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## Appeal Decision

Site visit made on 7 May 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> June 2025

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**Appeal Ref: APP/D3125/W/25/3359115**

**Gaunt Mill Cottage, Road to Northmoor, Standlake, Oxfordshire OX29 7QA**

- 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 Glynn against the decision of West Oxfordshire District Council.
  - The application Ref is 24/01039/FUL.
  - The development proposed is replacement of existing cottage. Appearance of new cottage to match existing.
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### Decision

1. The appeal is allowed and planning permission is granted for replacement of existing cottage. Appearance of new cottage to match existing at Gaunt Mill Cottage, Road to Northmoor, Standlake, Oxfordshire OX29 7QA in accordance with the terms of the application, Ref 24/01039/FUL, subject to the conditions in the attached schedule.

### Applications for costs

2. An application for costs has been made by Mr and Mrs Glynn against West Oxfordshire District Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The appellant submitted a Flood Risk Assessment (FRA), Preliminary Roost Assessment and Bat Emergence and re-entry Surveys with the appeal. The reports have provided clarification rather than propose any significant changes and the Council had the opportunity to comment on the reports. The reports have not resulted in any significant changes to the proposed scheme. Accordingly, I am satisfied that no one would be prejudiced were my decision to have had regard to the reports.
4. The Council's second reason for refusal related to insufficient information being provided in order to assess the flood risk impacts of the proposed development. The submitted FRA has addressed the Council's concerns and as such, the Council no longer has concerns in relation to this matter.
5. The Council included an additional reason for refusal which they state was not included within the decision notice due to an admin error. I have nonetheless included this reason for refusal within my main issues.

## Main Issues

6. The main issues are the effect of the proposed development on:
- the character and appearance of the area and significance of a non-designated heritage asset, and
  - ecology.

## Reasons

### *Character and appearance and significance of a non-designated heritage asset*

7. The appeal site is located towards the edge of the village of Standlake. The appeal building is close to the dwelling called Gaunt Mill which is also under the ownership of the appellant. The appeal building was previously used for two flats and is currently unoccupied.
8. The main parties are in dispute as to whether the appeal building would constitute a non-designated heritage asset.
9. In this regard, the building appears to have been built during the first half of the 19<sup>th</sup> Century as an agricultural labourers' cottage. The building generally reflects the stylistic influences of its period, with a simple and symmetrical elevation which comprises a centrally placed door with windows either side on the ground and first floor. While not part of the operation of the mill, the building shares a historical connection with the wider farm holding as a labourers' cottage.
10. I therefore consider that, in accordance with the relevant advice in the Planning Practice Guidance<sup>1</sup>, Gaunt Mill Cottage has a degree of heritage significance meriting consideration in planning decisions such that it should be considered as a non-designated heritage asset. Policy H6 of the West Oxfordshire Local Plan 2031 Adopted September 2018 (LP) states that proposals to replace an existing permanent dwelling which is not of historical or architectural value will be permitted on a one-for-one basis.
11. However, Paragraph 216 of the National Planning Policy Framework (the Framework) is not as restrictive as Policy H6 when it comes to non-designated heritage assets. It provides that, amongst other things, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. Notwithstanding the historic features outlined, the building as it stands is generally unremarkable and has been altered with a two-storey rear extension and single storey lean to. The additions are unsympathetic and further changes such as replacement windows, doors and repointing detract from the historical character of the building.
13. I note that the Council consider it has not been demonstrated that the building is not capable of being restored. However, whilst work to restore the building closer to its original form and significance may be possible, the above alterations have significantly undermined the building's historical integrity, architectural interest and overall significance.

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<sup>1</sup> Paragraph 18a-039-20190723

14. The proposed development seeks to demolish the existing building; and as such the proposal would result in the total loss of the non-designated heritage asset. However, the replacement dwelling would replicate many of the historical features such as the use of local materials, architectural style including the symmetrical frontage and also remove the unsympathetic additions.
15. The footprint and height of the replacement dwelling would be increased but in the context of the significant plot size and separation from Gaunt House it would not appear as a bulky feature within the site. The overall design would also maintain the wider character on the appeal site.
16. Consequently, on the basis of a balanced judgement required by the Framework, I find that the proposed development would be acceptable and the proposal would preserve the heritage significance of the non-designated heritage asset through its simple and symmetrical elevation and use of similar materials. The continued location of built form on the appeal site would remain which would also continue to maintain the heritage significance with the wider site.
17. I therefore conclude that the proposed dwelling would not harm the character and appearance of the area and would not have an unacceptable impact on the significance of a non-designated heritage asset. I find no conflict with Policies OS2, OS4, H6, EH2 and EH13 of the LP, Paragraph 216 of the Framework as well as guidance contained within the West Oxfordshire Design Guide 2016 and West Oxfordshire Landscape Assessment 1998. Amongst other things, these seek to ensure that development be of a proportionate and appropriate scale to its context, demonstrate high quality design and historic value is conserved and enhanced.

### *Ecology*

18. The application was accompanied by a preliminary ecological appraisal but it appeared to relate to a different area of the appeal site and therefore did not contain enough information for the Council to assess the proposals impact on ecology.
19. The appeal has been accompanied with a preliminary roost assessment and bat emergence and re-entry surveys and while an additional survey is required I am satisfied that this could be required through a suitably worded planning condition.
20. I therefore conclude that the proposed development would not harm ecology. I find no conflict with Policy EH3 of the LP. Amongst other things, this seeks to ensure that development protects and mitigates for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network.

## Other Matters

21. I am aware that the site is proximate to the Grade II listed building Gaunt House. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving its setting. The open backdrop of the appeal site positively contributes to its significance. Nevertheless, given the location of the proposed development, which is well obscured, resulting in no intervisibility, I consider that it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.

## Conditions

22. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the Framework and the Planning Practice Guidance.
23. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Condition 3 requires a surface water drainage scheme to be submitted and approved in order to ensure that flooding is not exacerbated in the locality.
24. Condition 4 requires an additional bat survey to be undertaken to ensure that biodiversity is protected. Condition 5 requires details of materials in the interests of the character and appearance of the area and condition 6 requires details of external lighting to protect roosting, foraging/commuting bats. Conditions 7 and 8 require details of external windows and doors and ensures that they are recessed to protect the character and appearance of the area.
25. Condition 9 is required to ensure the mitigation measures proposed within the Flood Risk Assessment are carried out in the interests of reducing flood risk. Condition 10 is to ensure that unexpected contamination risks are appropriately dealt with to prevent pollution of the environment in the interests of the amenity. Condition 11 requires the dwelling to meet a maximum water consumption to improve sustainability.
26. I have found it exceptionally necessary to remove some permitted development rights in order to protect the character and appearance of the area through condition 12. These are Class's A, AA, B, D and E as these works could be harmful to the character and appearance of the area and host property. I have not found it necessary to remove permitted development rights for minor alterations to the roof permitted through Class C as these works would not be harmful to the character and appearance of the area.

## Conclusion

27. For the reasons given above the appeal should be allowed.

*D Wilson*

INSPECTOR

### **Schedule of conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. That the development be carried out in accordance with the approved plans listed below:

Location Plan 121/01

Proposed Site Plan 121/05

Proposed Ground & First Floor Plans 121/06

Proposed Elevations 121/07

Site Sections & Levels 121/08

3. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. If the water table is not too high, the scheme shall include results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

4. Before the commencement of the development hereby approved, at least one additional bat roost characterisation survey shall be carried out in the early part of the bat survey season (May to August in any given calendar year) and the results and amended bat mitigation strategy submitted to, and approved in writing by, the local planning authority. The development shall thereafter be completed in strict accordance with the amended bat mitigation strategy (and associated drawings), the following reports (where these are not superseded by the amended bat mitigation strategy) as submitted with the planning application and as modified by a relevant European Protected Species Licence issued by Natural England, and biodiversity enhancement features for nesting birds, unless otherwise agreed with the local planning authority:

- i. Pages 6-7 (garage), pages 7-8 (B1), pages 8-9 (nesting birds) and pages 10-11 (badgers and riparian mammals, including otter) of the Preliminary Roost Assessment report dated 9th August 2024 by Arbtech;
- ii. Pages 12-15 of the Bat Emergence and Re-Entry Surveys (BERS) report dated 11th September 2024 prepared by Arbtech; and
- iii. The installation of at least 3 no. swift bricks to be integrated / built-in to the northern or eastern elevation walls of the new building at 1 metre intervals and in accordance with the council's Biodiversity Specification #3.

All the biodiversity mitigation and enhancement measures and features (including mitigation provision for roosting bats) shall be implemented in full according to the specified timescales and all the biodiversity mitigation and enhancement features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.

5. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

6. Before above ground works commence, details of all external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour;
- iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and
- vi. Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

7. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

8. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

9. The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment for Gaunt Mill Standlake, Oxfordshire, by Water Resource Associates, November 2024 -V3\_26112024) 24\_01039\_FUL-GAUNT\_MILL\_STANDLAKE\_FRA\_V3\_26112024-1410553) and the following mitigation measures it details:

There shall be no built development within the 1% AEP plus 82% climate change flood extent in accordance with section 3-1 of the FRA and Figure 3-1 within the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

10. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

11. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, AA, B, D and E shall be carried out other than that expressly authorised by this permission.