



Appeal Decision

Site visit made on 25 January 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/D3125/W/21/3282184

Magdalen Farm, Abingdon Road, Standlake, Oxfordshire OX29 7RN

- 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 Andrew Townsend against the decision of West Oxfordshire District Council.
 - The application Ref 20/02884/FUL, dated 17 September 2020, was refused by notice dated 12 May 2021.
 - The development proposed is described as the 'Demolition of two redundant farm buildings: Change of use of the site of application from Agricultural to Residential use: the erection of two number detached houses and a detached garage.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area with particular regards to the setting of Magdalen Farmhouse, a Grade II listed building, and;
 - Whether the proposal is a suitable location for housing having regard to local planning policies.

Reasons

Character and appearance

3. Standlake is described in the West Oxfordshire Design Guide, Supplementary Planning Document, 2016¹ as a village in a low lying and open setting. It refers to its distinctive attenuated U-form, with linear infill linking previously dispersed nuclei. This is consistent with my observations of the part of the settlement near to the appeal site, whereby there is ribbon development lining Abingdon Road. The pattern of residential development is predominantly detached and one plot deep, with paddocks or agricultural land beyond. The proximity to countryside combined with the prevalence of trees and hedgerows gives the village a rural character and appearance.
4. The appeal site is a parcel of land with an access onto Abingdon Road. It comprises of a track, various agricultural buildings in a poor state of repair,

¹ Design Guide 5 – Settlement Type, page 12

grass, trees and hedgerows. Notwithstanding their degraded condition, the functional appearance of the buildings is consistent with an agricultural environment. They generally have a low-key presence softened by the surrounding vegetation.

5. The site formed part of a farmyard once associated with the adjacent Magdalen Farmhouse, a Grade II listed building. As denoted in the list description, the stone farmhouse dates from the 17th Century. Its significance derives mainly from its building fabric and attractive aesthetic appearance. However, its historical relationship with agriculture and its surroundings also forms a notable component of its significance. In this respect the agricultural use of the appeal site, and its configuration relative to the farmhouse provides a discernible connection with the past. Hence, the appeal site forms part of the setting for the farmhouse and positively contributes to an ability to appreciate its significance. I am required² to have special regard to the desirability of preserving the setting of listed buildings.
6. The proposal would remove the existing agricultural buildings on the site and introduce two dwellings and a detached garage. By comparison with the dwellings nearby lining the southern side of Abingdon Road, both proposed dwellings would be set considerably further back. Notwithstanding that the houses would align with the retained Dutch Barn and be adjacent to land at No.94, which is allegedly used for garden purposes, they would nevertheless appear sporadic and would deviate from the established pattern of residential development. Furthermore, the larger L shaped four-bedroom detached dwelling would be situated to the rear of the farmhouse thereby departing further from the prevailing single plot depth to residential development in the vicinity.
7. In addition, the associated grounds of the dwellings would be likely to accommodate boundaries, outbuildings, play equipment and similar objects which in addition to more ornamental planting would emphasise the domestic nature of the development. Whilst I accept that some screening could be provided, the overall development would nevertheless result in domestic encroachment onto land which presently has a more informal, countryside character.
8. The appellant intends the complete separation of the land and access serving the proposed dwellings from the retained agricultural land³. The permanent subdivision of the former farmyard, changes to access arrangements and introduction of residential dwellings would further sever the historic relationship of the former farmyard with the farmhouse, making its connection with its setting much less appreciable. My view is reinforced by the appellant's acknowledgement of the importance of the historical agricultural use to the heritage asset⁴, albeit with reference to the retention of the Dutch barn. Consequently, the proposal would erode the significance of the designated heritage asset. However, taking into account the proposed landscaping scheme, attention to vernacular form, detailing and careful use of materials outlined by the appellant, together with the relatively minor scale of the development overall, it would cause less than substantial harm.

² Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Page 1, Appellant's Appeal Statement

