalows;
- Extensive greenery, tree planting and grass proposed;
- The proposal will allow people to upsize and downsize, locally;
- Development in a sustainable location near to a station is supported;

- Provision provided for local services, such as GP's etc.;
- Much needed housing accommodation for local families;
- Good amount of open space and greening proposed.
- The proposal will benefit the local community;
- The notion that this would lead to more 'knock on' developments, given that the site is 'bounded' by rail, road, waterworks, etc. is ill-founded;
- Supportive of developments that keep multigeneration communities together with access to amenities (i.e. GP/food etc).
- Exemplary design and mix of units proposed;
- Tenure and size units proposed is welcomed;
- The proposal will help a variety of different people and family sizes get housed;
- Energy efficient form of development;
- Electric vehicle charging is a positive; and
- Highway road safety improvements welcomed

This results in an updated total of:

193 representations objecting to the application; and
223 representations in support of the application.

(For full details of representations, refer to Section 3 of the main committee report.)

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YOUR REF: 23/03071/FUL

OUR REF: RGA/MAT/00124745/7

DATED: 10 June 2026

Dear West Oxfordshire District Council

23/03071/FUL – application for planning permission for the erection of 37 dwellings (Use Class C3) including access, parking and landscaping

We continue to act for Friends of the West Oxfordshire Cotswolds ("**FOWOC**"), a charitable incorporated organisation established to promote the conservation of the Cotswolds Area of Outstanding Natural Beauty in West Oxfordshire. FOWOC has instructed us to review the officer's report ("**OR**") for the council's development management sub-committee meeting of 15 June 2026, which will reconsider the above application for planning permission following the quashing by consent of the council's previous decision to grant planning permission on 29 January 2026.

This letter focuses on a number of discrete matters which FOWOC wishes to draw urgently to the council's attention in advance of the committee meeting. FOWOC's position is reserved as regards any other legal errors arising out of the OR or any subsequent decision by the council to grant planning permission which may emerge following a more detailed review alongside counsel.

GWR representation

The OR notes at paragraph 6.145 that Great Western Railway ("**GWR**"), as operator of Charlbury Station, which adjoins the application site, has expressed its concerns that the proposed development, first, would prevent the future provision of much-needed car parking at Charlbury station; and, second, does not provide a direct walking, cycling and wheeling link to the northbound platform.

On the first point, related to car parking, officers conclude that the "possibility that a third party [i.e. GWR] might wish to use land for an alternative purpose is not, in these circumstances, a material consideration that weighs against the grant of residential planning permission". While officers may consider that GWR's parking needs are not a material consideration weighing against the grant of planning permission, it would be open to committee members to conclude that GWR's concern over the lack of alternative car parking sites is a significant factor to be weighed in the planning balance.

On the second point, officers conclude that the lack of a direct station link "does not

render the development unacceptable". Again, while that might be the case, it would be entirely lawful for committee members to determine that the lack of a walking, cycling and wheeling link is a material consideration weighing against the grant of planning permission. We also remind the council that it is under a public sector equality duty contained within section 149 of the Equality Act 2010:

"(1) A public authority must, in the exercise of its functions, have due regard to the need to—
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1)."

The "protected characteristics" are listed at s.4 EA 2010 and defined thereafter. They include age (section 5) and disability (section 6). Committee members must have regard to the potential impacts which failing to provide the wheeling link might have on disabled and elderly members of the proposed development, particularly given that it will include specialist bungalows.

The local plan

In our pre-action letter setting out the grounds on which FOWOC proposed to challenge the 20 January 2026 grant of planning permission, we identified as the proposed second ground of challenge the council's failure correctly to identify that the proposed development adjoins the built-up area ("**BUA**") of Charlbury for the purposes of Policy H2 of the West Oxfordshire Local Plan (the "**Local Plan**"). While the council did not concede this ground of challenge, the OR does now correctly identify the planning application site as outside of the BUA (paragraph 6.31), meaning that the proposed development would entail new dwellings in the open countryside. However, the OR incorrectly states that the proposal development accords with Policy H2 notwithstanding that fact. It also states that the development complies with Policy OS2.

