



KAF Heritage Planning

Heyford Lodge, Heyford Road, Middleton Stoney, OX25 4AL

Heritage Impact Assessment

Project Ref: PJB01

November 2023

KAF

Heritage Planning

Part single/Part two storey extensions

CONTENTS

- 1.0 Introduction
- 2.0 Planning Law and Policy
- 3.0 Methodology
- 4.0 Historical Context
- 5.0 Assessment of Significance and Setting
- 6.0 Assessment of Impact
- 7.0 Conclusion

Issue and Revision Record

Prepared by	MH
Version and Date	Version 3 (17/11/2023)
Document Reference	HIA-PJB01

KAF Heritage Planning can accept no responsibility for the accuracy of the survey if the site has been accidentally or deliberately disturbed leading to damage to, or removal of, historic fabrics, features or archaeological remains.

In the case of a change of plans, site use, site layout or changes of use of the wider area or buildings and/or end use, a new assessment may be required to ensure its fitness for purpose.

1. INTRODUCTION

Outline

1.1 KAF Heritage Planning was commissioned in September 2023 to complete a Heritage Impact Assessment in respect of the following development at Heyford Lodge, Heyford Road, Middleton Stoney, OX25 4AL:

“The construction of a two-storey rear extension with single-storey lean-to side element, together with a minor enlargement of the open framed canopy over front door.”

1.2 This assessment has the following aims:

- To assess the historic context in which the site is located.
- To consider the potential for survival of any archaeological deposits at the site:
- To assess the potential effects of the proposed development on the significance and setting of relevant designated heritage assets.

The Site

1.3 The application site is shown in Figure 1 below.



Figure 1: Site Location Plan (site edged in red).

1.4 The site comprises a detached, two storey, residential property known as Heyford Lodge. This is a Victorian style lodge of relatively simple design located on the southern side of the carriageway. It is constructed of stone facades and gothic style windows under a slate pitched roof. This building appears to have at some point been historically associated with the Grade II listed Middleton Park Registered Park and Garden (RPG), which wraps around part of the site's eastern and southern sides. That said, this does not mean that the application building is listed by association with the listed country house (Middleton Park) within this RPG (see discussion later in this report). The adjacent registered park, together with the key listed buildings within it, are shown at Figures 2 and 3 below.



Figure 2: Site in relation to nearby RPG.

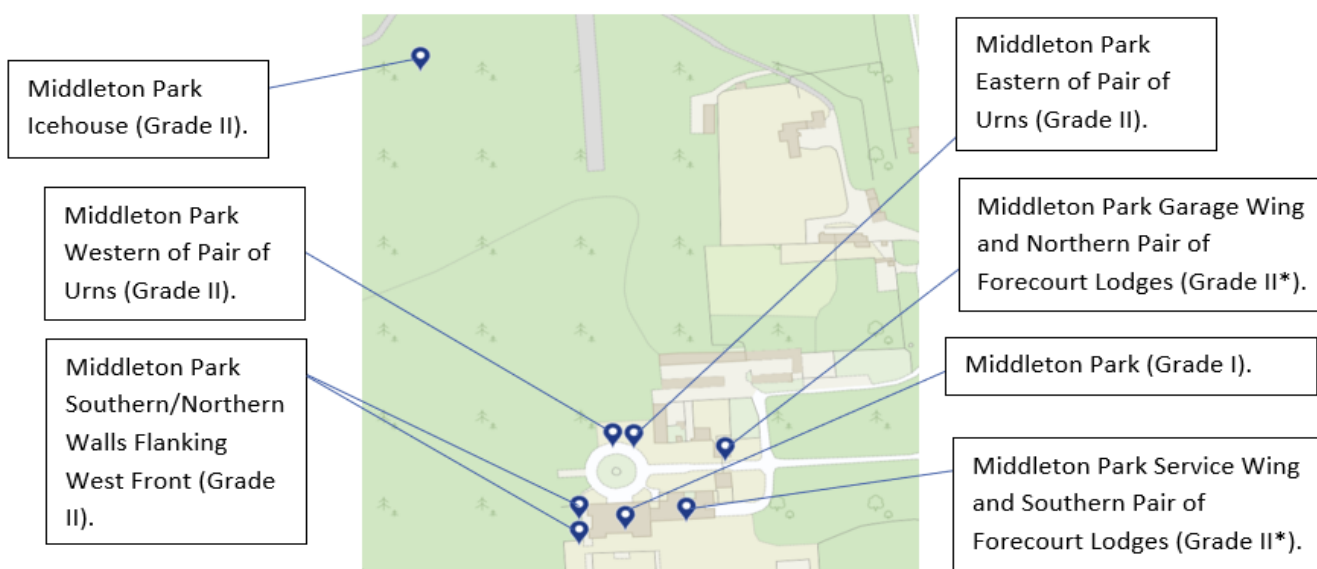


Figure 3: Key listed buildings within RPG.

Planning Proposal

- 1.5 This application seeks householder planning permission for the construction of a two-storey rear extension with single-storey lean-to side element, together with a minor enlargement of the open framed canopy over front door.

Geology

- 1.6 The bedrock geology is White Limestone Formation - Limestone. Sedimentary bedrock formed between 168.3 and 166.1 million years ago during the Jurassic period.

Limitations of Data

- 1.7 This assessment consists of secondary information derived from multiple sources. The assumption is made that all data considered is reasonably accurate.

2. PLANNING LAW AND POLICY

- 2.1 The assessment has been written with regard to the following legislative, planning policy and guidance:

- National Heritage Act 1983 (amended 2002);
- Town and Country Planning Act (1990);
- Planning (Listed Buildings and Conservation Areas) Act (1990);
- National Planning Policy Framework (2021);
- Planning Practice Guidance, Historic Environment (last updated July 2019);
- Historic Environment Good Practice Advice in Planning: Note 2 - Managing Significance in decision-taking in the Historic Environment (Historic England 2015);
- Historic Environment Good Practice Advice in Planning: Note 3 - The Setting of Heritage Assets (Historic England 2015); and
- Conservation Principles: policies and guidance for the sustainable management of the historic environment (English Heritage 2008).

Planning (Listed Buildings and Conservation Areas) Act (1990) ('the 1990 Act)

- 2.2 Established caselaw¹ contains important findings which have direct implications for developments where a listed building or its setting is affected or where it involves a building or other land in a conservation area. The Court emphasised the need for decision makers to apply the intended protection for heritage assets as specified under s66(1) of the relevant 1990 Act and the parallel duty under s72(1) of that Act. These are as follows:

“Section 66(1) – “In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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(1) – “In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2)3 , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

- 2.3 In essence, the decision maker has a statutory duty to give ‘considerable importance and weight’ to the desirability of preserving the setting of listed buildings when carrying out a ‘balancing exercise’ in planning decisions.

National Planning Policy

- 2.4 The National Planning Policy Framework (henceforth referred to as ‘the Framework’) states that heritage assets:

“...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

(Paragraph 189)

- 2.5 Policy on ‘conserving and enhancing the historic environment’ is set out in section 16 of the Framework. Paragraph 199 advises that *“great weight should be given to the [designated heritage] asset’s conservation”* and that *“the more important the asset, the greater the weight should be”*.

¹ Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG (2014) EWCA Civ 137.

The Framework is clear that *“this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.

2.6 Paragraph 200 of the Framework notes that, as heritage assets are irreplaceable, *“any harm to, or loss of, the significance of [them] should require clear and convincing justification”*. Substantial harm to, or loss of, a grade II listed building, or grade II park or garden should be exceptional. Substantial harm to, or loss of, designated heritage 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.

2.7 Paragraph 201 of the Framework states that:

“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.”

2.8 Paragraph 202 of the Framework states:

“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.”

Guidance

2.9 Further guidance is provided in the Government’s Planning Practice Guidance chapter on ‘Historic environment’. This includes guidance on plan making, decision taking, designated and non-

designated heritage assets, heritage consent processes and consultation requirements. The following link is relevant:

<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

2.10 Advice is also available from Historic England using the following link:

<https://historicengland.org.uk/about/what-we-do/historic-englands-role/>

2.11 Weight can be attached to its advice accordingly, although that advice is not part of the Government's guidance. Current Historic England guidance includes:

- Historic Environment Good Practice Advice in Planning: Note 1 – The Historic Environment in Local Plans.
- Historic Environment Good Practice Advice in Planning: Note 2 – Managing Significance in Decision-Taking in the Historic Environment.
- Historic Environment Good Practice Advice in Planning: Note 3 - The Setting of Heritage Assets.
- Historic Environment Good Practice Advice in Planning: Note 4 – Enabling Development and Heritage Assets.
- Seeing the History in the View.
- Understanding Place - Historic Area Assessments: Principles and Practice.
- Historic England's Heritage Planning Case Database.

Harm

2.12 In *Shimbles v City of Bradford MBC [2018] EWHC 195 (Admin)*, it was concluded that when determining planning applications, LPAs were not obliged to place harm that would be caused to the significance of a heritage asset, or its setting, somewhere on a "spectrum" in order to come to a conclusion. Rather, the only requirement was to differentiate between "substantial" and "less than substantial" harm for the purposes of undertaking the weighted balancing exercise. However, even if the level of harm to an asset or its setting would only be minor, this should still be attributed considerable importance and weight.

2.13 Further advice about assessing if there is substantial harm can be found in the Planning Practice Guidance which, amongst other things, states that:

“Whether a proposal causes substantial harm will be a judgement for the decisionmaker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”

2.14 The presumption in favour of sustainable development contained in paragraph 11 d) of the Framework is considerably altered from that of the previous version and states that:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

2.15 Where paragraph 11 d) of the Framework applies: the exercise at the Framework paragraph 202 and paragraph 11 d) i. should therefore be undertaken where harm to heritage assets mentioned in Footnote 7 is identified, including less than substantial harm.

2.16 If the Council carries out the balancing exercise in the Framework paragraph 202 and concludes that there is harm, but then concludes that that harm is outweighed by identified public benefits, then the Framework paragraph 202 should no longer be taken to indicate that development should be restricted and the weighted balance in Framework paragraph 11 d) ii. should then be undertaken.

2.17 In *City & County Bramshill Limited v SSHCLG & Others [2021] EWCA Civ 320, 9 March 2021*, the Court confirmed that there is no requirement to undertake a “net” or “internal” balance of heritage-related benefits and harm as a self-contained exercise preceding a wider assessment as

required under the Framework. The Courts have not prescribed any single approach, but have highlighted the need to follow the approach in the Framework (paragraphs 199-202), which should fulfil the legal duty.

Public Benefits

2.18 Identifying and assessing any public benefits, including benefits to the asset itself, which are weighed against any harm that might be caused are matters for the decision-maker. The Planning Practice Guidance states that public benefits may include heritage benefits, and that the reduction or removal of risks to a heritage asset are considerations capable of being a public benefit.

2.19 Examples of heritage benefits may include:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- Reducing or removing risks to a heritage asset; and
- Securing the optimum viable use of a heritage asset in support of its long-term conservation.

Local Policy

2.20 Relevant to this proposal, the development plan comprises the adopted Cherwell Local Plan 2011-2031 (Part 1) (LP), the saved policies of the adopted Cherwell Local Plan 1996 (CLP) and the Mid-Cherwell Neighbourhood Plan 2018-2031 (NP).

2.21 The following policies are relevant:

Cherwell Local Plan 2011-2031 (Part 1)

2.22 **Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment** – This policy seeks to protect and enhance biodiversity and the natural environment in a number of ways. These include; promoting a net gain in biodiversity, protecting trees and protecting internationally valued wildlife sites.

2.23 **Policy ESD13: Local Landscape Protection and Enhancement** - Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would; cause

undue visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character; impact on areas judged to have a high level of tranquillity; harm the setting of settlements, buildings, structures or other landmark features, or harm the historic value of the landscape.

- 2.24 **Policy ESD15: The Character of the Built and Historic Environment** – New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Amongst other things, proposals should conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG. In addition, sufficient information on heritage assets should be provide in order to assess the potential impact of the proposal on their significance.

Cherwell Local Plan 1996

- 2.25 **Policy C10: Historic Landscapes, Parks, and Gardens and Historic Battlefields** – Development which would have a detrimental effect upon the character and appearance of historic landscapes, parks and gardens and battlefields and their settings will normally be resisted.
- 2.26 **Policy C28: Layout, Design and External Appearance of New Development** – Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the Area of Outstanding Natural Beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- 2.27 **Policy C30: Design of New Development** – Design control will be exercised to ensure: (i) That new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity; (ii) that any proposal to extend an existing dwelling (in cases where planning permission is required) is compatible with the scale of the existing dwelling, its curtilage and the character of the street scene; (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the local planning authority.

- 2.28 **Policy PD5: Building and Site Design** - New development should be designed to a high standard which responds to the distinctive character of the settlement and reflects the guidelines and principles set out within the Heritage and Character Assessment. Amongst other things, proposals should wherever possible include appropriate landscape mitigation measures to reduce the impact of the built form.

