
Appeal Decision

Site visit made on 16 July 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/D3125/W/18/3212051

Land off Church Close, Church Close, Bampton

- The appeal is made under section 78 of the Village and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Church Commissioners for England against the decision of West Oxfordshire District Council.
 - The application Ref 17/04150/FUL, dated 21 December 2017, was refused by notice dated 20 March 2018.
 - The development proposed is construction of two, three-bedroomed detached residential properties with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural matter

1. The West Oxfordshire Local Plan 2031 (LP) was adopted on 27 September 2018. The main parties have had an opportunity to comment on the implications of LP within their submissions. I have considered the appeal in the light of the development plan policies and I am satisfied that no parties have been prejudiced by my approach.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, including the Bampton Conservation Area; and the effect on the special architectural or historic interest of nearby listed buildings.

Reasons

3. The appeal site is a roughly square parcel of land, laid to grass and bounded by dry stone walls, situated on the western edge of Bampton, a village in an essentially rural area.
4. The Bampton Conservation Area (CA) designation focuses primarily on the historic development that addresses the principal routes through the village, as well as small fields and pockets of undeveloped open areas that lead out towards the rural surroundings. Undeveloped areas of green space at the outer edges of the settlement provide a transition between its more densely built core and the rural context beyond. This, along with the wealth of historic buildings that underpin the CA's built backcloth, are aspects that contribute positively to the area's character and appearance.

5. The verdant, undeveloped nature of the appeal site functions in just this way, providing a visual and physical link with the countryside that defines the setting of Bampton. The appeal site therefore plays an important role in providing part of the setting of the village within the open countryside adjoining it, as such it functions as an area of open space that makes an important contribution to the character or appearance area and is an element that contributes to the significance of the CA as a whole.
6. The appeal scheme proposes to introduce two detached three-bedroomed dwellings onto the appeal site, set back towards the rearmost corners of the site. Effectively, the appeal site would be divided in two by a central access route off Church Close, which would link to a public footpath. Each half of the site would essentially mirror the other in terms of the overall plot layout and house design.
7. Taken in isolation, the individual house design, scale and material palette would not be harmfully out of place. That said, the central drives and areas of parking and turning areas, combined with the overall mirrored layout, would introduce a sense of forced symmetry to the appeal site. The position of the dwellings relative to their individual plots and the wider site would introduce a contrived arrangement that would neither follow the strong building line nor the loose-knit informality that form the established development pattern along Church Close. Rather, the appeal scheme would be more like a suburban housing estate.
8. Moreover, the introduction of two dwellings and associated hard landscaped areas would be an overtly domestic introduction that would dominate the appeal site. The soft, informal qualities of the existing paddock and the synthesis it provides with the wider rural surroundings would be significantly diminished as a result. The view through the appeal site to the countryside beyond would become confined; dominated by the overtly domestic form of development on either side. Consequently, the visual and transitional role the appeal site currently makes between the village, the CA, and the wider rural surroundings would be eroded. The retention of stone walls, the provision of a public route through the site and any supplementary planting would not compensate for the hard, urbanising impact that the appeal scheme would have.
9. The built context around the Grade II listed Cobb House and the Grade I listed Church of St Mary has clearly evolved over time. Nevertheless, these buildings continue to be experienced as important historic remnants within a rural village. Therefore, where open land at the edge of the village provides a connection with the surrounding countryside, which includes the appeal site, this forms a part of the setting of these listed buildings and is thus an aspect that contributes to their individual significance and special interest.
10. Inevitably there would be some visual interplay between Cobb House, the spire of St Mary's Church and the proposed development. However, I do not consider harm would arise from inter-visibility per se. Even so, the proposal would urbanise the appeal site, fundamentally changing its character and diminishing the transitional role it plays between the built core of the village and its wider rural environs. The proposal would therefore weaken part of the semi-rural setting of the listed buildings, which is an aspect of their significance and special interest.

11. Paying special regard to the statutory duties contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I find that the proposal would fail to preserve the setting of the Grade II listed Cobb House and the Grade I listed Church of St Mary and would cause harm. The proposal would also fail to preserve or enhance the character or appearance of the CA as a whole, contrary to the expectation within section 72(1) of the Act.
12. Policy OS2 of the West Oxfordshire Local Plan 2031 (LP) supports a modest level of development in rural service centres, including Bampton, providing a development accords with a list of 'general principles'. While reasonably localised in its extent, the proposed development would diminish the contribution that the appeal site makes to the character and appearance of the area, the CA as a whole, and the setting of listed buildings. Therefore, the proposed development would not accord LP Policy OS2 insofar as the 'general principles' seek to ensure development does not involve the loss of an area of open space that makes an important contribution to the character or appearance of the area; and conserves and enhances the historic and built environment. There would also be conflict with the LP's historic environment, conservation area and listed building protection policies EH9, EH 10 and EH11.
13. For the purposes of the National Planning Policy Framework, revised February 2019 (the Framework), the proposed development would cause less than substantial harm to the significance of the designated heritage assets. Weighing this against the public benefits, there would be benefits associated with the provision of two dwellings; these would contribute to housing supply, to which there is no upper limit, and to the choice of homes in the District. The appeal site is located proximate to a range of services and facilities. There would be minimal benefits associated with tidying the site and in retaining public access through it, which could reasonably be achieved without the harm I have found. A lack of harm in relation to highways, flood risk, ecology or living conditions does not weigh either for or against the proposal. Cumulatively, the weight of public benefits associated with the proposal would not overcome the considerable importance and weight that even less than substantial harm to the heritage assets carries.

Other matters

14. Evidence suggests that a form of structure historically occupied the road-side portion of the appeal site, although there is no evidence that this would have had the same domestic character or urbanising impact of the proposal before me. I have taken note of the previous design iterations and dismissed appeals for residential development of the appeal site. However, I cannot be certain the detailed design and built context are usefully comparable. I have therefore determined the appeal on its own merits, under the latest policy context and mindful of my own statutory obligations in respect of listed buildings and conservation areas.

Conclusion

15. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR