



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/18/3219106

Land to the south of Middlefield Farm, New Yatt Road, Witney

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Carrington against the decision of West Oxfordshire District Council.
 - The application Ref 18/01670/OUT, dated 31 May 2018, was refused by notice dated 14 August 2018.
 - The development proposed is outline planning application (all matters reserved except for access) for the erection of four dwellings, with associated infrastructure and access and ancillary works.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with all detailed matters except for access reserved. I have dealt with the appeal on this basis.
3. 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 current development plan and I am satisfied that no parties have been prejudiced by my approach.

Main Issues

4. The main issues in this appeal are:
 - whether the appeal site is an appropriate location for the development proposed;
 - the effect of the proposed development on the character and appearance of the area;
 - and, whether the setting or any features of special architectural or historic interest which nearby Grade II listed possess would be preserved.

Reasons

Location

5. The West Oxfordshire Local Plan 2031 (LP) spatial strategy identifies Witney as one of the District's three Main Service Centres. LP Policy OS2 establishes that a significant proportion of new homes will be focused within and on the edge of the main service centres, whilst also listing 'general principles' to which

development should accord. At the Main Services Centres, LP Policy H2 permits new dwellings on undeveloped land within the built-up area; or adjoining the built-up area, where there is convincing evidence to demonstrate that it is necessary to meet identified housing needs.

6. The pattern and intensity of the built-up area of Witney thins out towards its edges, so that there is a semi-rural belt at the outskirts of the settlement. The appeal concerns a portion of flat paddock located on the north side of New Yatt Road, at a point where the road is narrow and bounded by mature hedgerows. On route to the appeal site from the core of the settlement, and notably after the access track that leads to Middlefield Farm, there is a notable alleviation in the intensity and consistency in development. It is the loose-knit informality of development, combined with the verdant, semi-rural character of the surroundings that distinguish the appeal site as being adjoining, rather than within, the built-up area of Witney.
7. The proposal would contribute in a small way to boosting the supply of housing and choice of homes in Witney, where there is no maximum ceiling on development. Bearing in mind that the LP has only very recently been adopted, there is no suggestion that there is not enough housing land to meet the District-wide housing needs within the plan period or that windfall sites for similar small-scale developments will not come forward inside the built-up area. The proposed development would be on an undeveloped site adjoining the built-up area and, in the absence of convincing evidence that it would be necessary to meet any identified housing need, the development conflicts with LP Policy H2. The appeal site would therefore not be an appropriate location for the development proposed.

Character and appearance

8. Currently, the sporadic nature of development, the greenery and openness at the outer edges of Witney provide a transition between the settlement and the more rural context beyond. The verdant, undeveloped nature of the appeal site provides an important area of open space and functions as a green punctuation between the built-up area of Witney and its countryside surroundings. The appeal site is situated where the development pattern on the north side of New Yatt Road shifts back from the roadside edge and where undeveloped areas of green fields provide a link with the wider rural landscape. Although not perceptible from more distant vantages, the appeal site is of value to the character and appearance of the area and adds important definition to the setting of the settlement.
9. The illustrative masterplan shows the proposal would introduce four detached and semi-detached dwellings and associated garaging along the eastern edge of the appeal site. A shared driveway would run along the eastern edge of the site and utilise the existing site access off New Yatt Road.
10. Even if the proposed dwellings would be sensitively designed, using materials sensitive to the local context, the scheme would form an urban intrusion onto the site, eroding its presently open and verdant character. Notwithstanding that the final layout would be reserved, as indicated, the scheme would introduce regular and dense line of housing would create a new line of development between the Middlefield Farm complex and New Yatt Road, harmfully consolidating the two. This would introduce a contrived arrangement, more akin to a suburban cul-de-sac than the genuine informality of the site's surroundings.

11. I have considered the appellant's Landscape and Visual Impact Assessment and accept that the impact of the proposal would be relatively localised. Even so, the development set back that the Middlefield Farm and Kings School buildings all conform to would be undermined. The proposal would weaken the punctuating and alleviating influence the appeal site currently has, therefore diminishing the link between the countryside and the settlement and failing to protect its setting. This harmful impact would be harm evident from the nearby Public Right of Way and on approach into Witney from the countryside to the east, which the retention of mature hedgerows, supplementary planting, and the prevention of further development on the appeal site by way of a legal agreement would not mitigate.
12. Therefore, the proposal would fail to accord with the general principles within LP Policies OS2 and OS4 insofar as these seek to ensure developments respect the character or appearance of the locality and the setting of a settlement. Conflict also arises with Policy H2, which requires development whether inside or adjoining the built-up area be in accordance with the OS2 general principles.

Designated heritage assets

13. The significance and special interest of the early 17th century Grade II listed Middlefield Farmhouse and Dovecote partly lies in their considerable age, their historic fabric, form and features of architectural execution. Significance is also derived from the buildings' historic association with a rural, agricultural landscape. The undeveloped land historically associated with the Middlefield Farm complex therefore certainly comprises its setting and contributes to the significance and special interest of the Grade II listed buildings.
14. The Grade II listed Middlefield Farmhouse and Dovecote are set back an appreciable distance from New Yatt Road, behind the appeal site and wider area of undeveloped paddock. The functional role of Middlefield Farmhouse and the land and buildings associated with it have clearly evolved over time as have views out from it. Despite incremental urban encroachment towards what was once an isolated rural farmstead, the appeal site and wider undeveloped paddock have remained open and devoid of permanent, urbanising structures. As such, they continue to provide an important link with the Grade II listed buildings agricultural origins.
15. The proposal would introduce new built form and hard surface areas for access and parking into undeveloped space that, at present, contribute positively to the setting of Middlefield Farm and Dovecote. Through developing on the tongue of open land that currently sets the farmstead apart from New Yatt Road, the sense of its historic isolation would be diminished. Although I accept the proposed dwelling would be only obliquely visible from the main farmhouse, and if constructed at 1.5 storeys, some degree of subservience with the main farm buildings would be achieved, the legibility of the listed building's agricultural origins and connection with verdant, undeveloped surroundings would, albeit in a small way, be harmfully eroded. Therefore an aspect that underlies the special interest and significance of Middlefield Farmhouse and the Dovecote as Grade II listed buildings would be harmed and their setting and special architectural and historic interest would not be preserved.
16. Conflict therefore arises with the expectations of s. 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and with the Policy OS2 general principles, Policies OS4, EH11 and EH9 of the LP insofar as these seek to conserve and enhance buildings and features of historic and

architectural significance including designated heritage assets, and require proposals that affect the setting of a listed building conserve or enhance its special architectural or historic interest.

Public benefits and planning balance

17. On the basis that the development would only harm part of their overall significance and special interest, the degree of harm to the designated heritage assets would be less than substantial. Paragraph 196 of the National Planning Policy Framework, revised February 2019 (Framework), requires this be weighed against the public benefits of the proposal including securing its optimum viable use.
18. In this case, the main public benefits resulting from the scheme would be the provision of four open-market dwellings on unused land. The homes would be in a location that would be accessible to a wide range local services and facilities, to which there would be social and economic benefits, both during construction and after occupation. That said, similar benefits could be secured by a proposal that did not have the harmful impacts identified. There would be no public benefit in providing any form of developed screen to the Kings School buildings where this would, in turn, fail to reflect the development pattern and character and appearance area.
19. On the other hand, the proposal would fail to accord with the LP spatial strategy policies, would cause material harm to the character and appearance of the area, and fail to preserve the significance and special interest of nearby listed buildings. These are matters that weigh very heavily against the appeal scheme. There is no suggestion that the appeal scheme would be necessary to secure the optimum viable use of the designated heritage assets and, even cumulatively, the scheme's public benefits would not be sufficient to outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries, contrary to paragraph 196 of the Framework.

Other matters

20. There is currently nothing determinative, such as full planning permission or a even a masterplan that meaningfully illustrates what impact the housing development areas proposed under North Witney Strategic Development Area would have. Although an outline scheme for 200 homes has been submitted, this is on the opposite side of New Yatt Road from the appeal site, which has a different character and appearance. I have therefore considered the appeal on its merits, in the context of the built-up area as it presently exists.

Conclusion

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

H Porter

INSPECTOR