



Appeal Decision

Site visit made on 29 August 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/D3125/W/18/3204229

1 Hill Rise, Woodstock OX20 1AA

- 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 Apella Property Developments Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 17/00829/FUL, dated 10 March 2017, was refused by notice dated 5 December 2017.
 - The development proposed is the construction of 2 dwellings with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, national and local planning policies have changed. First, the National Planning Policy Framework (the Framework) has been revised. A written ministerial statement (WMS) regarding the application of paragraph 11(d) of the Framework in decisions in Oxfordshire has been issued. Finally, a new local plan, the West Oxfordshire Local Plan 2031 (LP) has been adopted. Both parties have had the opportunity to comment on the implications of these changes.
3. As the proposed development concerns the setting of listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the setting of designated heritage assets.

Reasons

The character and appearance of the area

5. Woodstock is identified in the West Oxfordshire Local Plan 2031 adopted 2018 (LP) as a rural service centre. LP policy OS2 sets out general principles of development and indicates that subject to protecting its important historic character and the setting of Blenheim Palace, Woodstock is suitable for a
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- reasonable scale of development in order to deliver affordable housing, to enhance services and to reinforce its role as a service centre. LP policy H2 permits new dwellings in rural service centres on allocated sites, on previously developed land within or adjoining the built-up area, on undeveloped land within the built-up area subject to compliance with the principles of policy OS2; and on undeveloped land adjoining the built-up area where it is necessary to meet identified housing needs.
6. The design of the proposed houses was amended during the course of the planning application to reflect the appearance of the neighbouring houses. Their appearance and their arrangement on the site would be similar to those beside it. I can identify no harm from the proposal in terms of its appearance.
 7. The appellant and the Council disagree on the nature of the appeal site. The appellant describes the appeal site as an area of improved grassland used for informal residential function. There is no evidence that its use or character has changed materially from 2012 when the Inspector in dismissing an appeal¹ for a pair of houses on this site concluded that it was not within the built-up area of the settlement, and that as former garden land, it was excluded from the definition of previously developed land in national planning policy. In which case, without convincing evidence to demonstrate that it is necessary to meet identified housing needs, in the latest policy context regarding housing and the Council's supply position, the proposal would conflict with LP policy H2.
 8. Notwithstanding this, the site is part of a visual transition between the developed section of ribbon housing to one side which marks the edge of the settlement, and to the other, the open limestone wolds containing expansive fields and scattered woodland beyond, which forms its rural setting. The largely open, undeveloped character of the site, together with its trees and planting mark a shift in character from a street of houses, with extensions, driveways, boundary walls and on-street parking, to the open countryside where the character is more tranquil, isolated and undeveloped. While the site contains small structures, these are not comparable to the scale of the buildings in this proposal. Moreover, the intensity of use of the site sub-divided for two dwellings would be substantially greater than its present informal function.
 9. I agree with the appellant's Landscape Impact Assessment Study in its assessment of the impact of the proposal in views from the public right of way which crosses the fields to the east. The development would be largely screened by the existing trees on the north and east site boundaries. In addition, there would be little visual impact in views from the Oxford Road entering Woodstock. However, the development would be visible from the Oxford Road and from Hill Rise when heading north, in which undeveloped countryside context the proposed development would appear an insensitive extension of the urban area. It would harm the landscape character of the area by extending the urban edge of Woodstock into the rural setting of the settlement.
 10. I acknowledge that the greenfield land immediately to the north and east of the appeal site has been allocated in the Local Plan for 120 dwellings under LP policy EW4. However, the Council's allocations advice² (CBA) concerning

¹ Appeal Ref: APP/D3125/A/12/2178015

² West Oxfordshire Local Plan Allocations Landscape and Heritage Advice, Chris Blandford Associates October 2017

landscape and heritage identified the key issue of the allocated site as its potential impact on the wider rural setting of the WHS and registered park and garden. The allocation in the Local Plan recognises the landscape sensitivity of the site. It seeks mitigation in the design of the development including appropriate building heights, structural planting, strengthening of hedgerows and extensive areas of semi-natural green space with built development kept away from the eastern and northern parts of the site.

11. I have taken into account that the development of that land would extend the built-up area past the appeal site and into the countryside. However, there is no evidence that the section beside the Oxford Road would continue the ribbon of housing in Hill Rise or that the same section would incorporate an access. Even if an access were provided, the CBA advice suggested large parkland trees around any junction with advance control over signage and setting-out. Without any detail of how the allocation might be developed I cannot conclude that this would change the character of the landscape to the north of the appeal site so as to make this proposal acceptable in landscape terms.
12. Therefore, whether the appeal site is considered to fall inside or outside the built-up area, whether the land is previously developed or undeveloped, the proposed development would be in conflict with LP policies H2, EH2, OS2, and OS4 which require development to conserve the intrinsic character of the local landscape and the setting of the settlement, to avoid the loss of open space that makes an important contribution to the character of the area, and to respect the landscape character of the locality, contributing to local distinctiveness.

The setting of designated heritage assets

13. The principal heritage assets whose settings the appeal site falls within include Blenheim Palace, a grade I listed building and a grade 1 registered park and garden, and the grade II listed wall which encloses it. WHS status was inscribed in 1987, the list entry attributing significance to the new style of architecture for the palace built to celebrate the triumph of the English armies over the French. Its architect, Sir John Vanbrugh rejected the fashionable French models of classicism, and set the home of the 1st Duke of Marlborough in a landscaped park later remodelled by Lancelot 'Capability' Brown. The palace and the park mark the beginnings of the English Romantic Movement, characterised by its eclecticism and its return to managed influences of nature and national sources of inspiration. The listed C18 wall has historic significance as an element of enclosure of the park and as a symbolic and more tangible boundary marker of the estate within its confines. Its undulating coursed, limestone texture, its height, the design of its openings and piers, and its continuity and remarkable length also have an architectural significance.
14. The appeal site is separated from the listed wall by the planted verges of the Oxford Road and Hill Rise. The thicket on the verge between the Oxford Road and Hill Rise would diminish the direct relationship between the park, the wall and the appeal site. Nonetheless views from the south on the Oxford Road between the large gaps in the Hill Rise verge would encompass the proposed development together with the park and wall. Given the proximity of the appeal site in relation to the park and its wall, and its tangential position, the proposed development would be within the setting of both heritage assets.

15. No 1 Hill Rise marks the northern extent of Woodstock, further to the centre of which the grain of development is tighter and includes houses which stand next to the enclosing wall. However, towards the edge of the village, here, the grain of development dissipates and is set back across the road from the wall. The north section of Hill Rise is set back behind a screening thicket which leads the eye towards the open countryside that forms the pastoral north setting of the park. The appeal site has more affinity with the undeveloped character of the open countryside in the north setting than the developed pattern of housing within the village. This rural setting to the park is important to the significance of these heritage assets. It forms the more natural, pastoral hinterland to the naturalistic, sublime landscape within the park.
16. In views towards the park from the fields behind the appeal site, the boundary trees would conceal most of the new houses. While the height of the canopy line of the trees beside the edge of the park varies, the development would not break that line, or otherwise harm the setting as experienced from the public right of way to the east of the site. Given the variation in the setting of the listed wall, and its historical and architectural role, I identify no harm to its significance from the proposed development. Nonetheless, in so far as the proposal would introduce more urbanity into the rural setting of the grade 1 listed building, the grade 1 registered park and garden and the WHS, in particular as experienced from the Oxford Road heading north, the significance of these heritage assets would be diminished.
17. The proposed development would therefore fail to conserve the setting of these heritage assets placing it in conflict with paragraph 193 of the Framework. Against paragraphs 195 and 196, the magnitude of this harm would be less than substantial. I appreciate that against the scale of the park the appeal site is small. However, this does not equate to a less than substantial planning objection. Indeed, paragraph 193 indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. Furthermore, paragraph 193 says that the more important the asset, the greater the weight should be given to its conservation.
18. The Framework notes in paragraph 194 that grade I listed buildings and grade I registered parks and gardens and world heritage sites are assets of the highest significance. As such, the appeal site forms part of the setting of designated heritage assets of the highest order. Despite the magnitude of harm identified therefore, I accord it very substantial weight in the planning balance. Under such circumstances, LP policy EH9 and paragraph 196 of the Framework require that this harm be weighed against the public benefits of the proposal. I return to this in the planning balance.

Planning Balance

19. The provision of two additional houses to local housing supply would be a public social benefit. Their construction would support employment and the spending of builders and future occupiers would bring economic support to the local economy. However, these public benefits would be modest. They would outweigh neither the harm to the landscape character of the area, nor the very substantial weight I give to the harm to the setting of the heritage assets and the diminution of their significance.

20. As a result, the proposed development would fail to preserve the setting of the listed building, the registered park and garden, and the WHS. It would fail to satisfy the requirements of the Act, and paragraph 192 of the Framework. It would conflict with LP policies EH9 and EH14 which indicate that great weight should be given to conserving the significance of designated heritage assets including the WHS and to protecting the special architectural and historic interest of listed buildings with regard to their character, fabric and setting, and the contribution of the surroundings to the significance of registered parks and gardens which may be directly or indirectly affected.

Conclusion

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

Patrick Whelan

INSPECTOR