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## Appeal Decision

Site visit made on 25 March 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 07 April 2025

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**Appeal Ref: APP/C3105/W/24/3350782**

**Leys Farm, Hook Norton, Banbury, OX15 5BZ**

- 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 and Mrs Holland against the decision of Cherwell District Council.
  - The application Ref is 23/01616/F.
  - The development proposed is the change of use of land from agricultural to residential and construction of swimming pool with associated landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have amended the address in the banner heading above to that given in the appellant's appeal form to more correctly identify the location of the property. An amended description of the development was agreed between the parties, and this is also reflected in the banner heading.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2024. I have considered these amendments against the parties' appeal evidence. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.
4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
5. Both parties refer to recent planning approvals at Leys Farm which between them include alterations and extensions to the farmhouse, conversion of agricultural buildings to form ancillary residential accommodation, and the erection of a detached garage. The evidence before me suggests that an approved residential area associated with Leys Farm was defined as part of these permissions<sup>1</sup>, and an associated landscaping plan<sup>2</sup> shows the approved hard and soft landscaping associated with these schemes in the vicinity of the appeal site.

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<sup>1</sup> Ref 20/01065/F and 20/03669/F

<sup>2</sup> Landscaping details approved under 20/03149/DISC

## Main Issues

6. The main issues are:
- the effect of the proposed development on the character and appearance of the surrounding area including the setting and significance of a nearby listed building; and
  - the effect of the proposed development on ecology.

## Reasons

### *Character and appearance and heritage asset*

7. The appeal site is associated with Leys Farmhouse, a Grade II listed building (Listed as Leas Farmhouse, Ref.1046277) (the farmhouse). The list description mentions, amongst other things, that the farmhouse dates from the 17<sup>th</sup> century and is a 3-unit plan of two storeys. It is built of coursed ironstone rubble with a slate roof and describes the arrangement of the openings and its architectural detailing. The significance of this building, in so much as it relates to this appeal, is largely derived from its considerable age, plan form and historic fabric. These attributes, along with its function as part of an agricultural holding, mark it as an important survival of an early, vernacular farmhouse. Its significance is clearly apparent, and this is reinforced by its agricultural context.
8. Associated with the farmhouse is a range of historic former agricultural buildings which cluster around it. Despite conversion to domestic use, these buildings maintain their historic legibility, embody a degree of significance in their own right, and collectively contribute to the agricultural setting of the farmhouse. During my visit I was able to view the farmstead from many points in the wider landscape, including on the approach from Traitor's Ford Lane and from public footpaths nearby. I noted the interrelated views between the farmhouse, its farm buildings and connections with the surrounding, gently rolling pastoral landscape. I saw that the farmstead is set on relatively high ground on a valley side which slopes down to a brook and has open views over fields, hedges and copses of trees. The farm buildings and the wider landscape are the environment in which the farmhouse is experienced and appreciated and together make a marked contribution to its special interest and significance.
9. The appeal proposal seeks to construct an outdoor swimming pool to the south west of the farmstead group, lying to the rear of a recently constructed garage. Part of this land lies within the defined residential area on the approved landscaping plan, referred to above. However, part of the proposed development would extend on to a portion of the adjoining field. The approved landscaping plan shows the part within the residential area to be a grassed landscaped area, with a fence defining the farmland beyond.
10. The proposed development would involve a paved area with inset pool with a low stone wall alongside the garage. The pool would be lined with slate-coloured tiles with sandstone paving slabs around it. The plans show an earth bund at the perimeter of the proposed residential area, running from the north west corner of the northern barn to the south west as far as the end of the garage to address changing levels. It would have fencing to the base of the bund which would define the boundary with the field. There would also be hard and soft landscaping to the west to address the fall of the land in this area.

11. I saw on site that a metal perimeter estate fence had been erected near to the appeal site, but it was not clear to me whether this boundary was defined on the existing or proposed plans. I also noted on my approach to Leys Farm from Traitors Ford Lane that much of the appeal site could be seen and I saw the gentle fall of the land from the farmstead towards the brook in the valley bottom.
12. The proposed introduction of a level platform with a bund to accommodate the pool would result in a rather abrupt edge to the sloping field. It would be a highly noticeable, engineered and marked change to the existing landscape around the farmstead. The visible presence of a pool with an apparently open frontage to the field side would also be a very domestic feature, contrasting with the surrounding agricultural context. This would be visible in the wider landscape across the fields but also from the western approach road. It may be that historically there has been a more notable slope or bund around part of the farmstead, but the evidence suggests that this was closer to the historic buildings and not in this more remote location. The pool and landscape work would, therefore, be very perceptible in the broader landscape.
13. The historic plans and images, including those in the appellant's Heritage Appeal Statement (Worledge Associates), appear to show that the boundary around the farmstead in the vicinity of the appeal site had largely been maintained over the years. The proposed boundary extension would therefore not appear to be informed by this historic boundary. It would increase visible domestic activity around the farmstead and a swimming pool, remote from an historic dwelling, is not typically associated with farm buildings. It would therefore be harmful to the way that the buildings are appreciated in their context
14. Although extensive renovation work has changed the surroundings of the farmstead to some extent, the approved landscaping plan shows that the groundworks around the buildings are being sensitively handled to reflect the agricultural context. However, the introduction of the pool would be a visibly incongruous intrusion, jarring with this agricultural setting. The farmstead and rural landscape are inextricably linked, and the proposal would significantly draw the eye, look out of place and harm the contribution that the setting makes to the special interest and significance of the heritage asset. It would also harm the wider character and appearance of the landscape.
15. The proposal may be away from the farmhouse and would not intrude in views of its front elevation or be clearly seen from public footpaths. A pool may also be consistent with the new role of the site. However, being remote from the farmhouse and in an exposed location near to the farm buildings and surrounding fields would be harmful to the setting of the wider farmstead. Also, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views are afforded.
16. It is suggested by the appellant that a pool could be sited closer to the farmhouse under Permitted Development Rights, or an above ground pool or hot tub could be installed. However, I have few details of these options, and it is not adequately explained to me why siting nearer to the house would be more harmful. Facing materials and landscaping could be subject to a condition were I to allow this appeal but this would not adequately mitigate the harm. The proposal would therefore have a significantly harmful effect on the contribution that the setting

makes to the significance of the designated heritage asset. It would not, therefore, meet the expectations of the Act.

17. Paragraph 212 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of an asset, or from development within its setting, and any such harm should require clear and convincing justification. I find the harm in the context of the significance of the heritage assets, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Paragraph 214 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
18. The appellant states that the proposed swimming pool forms part of a long-term investment in the site's future, and that the scheme as a whole offers considerable public benefits securing the heritage asset. However, the restoration and renovation of the heritage asset already appears to have been secured without requiring the pool. Therefore, I am not convinced that the harm derived from the appeal proposal is an essential component to achieve this public benefit.
19. Given the above, I conclude that there are insufficient public benefits identified to outweigh the level of harm to a designated heritage asset, which would be significant and permanent, and to which I attach great weight. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage asset. I have also found harm to the wider character and appearance of the area. Consequently, the proposal would not comply with Policies HN-CC1 and HN-CC2 of the Hook Norton Neighbourhood (2015) (NP), Policies ESD10, ESD13 and ESD15 of The Cherwell Local Plan (2015) (CLP), and Policies C28 and C30 of the Cherwell Local Plan (1996) which, amongst other things, seek to conserve, sustain and enhance designated heritage assets and contribute positively to an area's character.

### *Ecology*

20. The appeal site lies within the Swere Valley and Upper Stour Conservation Target Area. CLP Policy ESD11 relates to Conservation Target Areas, and these are identified to restore biodiversity through the maintenance, restoration and creation of priority habitats. The policy requires biodiversity surveys and a report to be submitted with proposals to identify constraints and opportunities for biodiversity enhancement. It further states that where development would prevent the aims of the Target Area from being achieved it will not be permitted. The Council identifies that within this Target Area the appeal site constitutes 'lowland meadow', the aims of which are to manage, restore and create.
21. Although the appeal site is relatively small and a good portion of it appears to have comprised residential garden for several years, nevertheless it would extend into the adjoining field. Therefore, despite recent ground disturbance as part of the wider development, the site would extend onto land which is identified as 'lowland meadow'. In accordance with the requirements of Policy ESD11, a biodiversity survey and report should have been submitted with the application to identify

constraints and opportunities for biodiversity enhancement to help meet the aims of the Target Area. Despite this information not being requested by the Council or comments from the Council's ecology officer, by not providing adequate information or offering up other areas of lowland meadow in the appellant's ownership for enhancement to off-set any impact, the aims of the Target Area would not be achieved. Whilst it is suggested that the Council's validation requirements did not require this information, it appears to me that the information would be required as it is an identified habitat site. I therefore find conflict with Policy ESD11.

22. Whilst a condition relating to ecological enhancements may be possible in some circumstances, I have no suggested condition before me. In any event, in the absence of a survey or report it would not be possible to identify what such a condition would secure. The appellant may be committed to improving biodiversity across their land, but this does for part of the proposal before me.
23. I therefore conclude that the proposal would have a harmful effect on ecology. It would therefore conflict with NP Policies HN—CC3 and CLP Policies ESD10, ESD11 and ESD13. It would also conflict with the requirements of the Framework which seek to minimise impacts and provide net gains for biodiversity.

### **Conclusion**

24. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*G Bayliss*

INSPECTOR