



Appeal Decision

Site visit made on 4 August 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/V3120/W/20/3246326

Lamb and Flag House, Faringdon Road, Abingdon OX13 5HN

- 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 Ben Preston against the decision of Vale of White Horse District Council.
 - The application Ref P19/V0904/FUL, dated 26th April 2019, was refused by notice dated 7 August 2019.
 - The development proposed is for the erection of 1 no. dwelling with associated hard and soft landscaping to replace the redundant car park within the grounds of Lamb & Flag House.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended application form was submitted during the application stage which replaced the earlier form dated 10th April 2019. The Council have confirmed that its decision relied on the details in the amended application form and I have accordingly referred to the date therein in the banner heading.
3. Following the submission of the application, revised drawings of the proposed development were submitted. The Council's decision was made having regard to these amendments; therefore, I have assessed the appeal on the basis of the same information.
4. The Local Plan 2031 Part 2 – Detailed Policies and Additional Sites (LPP2) has been adopted since the Council issued its decision. Policies DP36 and DP38 of LPP2 replace Policies CP37 and CP39 of the Vale of White Horse Local Plan 2031 Part 1, adopted December 2016 and I have referred to these in my assessment of the appeal. The main parties were given the opportunity to comment on these policies and I have taken these into account in reaching my decision.

Main Issues

5. The main issues of the appeal are: (i) whether or not the proposed development would provide a suitable location for a new dwelling, having regard to the accessibility of services and facilities; (ii) the effect of the proposal on the setting of the Grade II listed building referred to as Lamb and Flag Public House; and (iii) whether the type of the proposed enabling development is justified having regard to the listed status of Lamb and Flag House.

Reasons

Location of Proposed Development

6. The appeal site is located adjacent to the former Lamb and Flag public house and comprises its former car park together with existing areas of landscaping. There are a small number of properties located along Faringdon Road although these are separated from one another by large spaces. The nearest settlements identified by the Council for growth under its settlement hierarchy ¹, including new housing, are Longworth and Kingston Bagpuize with Southmoor. The appeal site is respectively 2km to the south and 1km to the west of these villages. Both the main parties recognise the site's location as isolated.
7. The Council's settlement hierarchy encourages new homes to be located in those settlements identified, as these offer the best services and facilities that will enable residents of new homes to access them by walking, cycling and public transport, so reducing the need to travel by car.
8. The appellant recognises that the appeal scheme lies outside any of the recognised settlement boundaries identified by the Council's settlement hierarchy, and therefore is within the open countryside. However, attention has been drawn to the appeal site's accessibility to the settlement of Kingston Bagpuize with Southmoor where local services and transport connections would be well located for the proposal to support. The appeal site, according to the appellant, would be within a 7 – 13 minute walk from a range of services that include a supermarket, café, pub/restaurant and a post office, while a bus stop with a service every 15 minutes would be a 5 minute walk away.
9. The pedestrian route to access those services is primarily along a road that is not lit by street lights for much of its length. Moreover, the footway along Spring Hill has a long section where it is very narrow in width, such that it would not accommodate prams or mobility scooters, without them having to traverse onto the road. Therefore, even if the services and facilities would sufficiently cater for future residents' needs, it would be unlikely that the occupiers of the proposed dwelling would choose to walk or cycle to them on a regular basis, as it would be more convenient and safer to access them by car. For instance, the convenience store, would likely involve transporting purchased goods back to the proposed dwelling, but doing so by foot along the poorly lit route, with limited footways in places would be inconvenient and unappealing. Moreover, there are a greater range of services and employment opportunities further afield, making the use of the car by future residents even more likely.
10. I note that the bus service located a short walk from the appeal site is used regularly by a member of the appellant's family. Nevertheless, I am not convinced that the unlit road leading to the bus stop would be desirable to all. This would especially be the case in the dark and in adverse weather conditions. Therefore, occupiers of the dwelling would be likely to be heavily reliant on the use of motor vehicles for many of their journeys.
11. Despite not belonging to a recognised settlement, the appellant contends that the appeal site is more accessible to a greater range of services than the nearby village of Longworth, which is categorised as a small village in the

¹ Core Policy 3 of the Vale of White Horse District Council Local Plan 2031 Part 1, Strategic Sites and Policies, adopted December 2016

settlement hierarchy. Whilst, this may be the case, Longworth has a number of services within the settlement such as a pub and primary school that would not necessitate the need to travel further afield.

12. I therefore find that the site would not be a suitable location for a new dwelling, having regard to the accessibility of services and facilities. As such the proposal would be contrary to Core Policies 1, 3, 4 and 35 of the Vale of White Horse District Council Local Plan 2031 Part 1, Strategic Sites and Policies, adopted December 2016 (the LPP1). These, in part, provide a settlement hierarchy, and for proposals to be well related to the existing built up area of the settlement and to encourage the use of sustainable forms of travel such as walking and public transport.

Setting of the Listed Building

13. The Grade II listed former Lamb and Flag public house was converted into two residential dwellings following the pub's closure. These are now known as Lamb and Flag House and The Old Stables. The proposed dwelling would be sited towards the site's north and east boundaries, while the intervening space separating it from The Old Stables would be landscaped and partially covered in gravel.
14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
15. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
16. Dating back to the early/mid-18th Century the listed building comprises the original two storey element (Lamb and Flag House), along with a later 20th Century single storey addition (The Old Stables) emanating from its eastern flank wall. Its significance is principally derived from the historic architectural features pertaining to Lamb and Flag House that include its simplistic rectangular form, coursed rubble elevations and decorative arches above windows. The historic use of the listed building as a public house serving the area affords it a degree of communal value, given the role the building once played in facilitating social interaction.
17. In terms of the characteristics of the listed building's setting, these include its open frontage that allows the listed building to display itself prominently onto Faringdon Road. The existing mature boundary trees to its sides and rear, along with the open landscaped grounds provide an attractive pastoral backdrop that neatly frames the building. The large former car park has an engineered and bland appearance that detracts slightly from the historic qualities of the listed building. Nevertheless, it provides an open area devoid of structures that retains existing views of the listed building's historic fabric from

within the appeal site and Faringdon Road. The former car park's appearance from the road is softened somewhat by the landscaping that surrounds it. Although the architectural fabric of the listed building is where most of its special interest lies, it also derives some of its significance from the open frontage and undeveloped spaces around the building as well as the tall trees along the side and rear boundaries that neatly frame the background. These features collectively contribute positively to revealing the listed building and its former importance as a civic and social focus of a rural community and for people travelling through the area.

18. The proposed dwelling would be separated from the heritage asset by a large area comprising a gravel driveway and the scheme's proposed landscaping. This would provide some enhancement to the setting of the listed building by replacing the harsh surface of the former car park with more sympathetic landscape features that would complement the trees that partially define site's boundaries, while much of the open views of the heritage asset from Faringdon Road would be maintained.
19. The proposal would also be set back from the road and behind the front building line of Lamb and Flag House, such that it would be discretely positioned close to its north and eastern boundaries, where views of the proposed dwelling would be partially obscured from the east along Faringdon Road by the existing boundary trees. Moreover, the proposal's single storey scale and traditional design would not appear overbearing or at odds with the historic features of the listed building, nor would it appear obtrusive in the context of the site's existing landscaping. Whilst there would inevitably be some inter-visibility between the proposed dwelling and the listed building, the proposal ensures that an acceptable space would be maintained between the two buildings, whilst the intervening land would be enhanced by landscaping. Consequently, the proposed dwelling would not harm the characteristics of the listed building's setting and the contribution these make to the significance of the heritage asset.
20. There are concerns that the associated domestic paraphernalia that would accompany a new dwelling would have a harmful presence upon the setting of the listed building. Yet, it is likely that these would be sited to the rear of the proposed dwelling where they would be well screened and not be seen in context with the heritage asset. Moreover, a condition could control the siting of some items (e.g. bin storage) to ensure that restrictions are placed on the intervening land between the proposed dwelling and listed building. A condition could also control the type of landscaping provided at the site, to ensure that the planting and species mix retains a rural and functional character appropriate to its setting and the surrounding area.
21. Therefore, whilst the proposal does alter the setting of the listed building to some extent, it does so in a way that respects its significance and heritage and preserves its setting rather than resulting in harm. Moreover, the proposed landscaping of the former car park would provide some enhancement to the heritage asset's setting.
22. I therefore find that the proposal would not have a harmful effect on the setting of the listed building. It would comply with Policies CP37 and CP39 of the LPP1, and Policies DP36 and DP38 of LPP2, which amongst other things require developments to respond positively to the site and surroundings, and

demonstrate that they conserve and enhance the special interest or significance of the heritage asset and its setting. Furthermore, the proposal would preserve the setting of the listed building and would conserve the significance of the designated heritage asset.

Enabling Development

23. Core Policy 4 of the LPP1 states that development in the open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the Development Plan or National Policy.
24. In this respect, Paragraph 79 (b) of the Framework states that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other things, the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. Similarly, Framework Paragraph 202 requires decision makers to assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
25. Further advice on this matter is contained within the Historic England (HE) good practice document (the GPD)² which offers specific guidance and criteria to be used in the assessment of enabling development proposals. A fundamental component of the guidance points out that the harm done by enabling development contrary to other planning policies is likely to be permanent and irreversible. After consideration of all reasonable alternative means to secure the future of the heritage asset, enabling development is therefore likely to be the last resort.
26. On the first main issue I found that there would be clear conflict with the development plan in terms of the location of the site and its accessibility to local services and facilities. Nevertheless, the appellant's evidence presents a case for enabling development, which, he considers, outweighs the conflict with the development plan.
27. This essentially rests on resolving the harmful impact that the former pub car park incurs on the significance of the listed building, through the construction of the proposed dwelling and associated landscaping works. This, the appellant, maintains would remove the materially detracting former car park and its replacement with the proposed development which would safeguard the future conservation of the heritage asset.
28. In assessing the second main issue I found that the scale and appearance of the former car park detracts slightly from the significance of the heritage asset. However, this open area allows for views of the listed building and contributes to revealing the significance of the asset from Faringdon Road. Furthermore, the car park's appearance, although bland, is somewhat softened and screened by the existing landscaping that surrounds it. Therefore, I do not consider that it has an appearance that is so harmful that it diminishes the significance of the listed building such that it would risk the future conservation of this heritage asset.

² Historic England 2020 Good Practice Advice 4: Enabling Development and Heritage Assets.

29. The advice contained within GPD states that repairing existing defects is an obvious part of securing the future conservation of the heritage asset. However, the listed building remains in use and from what I observed, its condition was such that it did not appear to be at risk from disrepair, neither was it claimed that it appears on the HE *Building at Risk Register*.
30. Furthermore, the guidance states, that the case for enabling development rests on there being a conservation deficit. i.e. the amount by which the cost of repair of a heritage asset exceeds its market value on completion of repair allowing for appropriate development costs. Yet, I have not been presented with any analysis of this kind, nor, does the evidence provide, as suggested by the GDP, any market testing to explore the possibility of different owners or different uses providing an alternative to enabling development, thereby reducing the scale of enabling development needed. In the absence of such a marketing exercise, it is unclear if a charitable body such as a Building Preservation Trust or a similar charity, would be interested in acquiring and restoring the listed building. Consequently, it has not been demonstrated that there is a pressing need for the repair and restoration of the heritage asset.
31. I acknowledge that the proposed development would enhance the former car park area with improved landscaping. Nevertheless, whilst being an obvious benefit to the existing setting of the listed asset I do not directly relate this to remedying pre-existing tangible defects that would secure the future conservation of the listed building.
32. The appellant states that the former car park is redundant and no longer serves a functional use and that redeveloping this area would therefore be justified. Yet, the guidance in the Framework specifically refers to development that would secure the future of the heritage asset. Whether or not an area of land is effectively used does not, in my view, represent a reasonable justification to allow the proposed development in the context of the Framework.
33. The GPD makes reference to gardens and landscapes being heritage assets in their own right whose future may be secured by enabling development. They may also be crucial to accessing and enjoying a historic building or structure. However, I do not equate this to the appeal site's relationship with the listed building, as even without the proposed development the listed building can be accessed. Moreover, its historic significance can be clearly viewed from Faringdon Road and from a number of areas within the site. Also, I have no detailed or clear evidence of the character and appearance of the land before it became a car park and to what extent it contributed towards the significance of the heritage asset.
34. In light of the above, the enabling development benefits of the proposal are not soundly evidenced and carry little weight in favour of the proposed development. Furthermore, it has not been shown that the claimed enabling development is necessary to secure the future conservation of the heritage asset or that the proposal would outweigh the disbenefits of departing from the development plan for the area.
35. On this basis, I am unable to conclude with any certainty that the type of the proposed enabling development is justified having regard to the listed status of Lamb and Flag House and that it would be necessary to secure the future of the listed building. Therefore, it would conflict with Policy DP36 of LPP2, where it

requires developments to provide a sustainable, non-damaging use for a heritage asset that is currently at risk of neglect, decay or other threats. The proposal is also contrary to the Paragraphs 79(b) and 202 of the Framework, the requirements of which have been referred to above.

Other Matters

36. In support of the appeal, my attention is drawn to other housing developments the Council approved adjacent to heritage assets. In the case of the Parkland School scheme this related to the demolition of a number of modern additions and the construction of new buildings that would make a significant improvement to the historic significance and setting of the non-designated heritage asset. In contrast, I have found that the former car park of the appeal scheme, although visually detracting, is free from structures and in part contributes to the open views of the heritage asset. The Parkland School scheme also included wider improvements to affordable housing provision and transport infrastructure. The other case I have been referred to (land at Pound House) was also different in that it involved infilling in a village and was determined under a previous development plan. Therefore, the circumstances that applied to these other cases are not directly comparable to the case before me and I attribute little weight to these.
37. The appellant has referred to the Council's Heritage Officer's previous comments in relation to the change of use of the former public house. Whilst it was alluded that the redevelopment of the car park was important, there is no clear evidence that this was to secure the future viability of the listed building, or that the car park's redevelopment would need to relate to a new dwelling. Therefore, I have given limited weight to this matter.
38. The Council has briefly alluded to the proposed dwelling's wider impact on the character and appearance of the surrounding area. In this respect, Faringdon Road serves a small number of dwellings and some farm buildings that are thinly spread along the length of the road. These are separated from one another by large spaces that primarily comprise agricultural fields resulting in a sparse arrangement of development in a relatively isolated rural setting. The proposed dwelling would be well contained by the existing boundary trees that envelop the appeal site, whilst incorporating a discreet position and orientation angled away and set back from the road. On this basis it is considered that a further structure in this context would not detract from the prevailing pattern of development or harm the wider character and appearance of the area. On this matter, the proposal would comply with LPP1 Policies CP37 and CP44, where they respectively require new development to be of a high-quality design that responds positively to local character; and responds positively to the District's landscape character.

Planning Balance and Conclusions

39. Bringing together the conclusions on the main issues, I have found that the proposed dwelling would not harm the setting of the listed building and the character and appearance of the area. Although the lack of harm would have a neutral effect, the associated landscaping of the former car park would provide a degree of visual improvement to the land and the setting of the listed building, while also providing an enhancement to biodiversity. These are benefits of the scheme that attract moderate weight.

40. Notwithstanding this, I have found that there would be a clear conflict with the development plan in terms of the location of the site, and its accessibility to local services and facilities. A case for enabling development has been advanced, yet there is insufficient justification to conclude that the proposed development would be necessary to secure the future of the listed building and therefore overcome the significant conflict, I have found, with the development plan. Moreover, none of the other matters in favour of the appeal scheme are of a sufficient weight to justify a decision other than in accordance with the development plan, with which, in terms of the above-referenced policies, it would be in clear conflict.
41. Overall, I find that the adverse impacts of the proposed development would outweigh the scheme's benefits when assessed against the policies in the development plan taken as a whole. Therefore, the appeal should be dismissed.

R. E. Jones

INSPECTOR