The Planning Inspectorate

Appeal Decision

Site visit made on 9 December 2019

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 08 January 2020

Appeal Ref: APP/Y2810/W/19/3220387
Land opposite 15 Hinton Road, Woodford Halse NN11 3TR

- 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 Northrop, c/o Fisher German LLP against the decision of Daventry District Council.
- The application Ref DA/2018/0428, dated 27 April 2018, was refused by notice dated 20 July 2018.
- The development proposed is described as 'Three self-build/custom-build plots with all matters reserved other than access'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted in outline with all matters except access reserved. Various option plans were also submitted. I have treated these as illustrative as described.

Main Issue

3. The main issue in this case is whether or not the proposal would provide a suitable site for housing, having regard to the effect of the proposal on the character and appearance of the area including the setting of Hinton Manor, a Grade II* listed building, the Stable Block to the Manor House, a Grade II listed building, and the River Cherwell bridge, a non-designated heritage asset.

Reasons

4. The settlements of Woodford Halse and Hinton are separated by the valley of the River Cherwell and the old Great Central railway line, which follows the valley. Much of the area directly around the river is wooded and the villages are joined by 2 roads; Byfield Road to the north and Station/Hinton Road to the south. The appeal site lies on the northern side of Hinton Road on an area of green land to the east and south of properties on Hinton Manor Close. Land ownership of the appellant extends to the river but the appeal site does not share a boundary with the river.

5. The proposal seeks permission for the construction of 3 self-build plots with an access to Hinton Road. The Grade II* listed building of the Manor House lies to the north west of the site, on the far side of Hinton Manor Close. Between this building and the site is sited the Grade II listed stable block to the Manor

House and attached walls. The locally listed River Cherwell bridge forms the road bridge for Hinton Road over the Cherwell and is to the east of the site. Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

6. Paragraph 193 of the National Planning Policy Framework (the Framework) says 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, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should require clear and convincing justification. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

7. Paragraph 197 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, with a balanced judgement required having regard to the scale of any harm or loss and the significance of the asset.

8. Policies S10 and BN5 of the Joint Core Strategy (JCS)[1], together state that development will protect, conserve and enhance heritage assets and their settings, and will sustain and enhance the heritage and landscape features which contribute to the character of the area including locally and nationally important buildings and structures. Policy R1 of the JCS states that residential development in rural areas will be required to not affect open land which is of particular significance to the form and character of the village, and preserve and enhance historic buildings.

9. Saved policies GN1, GN2, and HS22 of the Local Plan[2] together state that the granting of planning permission for development will be guided by the need to protect and enhance the environment, that planning permission will normally be granted for development provided it will not adversely affect a listed building or its setting or affect open land which is of particular significance to the form and character of the village.

10. Policies WH2 and WH8 of the Neighbourhood Plan[3] together state that proposals which would cause harm to a locally non-designated heritage asset will only be supported where the scale of the harm has been clearly justified in relation to the asset's significance and that development will be expected to demonstrate good preservation and enhancement of the local historic environment.

11. The Manor House dates from the late 17th century according to the listing and is constructed in ironstone ashlar. The principal south west facing elevation of the property is set back from, and is well screened from Hinton Road by a dense tree line, even in the winter when my site visit took place. The right

[1] West Northamptonshire Joint Core Strategy Local Plan (Part 1), West Northamptonshire Joint Planning Unit, December 2014.
[2] Daventry District Council Saved Policies from the Daventry District Local Plan, 28 September 2007.
[3] Woodford cum Membris Neighbourhood Development Plan 2017-2029, May 2018

elevation is sited close to Hinton Manor Road and thus is more visible. A projecting two bay wing to this side is visible from the road, with noticeable quoins, storey band and a hipped roof set above a bracketed wood eaves cornice. The Manor is set at a higher level than the land to the east and the site, which generally appears to slope towards the river. As such from the road side adjacent to the site, the Manor House is clearly visible, standing proud above the valley. The significance of the Manor House is enhanced by this setting, with the open land of the site and surrounds providing a glimpse of how the House may have once been seen in relative isolation.

12. The 1½ storey stable block to the Manor House is a reasonably grand stable block, converted to residential use. The coursed squared ironstone building now has a tiled roof, and the north facing main elevation has a right of centre door set under a hood mould. A single storey extension is sited on the east side to the north. Although the building is clearly in residential use, the east facing gable of the block and the rear of the single storey extension contain few visible openings, such that the building remains more subsidiary from eastern viewpoints to the Manor House. The setting of the stable block includes the appeal site and the land down to the river.

