



Appeal Decision

Site visit made on 22 October 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/C3105/D/24/3348352

Vine Cottage, Main Street, Hethe, Oxfordshire OX27 8HD

- 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 Michael Holden against the decision of Cherwell District Council.
 - The application Ref is 24/01017/F.
 - The development proposed is described as "replace existing driveway gate with a clad electric hardwood gate."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of development on the application form differs to the decision notice. The former provided more information surrounding the development. I am satisfied that the first line of the description which has been used on both documents and above sufficiently describes the development.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Hethe Conservation Area (HCA).

Reasons for the Recommendation

5. The appeal proposal is a detached property fronting the main road through Hethe with the pedestrian and vehicular access to the side. The dwelling is located on the edge of the village centre. The HCA Appraisal recognises that the vernacular buildings sitting within an interesting topography and rural landscape setting are a positive contributor to the historic interest of the village. The defining features of the area are a largely open landscape and pleasant sense of traditional rurality. Typical boundary treatments in this context are (including the appeal site) low lying, constructed from either stone or timber with agrarian type five bar field gates and post and rail fencing.
6. The proposed hardwood gates would be situated in the same position as the existing five bar. They would be taller and solid. They would partially block views of the building's attractive street facing elevations. Given the open feel of

the landscape within the HCA, the loss of these views would detract from the significance of the area. Further, the installation of a high sided close boarded gate would also be incongruous and overtly modern, jarring unacceptably with the traditional rurality of the area.

7. The appellant has provided evidence of three other properties with close boarded gates within the Hethe Conservation Area. However, I am unaware of their planning status or indeed whether they required or sought express planning permission. Nevertheless, these are the exception rather than the norm and not a reason, necessarily, to allow further on this particular site for the reasons I have set out.
8. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states special attention shall be paid to the desirability of preserving or enhancing. Nationally speaking, The National Planning Policy Framework 2023 (the Framework) paragraph 205 places emphasis on great weight being given to an asset's conservation. Given the above assessment, the proposal would neither preserve or enhance the character or appearance of the HCA. Due to the scale of the development in context, the harm would be less than substantial. As directed by paragraph 208 of the Framework, the harm should be weighed against the public benefits of the proposal.
9. The appellant has advised that the new gate is to help with safety within and outside the curtilage of the property, particularly in regard to resident children. However, I have not been presented with any other evidence to exemplify that this is the only way to achieve the desired outcome and that there are not alternative schemes suitable. In addition, the property appears to have private garden space in which small children can roam in a safe manner away from the current vehicular access. I have not been provided with any other public benefits to consider for this proposal. Resultantly, the limited weight I would ascribe to it would not outweigh the great weight given to the harm to the HCA.
10. Therefore, there would be conflict with Policy ESD15 of the Cherwell Local Plan 2015, Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework 2023 which together seek to ensure that development proposals are of a high-quality design and conserve the historic environment, amongst other things.

Conclusion and Recommendation

11. For the reasons given above, the appeal scheme would not comply with the development plan, and I have been given no other compelling reason, taking into account other material considerations advanced, to deviate therefrom. I therefore recommend that the appeal should be dismissed.

E Street APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison INSPECTOR