



Appeal Decisions

Site visit made on 8 July 2024

by **L Fleming BSc (Hons) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal A Ref: APP/D3125/W/24/3337853

Bell Hotel, Church Street, Charlbury, Chipping Norton Oxfordshire OX7 3PP

- 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 The Bell at Charlbury Ltd against the decision of West Oxfordshire District Council.
- The application Ref is 23/01598/FUL.
- The development proposed is erection of a stone wall enclosure to the forecourt and metal gates, a replacement signage pole with replica bell (retrospective), new flag pole fix to the rear elevation (amended).

Appeal B Ref: APP/D3125/Y/24/3337855

Bell Hotel, Church Street, Charlbury, Chipping Norton Oxfordshire OX7 3PP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by The Bell at Charlbury Ltd against the decision of West Oxfordshire District Council.
- The application Ref is 23/01599/LBC.
- The works proposed are erection of a stone wall enclosure to the forecourt and metal gates, a wall sign, a replacement signage pole with the bell, metal sign and lighting, flagstaff and commemorative stone.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning except where indicated otherwise. Furthermore, at the time of my site visit the scheme had already been carried out. I have assessed the appeals on this basis.

Main Issue

4. Whether the proposed development / works would preserve the grade II listed Bell Hotel or its setting and any features of special architectural or historic interest that it possesses, whether the scheme would preserve or enhance the character or appearance of the Charlbury Conservation Area and whether it

would preserve the settings of the grade II listed Bell Cottage and the grade II listed Stone House and attached railings.

Reasons

5. The Bell Hotel (the Bell) is a grade II listed public house, restaurant and hotel within the town of Charlbury and the Charlbury Conservation Area (CA). The Bell is positioned between the grade II listed Bell Cottage and the grade II listed Stone House and attached railings (Straddlestones).

Significance

6. The Bell has a date stone dated 1700 and was originally an Inn. It is two storey with attic and three storey to its rear and constructed from coursed limestone rubble with a stone slate roof. It has a range of traditional internal and external architectural features including prominent two storey canted bay windows, two gabled end chimneys and one ridge stack, a central panelled front door and sash windows of a variety of forms. Insofar as is relevant to these appeals the significance of the listed building is founded on its age, its historical use as an Inn in a village, its associated positioning in relation to surrounding historical buildings and its traditional architectural detailing.
7. The CA covers the built-up area of Charlbury and the surrounding countryside. The town is set in the side of a valley in an attractive rural wooded landscape. The buildings are mainly built from local limestone with high quality architectural detailing. Insofar as is relevant to this scheme the significance of the CA derives from the variety and quality of the traditional architecture and the layout and positioning of built form, particularly in relation to the rural landscape setting.
8. Bell Cottage and Straddlestones are both dwellings constructed using the same coursed rubble and stone slates as the Bell. Like the Bell they are both of considerable age and also have a range of high quality, traditional architectural features. Insofar as is relevant to these cases, the significance of both listed buildings is founded on their age and traditional architectural detailing.

Effect on significance

9. The Bell is set back from the highway and the buildings either side of it. This creates an area of undeveloped space in front of its main front elevation (forecourt). The Council's concerns in respect of both appeals relate to the stone wall and metal gates which attach to the main front elevation of the Bell and enclose the forecourt (the enclosure). I agree the other elements of the scheme are in keeping with and sensitive to the traditional character of the Bell and the CA and these developments / works do not result in the loss or damage to the Bell's historic fabric, preserve the listed building and the CA and do not harm the setting of any listed buildings nearby.
10. I acknowledge the comment that prior to the enclosure being built the forecourt was an uninviting area of black tarmac and that the enclosure creates a space which is attractive for eating and drinking where the CA and other heritage assets nearby can be appreciated. I have also noted the walls and railings enclosing areas in front of other buildings close to the appeal site and in the wider CA. I also note the Officer report states that a lower height wall may be acceptable.

11. However, there is no alternative lower height wall proposal before me. Irrespective of how the space in front of the Bell has been used historically, including whether or not it was ever related to a marketplace, the historical maps show space has always existed in front of the Bell and suggest it has always been open and unenclosed. There is no substantive evidence to suggest the space would not be used in the same way as it is now or prior to the development / works without the enclosure.
12. The wall and gates do not therefore define or create the space, instead they create a substantial enclosed area in front of the Bell. Whilst I acknowledge, the wall is softened by planting in its cavity, it is constructed from sharp, uniform stone blocks and smooth coping stones. This gives it a hard modern finish which noticeably contrasts with the softer, irregular coursed limestone rubble masonry of the listed building.
13. Furthermore, the enclosure is of a significant height and length, directly in front of the main front elevation of the Bell. When looking towards the Bell from Church Street, in my view, the enclosure has become the dominant feature of the heritage asset. This has the effect of drawing attention away from the high quality traditional architectural features of the listed building, particularly, its two storey canted bay windows.
14. For these reasons, the forecourt enclosure fails to preserve features of special architectural and historic interest and harms the setting and significance of the grade II listed Bell. That harm also occurs within the settings of Bell Cottage and Straddlestones also harming their settings and significance. Consequently, it follows that the harm to the setting and significance of three listed buildings within the CA also fails to preserve the character or appearance of the CA harming its significance as a whole.
15. The harm to the listed buildings and the CA combined would be less than substantial and towards the lower end of any range. However, it is still of considerable importance and weight. In these circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the scheme, which includes securing the asset's optimum viable use. I return to this in my conclusion and balance below.

Other Matters

16. I have noted the comments with regard to the Council's handling of the proposals and the evidence submitted. I also note that the appeal property is in good order which in part is due to it being carefully maintained. I also accept that planters could be placed on the forecourt prior to the installation of the enclosure. However, without clear details, I am not convinced any planters would have the same or a more harmful effect as the continuous enclosure attached to the listed building. I confirm I have had regard only to the planning and heritage merits of the case before me, and none of these other matters are sufficient to outweigh my earlier findings.

Conclusion and balance

17. There is no substantive evidence to suggest the optimum viable use of the appeal property would be prejudiced without the development / works. I acknowledge the comments with regard to the enclosure making the forecourt

safer and more inviting such that the CA and other heritage assets will be more likely to be appreciated from this vantage point and accept this may also have a public benefit in terms of increased trade for the Bell. I also note the comments with regard to the flag stone paving being an improvement on the previous forecourt surfacing. However, even if I accept all these matters as public benefits, combined they are relatively modest.

18. In this case, for all the above reasons I find the public benefits are clearly insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets. The appeal schemes therefore fail to preserve the grade II listed Bell, do not preserve or enhance the character or appearance of the CA and fail to preserve the settings of the grade II listed Bell Cottage and the grade II listed Straddlestones.
19. Thus, the scheme conflicts with paragraphs 205 and 208 of the Framework. In this regard it is also in conflict with Policies OS2, OS4, EH9, EH10 and EH11 of the West Oxfordshire Local Plan (2031), the West Oxfordshire Design Guide (2016) and Policies NE2 and HE2 of the Charlbury Neighbourhood Development Plan 2031 (2021) which taken together seek to safeguard the character and appearance of an area and heritage assets.
20. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

L Fleming

INSPECTOR