



Appeal Decision

Site visit made on 11 February 2025

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/D3125/W/24/3348650

112 Brize Norton Road, Minster Lovell, Oxfordshire OX29 0SQ

- 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 Steve Harris of Jack James Homes against the decision of West Oxfordshire District Council.
 - The application Ref is 23/03072/FUL.
 - The development proposed is building four detached houses, demolition of the barn, new adoptable access road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the decision notice, the first reason for refusal relates to the location of the development with particular regard to the local development strategy. However, following a change in position in respect of its housing land supply, the Council no longer wishes to rely on this reason for refusal. The Council also considers that the fourth reason for refusal, which relates to the management of ground and surface water, could be overcome by a related condition. Consequently, there is no need for these matters to be considered as main issues in the determination of this appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the significance of the Minster Lovell chartist settlement and nearby listed buildings.

Reasons

Character and appearance

4. The appeal site forms part of the Minster Lovell chartist settlement, which is a non-designated heritage asset (the NDHA). There are also several grade II listed buildings nearby, which are designated heritage assets. These include The Croft at 81 Brize Norton Road, and numbers 87 and 104 Brize Norton Road (the nearby listed buildings).
5. Framework paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 then indicates that any harm to or loss of significance of a designated heritage asset should require clear

and convincing justification. For those schemes that would affect non-designated heritage assets, Framework paragraph 216 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6. The NDHA comprises a chartist settlement founded in the 19th Century. It originally comprised a series of neighbouring plots on either side of the road now known as Brize Norton Road (the road). Cottages and associated smallholdings were constructed and formed on these plots, which were intentionally large enough to enable qualification for a County vote. The original cottages, which include the nearby listed buildings, were generally regularly spaced within their sizable plots which were usually deeper than they were wide. Typically, they were arranged in a linear form and set well back from the road they addressed. These cottages were predominantly well-balanced and modest single-storey buildings with similar appearances. Usually, land within the plots and to the rear of the cottages, would have been used in association with each smallholding.
7. Given that the nearby listed buildings originally formed part of the establishment of the chartist settlement, there is a strong historical connection between them and the wider NDHA they form part of.
8. Consequently, the significance of the NDHA and the nearby listed buildings, stems at least in part, from their considerable historic interest, and, from their related architectural interest. Moreover, the NDHA which forms part of the setting of the nearby listed buildings, enables the significance of the listed buildings to be more readily appreciated.
9. Later development has taken place both within the wider NDHA and on the appeal site since the original establishment of this chartist settlement. However, most of the residential development within and close to the appeal site has a fairly low profile and modest scale. Albeit there is a marked step between the neighbouring dwellings at numbers 114 and 116 Brize Norton Road, the single depth linear pattern of housing development established by the original chartist settlement is still clearly evident. Moreover, the historic relationship between the mainly residential front sections of the 2 former chartist settlement plots and the field to the rear of the dwellings within it can still clearly be understood. For these reasons, the site contributes positively to the significance of the NDHA.
10. Because the proposed houses would be sited to the rear of existing dwellings, and 3 of the 4 houses would not address Brize Norton Road, it would become more difficult to understand the historical relationship between the residential fronts of the former chartist plots and the agricultural land to their rear. This is despite the proposal to retain much of the field to the rear of the dwellings at numbers 108, 110, 112, 114, 116 and 118 Brize Norton Road. Moreover, while the removal of the on-site barn would, to a very small extent, improve the appearance of the appeal site, that is not the extent of the appeal scheme. The height and scale of the proposed houses would be significantly greater than and at odds with most other nearby dwellings. For these reasons, as a whole, the appeal scheme would be incongruous with the prevailing patterns and forms of development in the area which contribute positively to its distinctiveness and significance. Such development would cause moderate harm to the NDHA.

11. The presence of intervening development and the distance between the appeal site and the nearby listed buildings, means that the harm that would be caused to the significance of each of the nearby listed buildings would be small. Nevertheless, and while such harm would be less than substantial, in accordance with paragraph 212 of the Framework, great weight is attributed to the conservation of these assets.
12. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites with an appropriate buffer. It also indicates that its shortfall in housing land supply is likely to increase when its next housing land position statement is published. I have no reason to find otherwise and proceed accordingly. The development would contribute in a small way to meeting the Government's objective of significantly boosting the supply of homes. It would also help to reduce the Council's housing land supply shortfall. Consequently, and while from the evidence I cannot establish the extent of the current shortfall, moderate weight is nonetheless attributed to the public benefit that would derive from the delivery of 4 additional homes.
13. In addition, economic benefits would arise both during the implementation of the development and from the contribution that future residents would make to the local economy. Future occupiers would also be able to access a good range of nearby services and public transport connections from the appeal site. As such, they would not necessarily be reliant on private cars. There would also be opportunities to enhance the biodiversity value of the site and to minimise energy and water requirements, and carbon emissions. However, given the small scale of the scheme, little weight may be attributed to each of these public benefits.
14. When taken together, the previously identified public benefits would not outweigh the harm that would be caused to the significance of the nearby listed buildings.
15. In addition to the previously identified public benefits, the proposed development would provide future occupiers with high-quality living conditions. However, given that paragraph 136 of the Framework states that planning decisions should create places with a high standard of amenity for future users, little weight is attributed to this benefit. Although the external materials that would be used would relate well to others found in the area, this is a neutral consideration.
16. However, given the considerable significance of the NDHA, great weight is attributed to the harm that would be caused to it. Collectively, the identified benefits would not outweigh this harm.
17. For these reasons, the development would cause harm to the character and appearance of the area, with particular regard to the significance of the Minster Lovell chartist settlement and nearby listed buildings. Consequently, it would conflict with policies OS2, OS4, H2, EH9, EH11 and EH16 of the West Oxfordshire District Council – West Oxfordshire Local Plan 2031 – Adopted September 2018. Collectively, and amongst other things, these policies require development to be of a high quality of design which respects local distinctiveness. They also require development to conserve and/or enhance buildings and features of historic and architectural significance within the District.

Other Matters

18. The appeal site is within flood zone 1. Even if there are sometimes puddles of surface water within the appeal site, I do not doubt the Council's assessment that it is not susceptible to either surface or ground water flooding. Consequently, and subject to the measures being undertaken to ensure that there would be no increase in surface water run-off rates from the site, then the development would be safe for its lifetime and it would not lead to an increase in flood risk elsewhere. Had the development been otherwise acceptable, these measures could have been secured by the imposition of an appropriately worded condition.
19. Advice provided by an officer of the Council at pre-application stage can only be attributed limited weight. Moreover, the appeal scheme is for market housing. As such it is not readily comparable with the affordable housing scheme which was subject of one of the requests for pre-application advice.
20. Albeit the number of dwellings was not fixed, the scale of the schemes subject of appeal refs APP/D3125/W/23/3331279 and APP/D3125/W/23/3332089 were significantly greater than the appeal scheme. Moreover, these other appeals related to different sites with differing site contexts. As such, those appeals and the considerations related to them would have been materially different from those in this case.
21. Given the shortfall in housing land supply within the District, the requirements of paragraph 11. d) of the Framework must be considered. This paragraph provides a presumption in favour of sustainable development unless one of the circumstances at 11. d) i. or 11. d) ii. apply. The circumstance at 11.d) i. is where the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Footnote 7 of the Framework confirms that the policies referred to within 11. d) i. include designated heritage assets. I have found that the public benefits of the development would not outweigh the harm that would be caused to the significance of several nearby designated heritage assets. This provides a strong reason for refusing the development. Therefore, the presumption given by paragraph 11. d) is not triggered in this case.

Conclusion

22. The proposal conflicts with the development plan when taken as a whole. There are no material considerations, either individually or in combination that outweigh the identified harm and associated development plan conflict. Therefore, this appeal should be dismissed.

V Simpson

INSPECTOR