



Appeal Decision

Site visit made on 10 June 2024

by G Underwood BA(Hons) PGDip(UrbCons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/D3125/W/24/3337046

Magdalen Farmhouse, Standlake, Witney 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 Mr Andrew Townsend against the decision of West Oxfordshire District Council.
 - The application Ref is 23/01628/FUL.
 - The development proposed is described as *convert an existing agricultural open cart shed by way of complete reconstruction to form a private residential dwellinghouse; demolition of an existing rearing pen and change of use of site from agricultural to residential use; modification of the existing entrance.*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the development would have on any archaeological interest of the site and on the significance of designated heritage assets.

Reasons

3. The site of the proposed dwelling is, according to the appellant's figures, approximately 60m northeast of a Scheduled Monument, a complex of rectangular enclosures, ring ditches and tracks. This is an extensive prehistoric cropmark complex which is recognised as being one of the most significant in the county. The site lies adjacent to Magdalene Farmhouse, 98 Abingdon Road, a grade II listed building.

Archaeology

4. The proposal is supported by an Archaeological Desk-Based Assessment (ADBA). This notes the proximity to the features protected by the Scheduled Monument and also, given the site's history, that any archaeology within the site could be relatively undisturbed. It concludes that the site has the clear potential to contain hitherto undetected archaeological deposits and that these would be removed or damaged by the proposed development. Consequently, it recommends that an archaeological evaluation is required to define the nature of any deposits and inform a mitigation strategy.
5. No such field evaluation, that is a investigation on site, has been carried out. There is therefore the risk that important archaeology could be disturbed or destroyed by the development in the absence of a fuller understanding of the site's archaeology. Although the footprint of the proposed dwelling would be

similar to that of the former cart shed in situ, this is a simple structure, unlikely to have strip or linear foundations and rather, as the ADBA puts it, likely to be *ephemeral in nature with shallow foundations and minimal impact*. There is therefore insufficient information to suggest that this existing structure will have disturbed any archaeology on the site so much as to remove any archaeological potential. In addition, the development will require excavations for services including the proposed septic tank and drainage as well as other services likely to require trenching.

6. The National Planning Policy Framework (the Framework) points out that on sites with potential archaeological interest, where necessary, a field evaluation will be required. This is the position of the County Council's archaeology service as well. In the absence of a field evaluation it cannot be certain that archaeology will not be harmed and this weighs considerably against the proposal.
7. Relying on a planning condition to carry out a field investigation would not be appropriate. The findings might indicate that the proposed design could not be implemented without damaging effects on any archaeology present or even that the proposed development is incompatible with any archaeology on site. Further, any mitigation specified in light of a field evaluation could not be incorporated within the design and specifications of the development.

Scheduled Monument

8. The Scheduled Monument is a designated heritage asset of the highest significance. Much of that significance is derived from the archaeological evidence on the site which can be interpreted through crop marks. This is not an aspect that might be readily appreciated in visual terms from ground level. The extensive Scheduled Monument nevertheless has a presence in the landscape. It's setting includes the surrounding landscape in which it can be understood.
9. Whilst there is an intervening area of land between the site and the Scheduled Monument this is undeveloped, and the relatively undeveloped nature of the site contributes to the significance that the Scheduled Monument derives from its setting. The Planning Practice Guidance¹ sets out that the way in which we experience an asset in its setting is not only by way of views but also influenced by other environmental factors including other land uses in the vicinity.
10. Furthermore, any archaeological evidence in the vicinity the Scheduled Monument will also contribute to how the designated heritage asset can be understood in its historic and archaeological setting. As set out above, in the absence of evidence to the contrary, there is a likelihood of such evidence existing on the site and contributing to the significance that the Scheduled Monument derives from its setting.
11. Although the effects of the scale and mass of the built form of the proposed house would be relatively limited in light of the presence of the broadly similarly dimensioned cart shed, overall the creation of a domestic house and garden will harmfully erode this setting in use, visual and character terms. Furthermore, for the reason set out above, it has not been demonstrated that

¹ Paragraph: 013, Reference ID: 18a-013-20190723.

the historic and archaeological understanding that the Scheduled Monument derives from this part of its setting would not be harmed as a result of the physical interventions necessary to implement the development.

Listed Building

12. Magdalen Farmhouse has C17 origins and displays later alterations and additions. Its age, attractive architecture and stone construction, history and former use as a farmhouse all contribute to its significance as a designated heritage asset. It also derives some significance from its setting including the former farmyard areas to the side and rear. The arrangement of the remaining agricultural buildings and configuration of spaces to the rear of the Farmhouse and the open agricultural countryside beyond, enable the Farmhouse's history and former function to be understood and appreciated. Although intervening boundary treatments and vegetation have interfered with the intervisibility between the Farmhouse and the appeal site, the historic and spatial relationship remains and is an aspect of significance which is not solely reliant on a visual relationship.
13. The evolution and subsequent development of other former farms and farmhouses within the village is not particularly relevant to this listed building and the aspects which contribute to its particular significance. The cessation of active agricultural use within the farmyard and its buildings will have changed how some aspects of the significance of the Farmhouse can be understood. Nevertheless, the historic and physical relationships between the two have retained aspects of significance that the Farmhouse gains from this part of its setting.
14. The development of part of this setting would consist of a new house set within domestic surroundings with the access to Abingdon Road marked by a domestic appearing entrance walls and gates. The effect of this would be to change the character and appearance of the site to one of a domestic dwelling which would be obvious from the roadside and beyond, effectively removing that part of the farmyard character of the site and severing the relationship between the Farmhouse and the fields beyond. This would be to the extent that the historic relationship between this part of the farmyard and the Farmhouse would no longer be perceptible.
15. Although the dwelling would sit on a similar site to the existing cart shed and be of a broadly similar size, it would have a more solid appearance and a decidedly residential character compared with the open fronted, visually lightweight, agrarian, and utilitarian appearance of the cart shed. Whilst the change in the relationship between the scale and mass of buildings on the site and the Farmhouse might be limited, the overall effect would be considerably more marked.
16. Having had special regard to the preservation of the listed building's setting, the development would harmfully erode the significance that the Farmhouse currently derives from that part of its setting occupied by the appeal site.

Heritage and planning balance

17. The County Council archaeology service considers that there is a 'high potential' for the archaeological evidence on the site to be of equivalent significance to the Scheduled Monument. Footnote 72 of the Framework points

out that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. Whilst in the absence of a field investigation such an assessment necessarily has to be made on the available evidence, the views of the County Council, which have not been challenged on this particular point, carry considerable weight in this respect.

18. The harm to the significance of the Scheduled Monument and the Farmhouse, and in light of the above the archaeological interest of the site, would be less than substantial in the terms of the Framework which requires such a category of harm to be weighed against public benefits. The provision of a new dwelling would deliver social and economic benefits, both during construction and consequent occupation. However, given that it would only be a single unit, even considered in light of shortfalls in housing delivery, the public benefits would only be moderate.
19. Although the site is overgrown in parts and the buildings in a poor state of repair, this situation has not had any particularly negative effect on the appearance of the area such that rectifying it would be of any particular benefit. Although the appellant advises that the development would enable the adjacent part of the former farmyard to be maintained, no mechanism has been presented that would ensure that this would occur and can only be a very limited benefit. The harm to the significance of the designated heritage assets, and equivalent significance of the site, would be considerable, and in giving great weight to the conservation of those designated heritage assets, the public benefits would not outweigh the harm.
20. Even if the archaeological potential of the site were not of designated heritage asset equivalence, such that the Framework's different non-designated heritage asset approach were taken, in taking a balanced judgement, the benefits would not outweigh the harm, particularly given that the potential scale of any harm or loss of significance could be considerable in the absence of on-site investigations to demonstrate the contrary.
21. The development would be contrary to Local Plan² Policies EH9, EH11, EH15, EH16, OS2 and OS4. Together, and amongst other criteria, these seek to conserve or enhance the significance of heritage assets, require harm to be balanced with public benefits, respect the setting of listed buildings, conserve the significance of scheduled monuments and non-designated heritage assets, and locate development appropriately in respect of protecting or enhancing the local landscape and setting of settlements.
22. Although the Council cannot demonstrate a five-year supply of deliverable housing sites, the application of Framework policies that protect designated heritage assets provide a clear reason for refusing the development. The presumption in favour of sustainable development is therefore not engaged.

Other Matter

23. A screening direction³ has been issued that the development is not Environmental Impact Assessment (EIA) development, referring to there being no significant effects anticipated. However, this direction just relates to

² West Oxfordshire Local Plan 2031, 2018.

³ 18 April 2024.

whether the development would be considered as EIA development for the purposes of the EIA Regulations⁴. The finding that there would be no 'significant effects' in this respect for this or any previous proposals does not mean that the development would not have any detrimental effects, including on heritage assets, just that any effects would not be significant in EIA terms. Consequently, this does not weigh in favour of the development and has no bearing on my findings above.

Conclusion

24. The proposal would harm the significance of designated and non-designated heritage assets in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

G Underwood

INSPECTOR

⁴ Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017).