# Decision on Rushy Bank homes deferred amid legal and environmental concerns



The development of 37 homes in Charlbury, adjacent to an ancient woodland at Rushy Bank, has been a focal point of contention and legal scrutiny. Recently, the decision regarding this proposed construction was deferred, reflecting the ongoing tensions between housing needs and environmental protections. Savills, the company behind the application, aims to construct a mix of homes, including ten bungalows designated for assisted living, addressing what they describe as a critical need for affordable housing in the area.

The plan indicates that 57% of the proposed homes will be classified as affordable. This facet of the proposal has garnered some support, as local residents highlight the plight of younger people struggling to enter the housing market in Charlbury, where property prices have soared. Laura Bisbey, representing Savills, noted that the constrained land availability in Charlbury forces many families to seek homes further afield. In a bid to bolster local infrastructure, the proposal also includes improvements to footpaths leading into the town centre and contributions towards public transport.

However, this development has not unfolded without its challenges. The proposal has drawn significant opposition, with 143 formal objections lodged primarily focusing on environmental concerns. Critics, including members of the Friends of West Oxfordshire Cotswolds (FOWOC), argue that the project poses a serious risk to local biodiversity, raises flood risks, and threatens the integrity of the Cotswolds Area of Outstanding Natural Beauty. Speaking against the proposals at a planning committee meeting, James Whitehead from FOWOC asserted that the project “fails to protect damaged ancient woodland irreplaceable habitat” and labelled the pedestrian access plans as impractical and irresponsible.

FOWOC has been particularly active in its opposition to this development, successfully challenging previous approvals in court. In March 2023, a High Court ruling quashed the council’s decision to permit the development, citing insufficient protections for the ancient woodland as a primary reason. The court discovered that the plans left an inadequate buffer between the housing and the woodland, with some homes potentially positioned as close as 1.5 metres to the forest edge.

Councillor Andrew Beaney’s call for further deliberation highlights a cautious approach from the planning committee, ensuring that they understand the complexities surrounding the ancient woodlands and the implications of the recent High Court ruling. This course of action aims to avoid the council encountering further legal challenges and wasting resources on contentious approvals that could be deemed unlawful.

While the urgent need for housing is palpable, advocates for the environment remain steadfast in their commitment to defend local ecosystems, illustrating the growing dichotomy between development needs and conservation efforts in the face of sprawl in rural England. The outcome of this planning decision not only affects the immediate community but also sets a precedent for how developments interact with Scotland's rich natural heritage.

The ongoing saga around the Rushy Bank development serves as a microcosm of the broader challenges faced in managing urban expansion while safeguarding the integrity of vital ecological areas. As such, it invites stakeholders to contemplate the delicate balance between growth and preservation, resonating deeply within communities across the UK as they navigate their futures amid escalating environmental concerns.

## Reference Map:

* Paragraph 1 – [[1]](https://www.oxfordmail.co.uk/news/25200851.decision-37-homes-outside-town-near-cotswolds-pushed-back/?ref=rss), [[2]](https://www.fowoc.org/rushy-bank)
* Paragraph 2 – [[1]](https://www.oxfordmail.co.uk/news/25200851.decision-37-homes-outside-town-near-cotswolds-pushed-back/?ref=rss), [[4]](https://www.oxfordmail.co.uk/news/22967795.campaigners-seek-judicial-review-planning-decision-homes-next-ancient-woodland/)
* Paragraph 3 – [[3]](https://www.oxfordmail.co.uk/news/21488014.legal-challenge-rushy-bank-edge-charlbury/), [[6]](https://www.cotswoldjournal.co.uk/news/23479806.campaigners-stop-new-homes-protected-cotswold-woodland/)
* Paragraph 4 – [[2]](https://www.fowoc.org/rushy-bank), [[5]](https://www.endsreport.com/article/1801653/campaigners-file-legal-challenge-development-near-ancient-woodland)
* Paragraph 5 – [[6]](https://www.cotswoldjournal.co.uk/news/23479806.campaigners-stop-new-homes-protected-cotswold-woodland/), [[7]](https://www.dlapiper.com/en/insights/publications/2024/12/r-friends-of-west-oxfordshire-cotswolds-v-west-oxfordshire-district-council)

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.oxfordmail.co.uk/news/25200851.decision-37-homes-outside-town-near-cotswolds-pushed-back/?ref=rss> - Please view link - unable to able to access data
2. <https://www.fowoc.org/rushy-bank> - The Friends of West Oxfordshire Cotswolds (FOWOC) have been actively opposing a proposed development of 37 dwellings at Rushy Bank, Charlbury, which adjoins an ancient woodland. The development has faced multiple legal challenges, including a High Court ruling in March 2023 that quashed the council's approval due to insufficient protection for the ancient woodland. FOWOC continues to advocate for the conservation of the Cotswolds National Landscape and is involved in ongoing legal actions to prevent the development. The charity has raised over £47,000 from over 100 donors to support its campaigns.
3. <https://www.oxfordmail.co.uk/news/21488014.legal-challenge-rushy-bank-edge-charlbury/> - In January 2020, West Oxfordshire District Council approved plans for 37 homes at Rushy Bank, Charlbury, near an ancient woodland. The approval was challenged by conservationists, leading to a High Court ruling in July 2017 that revoked the planning consent. The council reapproved the plans in January 2020, subject to conditions, but the development faced further legal challenges from Friends of the West Oxfordshire Cotswolds, who argued that the development was misconceived and should not have been permitted close to the woodland.
4. <https://www.oxfordmail.co.uk/news/22967795.campaigners-seek-judicial-review-planning-decision-homes-next-ancient-woodland/> - Friends of the West Oxfordshire Cotswolds sought a judicial review of West Oxfordshire District Council's decision to discharge conditions on planning consent for 37 homes at Rushy Bank, Charlbury. The campaigners argued that the conditions related to the protection of the adjoining ancient woodland had not been met and could not be met. The council had approved the discharge of conditions, but the campaigners contended that the development would harm the ancient woodland and its habitats.
5. <https://www.endsreport.com/article/1801653/campaigners-file-legal-challenge-development-near-ancient-woodland> - Campaigners filed a legal challenge against the development of 37 homes at Rushy Bank, Charlbury, near an ancient woodland. The development was approved subject to a legal agreement in January 2020, with plans showing a five-metre buffer between the houses and the forest. However, Friends of the West Oxfordshire Cotswolds discovered discrepancies in the plans, indicating that the buffer zone would be inadequate, with dwellings as close as 1.5 metres to the woodland edge. The campaigners argue that the development fails to deliver the required protection for the ancient woodland.
6. <https://www.cotswoldjournal.co.uk/news/23479806.campaigners-stop-new-homes-protected-cotswold-woodland/> - Campaigners won a 'landmark' case to stop a housing scheme at a protected woodland site in Charlbury. The High Court quashed West Oxfordshire District Council's decision to approve the development at Rushy Bank, highlighting that the council had failed to deliver the minimal ancient woodland protections required by its own planning permission. The court's ruling also highlighted errors and inconsistencies in the council's submissions, leading to the quashing of the approval for the development.
7. <https://www.dlapiper.com/en/insights/publications/2024/12/r-friends-of-west-oxfordshire-cotswolds-v-west-oxfordshire-district-council> - The High Court case R (Friends of West Oxfordshire Cotswolds) v West Oxfordshire District Council [2024] EWHC 2291 (Admin) illustrates important points regarding pre-commencement conditions and the retrospective effect of quashing orders. The case involved a development at Rushy Bank, Charlbury, where the council's decision to grant planning permission was challenged. The court found that quashing a pre-commencement condition discharge can have retrospective effect and invalidate the commencement of development, highlighting the importance of adhering to planning conditions and the potential consequences of non-compliance.