Policy H2 says (as relevant):

"New dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in the following circumstances:

• where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings..."

Policy OS2 says (as relevant):

"Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for residential development will be considered under policy H2."

The OR explains at paragraph 6.32 why in officers' view the H2 criterion is met as follows:

"Policy H2 sets out that new dwellings will only be permitted in the open countryside where there is a specific local need that cannot be met in any other way. Officers are satisfied that this test is met in this case. There is a significant and evidenced affordable housing need in Charlbury, with over 100 applicants on the Council's waiting list expressing a preference for Charlbury, and an identified need for 23 affordable homes in the CNP. The proposals also provide specialist bungalow accommodation for those with mobility needs. Officers consider that this need cannot be met in any other way at present, having regard to the absence of any housing allocations in Charlbury in the Local Plan and the lack of any alternative deliverable sites. The provision of affordable housing and specialist accommodation are therefore important benefits that weigh significantly in favour of the proposal. The affordable housing provision secured, and the housing need evidence are addressed in detail below."

There are two issues with officer's approach to Policy H2.

First, a general need for housing is not an "essential operational or other specific local need". It is clear from the explanatory text in the Local Plan that those words in Policy H2 cannot refer simply to a need for housing in general. See for example paragraph 5.69 of the Local Plan, which says:

"Where the site is in a location that would not normally be considered appropriate for new housing, it will be for the developer or landowner to demonstrate not only why the site is suitable for housing, but also why a traditional rural exception site approach (i.e. 100% affordable housing) is not appropriate or achievable. In other words, they will need to demonstrate why the market housing is needed to subsidise the delivery of the affordable housing. In such cases, any market housing would be expected to be a subsidiary element of a predominantly affordable housing scheme."

This explanatory text is referring to Policy H3, which allows for new dwellings in the open countryside to the extent that such dwellings would be 100% affordable, in which case they would be allowed on "rural exception sites". A specific local need for the purposes of Policy H2 may therefore be a need for *affordable* housing, but it cannot be simply the provision of market dwellings, which the proposed development largely comprises.

Second, the OR fails to assess alternative potential locations for housing in and around Charlbury. The OR refers to the absence of housing allocations in Charlbury in the Local Plan and the lack of alternative deliverable sites, but the conclusion that there is an absence or lack of such sites is incorrect. Planning permission was granted in October 2025 for 26 dwellings at Woodstock Road (reference 24/02171/FUL). There are also two proposed housing allocations of 40 dwellings each in the emerging local plan (2043)¹. Officers appear to have given no consideration to these potential sites, which would provide 106 dwellings in aggregate and might also provide specialist bungalow accommodation. Their conclusion that the need for housing cannot be met in any other way is unsupportable in those circumstances.

¹ Area O (Jeffersons Piece) and Area P (Land south of Hydac)

LEIGH DAY

For those reasons, the proposed development breaches Policy H2. For similar reasons, the proposed development breaches Policy OS2, because it is not a development which requires or is appropriate for a rural location.

The neighbourhood plan

At paragraph 6.112, the OR says that the proposed development accords with the housing policies of the Charlbury Neighbourhood Plan ("**CNP**"). That is incorrect. Policy CH1 of the CNP says:

"Housing proposals on the undeveloped land adjoining the built-up area which would provide for specific local housing need (either within the neighbourhood area or within the Burford-Charlbury sub-area as identified in the West Oxfordshire Local Plan) will be supported where the local need is evidence-based and where the resulting development would otherwise be in accordance with other relevant policies in both the West Oxfordshire Local Plan and the Neighbourhood Plan."

The application site for the proposed development is specifically identified in paragraph 5.3.4 of the CNP as not falling within the BUA for the purposes of Policy CH1. Therefore, for the same reasons that the proposed development does not accord with Local Plan Policy H1, i.e. because it does not meet a specific local housing need, it does not accord with CNP Policy CH1.

Conclusion

We would be grateful if a copy of this letter could be provided to members of the development management sub-committee.

Yours faithfully

A large black rectangular redaction box covering the signature of Leigh Day.

Leigh Day