13. The bridge over the Cherwell forms a narrow crossing over the river, with a separate wooden pedestrian footbridge located adjacent to the bridge on the south side. The bridge has rhythmic ornamental stone bellied balustrades with pyramidal end toppings and provides an attractive boundary between the settlements of Hinton and Woodford Halse. The open land of the site then opens up into views when travelling from the east, with the Manor House and former stable block clearly visible across the gently sloping grassland of the site. In such a way the site forms part of an attractive area of open space within the wider settlements.

14. Access would be gained from the western side of the site, with three option plans submitted showing how three properties could be accommodated on the site. These show variously 3 detached dwellings spread in a fan arrangement to the west and north, a line of 3 houses set orientated towards the south, and finally a more compressed fan arrangement.

15. With little details available other than these plans in terms of design and massing it is difficult to completely quantify the effect of the proposal upon the surrounding area. However, it is clear that in whichever or whatever arrangement chosen, three dwellings on the site would mark a significant change to the character and appearance of the area. The access road and the construction of 3 dwellings would involve the development of much of the green field site, adversely affecting the appearance of this area of the settlement and significantly altering the setting of the Manor House and the stable block. Despite the site not extending to the banks of the river and thereby retaining some separation between Hinton and Woodford Halse, the proposed quantum and size of the residential development would significantly alter both the character and appearance of the site, adversely affecting this area which plays a key role in helping to form the character of both Hinton and Woodford Halse.

16. The appellant notes the change in the setting of the Manor House over time from a predominantly rural landscape around 1900 to its modern setting with a more urban context. This was clear to see on my visit, with significant

development set to the east and north of the Manor House. However, conversely this means that the appeal site and surrounding land is one of the few areas surrounding the Manor House that remains rural in character and aspect, hinting at the former isolation of the Manor House and its outbuildings.

17. The development of the appeal site, in whichever form, would remove this association and character, adversely affecting the significance of both the Manor House and the stable block. While illustrative options B and C would leave space at the front of the site to allow views of the listed buildings to remain, the domestication of the land and partial development would still cause harm to the setting and overall perspective of the heritage assets. I do not consider in this respect that the submission of reserved matters could overcome such fundamental concerns.

18. The setting of the River Cherwell bridge is more limited than those of the designated heritage assets, partly due to its comparative size but also partly due to its location in the valley. The site does not extend to the river boundary and the separation that this would allow between the site and the bridge means that the proposal would not cause harm to the significance of the non-designated heritage asset.

19. Having regard to the advice in planning practice guidance I consider that the proposal would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 196 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.

20. The public benefits of the scheme would include the economic and social benefits arising from the housing. I note that the proposal would provide three self-build custom build plots, the supply of which the Government is actively seeking to increase. Planning Practice Guidance states that relevant local authorities must give suitable development permission in respect of enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. There is disagreement between the parties as to whether the Council can offer enough such plots and the evidence is somewhat inconclusive on this issue.

21. However, even if the Council are unable to offer such plots, I am required to give great weight to the less than substantial harm that the proposal would cause to the significance of Hinton Manor and the stables and I do not consider that the benefits of the proposal, including the significant benefit from the increase in the local supply of self build/custom build plots and the other economic and social benefits of the proposal provide clear and convincing justification sufficient to outweigh the less than substantial harm to the heritage assets that the proposed development would cause or to the harm that the scheme would cause to the character and appearance of the area. Heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

22. I therefore conclude that site would not provide a suitable site for housing, having regard to the effect of the proposal on the character and appearance of the area including the setting of Hinton Manor, a Grade II* listed building, and the Stable Block to the Manor House, a Grade II listed building. The proposal

would be contrary to policies S10, BN5, and R1 of the JCS, policies GN1, GN2, and HS22 of the Local Plan, policy WH8 of the Neighbourhood Plan, and to the Framework.

Other matters

23. Paragraph 189 of the Framework states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

24. The appellant notes that archaeological remains found in the past at the Manor House were of a local interest and that requirements for archaeological investigations at other sites closer to the Manor have been limited. In such circumstances I consider that were I to be allowing the appeal that a condition would suffice to protect archaeological interests.

25. A further reason for the refusal of the original application related to highway safety. Following discussions between the two parties the Council have agreed that the proposal could, subject to conditions, be accessed safely and based on everything that I have seen and read I see no reason to disagree with this view.

26. I note that the Settlements and Countryside Local Plan (Part 2) is well advanced, having been through examination and consultation on modifications. My attention is drawn to Policy HO5 of this Plan and its requirement for a design code for self and custom build housing. However, given that I am dismissing the appeal on other grounds I have not considered this matter further.

Conclusion

27. To summarise, I conclude that the proposal would not provide a suitable site for housing, having regard to the effect of the proposal on the character and appearance of the area including the setting of Hinton Manor, a Grade II* listed building, and the Stable Block to the Manor House, a Grade II listed building.

28. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR