



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: 11th April 2024

Appeal Ref: APP/D3125/W/23/3315043

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

- 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 Andrew Townsend against the decision of West Oxfordshire District Council.
 - The application Ref is 22/01667/FUL.
 - The development proposed is Demolition of two redundant farm buildings: Change of use of the site of application from agricultural to residential use: the erection of a one and a half storey detached single dwellinghouse with integral garage: modification to existing access gate.
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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. The main parties have been given the opportunity to make extra representations on this matter, and any comments received have been considered in my determination of the appeal.

Main Issues

3. The main issues are:
 - a) The effect of the proposal on the character and appearance of the area, including the setting of the grade II listed building known as Magdalen Farmhouse¹ and the nearby scheduled ancient monument² (SAM),
 - b) Whether the proposal is suitably located with regard to development plan policies, and
 - c) The effect of the proposal on the archaeological interest of the site.

Reasons

Character and appearance

4. With reference to the observations of the Inspector who dealt with a previous appeal³ at the site, Standlake is described in the West Oxfordshire Design Guide 2016 as a village in a low-lying and open setting. The guide refers to its

¹ List Entry Number: 1048953

² 'complex of rectangular enclosures, ring ditches and tracks' List Entry Number: 1006342

³ Planning Inspectorate Reference: APP/D3125/W/21/3282184

distinctive attenuated U-form, with linear infill linking previously dispersed nuclei. Development in the vicinity of the appeal site predominantly takes the form of ribbon development that follows the road, with mainly detached dwellings that are set back but front the road. Generous plots and gaps between dwellings give opportunities to view the countryside beyond to the north and south and confirm the rural and agrarian character and appearance of the area.

5. The appeal site is set behind the line of dwellings that front the road. It is accessed from a narrow track to the side of Magdalen Farmhouse and is currently occupied by a series of modest 20th century agricultural buildings that are in a poor state of repair and formerly served as a working farm with the farmhouse as the hub. 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.
6. The significance of the farmhouse mainly derives from its historic fabric and appearance. However, as a former farmhouse its relationship with surrounding farmland that enabled it to establish as an agricultural enterprise is important. In this case, the appeal site provides that context by giving the farmhouse a backdrop of a group of working agrarian buildings. A direct line of sight between the farmhouse and the farm buildings at the appeal site is difficult because of mature trees and other buildings. However, a clear interrelationship emerges when one heads northwest past the farmhouse. From here the modest and utilitarian entrance to the appeal site with the distant view of the barn that would be replaced can be seen, immediately alongside the grounds of the farmhouse. This provides a clear visual connection between the farmhouse and its working context and is a component of its setting that contributes to its special interest.
7. The barn would be replaced by a dwelling of much larger proportions. It would face out to the road with a broad front elevation and substantial overall massing. Access would be derived through a formal entrance with gatepiers and radial walls. As a whole this would wholly remove the agricultural character of the site as viewed from the road, and give the farmhouse a new neighbour with an assertive and somewhat suburban residential character. This would dilute a sense of the former agrarian function of the farmstead and its connection to the undeveloped land beyond, and in doing so would harm its special interest.
8. The Dutch barn behind the farmhouse would remain, thus retaining a reference to the agricultural setting of the farmhouse. However, it is difficult to appreciate this from the road; whereas the change to the appearance of the track to the side of the plot and the view through to the barn, which are both appreciated alongside the listed farmhouse, gives a more tangible reference to the building's agricultural origins and would be completely lost by the proposal.
9. Additionally, the substantial dwelling would stand back from the consistent alignment of dwellings to either side that front the road. It would thus appear as a backland insertion of which there are very few examples locally, and it would be without the diminished scale necessary to allow it to have a

secondary or ancillary character set behind the primary street frontage. The main part of the dwelling would be built beyond the footprint of the existing barn, and along with its rear garden would extend the domestic use of land into the countryside in a manner that would be contrary to the settlement's strong linear form.

10. The SAM is referred to as one of the most significant cropmark complexes in the Country. The Council suggests that the SAM's rural setting makes a positive contribution to its significance and that the existing farm buildings do not disrupt its setting but rather reinforce it. The proposal would alter the outer appearance of the site, by removing the existing farm buildings and replacing them with a dwelling. The dwelling would have a broad rear elevation that would face out towards the SAM. Whilst it would generally align with the position of the retained Dutch barn, it would be in a much more prominent position than the other dwellings nearby which are closer to the road. It would thus expand the domestic character of the settlement towards the SAM in a manner that would cause harm to a significant aspect of its setting. However, I am of the view that the level of harm would only be modest given the broad area of the SAM, the impact of existing dwellings, and the fact that it is a buried asset that cannot be readily appreciated by the casual observer.
11. The proposed building would adopt a traditional design in many respects. It would not necessarily appear out of place for the area if erected in an alternative position that better accords with the prevailing pattern of development.
12. 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. I give very little weight to the suggested benefit of tidying up the site. The existing buildings are unobtrusive and set away from the road to the extent that they are not visually prominent, particularly as they are in a poor state and largely overcome with vegetation. They do not harm the character and appearance of the area and thus there is no overriding need for their removal.
14. The proposal would deliver a dwelling, which attracts weight given the level of local undersupply and the Government's objective to significantly boost the supply of new homes. There would be some economic benefit during the construction process and as future occupiers make use of local services and facilities. Taken together these benefits could only be given moderate weight however, as the proposal would only deliver a single dwelling.
15. The public benefits carry only moderate weight. I need to weigh this against the harm the proposal would cause, and take into account Paragraph 205 of the Framework, which states that great weight should be given to the conservation of a heritage asset. The harm relates to both the special interest of the listed building and the setting of the SAM. It would be considerable and permanent and Paragraph 195 of the Framework recognises that heritage assets are an irreplaceable resource. In this context the benefits of the proposal would not be sufficient to outweigh the harm.
16. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building. It would also harm the

setting of the SAM and the general character and appearance of the area, and would be contrary to Policies OS2, OS4, EH9, EH11 and EH15 of the West Oxfordshire Local Plan 2031 (LP), which together seek to ensure that development proposals are of high design quality that respects local character and the significance of heritage assets.

Location

17. Standlake is identified as a village in the Council's settlement hierarchy. Policy OS2 of the LP establishes that villages are suitable for limited development which respects the village character and local distinctiveness. I have found that the proposal would harm the character and appearance of the area.
18. Policy OS2 also establishes that proposals for residential development will be considered in accordance with Policy H2. This Policy provides circumstances when new dwellings will be permitted in villages. The site is most appropriately described as adjoining rather than within the built up area of the village as the new dwelling would occupy a clear back land position, well behind the building line of residential development to either side.
19. Policy H2 refers to undeveloped land adjoining a built-up area, which the appeal proposal would be considering the definition of previously developed land provided in the Framework. However, although it is no longer necessary to demonstrate an essential need for the proposal given the Council's current housing land supply situation, the Policy ties back to the general principles in Policy OS2, to which I have established the proposal would not comply.
20. In summary, the proposal would not be suitably located with regard to development plan policies referred to above.

Archaeology

21. The site is close to the SAM and it is suggested by the Council that remains on the site could be of a demonstrably equivalent significance to the SAM. Further information to understand the impact of the proposal on the archaeological interest of the site is therefore necessary. The appellant submitted an archaeological report⁴ with his final comments.
22. The report concludes that it is likely that the proposal will impact on archaeology and that the proposed site area has the potential to contain hitherto undetected potentially prehistoric or roman deposits which will be removed or damaged by the proposal. It refers to the need for an archaeological evaluation as part of the planning process to define the nature of any deposits on the site and inform the preparation of a mitigation strategy to reduce or remove any potential effects. I am not satisfied that such matters would be adequately covered by a pre-commencement condition as reducing or removing any potential effect might require the re-design or re-location of the proposal.
23. Additionally, and more fundamentally, Figure 20 shows that the report was carried out based on a different scheme which is smaller than the appeal proposal and within the footprint of the existing barn. The proposal before me is for a building that is largely outside the footprint of the existing barn and

⁴ Magdalen Farm Archaeological Desk-Based Assessment May 2023

closer to the SAM than the proposal shown on Figure 20. I therefore find that I must give little weight to the report in the context of the proposal before me.

24. In summary, the information before me does not allow me to assess how the proposal would affect the significance of any archaeology at the appeal site, and would not therefore accord with Policies OS4, EH9, EH15, and EH16 of the LP. Together these Policies seek to ensure that development proposals conserve the historic environment.

Other Matters

25. The Council is unable to demonstrate a 5 year housing land supply and therefore a presumption in favour of sustainable development applies. However, with reference to Paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the special interest of the listed building and setting of the SAM, and Framework policies that protect assets of particular importance provide a clear reason for refusing the proposal. The tilted balance does not therefore apply.
26. The appellant takes issue with the fact that archaeological issues were not previously raised; however, this is a procedural matter that has no bearing on the merits of the appeal and my consideration of this main issue.
27. There is no Policy basis before me that requires the Council to consider a new use for the site to avoid dereliction. I have found that it is not harmful in its current decaying state. The relocation of the farmstead has happened already and was clearly not dependent on the redevelopment of the site, so there is no overriding need for the site to be developed as a matter of principle.
28. There are several references before me to alternative sites and permissions that the appellant considers are similar to the appeal proposal. Addendums to the appellant's statement included details of these however they were not submitted with the statement. The circumstances of the appeal site, the layout of its buildings and their relationship with the settlement and land beyond, and the layers of historic significance are circumstances that are largely unique to the appeal proposal. It is highly unlikely that details of nearby development would have caused me to come to a different view on the merits of the proposal.

Conclusion

29. For the reasons given above the proposal would conflict with the development plan and there are no other material considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR