

Application number(s):	23/03277/F
Application site:	Stable Lodge Middleton Stoney House Oxford Road Middleton Stoney Bicester OX25 4TE
Proposal:	New detached two storey house with detached garage - Re-submission of 23/01365/F

<input type="checkbox"/>	Listed Building	<input checked="" type="checkbox"/>	Setting of registered park and garden	<input checked="" type="checkbox"/>	Setting of a Listed Building
<input 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 205.** 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 206.** 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 207. 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 208. 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 209. 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 within the setting of the grade II Listed Building recorded as The Old Rectory and attached stable and outhouse ranges on the National Heritage List. The building has been converted to two dwellings, but its overall form and character remains. The site is within the historic grounds of 'The Old Rectory' and historic maps appear to show a possible kitchen garden in this location. The site is also directly opposite Middleton Park Registered Park and Garden. The significance of the site is the contribution it makes to the setting of the Listed Building and the Registered Park and Garden.

Appraisal (250 words)

It is noted that conservation advice was not provided on the previously withdrawn application and the site is not within a conservation area, however it is considered that this site has sensitivity in heritage terms. No heritage statement or assessment appears to have been provided with the application and it is suggested that due to the location of the site a heritage statement should be required.

The application site has a direct relationship with the Listed Building as it appears to have historically formed part of the garden and still forms part of the land surrounding and associated with the building today. The open and landscaped nature of the land surrounding the Listed Building is considered to contribute to the character and significance, therefore it is considered that by introducing a dwelling of this nature the character of the setting will be unacceptably altered. As the setting is considered to contribute to the significance of 'The Old Rectory' the proposal will unavoidably result in some harm to significance as a consequence of development within the setting. Furthermore this land is also considered to form part of the wider setting of the Registered Park and Garden and although the proposal is considered to be less harmful to this heritage asset as a result of development within its setting it is argued that any new build here should complement the character of the area as a whole.

The design and massing of the proposed dwelling is considered to be out of keeping with the properties within the village and also to dominate and detract from the Listed Building, therefore rendering it to be considered to be inappropriate in this location. This is a sensitive site, and it is considered that any development here would be difficult to achieve, but something more akin to a modest cottage within the grounds or converted outbuildings may be more acceptable and have less of an impact.

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

Level of harm

No Harm

Less than Substantial Harm

Substantial Harm

Public 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 208.

Recommendation

No objections

Objections

Engage in preapp

Suggested Conditions

N/A

Conservation Officer: Emma Harrison

Date: 11/01/2024