

Appeal Decision

Site visit made on 7 August 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/V3120/W/24/3343537

Spread Eagle, Northcourt Road, Abingdon, Oxfordshire OX14 1PL

- 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 N Crawford against the decision of Vale of White Horse District Council.
 - The application Ref is P23/V1754/FUL.
 - The development proposed is the erection of marquees ancillary to public house use.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the description of the proposed development contained on the application form is for the retention of marquees, I observed at the site visit they are no longer erected at the appeal site. As a result, I have amended the description of development to reflect the situation on the ground.

Main Issues

3. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Abingdon, Northcourt Conservation Area (ANCA); and
 - whether the proposed development would preserve the setting of the nearby Grade II listed buildings

Reasons

4. The appeal site is located within the ANCA. The area includes an attractive pocket of buildings, some of which are listed. Some buildings along Northcourt Lane have a rural appearance. There are also some attractive period buildings that front Northcourt Road, including the appeal property which comprises two listed buildings and Nos 14 and 18 Northcourt Lane (Nos 14 and 18).

5. The significance of this part of the conservation area derives from the enduring historic pattern of development which reflects the rural heritage of the area and the variety and interest in the built form, which provide both aesthetic and historical value.
6. The proposal would involve the erection of two marquees on an area currently used for parking. Notwithstanding the introduction of outside seating areas, the relevant part of the appeal site has the appearance of an open parking area which is entirely expected adjacent to the pub and is consistent with the historic context surrounding the appeal site.
7. Although I accept that certain uses could be introduced to this area without planning permission, the proposed marquees would appear as alien and discordant features that would not respect this existing sensitive location. Moreover, the harmful development would be visible when walking along Northcourt Lane, which has a country lane feel in contrast to the more urban appearance of other parts of the ANCA. The marquees would also be visible from rear facing first floor windows of some properties that are located close to the appeal site.
8. Consequently, the proposal would neither preserve or conserve the character or appearance of the Abingdon, Northcourt Conservation Area. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the nature of the proposal, I consider the degree of harm to the significance of the conservation area in this case would be less than substantial.
9. I therefore conclude that the proposal would result in less than substantial harm to this designated heritage asset. As a result, the proposal would conflict with Policies DP36 and DP37 of the Local Plan 2031 Part 2 adopted October 2019 (LPP2) which among other things seek to ensure development demonstrates that they conserve and enhance the special interest, character, setting and appearance of a conservation area.
10. The National Planning Policy Framework (the Framework) sets out that where development would result in less than substantial harm to a heritage asset this must be balanced against public benefits which I will undertake later in the decision.

Setting of Listed Buildings

11. To the north of the appeal site are Nos 14 and 18. These are attractive Grade II listed buildings which are in the same row as the Spread Eagle, which itself comprises two Grade II listed buildings. To the east is the Old Farmhouse which is also Grade II listed. Consequently, there a number of designated heritage assets in close proximity to the appeal site.
12. Nos 14 and 18 together with the two listed buildings that comprise the Spread Eagle pub form a group. According to the official list entry, the Spread Eagle buildings date back to the 18th century, whereas Nos 14 and 18 are possibly of 17 century origin.

13. The rear of these properties presents as an attractive coherent grouping when viewed from the appeal site. Overall, the historic nature and legibility of this group of buildings contribute to their significance.
14. The Old Farmhouse is located immediately opposite the appeal site and as the name suggests is an L shaped 17 century former farmhouse, which was formerly listed as Northcote Farmhouse. As outlined above, Northcourt Lane has the feel of a country lane due to the rural appearance of a number of the buildings including The Old Farmhouse.
15. In terms of setting, the appeal site contributes to the setting of these listed buildings. Nos 14 and 18 have rear gardens that back onto the appeal site. The land to the south of these buildings and to the west of the Old Farmhouse has been largely undeveloped serving as car park. As a result, there is a significant sense of spaciousness behind Nos 14 and 18, the Spread Eagle and in front of The Old Farmhouse which makes an important contribution to the significance of these designated heritage assets.
16. The proposal would introduce two marquees onto this open, spacious area. Although I appreciate that part of the plot would remain open and would accommodate parking spaces, nevertheless the proposed development would significantly diminish the spaciousness to the rear of the important group of listed buildings made up of the Spread Eagle and Nos 14 and 18 and to the front of the Old Farmhouse. Moreover, as outlined above, the proposal would introduce alien and discordant features onto the appeal site. Consequently, the proposal would harm the setting of these designated heritage assets which would not be preserved and would materially detract from their significance.
17. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the nature of the proposal, I consider the degree of harm to the significance of these Grade II listed buildings would be less than substantial, which the Framework indicates should be weighed against the public benefits of the proposal which as outlined I will return to later in the decision.
18. I therefore conclude that the proposal would result in less than substantial harm to the significance of the Spread Eagle, Nos 14 and 18 and the Old Farmhouse. Consequently, the proposal would conflict with Policy DP38 of the LPP2 which among other things sets out that development within the setting of a listed building will preserve or enhance its special architectural or historic interest and significance.

Other Matters

19. As required by the Framework, I afford great weight to the impact the proposal would have on the designated assets' conservation. The appellant suggests that although there is a degree of harm, it is probably at the lower end of the less than substantial scale. However, it is important to bear in mind that heritage assets are irreplaceable, and any harm needs clear and convincing justification. In any event, I disagree that the harm is at the lower end. I consider that the harm would be significant and as outlined I afford that harm great weight.

20. I entirely accept that the on-going viability of the existing pub business is an important factor and the contribution the proposal would make to the continued viability of that business as well as its retention meet the economic and social objectives as set out in the Framework and are undoubtedly public benefits.
21. However, given the importance of this factor and the need to demonstrate that it outweighs the great weight I afford to the harm, there is insufficient compelling evidence to persuade me that this matter should be afforded anything higher than moderate weight.
22. I have taken account of the appellant's submissions in relation to the fact that the marquees could accommodate 76 covers and that now the marquees have been removed the business is losing a significant sum each week in drink and food sales compared to when they were in-situ. I also note that the appellant highlights that he is seriously considering stepping away from the business.
23. However, while I have no reason to doubt the information provided, given the importance of the economic viability of the business to the appellant's case, the level of detail provided is insufficient and not sufficiently robust or compelling to persuade me that the economic case would justify the harm I have identified above. Nor has it been adequately demonstrated that there has been a detailed examination of whether alternative additional accommodation could be provided at the appeal site that would secure the financial viability of the Spread Eagle but which would not unacceptably harm the designated heritage assets.
24. It follows that while I have a significant degree of sympathy for the appellant's situation in relation to his business and I note there is some public support for the marquees supported by a petition, the public benefits do not outweigh the harm I have identified above.
25. In reaching that view I have taken account of the fact that the appellant has suggested a temporary permission or the erection of the marquees for a certain period each year. However, neither option would adequately ameliorate the unacceptable harm the proposal would have on the significance of the designated heritage assets.

Conclusion

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR