



Appeal Decision

Site visit made on 13 February 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

Appeal Ref: APP/D3125/W/23/3317638

Hill Barn, The Hill, Shilton, Oxfordshire OX18 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr. Holloway against the decision of West Oxfordshire District Council.
 - The application Ref is 22/02626/FUL.
 - The development proposed is closure of existing vehicular access and provision of a new driveway access and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. Its content is largely unchanged in relation to the main issue of this appeal, so I have not sought the views of the main parties on this matter.

Main Issue

3. The main issue is the effect of the proposal upon the significance of the listed buildings to the southwest of the site¹ and whether it would preserve or enhance the character and appearance of the Shilton Conservation Area (SCA).

Reasons

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) 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 which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. Manor House is a substantial dwelling to the southwest of the site that is dated 1678 and is grade II* listed. It has an imposing and formal front façade, occupying a prominent road side position, set back modestly behind a front garden and formal ashlar gateway and flanking walls that are separately listed.

¹ This includes 'MANOR HOUSE' (List Entry Number 1266168), 'GATEWAY AND FLANKING WALLS IN FRONT OF MANOR HOUSE' (List Entry Number 1225797), 'SHELTER SHED AND STABLE AT RIGHT ANGLES TO COTSWOLD BARN NORTH OF MANOR HOUSE' (List Entry Number 1266169), and 'COTSWOLD BARN ABOUT 15 METRES NORTH WEST OF MANOR HOUSE' (List Entry Number 1225798).

The significance of its front façade is derived from its high quality materials, architectural detailing, overall appearance, and clear attempt to instil a sense of status and importance.

6. Immediately to the northeast of Manor House stands a range of agricultural buildings that are separately listed and form an historically significant group with Manor House. Although not identified as a separately listed building, Hill Barn would appear to be a component of these former agricultural buildings; indeed, an external stone stair is seen to extend up from the farmyard to a first floor door on the side of Hill Barn, which confirms a functional association. Hill Barn serves to enclose one side of the historic yard in a traditional fashion with its long rearward range and is thus an important component of the setting of these buildings. These former agricultural buildings are associated with Manor House and demonstrate its agricultural context; they are thus components of its setting that contribute considerably to its significance.
7. Beyond Hill Barn to the northeast lies an undeveloped portion of agricultural land that fronts the road with a traditional dry stone wall. This forms the eastern edge of the group of historic buildings associated with Manor House. In views from the east the undeveloped appearance of the adjacent field clarifies the historic agricultural context of the building group. This is an important view in the locality, which emerges with greater clarity as one moves from the junction at the bottom of the hill beyond the trees and up towards the level of the site. The simple appearance of the dry stone wall and the field contributes to an understanding of the village's rural setting.
8. This arrangement is of considerable importance to the character and appearance of the SCA, which is more broadly characterised by a low-density and organic pattern of development that is defined by the enclosed valley topography. Dry stone walls and the interplay between the settlement and wider agricultural landscape are an important characteristic, as is the consistent use of local stone for walls and roofs.
9. The current access to the site is achieved through a straightforward break in the stone wall with modest curved returns, in a manner that does not appear out of place in this traditional agricultural setting. The proposal would see the access to the site drawn out so that it extends into the adjacent undeveloped field. In principle, the simple formation of an opening in the existing stone wall to access the field would not necessarily be harmful, such that might be required for a straightforward agricultural access. Indeed, such an opening already exists at the far end of the wall.
10. The proposal would however step significantly beyond this. It would include a considerable level of excavation that would be managed by enclosing the new driveway in parallel retaining walls that would curve round to connect to the existing yard. This would have a suburban and engineered appearance that would appear incongruous and entirely out of place in this simple vernacular setting. Additionally, even if the extra area of land is not used for domestic structures or paraphernalia, its form would read as a domestic driveway, thereby eroding the agricultural character of the appeal building and wider building group. The incursion into the adjacent field and the alteration to a portion of the existing historic field boundary would lessen the contribution that the field and the enclosing wall makes to the character and appearance of the SCA and setting of the listed building group.

11. The alterations would be carried out adjacent to the existing garage building and the garden that serves the dwelling and already pushes out into the field. In this respect, carrying out the proposal here would have less impact than it might have in a more open part of the field. However, the boundary wall to the side of the garage serves to provide a strong definition to the existing residential boundary. Additionally, the garden to the side of the dwelling is not easily viewed from the road owing to the levels, and it is well enclosed by a hedge. These factors do not therefore alter my findings on this main issue.
12. Therefore, for the reasons above, the proposal would cause considerable harm to the setting of the listed building group and the character and appearance of the SCA. In terms of the Framework the harms would be less than substantial but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
13. The proposal would see the existing opening closed up, and in doing so this would increase the extent of stone boundary walls closest to the listed buildings. The change would however be modest and any benefit to the setting of the buildings or character and appearance of the SCA would be outweighed by the considerable level of harm caused by the proposal, which crucially would be within the same view. I therefore give this benefit very little weight.
14. The proposal is put forward to provide the occupiers of Hill Barn with a safer access. The existing access has a particularly poor level of visibility in a westerly direction. This is exacerbated by the regular presence of parked cars on the opposite side of the road, which brings passing traffic closer to the existing entrance. The appellant reports several near misses and the proposal is referred to as a significant safety improvement.
15. At my visit I was able to see first hand that the visibility is poor; however, space exists in the form of the verge and pavement that allows a driver to edge out with a reasonable degree of safety. I was able to test this at my visit and I found it to be an adequate way to increase visibility and safely emerge from the site onto the road. The road fronting the site is modest with various obstacles such as parked cars and accesses that would slow traffic down. Additionally, it is reasonable to expect that drivers passing by the site would apply additional caution on the basis that vehicles may emerge with little warning from various accesses. Therefore, whilst I acknowledge the benefit of the proposed access to highway safety, I am satisfied that this should only attract modest weight for the reasons given.
16. I have found that the public benefits carry modest weight. I need to balance this against the considerable level of harm identified that includes harm to the setting of a grade II* listed building. Paragraph 205 of the Framework establishes that great weight should be given to the conservation of a heritage asset. On this basis, the public benefits of the proposal would not be sufficient to outweigh the harm.
17. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building group and fail to preserve the character or appearance of the SCA. It would be contrary to Policies OS2, OS4, EH9 and EH10 of the West Oxfordshire Local Plan 2031 and Policy SH2 of the Shilton Neighbourhood Plan 2018-2031. Together these Policies seek to

ensure that development proposals are well designed, appropriate for the context, and conserve and enhance the historic environment.

Conclusion

18. For the reasons given above the appeal should be dismissed.

A Tucker

INSPECTOR