⁴ Page 1, Appellant's Appeal Statement

9. Paragraph 202 of the National Planning Policy Framework (the Framework) stipulates that in such circumstances the harm should be weighed against the public benefits of the proposal. The main benefit would be the provision of two additional houses to the overall supply, the smaller of which would be likely to diversify the mix of local housing stock. There would also be economic benefits associated with the construction of the development and the future activity and spending of the occupants. Nevertheless, the extent of benefits likely to accrue from two dwellings would be limited.
10. The appellant considers that the proposal would make more efficient use of previously developed land⁵. However, the definition of previously developed land in the Framework excludes land that is or was last occupied by agricultural buildings and it is not otherwise demonstrated how the land would fall within the definition of this term. Moreover, although it is suggested that a reduction in agricultural traffic using the access from Abingdon Road would be beneficial to users of the highway and those living nearby, the information before me suggests that the earlier relocation of the principal farmyard activities has already secured a significant reduction in such traffic. As the proposal would generate domestic vehicular movement, there is likely to be a neutral impact overall rather than a benefit in this regard.
11. In support of the proposal the appellant highlights the poor condition of the buildings. However, my observations were that their unobtrusive presence, softened by vegetation was not objectionable. Even if they were to deteriorate further, I am not convinced that the proposed development would be the only means by which to address this matter. It is also asserted that the proposal would bring improvements to security and landscape maintenance. Even so, based on my observations and the information before me, I am not persuaded that these areas are so problematic that the proposals would amount to public benefits.
12. It is also suggested that an alternative 'B1 use' of the appeal site would result in traffic and noise problems by comparison to the proposal, but it is not part of the appellant's case that a specific 'fall-back' development exists. Moreover, there is little substantiated evidence upon which to base such a wide-ranging conviction. The potential displacement of other hypothetically harmful development is not sufficiently certain to warrant weight as a public benefit of the proposal.
13. Finally, the appellant contends that the appeal scheme would be less harmful to the setting of the listed building than existing residential development along Abingdon Road. Be that as it may, this would not negate the harm to the significance that I have identified. Accordingly, this is not a public benefit of the proposal.
14. Irrespective of my finding that the degree of harm caused to the setting of the listed building would be less than substantial, paragraph 199 of the Framework indicates that great weight should be given to protecting the significance of designated heritage assets. Therefore, the limited public benefits arising from the provision of the additional houses proposed would be insufficient to outweigh the great weight given to the harm.

⁵ Page 9, Appellant's Appeal Statement

15. My attention is drawn to other recent residential development in the village, particularly one referred to by the appellant as 'development A'⁶ which is set some distance back from Abingdon Road. Nevertheless, I am not provided with all the circumstances that led to this development which inhibits a comparison with the appeal proposal. However, it is some distance from the appeal site and on the opposite side of the road. Nothing before me suggests that it comprised a former farmyard of a listed farmhouse. Given these differences, it is of limited weight and would not lead me to find otherwise on this main issue.
16. I have also had regard to the pre-application advice⁷ provided by the Council. This advice was given in relation to the demolition of farm buildings and erection of 3 houses. Whilst it contains some suggestions it does not amount to unqualified support for the proposal before me and it contains disclaimers that it is not binding. Hence, it carries limited weight. In any event, I am required to make my own assessment regarding the planning merits of the appeal proposal.
17. Accordingly, I find that the proposal would be harmful to the character and appearance of the area and would detract from the setting of a listed building, thereby undermining its significance as a heritage asset. This would be contrary to policies OS2, OS4, H2 and EH11 of the West Oxfordshire Local Plan 2031, September 2018 (LP). Policy OS2 sets out general principles which apply to all development and are cross referenced in policy H2. Amongst other things these require development to form a logical complement to the pattern of development and to conserve and enhance the historic environment. Policy OS4 also requires new development to respect the historic character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings. Finally, policy EH11 is applicable to development that affects the setting of listed buildings. Support is derived from this policy for development that amongst other things, conserves or enhances the setting of such buildings. It follows that the proposal would conflict with the direction of this policy.

Location

18. Standlake is identified as a village in the settlement hierarchy of the LP⁸. Policy OS2 of the LP states that such villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. Furthermore, proposals for residential development will be considered in accordance with Policy H2 of the LP.
19. Policy H2 outlines the restricted circumstances whereby new housing will be permitted in villages. Based on the information before me I have already found that the appeal site would not fall within the definition of previously developed land in the Framework. It is not shown that any other definition applies to policy H2. Therefore, for the purposes of policy H2, the appeal site proposes development on undeveloped land. In both instances where new housing may be supported on such land, the development must, amongst other things, be in accordance with the general principles in policy OS2. Hence, policies OS2 and H2 of the LP cross reference each other.

⁶ Photographs R, S, T and U

⁷ Dated 13.5.19

⁸ Table 4b

20. It will be seen that in relation to the first main issue I found that the proposal did not accord with some of the general principles in policy OS2 of the LP. Consequently, the proposal would further conflict with both policy OS2 which refers to locating development in the right places and policy H2, which refers to the delivery of new homes. Accordingly, I find that having regard to local planning policies, the proposal would not provide a suitable location for the housing proposed.

Other matters

21. The appellant raises concerns at the length of time the Council took to make its decision and contends that it has been inconsistent with the pre-application advice it gave. However, these matters lie outside the scope of my determination which I have made on the planning merits of the case.

Planning balance and conclusion

22. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁹.

23. I have previously outlined the public benefits of the scheme, which attract limited weight in favour of the proposal. However, the benefits do not outweigh the significant weight given to the conflicts with the development plan policies outlined and the great weight attributed to conserving the significance of designated heritage assets. Accordingly, they do not justify my determining the development other than in accordance with the adopted development plan and Framework.

24. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.