



Appeal Decision

Site visit made on 25 July 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2023

Appeal Ref: APP/D3125/W/22/3312615

**The Double Red Duke, Black Bourton Road, Clanfield, Oxfordshire
OX18 2RB**

- 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 Mrs Georgina Pearman against the decision of West Oxfordshire District Council.
 - The application Ref 22/01332/FUL, dated 12 May 2022, was refused by notice dated 27 June 2022.
 - The development proposed is retention of external bar.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form refers to 'The Plough Inn.' However, the appellant has confirmed that this is now known as The Double Red Duke. Therefore, my decision reflects this.
3. The external bar building ('the bar') has already been installed and the submitted drawings reflect this.

Main Issue

4. The main issue is whether the development harms the setting of a Grade II listed building.

Reasons

5. Trading as 'The Double Red Duke' the appeal property comprises a hotel. This was formerly known as 'The Plough Hotel' and is a Grade II listed building located within the village of Clanfield.
6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting. Paragraph 195 of the National Planning Policy Framework ('the Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
7. Based on the listing for the appeal property and despite alterations and extensions to this, its significance today is derived from its architectural and historical interest as a noteworthy late 17th Century house, now hotel.

8. In particular and of notable presence is the main façade of the appeal property with its two-storeys and attic, three bays, chamfered mullion windows with dripstones, and central entrance. The front terrace and garden associated with it also reinforces the significance of this property as a former house of some status.
9. The setting of this listed building extends in all directions and includes its front garden and terrace and nearby areas around the junction of Black Bourton Road with Pound Lane and Bampton Road, inclusive of the northern end of the Green. This setting also contributes to the significance of the listed building.
10. Due to its location and visibility from neighbouring streets and the Green, the appeal property is prominent within the village.
11. The bar is constructed in silvered oak which is intended to blend with the listed building and is positioned perpendicular to the hotel, and this siting is to allow the leaded windows of this building to line up with those in the hotel. Even so, the bar is of a sizeable scale, incorporating a flat-roofed modern form and a principal material which is uncharacteristic of the local vernacular. Therefore, the bar is clearly discernible from the listed building.
12. Moreover, the bar is positioned in front of, and close to, the highly characteristic main façade of this important listed building and also close to an access to this. As I observed, notwithstanding some screening provided by existing landscaping, from most nearby viewpoints the bar either interrupts or distracts from the listed building. In particular, the bar, in part, obstructs views of the listed building from the south along Pound Lane.
13. I have taken account of other furniture located on the terrace and garden areas. These, however, do not have the scale and permanency associated with the bar. Nonetheless, the bar along with the other furniture does result in a cluttering effect near the listed building.
14. Consequently, the bar due to its materials, scale and siting is a particularly prominent feature, which dilutes the experience of the approach and surroundings of the listed building and detracts from its main facade.
15. In my judgement, this brings about a medium level of harm to the setting of the Grade II Listed building. This means there would be a medium level of less than substantial harm to the significance of the listed building.
16. With regard to heritage assets, the Framework states that great weight should be given to an asset's conservation, with any harm to the significance of a designated heritage asset, including from development within its setting, requiring clear and convincing justification. Moreover, if less than substantial harm is caused to the significance of any asset, that harm should be weighed against the public benefits.
17. As part of the need for the development, the appellant asserts that post Covid, the habits of customers have changed in that they prefer to dine outdoors and therefore the bar enables this and also provides a useful distribution point for both food and servicing and that this leads to good supervision of work.
18. Furthermore, the appellant argues that the bar allows customers to order food and drinks in a convenient position without having to go into the hotel building

and disturb other guests who may be dining during busier periods. Adding that the bar also deals with any overflow from the main building.

19. I acknowledge that some people prefer to drink and dine outdoors. However, this is largely dependent on the weather. Moreover, there is limited evidence to suggest that there has been a shift towards drinking and dining outdoors as a consequence of Covid. Indeed, there are public houses and hotels that operate post-Covid without any outdoor drinking and dining facilities.
20. Also, I am not persuaded that customers using the outdoor facilities would be reluctant to go inside the hotel premises for fear of disturbing other guests. Even if this is the case, given that staff would be serving the outdoor area, they could also take orders. In any event, customers using the outdoor area are likely to use indoor facilities such as toilets.
21. The outdoor terrace and garden area incorporates a number of tables and views of this area are available from the hotel and the surrounding area. Also, as already stated staff are likely to be in circulation. Therefore, I am not persuaded that the bar is necessary for security purposes in this particular location. Regardless, security can be provided through other means, such as closed-circuit television.
22. I acknowledge that the closure of pubs and hotels can have a negative effect on local communities, and whilst some financial information about the business has been provided, it is unclear from this how the bar has been a significant benefit for the business and, in particular, allows the business to be viable. Therefore, it has not been proven that the bar is necessary for securing the optimum viable use of the hotel.
23. For the above reasons, and even if I were to accept that the bar is a useful distribution point for both food and servicing and improves supervision of work, I do not consider this or the other suggested benefits associated with the development to be sufficiently forceful to outweigh the less than substantial harm that I have identified and the great weight that must be given to the conservation of heritage assets.
24. As such, the development harms the setting of a listed building and is contrary to Policy EH11 of the West Oxfordshire Local Plan ('LP'). Amongst other things, this Policy says that proposals for development within the curtilage of, or affecting the setting of, a Listed Building, will only be permitted where it can be shown to respect the building's historic curtilage or context or its value within a group and/or its setting.
25. I also find conflict with Policies OS4 and EH9 of the LP, which when read together, require new development to respect the historic, architectural and landscape character of the locality. Accordingly, the development also fails to accord with guidance in the Framework for conserving and enhancing the historic environment.

Other matters

26. The appellant has referred to examples of external dining areas in the area. However, the appeal before me relates to development which effects the setting of a heritage asset not the principle of external dining areas. As such, on the limited information available to me, these examples do not alter my finding on the main issue.

Conclusion

27. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR