



Appeal Decision

Site visit made on 20 May 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/Q3115/W/24/3336228

Surman and Horwood Funeral Service, The Green, Crowell, Chinnor, Oxfordshire OX39 4RR

- 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 Craig Surman, Surman and Horwood Funeral Services Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S1921/FUL.
 - The development proposed is the construction of 1no. detached outbuilding to provide secure covered parking, with a new permeable car parking surface.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the interests of clarity, the appeal site address in the banner above has been taken from the Council's decision notice, rather than the application form, which is consistent with the appellant's appeal form.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area, including in respect of trees; and,
 - whether the proposed development would preserve the setting of the Grade II listed building, St Mary's Church.

Reasons

Character and Appearance

4. The appeal site is located within a rural hamlet, adjacent to Chinnor Road (the Road). While there are some hedges, much of the site frontage is delineated by an open post and rail fence, set behind a sloping grass verge. Buildings within the appeal site are set well back from the Road. Combined with its soft landscaped appearance and proximity to open fields, the site makes a positive contribution to the rural character of the settlement. This is particularly evident due to the site's elevated position relative to the Road.
5. There is a large existing, standalone tree within the appeal site, close to where the building and access driveway thereto is proposed. The tree is an attractive and prominent feature within the street scene, making a positive contribution to the verdant character of the appeal site.

6. The proposal would introduce a large, bulky detached building set away from other buildings at the south-western end of the site. It would be located close to the front boundary, on an elevated ground level above the Road. Despite the proposed retention of existing hedges along the road boundary, which may filter views on approach from one direction, the proposed building would appear overly dominant and isolated, when viewed from the street scene. This would be harmful to the open verdant character of the site and its surroundings and so, would fail to follow the prevailing character of development within the hamlet. Thereby, the proposal would be incongruous in the local context and represent an unacceptable form of development.
7. With regards to the standalone tree, the appellant sets out that based on British Standards, the Root Protection Area (RPA) has a circular radius of 6 meters from the trunk of the tree. It is indicated that parts of the proposed hardstanding and access driveway would be within the RPA of the tree, thereby some pruning works may be necessary to facilitate the proposed development, which could cause harm to the integrity of the tree.
8. Although the appellant considers the tree to be showing indications of decline, no substantive evidence is before me to that effect. For example, an arboricultural survey has not been provided. Moreover, although only a snapshot in time, the tree was in full leaf and flowering at the time of my visit. Furthermore, I do not have any substantiated evidence that the tree would be unlikely to survive on the site for many years. As the tree makes a positive contribution to local visual amenity, its loss or any harm caused to its integrity would negatively harm the character and appearance of the area.
9. Certain methods of construction could be used to minimise harm to the tree, as set out in the extract of Arboricultural Practice Note 12 provided, including no dig methods with use of geotextile membranes and porous materials on the top surface of the driveway. However, without assurance about the health and integrity of the tree and full details of the works that are necessary in respect of the proposed development, I am unable to conclude that the proposal would be acceptable in terms of its arboriculture impact, in line with the relevant British Standard¹ referred to.
10. Accordingly, the proposal would harm the character and appearance of the surrounding area, including in respect of trees. For the above reasons, the proposal would conflict with Policies DES1 and DES2 of the South Oxfordshire Local Plan (December 2020) (SOLP). These require amongst other matters, that new development should respect existing character and local context, and Policy DES2 also requires development to both physically and visually enhance and complement the surroundings.
11. The proposal would also be contrary to Policy ENV1 of the SOLP which sets out that, amongst other matters, development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, including with regard to trees.
12. Similarly, the proposal would not comply with the guidance contained in the South Oxfordshire and Vale of White Horse Joint Design Guide, Supplementary Planning Document, 2022 and the National Planning Policy Framework (the Framework).

¹ BS 5837: 2012 Trees in relation to design, demolition, and construction – Recommendations

Setting of Listed Building

13. The appeal site shares a boundary with grade II listed St Mary's Church. Therefore, it is necessary for me to have special regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in reaching my decision.
14. The Church dates from circa 1878, with earlier 13th century elements. It is constructed of knapped flint with stone dressing, with an old plain-tile roof. It has a prominent stone bellcote at the ridge of its southern gable, with a reticulated tracery window below. Due to its orientation and elevated position relative to Chinnor Road, these features are highly visible from the Road, on approach from Kingston Blount. The graveyard has open, verdant views out of it over a fairly low brick wall, looking down across the church car park and fields beyond and the appeal site.
15. Therefore, insofar as it relates to this appeal, the significance of St Mary's Church primarily derives from the architectural interest of its southern façade and roof line, and the church's historic role as a visually prominent place of worship. Given the informal landscaped appearance of the appeal site, and its proximity to the church and its grounds, it makes a positive contribution to the pleasant, soft landscaped setting of the listed building.
16. The existing road frontage vegetation to be retained as part of the proposal would screen views of the new building on approach into the hamlet to a certain extent. However, given the scale of the proposal and its L-shaped form, it would be likely to interrupt views of the southern façade when viewed close to the entrance to the church car park. No substantive evidence indicates otherwise. As such, it would diminish the ability to appreciate a key feature of the church's significance. Moreover, the proposed building would be visually prominent from the public footpath that passes through the grounds of the church. Thereby, it would also interrupt the open and green views out from the churchyard.
17. In addition, on approach along the Road from the north-east, the proposal would be highly prominent in the foreground of the church, visible between the hedges and large tree. While the existing funeral buildings and a container within the appeal site, are seen in views of the Church, they are in a cluster at one end of the site and set back from the Road edge. Whereas the proposal would introduce a large, isolated building in an open, pleasant green area between the church grounds and the Road, which currently does not contain any buildings. Thereby, it would harm the open, verdant character and setting of the listed building.
18. Whether or not the previous scheme for an outbuilding would be more harmful to the setting of the listed building than the appeal scheme, the scale and location of the proposal before me would detract from the visual prominence and setting of the listed church. Thereby, it would harm the special interests of the listed building.
19. I note that there is a surface carpark for the church on land adjacent to the appeal site, which was previously part of an agricultural field. However, this low-key area of parking does not alter my conclusions on the harm arising from the substantial built form proposed.

20. In light of the above, the proposal would not preserve the setting of the listed building and would harm its significance. As such, it would be contrary to Policies ENV6 and ENV7 of the SOLP, which amongst other matters, expect developments to conserve or enhance the significance of heritage assets and settings.
21. In the terms of the Framework and the Act, the harm caused to the significance of the listed building would be less than substantial. Paragraph 208 of the Framework requires that this harm be weighed against the public benefits of the proposal.
22. By providing secure vehicle parking on site, the proposal would provide some modest benefits to the funeral business. This would be an efficiency saving to the business in reducing time and resources in collecting vehicles stored elsewhere. This would also reduce health and safety concerns associated with the movement of vehicles. In reducing vehicle miles, it would also amount to a small environmental benefit. In addition, construction of the building would provide short term benefits to the economy. Nonetheless, considered together, these modest public benefits are not sufficient to outweigh the great weight to be given to the less than substantial harm that I have identified.
23. Therefore, in view of the above, conflict arises with the historic environment protection policies under Section 16 of the Framework and the proposal fails to satisfy the requirements of the Act.

Other Matters

24. That there is permitted parking within the site, which was granted a certificate of lawfulness for existing development, in respect of an area of land beyond the hard surfaced area, does not weigh in favour of the proposal. Such parking does not include a building and there are different considerations for a certificate of lawfulness, whereby any harm caused by such development is not and cannot be considered in its determination. Rather it is solely to establish on the balance of probabilities whether the use was established. Moreover, in that location alongside the church, the parking does not interrupt views of the prominent southern gable of the church on approach into the hamlet. Therefore, the presence of the certificate of lawful use does not alter my findings in respect of the main issues.
25. A further grade II listed building known as Ellwood House is located to the north-west of the appeal site, on the opposite side of the Road. Insofar as it is relevant to this appeal, its significance is primarily derived from its architectural interest and historic association with the farmyard. Given the location and extent of the proposal, and the lack of visual or functional relationship between the appeal site and Ellwood House, I am satisfied that the proposed development would preserve the setting of this listed building, causing no harm to its significance.
26. An absence of harm to the living conditions of the occupants of nearby dwellings and that the proposal is acceptable in terms of highway matters are neutral considerations. Although there is some local support for the revised appeal scheme, that is not sufficient to justify the harm I have identified.

Conclusion

27. In conclusion, the proposal would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

28. Accordingly, the appeal is dismissed.

C Billings

INSPECTOR