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# Appeal Decision

Site visit made on 8 June 2020

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 July 2020**

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**Appeal Ref: APP/D3125/W/19/3242347**

**Land on Witney Road, Finstock, Oxfordshire**

- 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 Mr Charles Cayzer against the decision of West Oxfordshire District Council.
  - The application Ref 19/02217/FUL, dated 2 August 2019, was refused by notice dated 10 October 2019.
  - The development proposed is the erection of two new detached 4-bed dwellings, parking and associated works
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effects of the development on the character and appearance of the area, including the significance and qualities of the Cotswold Area of Outstanding Natural Beauty (AONB) and the Finstock Conservation Area (CA).

## Reasons

3. The site is an undeveloped area which appears to have had an agricultural past but recently used as a paddock. It is enclosed with fences and trees/hedgerows to the boundaries. The site is set between a residential dwelling to the west and the listed (Grade II\*) Finstock Manor House to the east. The Manor is set a good distance to the east, but its grounds extend up to the site's eastern boundary.
4. The plot of land is to the northern side of Witney Road, with the countryside with predominantly agricultural land and also the Cornbury Estate to the north. Therefore, the site is on the northern edge of the village. The site is within the Finstock Conservation Area (CA) and also the Cotswold AONB.
5. Policy EH1 of the AONB states that proposals within the Cotswold AONB "*which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage.*" Furthermore, the National Planning Policy Framework (the Framework) also requires that conserving and enhancing landscape and scenic beauty in AONBs should be given great weight.

6. The site is an undeveloped plot, but the two proposed dwellings would be within the village of Finstock, rather than being within an isolated plot within the AONB countryside. Whilst the appellant states that the proposed two houses would be well screened and enclosed, there would likely be, in my opinion, some views of the development. However, it would be seen within the context of the village, with the two proposed houses adjacent to a line/cluster of other dwellings on this northern side of Witney Road.
7. Whilst in the AONB, the site itself does not have any particular aesthetic value as part of the wider landscape. Furthermore, the dwellings and landscaping also proposed at the site are of a suitable quality in terms of their character and appearance within this context.
8. I note that the site was part of a larger field with historic connections, but the plot itself is of a more modest size, with the proposal for two houses a relatively small scale development. I am not persuaded by the Council evidence that the site is integral to the natural beauty of the wider landscape in this context. On this basis, I would consider that the development would conserve the natural beauty, landscape and countryside, even though there would be a clear change in the appearance and use of this site. The scenic beauty of the AONB would not be harmed by the proposed development and this change to the site. Furthermore, this assessment is based on the particular circumstances of this site and the development proposed and therefore would not set a broad precedent for other proposals within the AONB.
9. As stated above, the site is also within the village CA and close to the Grade II\* listed building of Finstock Manor. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. Also, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
10. With regards the listed building, the Council has not raised any issue with the impact of the development to the setting of Finstock Manor House or any other listed buildings in the wider area, noting the separation distance and also the high vegetation screening that exists, for example. I have no reason to come to a different view.
11. For the CA, its significance derives from the historic and architectural character and quality of many of its buildings, together with its historic development since its origins. The CA Character Appraisal also remarks that the 'surrounding countryside is striking for its unspoilt, rolling character'. Indeed, the rural setting and character of the village is an important aspect of this settlement. The CA Character Appraisal states that "*Finstock retains an attractive and pronounced rural character*".
12. Part of this rural character is derived by both the views into and out of the village across open space gaps, visually connecting it with the wider attractive countryside setting. These views are often possible by gaps between existing properties which in themselves are positive as open spaces and contribute to the rural character of Finstock. The CA Character Appraisal includes particular reference to views to the north of Witney Road, and on the map within this

document there are arrows across the site which denotes significant views from within the CA out to the countryside to the north.

13. The appellant has argued that these views are not significant for various reasons, including the lack of public access available for the site and the hedgerow along the front boundary with the road. Having been to the site and seen the views for myself, I acknowledge that from some positions views were not fully available from the layby adjacent to Witney Road, due to the higher land level of the site and its front boundary hedgerow which has grown quite tall in places. However, there were still some views available across the site from Witney Road and this layby. The high hedgerow/tree to the boundary with the grounds of Finstock Manor House do narrow the field of vision across the site, but there are still attractive views of the countryside beyond. There is no necessity for public access into the site to appreciate these views.
14. Whilst transient in nature, there would be views also possible for those in vehicles passing through the village. I did note, however, people using the layby as a parking location to set off on walks for example. This location to the front of the site appears quite well used, thereby increasing the importance of these views as they would be available for those who use this layby.
15. There are no public footways along this section of Witney Road, but nonetheless I did observe several people walking along this section of highway and its verges in the time I was at the site. These pedestrians would also have the benefit of the views across the site where possible.
16. These views across the site do contribute positively to the CA by enhancing its rural character. It may be that the views across this site would not attract people to come specifically to see this as a destination, but they do contribute to the character of the CA and is a generally attractive vista. Whilst the design and landscaping proposals are of sufficient quality within this Cotswolds location, the development would result in preventing and obscuring the attractive rural views which exist currently across this site.
17. Furthermore, as explained above, these undeveloped gaps can be positive as open spaces and contribute to the rural character of Finstock CA. The northern edge of Witney Road does have several dwellings fronting this highway, but this is not a continuous line of properties. These dwellings are quite well spaced and for much of this side of Witney Road there are gaps between the clusters of dwellings made up of primarily undeveloped agricultural land. Therefore, the housing development along the northern side of Witney Road is discontinuous, and these open spaces, whilst maybe not formally designated, significantly adds to the rural character of the village. Infilling this plot with two sizable two storey houses would result in the loss of such an open space and introducing a more urbanised character instead.
18. On this basis, the development of this space with the two proposed houses, with the resultant loss of almost all views across the site to the countryside beyond, would be harmful to the CA due to the erosion of its pronounced rural character. The proposal would result in a new native hedgerow planted to the site's front boundary, which would have some benefit to the CA character, but overall the development would fail to preserve this heritage asset's character and significance.

19. The proposed dwellings would be harmful to the character and appearance of the Conservation Area. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
20. The benefits of the proposal would be the provision of two new dwellings on an undeveloped site, which the appellant states has no clear alternative use. The proposal would include some additional landscaping and biodiversity enhancements, together with economic benefits from both the construction phase and through bringing new residents to the village. Whilst I recognise these benefits, they do not outweigh the significant harm identified to the CA, to which I must attach considerable importance and weight.
21. Overall, the proposal is contrary to policies OS2, H2 and EH10 that require that development conserve or enhance the special interest, character, appearance and setting of CAs and the historic environment, amongst other things.

### **Planning Balance**

22. The Council state that there is not the requisite necessity for the proposed dwellings in this village. The appellant states that as the site is within the built up area of the village then under policy H2 there is not the requirement to provide such evidence of need within the village. To my mind, the site is within the built up area of the village, being set in a gap between an existing dwelling and the grounds of Finstock Manor House, without projecting out into the countryside to the north further than the adjoining properties to any significant degree. As such, based on the adopted policies, particularly H2, I do not regard it as necessary to justify the need for two additional houses within the village to comply with these policies.
23. I note the Council position as regards housing land supply, which I acknowledge incorporates a stepped trajectory. Therefore, there is a need to keep the supply of housing progressing, which this development would contribute towards. However, as this would be a relatively small residential windfall development, such benefits would be limited.
24. As noted above, the proposal would provide dwellings in an accessible location, which would have economic, social, environmental (including biodiversity enhancements proposed) and other benefits, with the appellant also stating that this would be an effective use of land for this small site. Furthermore, I note the lack of objection from the Council in terms of the design and appearance of the proposed dwellings. However, all the benefits that could derive from the proposal would not outweigh the harm to the CA, as described in detail above.

### **Conclusion**

25. By reason of the harm to the character and significance of the Conservation Area, and having regard to all other matters raised, this appeal should be dismissed.

*S. Rennie*

INSPECTOR