



Appeal Decision

Site visit made on 24 October 2022

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Appeal Ref: APP/Q3115/W/22/3299034

Land north of No 84 / Crowmarsh Battle Farm, Preston Crowmarsh, Wallingford, OX10 6SL

- 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 & Mrs Chamberlain against the decision of South Oxfordshire District Council.
 - The application Ref P21/S4582/FUL, dated 27 October 2021, was refused by notice dated 14 February 2022.
 - The development proposed is described as 'Single dwelling with parking and garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants submitted late evidence in the form of an archaeological evaluation report to address the Council's fourth reason for refusal. It is claimed that the appellants only found out during the course of the appeal that their intended use of a Grampian condition to address archaeological matters would be unacceptable to the Council and Oxfordshire County Council's Archaeologist (OCCA). Hence, the reason for the late submission.
3. Whilst it is unclear why this only became apparent to the appellants at this stage, I note that they have subsequently liaised directly with the OCCA in producing the archaeological evaluation report. In addition, a formal opportunity for the Council to comment upon the archaeological findings was presented during the appeal. As such, I do not consider that any party has been prejudiced by my acceptance of the late evidence.
4. An updated Benson Neighbourhood Development Plan (the Neighbourhood Plan) has been made since the appeal began. Both main parties have commented on the implications of the updated Neighbourhood Plan.

Main Issues

5. The main issues are: a) whether the appeal site is a suitable location for development having regard to local and national policy; b) the effect of the proposal on the character and appearance of the area, including with reference to the setting of nearby Grade II listed buildings; and c) the effect of the proposal on potential archaeological interest.

Reasons

Suitable Location

6. The appeal relates to an area of pasture land in a rural location, to the south of the Preston Crowmarsh Conservation Area.
7. There is dispute between the main parties as to whether the site lies within the village of Preston Crowmarsh, which in planning policy terms is identified as an 'Other Village' within the South Oxfordshire District Council Local Plan 2035 (adopted 2020) (the 'Local Plan').
8. Local Plan Policy Strat1, sets out the Council's spatial strategy for development, which includes limited amounts of housing and employment in 'Other Villages'. In countryside locations the policy limits development proposals to those that address very specific needs, such as those of the agricultural industry.
9. Meanwhile, Local Plan Policy H1 sets out a more detailed approach for the delivery of new homes within the authority area. In relation to 'Other Villages' it indicates limited circumstances whereby new homes will be permitted, namely where it involves infilling and brownfield development.
10. I note that supporting text at Paragraph 4.39 of the Local Plan identifies that some development may come forward in 'Other Villages' over the plan period, stating "such as single dwellings, infilling and conversions from other uses". This implies that the development of single new dwellings may be appropriate within Other Villages regardless of whether or not they constitute infilling. However, the policy text for Local Plan Policy H1 is precise that residential development will only be allowed in smaller and other villages where it is infilling, and brownfield sites.
11. Infilling development is further defined under Policy H16 of the Local Plan as *'the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings'*.
12. At the outset of the appeal there was no defined settlement boundary map for Preston Crowmarsh. However, the updated Neighbourhood Plan includes a settlement boundary, which the appeal site falls outside of. However, it does not necessarily follow that the extent of the village aligns with this. *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council [Supreme Court February 2015]* found that the identification of a village boundary is a matter of planning judgement. The judgement further noted that whilst a village boundary as defined within a Local Plan is a relevant consideration, it is not necessarily determinative, with assessment of the extent of the village on the ground also being material. Indeed, that case was considering the issue of infilling within a village, albeit in respect of green belt policy.
13. At my site visit I undertook a wider inspection of the settlement. From my observations on site, I found that there are several buildings laid out in a broadly linear arrangement that form a rather consistent frontage along the stretch of highway that the appeal site sits within. There are gaps within the frontage, however, gaps of open space are a characteristic of the village's rural setting and a feature that is found within the surrounding area, including within the settlement boundary identified in the Neighbourhood Plan.

14. Beyond the appeal site, to the south there is also the presence of significant existing built-form, notably including the employment uses at Crowmarsh Battle Barns. I found that the scale and relatively close relationship of the nearby built form give a particular sense that the village of Preston Crowmarsh extends beyond both the appeal site and the identified settlement boundary within the Neighbourhood Plan.
15. As such, from my assessment on the ground, I found that the appeal site to lie within the extent of the village of Preston Crowmarsh. This is despite falling outside of the settlement boundary established within the Benson Neighbourhood Development Plan. My view of the site being situated within the village is further reinforced by the previous commentary in the delegated officer report relating to development at the former cartshed at Battle Farm Barns¹, to the south-west of the appeal site. Albeit, this has not been determinative in my finding.
16. Nevertheless, although I find that the site is within the village, and fairly well related to the nearby existing built form, I do not consider the proposal to constitute infill development. This is due to the highly exposed nature of the development plot to open land at its eastern and northern boundaries.
17. The appellants have referenced an appeal decision² granted for a development within the District, in which it is claimed that permission was granted on the basis that there was a mass of buildings to either side, even if not abutting to one side. I have been provided with only limited details of that case, and even though there may be broad similarities in aerial plan form, it does not convince me that the site's contexts are the same. In any case, I have determined the appeal on its own merits.
18. Similarly, examples of planning permissions that have been granted for dwellings within Preston Crowmarsh have been provided to me. Again, I do not have the specific details of those cases, but it seems that they have varying background contexts. Furthermore, from my observations, those sites' relationship to existing built form differs from that before me and appeared akin to infill development, as defined within the Local Plan.
19. I also note the appellants' arguments that the proposal is located within walking/cycling distance of facilities and services, including public transport options, thus making it a suitable location for the proposed dwelling. I undertook my site visit on a relatively mild, pleasant, sunny morning. Despite the absence of pavements within the vicinity of the site, I observed several pedestrians out walking along the highway, which is seemingly aided by its low levels of vehicular traffic and the presence of grass verges alongside the highway. The presence of nearby public footpaths and the general topography of the area also provide further suitable conditions to encourage walking and cycling to local facilities.
20. I accept that the absence of pavements and streetlighting, together with the distances involved to many of the relevant facilities in Benton, would still likely hinder the occupants of the proposal from walking or cycling to many facilities/services. Moreso, during adverse weather or periods of darkness. However, this is also likely true for most of the village.

¹ Application reference P18/S4170/FUL

² APP/Q3115/W/20/3254631

21. Nevertheless, irrespective of the potential for occupants to use sustainable modes of transport to reach local facilities, the development does not constitute infilling within the village. It therefore contrary to the requirements of Local Plan Policy H1. However, the conflict with Policy H1 would be limited and I am satisfied that the appeal site is not isolated and would be broadly in line with the aims of the Framework with respect to accessibility.
22. Given I have found the appeal site to lie within the extent of the village, I have not found any direct conflict with Local Plan Policy Strat1.

Character and Appearance

23. To the south of the appeal site lies the Grade II Listed Crowmarsh Battle Farmhouse (no. 84) (the 'Farmhouse'), while other Grade II listed buildings³ associated with Crowmarsh Battle Farm also lie nearby. An open field lies directly to the north of the site, separating it from residential development beyond.
24. There is a variety of dwelling styles within Preston Crowmarsh, that appear to have been developed across different periods, but generally they share a rural aesthetic and character. The proposed building would display a rural vernacular that aesthetically would be in keeping with other modern additions within the surrounding area. Its height and massing would also be appropriate in relation to surrounding built form, whilst the proposal would not appear cramped in its plot.
25. Given the intimate relationship that the appeal site shares with Crowmarsh Battle Farm, the proposal would affect the setting of the listed buildings, most notably the adjacent Farmhouse. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest that it possesses.
26. I find that the significance of the listed buildings largely lie in their historical and architectural value, which articulate the agricultural heritage of the area. They also derive some significance from their remaining agricultural setting. This includes adjacent open land (including the appeal site), which continues to provide a valuable rural context to the historic farmstead and thereby positively contributes to its character and significance.
27. I appreciate that the manorial complex of Preston Crowmarsh has been eroded by recent developments, such that it is no longer entirely visually obvious. This has included encroachment of residential development to the north, as well as conversion of buildings that formed part of Crowmarsh Battle Farm. However, from my observations, the previous conversion of listed buildings within the Farmstead have been undertaken in a mostly sympathetic manner. Additionally, although not entirely obvious, the historic relationship of the farmstead buildings can still be read, including from public vantage points along the main public highway. The fact that previous development has somewhat eroded the visual appreciation of the manorial complex, to my mind, places greater importance on those elements that continue to contribute to its historic character and significance.

³ The Dovecote (Grade II Listed); The Granary (Grade II Listed); The Stables (Grade II Listed) and the Barn and shelter sheds and engine house (Grade II Listed).

28. A sizeable parcel of open land to the north and west of the appeal site would remain that would continue to provide some contextual association with the historic farmstead. However, the appeal proposal would somewhat divorce the existing historic development from this wider land, most notably the farmhouse. This would be to the detriment of the character and significance of the listed building.
29. In coming to the above view, I am mindful that the site has previously hosted built form in the 19th and early 20th Century, as evidenced by tithe and ordnance survey maps. Although I have little detailed information about the previous structures at the site, from the evidence before me, it seems likely that they would have been ancillary buildings to the farmhouse. Conversely, the currently proposal is for a separate independent dwelling that would not align with the historic role and function of the farmstead. Therefore, although the proposed development would share a similar position/layout to the previous structures on site, it would nonetheless undermine the historic significance of the farmstead.
30. I note the appellants' arguments that the appeal site may not be highly valued by locals as an important open space. Its contribution to the landscape may also be somewhat limited due to its size, unremarkable appearance, and its surrounding context. Nonetheless, I still find that it adds positively to both the rural and historic character of the area, given its linkage with the historic farmstead. I also note that the field/paddock next to Crowmarsh Battle Farmhouse has been recognised as part of the Neighbourhood Plan as providing a valuable buffer between the historic site and more modern development that has taken place.
31. The harm that I have identified to the significance of the designated heritage assets would be less than substantial. As required by paragraph 196 of the Framework, where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
32. The proposal would provide social and economic benefits associated with the delivery of a new dwelling in a broadly sustainable location. However, given the proposal is for a single dwelling these benefits would be limited.
33. The appellants also highlight that the appeal scheme would assist in allowing succession planning for the management of the farm holding. However, I have no specific details before me as to the nature of the farm business, whilst the public benefits in this respect have not been quantified. As such, I also give limited weight to these potential benefits.
34. Taken together, the public benefits of the proposal do not outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively.
35. As such, the proposal would have an adverse effect on the character and appearance of the area, including the setting of listed buildings. The proposal therefore conflicts with Local Plan Policies DES1, DES2, ENV6, ENV7 and ENV10 as well as Policy NP6 of the Neighbourhood Plan. Together these policies, amongst other matters, seek to ensure that new development is of a suitable quality that respects its local context, as well as conserves or enhances

heritage assets. The proposal is also contrary to the aims of the Framework in respect of safeguarding the historic environment.

Archaeology

36. The appeal site is located in an area of archaeological interest. I understand that it is potentially situated immediately adjacent to a significant moated site that lies to the west, which is likely to be of the medieval period. Furthermore, archaeological evaluation conducted approximately 80m to the north of the appeal site has revealed medieval finds and features, whilst Lidar imagery has revealed hollows and other features likely to be from the medieval period immediately to the east.
37. Given the potential for archaeological findings and the absence of an archaeological field evaluation, the original application was also refused on the grounds of its potential impacts upon archaeological interest.
38. As indicated above, the appellants have subsequently provided an archaeological evaluation report during the appeal. The report was prepared by suitably qualified archaeologists and involved undertaking on-site investigation works. Namely, the excavation of an evaluation trench across the appeal site to identify presence and state of preservation of any archaeological remains at the site, and in particular to determine if any remains may be associated with medieval occupation at Preston Crowmarsh.
39. The evaluation has identified a large medieval ditch, dated to the 13th Century, that runs north-south through the site. This contained significant amounts of archaeological material, including pottery which dated the ditch to the medieval period. This finding also suggests that there was nearby domestic and agricultural activity in the immediate vicinity of the site during the medieval period. A further smaller parallel ditch was also found to the west of the medieval ditch. Despite no relevant artefacts being found within the smaller ditch, it shared a comparable height to the larger ditch, as well as similar overlay of post-medieval deposits. As such, it may also date to the medieval period. The archaeological evaluation report further identifies that its results are in keeping with known archaeological and potential archaeological features within the vicinity of the site.
40. I have not received comments from the Council on the investigation works that have taken place. However, it appears that the OCCA is satisfied with the findings of the evaluation report and that the proposal would not cause harm to archaeological interest, subject to the imposition of relevant pre-commencement conditions on the grant of a permission.
41. In respect of archaeology, the proposal therefore complies with Policy ENV9 of the Local Plan and Policy NP6 of the Neighbourhood Plan. Together the policies, amongst other matters, seek to ensure that development protects archaeological remains and maximises the potential for preservation and recording, including through appropriate range of prior investigations. The proposal would also accord with the aims of the Framework in respect of preservation of archaeological interest.

Other Matters

42. Through the appeal, it has been advanced that the proposed dwelling would be occupied by the appellants, thereby allowing the existing associated

Crowmarsh Battle Farmhouse to be occupied by a succeeding generation. I am informed that this is to aid the on-going succession and management of the farm holding. Whilst this may be the intention, there is a general lack of information to support the need for the proposal (e.g. precise detail of the farm operations, parties involved/to be involved and farming credentials/history). Accordingly, I am not convinced by the need for the proposal on the grounds of supporting agriculture. Furthermore, there is no appropriate mechanism before me to ensure that the proposed dwelling or existing farmhouse would be made available in the manner outlined by the appellants.

43. I have been provided with relatively recent appeal decisions that indicate the Council cannot demonstrate a suitable five-year supply of housing land. This is a matter I will return to in the planning balance below.
44. I have taken note of the appellants' frustrations with the manner in which Benson Parish Council's original response to the application has been reported, as well as its subsequent commentary on the appeal. Similarly, the concerns regarding the local planning authority's approach to dealing with the application are also noted. However, these are matters for the respective parties to address. The appeal has been determined upon its own merits.
45. Whilst there has been support expressed for the proposal, and lack of objections from local residents, this does not in itself render the scheme acceptable.

Planning Balance

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 informs that development should be in accordance with the development plan unless material considerations indicate otherwise.
47. In this respect I find that the conflict with the development plan's approach to housing delivery is limited due to the proposal being within a village that broadly presents a sustainable location for limited new development.
48. However, the proposal also conflicts with local and national policies in respect of preservation of heritage assets and the character and appearance of the area.
49. The modest benefits that would arise from the proposed development, and the lack of other identified harm, do not amount to material considerations sufficient to justify a decision contrary to the aforementioned policies.
50. Even if I were to conclude that there is a short-fall in the Council's five-year housing land supply that triggers the circumstances in paragraph 11 d) of the Framework, the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11 d)(i). As such, the presumption in favour of sustainable development does not apply.

Conclusion

51. The proposal would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR