The Planning Inspectorate

Appeal Decision

Site visit made on 12 December 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th December 2016

Appeal Ref: APP/C3105/W/16/3159775
Third Acre, Balscote, Nr Banbury, Oxon OX15 6JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Farima Properties Ltd against the decision of Cherwell District Council.
- The application Ref 16/00567/F, dated 21 March 2016, was refused by notice dated 27 May 2016.
- The development proposed is one dwelling with parking and garden.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area with particular regard to whether it would preserve or enhance the character or appearance of the Balscote Conservation Area (CA) and the Grade II listed Butchers Arms Public House (the PH).

Reasons

3. The appeal site forms part of the extensive front garden of Third Acre, which is a bungalow set within a large plot towards the western edge of the village. Although the appeal site is located outside the CA boundary, the information before me shows that its northern, southern and eastern boundaries are contiguous with those of the CA. The land rises from east to west and the bungalow sits on higher land. The site is therefore visually and physically well-contained by the existing landform and surrounding buildings. Because of this, the effects of the proposal would be appreciated almost exclusively from within the CA and this forms the basis for my decision.

4. Balscote is a relatively compact settlement formed by a loosely arranged, irregular development pattern with few strong building lines. Many buildings within the village have a distinctive linear form and, in addition, a significant number have steeply pitched roofs. Although these two features are not reflective of all buildings in the village, they are nonetheless notable characteristics within the CA, which covers most of the village. The PH is a substantial building comprising what appear as two different but conjoined two and three-storey elements set well back from the highway and with substantial amounts of space on either side, including that of the appeal site.

5. Opposite the site is a long and low outbuilding associated with Church Farm House. These buildings, in combination with the space around the PH create a very spacious area within this part of the village, which is particularly apparent on the approach from the east along Manor Farm Lane. However, beyond this from the same vantage point, the buildings to the north appear as a tighter group and the appeal site therefore plays a key role in preserving the space around the PH and contributes the spaciousness of this part of the CA more generally. I recognise that the appeal site was not included within the CA at the time of its designation. Nevertheless, for the above reasons, it makes a positive contribution to the CA's overall character and appearance.

6. The proposed dwelling would be positioned back from the road, between the northernmost part of the PH and the single storey garage block within the grounds around Ash Farm and Ash Barn. Although, the dwelling would be of comparatively modest height, it would nonetheless fill in a significant amount of the area between the PH and the garage block to the north. In my view this would serve to visually link the northern end of the PH to the development to the north and thus diminish the sense of space in this part of the village. This would have a harmful effect on the character of the CA.

7. The PH sits on higher ground and although its northern half is of two-storey height, the building overall reads as one substantial mass of built form. The much lower height of the proposed dwelling would give it a very diminutive appearance in stark contrast to the much larger PH building. In this context, it would therefore be incongruous. This would exacerbate the harm to the significance of the CA that I have already described.

8. I turn now to the setting of the PH. Because of the space on either side, it appears to stand alone along the lane and as the Balscote CA Appraisal (1998) points out, it provides a focal point at the head of Manor Farm Road. I have had regard to the evidence of the appellant's heritage consultant (dated 22 July 2016), which argues that development over time has increased the spread of the village and significantly altered the PH's previously more open setting. In my view, this only serves to increase the importance of the remaining space around the PH. Therefore, the open areas immediately to the north and south of the PH provide a very important part of its setting.

9. Given the diminution of space in combination with the incongruous contrast in proportions between the proposed dwelling and the PH, I consider the effects on the setting of this listed building would be harmful to its heritage significance.

10. Paragraph 132 of the National Planning Policy Framework (the Framework) says that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to point out that significance can be harmed or lost through alteration, destruction of the heritage asset or development within its setting. Substantial harm to a Grade II listed building should be exceptional.

11. Whilst I do not consider that the effects I have identified to the designated heritage assets fall within the realms of 'substantial harm', the Framework is clear that, as heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. Paragraph 134 of the Framework states that, where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

12. The development would provide a new family home, thus adding to local housing supply. However, I have not been provided with any clear evidence for such a need in Balscote which minimises the weight I may otherwise ascribe to such a benefit. Notwithstanding this, the addition of one dwelling would not be sufficient to outweigh the clear identified harm to the significance of the designated heritage assets.

13. The existing single-storey dwelling on the site is of generally plain appearance and it is not reflective of the character of the surrounding buildings within the CA. I accept that the proposed dwelling would have some effect in blocking it from view. However, such benefits would be outweighed by the identified harm to the CA and listed building. In any case, the existing dwelling is undergoing improvement and will eventually be more reflective of the local vernacular. Therefore, such an argument attracts only limited weight.

14. The appellant has made reference to the site's sustainable location and the presumption in favour of sustainable development set out in the Framework. However, whilst the Framework is a material consideration, it does not alter the statutory status of the development plan as the starting point for my decision. Although I have no evidence to suggest that the Framework presumption in paragraph 14 is engaged, even if it were, there remain clear Framework policies on the safeguarding of designated heritage assets which indicate that development should be restricted. The presumption in favour of sustainable development is therefore outweighed by the proposal's harmful effects.

15. Taking all of the above into account, the proposal would harm the character and appearance of the area and in particular harm the significance of the CA and the Grade II listed building. Thus, it would run counter to Policy ESD 15 of the Cherwell Local Plan (2015) (CLP), which states that new development should, amongst other things, contribute positively to an area's local distinctiveness and integrate with existing streets and public spaces. It also seeks to ensure that designated heritage assets are safeguarded.

16. The proposal would also conflict with saved Policy C28 of the Cherwell Local Plan (1996) (sCLP) that requires development to be sympathetic to its context and with saved Policy C30 that seeks to ensure, amongst other things, that new housing development is compatible with its built surroundings. Furthermore, there would be clear conflict with saved Policy C33 that seeks to retain any undeveloped gap of land that is considered to be important in preserving a loose knit settlement structure or that maintains the setting of a listed building. Despite the age of sCLP, these policies nonetheless reflect national planning policy and attract very substantial weight.

Conclusion

17. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector