

Application number(s):	23/02471/F
Application site:	OS Parcel 0622 South Of Jersey Cottages And East Of Heyford Road Kirtlington
Proposal:	Erection of 14 two storey dwellings and upgrading of existing access onto the Heyford Road, together with garaging and parking, footpath link, the removal and re-instatement of a section of existing wall and its repair along the Heyford Road frontage, and landscaping and all enabling development.

<input checked="" type="checkbox"/>	Registered Park and Garden	<input checked="" type="checkbox"/>	Conservation Area	<input checked="" type="checkbox"/>	Setting of a Listed Building
<input checked="" type="checkbox"/>	Grade I	<input type="checkbox"/>	Grade II*	<input checked="" type="checkbox"/>	Grade II

Policies

Cherwell Local Plan 2011-2031 (2015)

- Policy ESD15** New development proposals should: Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated, furthermore development should respect the traditional pattern of the form, scale, and massing of buildings.

Cherwell Local Plan 1996 Saved Policies

- C18** Works to a listed building should preserve the building, its setting, and any features of special architectural or historic interest. Alterations or extensions to a listed building should be minor and sympathetic.
- C23** Presumption in favour of retaining positive features within a Conservation Area.
- C28** The layout, design and materials proposed within a new development should respect the existing local character. 'control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban or rural context of that development.

NPPF – Chapter 16

- Paragraph 199.** 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- Paragraph 200.** Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
 - assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and

II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
a) the nature of the heritage asset prevents all reasonable uses of the site; and
b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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.

Other Relevant Policies and guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16. In considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72. With respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Significance (50 words)

The site is located within the Kirtlington Park Registered Park and Garden (Grade II) and is within the Kirtlington Conservation Area. There are also a number of Listed Buildings nearby, including Home Farmhouse, The lodge, and gates to Kirtlington Park and Foxtownsend farmhouse and cottages that run along the west side of Heyford Road.

Within the registered park Kirtlington Park House is a Grade I Listed Building and the stables and old dairy associated with this are Grade II Listed Buildings.

The significance of the site lies in its contribution to the setting of the Listed Buildings, the character of the Conservation Area and the Registered Park and Garden.

Appraisal (250 words)

Impact on Kirtlington Conservation Area

The site is considered to make a positive contribution to the Conservation Area, and although it is located behind the existing boundary wall it still retains its open nature. Historically this area was the 'Town Green' or common land before being incorporated into the parkland associated with Kirtlington Park. It is accepted that views across the site are largely interrupted by the existing wall but the openness and the parkland beyond can still be perceived and appreciated. Furthermore the building pattern in this part of the village is that of a linear built form with the dwellings facing on to and running along Heyford Road on the west side. As a consequence of this the introduction of housing on this area of land is considered to result in a detrimental incursion of built form that protrudes into the space and does not follow the existing built form. It is considered that development here will detract from the character and alter the appearance of the Conservation Area in this part of the village in a harmful way.

The design of the proposed dwellings is however considered to largely reflect the building type in the local area, but the layout proposed is not considered to be in keeping.

The proposed repairs to the wall are welcomed and the minor changes to the wall are not in themselves considered to be unacceptably harmful, however the heritage benefits of the repairs are not considered to outweigh the harm that would result from the development here.

Kirtlington Park Registered Park and Garden (Grade II)

The site is included in the designation for the Registered Park and Garden. It is acknowledged that this parcel of land is to some extent distinct from the designed landscape of the historic parkland and was enclosed more recently as a result of the changes in ownership of the village common land (Town Green). The tree belts and planting help to illustrate this and provide a buffer between the site and the designed parkland. However it is considered that the site still makes a contribution to the Registered Park and Garden through its open and agricultural character and it also demonstrates how land ownership contributed to the development and evolution of the village. The introduction of residential building here is considered to be harmful to the character of the Registered Park and Garden as a result of the reduction of the openness and resulting changes to the rural character.

Listed Buildings

Kirtlington Park House (Grade I) – The main building (and its associated stables and buildings) sits within the centre of the Registered Park and Garden. Therefore it is a notable distance away from the application site. Although it is argued that the site does contribute to the wider setting of these Listed Buildings it is not considered that dwellings here would directly result in harm to the significance of Kirtlington Park House (including stables and dairy) through development within its setting.

Home Farm (Grade II) – The application site is considered to have a direct relationship with Home Farm as the farmhouse and associated buildings have historically and continue to have an agricultural setting consistent with their historic purpose and function. Therefore it is considered that by introducing dwellings the agricultural character of the setting will be unacceptably altered. As the setting is considered to contribute to the significance of Home Farm the proposal will unavoidably result in some harm to significance as a consequence of development within the setting.

Foxtownsend Cottages and other Listed Buildings on Heyford Road - The application site is considered to contribute to the rural character of the village. Therefore development opposite these Listed Buildings, although behind the existing wall will inevitably alter the character of the street scene and this part of the village. Consequently the setting of these Listed Building will be changed. It is accepted that change does not necessarily equate to harm, and it is noted that the buildings further to the south and further away from the site will be less affected. But it is considered that the proposal will result in a minor adverse impact to the setting which it is agreed would result in negligible harm to the significance of these Listed Buildings.

Park Lodge (Grade II) - Because of the location of this Listed Building and the existing landscape features it is agreed that the proposed development would have limited or no impact on this Heritage Asset.

Overall it is considered that the proposed development on this site will result in varying levels of less than substantial harm to the Heritage Assets.

Level of harm

No Harm

Less than Substantial Harm

Substantial Harm

Heritage Benefit (NPPG)

Yes

No

Comments

There are considered to be no heritage benefits that outweigh the harm, but it is for the Planning Officer to decide if the wider public benefit is weighed against the harm, in line with the NPPF paragraph 202.

Recommendation

No objections

Objections

Engage in preapp

Suggested Conditions

N/A

Conservation Officer: Emma Harrison

Date: 17/11/2023