3. Methodology

Assessment Steps

- 3.1 This assessment broadly follows the following steps for considering designated, and indeed non-designated, heritage assets:
- 1) The significance of the heritage asset is described.
 - 2) The proposal's effect on the significance of the asset is considered where a listed building or its setting is affected or where a building or other land is in a conservation area or would affect its setting.
 - 3) A conclusion is made (where necessary containing a balancing exercise that weighs any harm).
- 3.2 It also follows the list of steps set out within the Historic Environment Good Practice Advice in Planning: Note 2 – Managing Significance in Decision-taking in the Historic Environment. These steps are as follows:
- Understand the significance of the affected assets;
 - Understand the impact of the proposal on that significance;
 - Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
 - Look for opportunities to better reveal or enhance significance;
 - Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change; and

- Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

Significance

3.3 Significance (for heritage policy) is defined in the Glossary to the Framework as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”

Setting

3.4 Historic Environment Good Practice Advice in Planning: Note 3 - The Setting of Heritage Assets states that the starting point of any assessment is the identification of heritage assets likely to be affected by the proposed development. For this purpose, if the proposed development is seen to be capable of affecting the contribution of a heritage asset’s setting to its significance or the appreciation of its significance, it can be considered as falling within the asset’s setting.

3.5 This advice shows the potential attributes of an asset’s setting which may be appropriate to consider when defining its contribution to the asset’s significance. These include:

Physical Surroundings

- The asset’s physical surroundings.
- Topography.
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains).
- Definition, scale and ‘grain’ of surrounding streetscape, landscape and spaces.
- Formal design.
- Historic materials and surfaces.

- Land use.
- Green space, trees and vegetation.
- Openness, enclosure and boundaries.
- Functional relationships and communications.
- History and degree of change over time.
- Integrity.
- Issues such as soil chemistry and hydrology.

Experience of Asset

- Experience of the asset.
- Surrounding landscape or townscape character.
- Views from, towards, through, across and including the asset.
- Visual dominance, prominence or role as focal point.
- Intentional intervisibility with other historic and natural features.
- Noise, vibration and other pollutants or nuisances.
- Tranquillity, remoteness, 'wildness'.
- Sense of enclosure, seclusion, intimacy or privacy.
- Dynamism and activity.
- Accessibility, permeability and patterns of movement.
- Degree of interpretation or promotion to the public.
- The rarity of comparable survivals of setting.
- The asset's associative attributes.
- Associative relationships between heritage assets.

- Cultural associations.
- Celebrated artistic representations.
- Traditions.

3.6 Development can affect the setting of assets in a range of ways. These include by virtue of its; location and setting, form and appearance, affect on built surroundings and spaces, noise and lighting, physical permanence and long term or consequential effects.

Assessment Criteria

3.7 The following criteria is used in this assessment:

Table 1: Impact criteria

Magnitude of Impact	Defined as
Substantial Adverse	Total loss or major reduction in significance.
Moderate Adverse	Partial loss or reduction in significance.
Slight Adverse	Slight change to setting resulting in slight loss or reduction of significance.
Neutral	No change to setting.
Slight Beneficial	Slight improvement to asset or positive change to setting.
Moderate Beneficial	Moderate improvement to asset or change to setting.
Substantial Beneficial	Major improvement to asset or change to setting.

3.8 The importance of an asset's value is shown in table 2 below. This draws upon national criteria.

Table 2: Value of Assets

Importance of Asset	Criteria
Very High	World Heritage Sites Grade I & II* Listed Buildings Grade I & II* Registered Parks and Gardens Scheduled Monuments
High	Grade II Listed Buildings Grade II Registered Parks and Gardens Conservation Areas Registered Historic Battlefields
Medium	Non-designated heritage assets of regional importance
Low	Locally listed and other historic buildings Non-designated archaeological sites of local importance Non-designated historic parks and gardens
Negligible	Non-designated features with very limited or no historic value and/or little or no surviving archaeological or historic interest

4. HISTORICAL CONTEXT

Site Visit

4.1 A site visit was conducted to assess the site and its immediate and wider setting. The weather was bright and dry providing clear visibility. The wider site comprises a pocket of development,

containing residential, agricultural and commercial uses, located in-between Middleton Stoney (to the south east) and Upper Heyford (to the north west). The presence of nearby built development is perceptible from the domestic plot and the carriageway (B4030) was in moderate use at the time of the visit. Beyond this pocket of development is open countryside, together with the parkland setting of the RPG. There were no readily identifiable features of potential archaeological origin.

Historic Context

The Possible 'Curtilage Listing' of the Application Building

- 4.2 It is noted that historic conservation bodies consulted (namely The Gardens Trust) on the previously refused application for householder works at the site, together with the previous Case Officer, raise concerns that Heyford Lodge is a 'curtilage listed' building by virtue of association with the main country house 'Middleton Park'. It is important to explore this particular matter prior to proceeding to consider the significance and setting of the RPG and the listed buildings within it.

Legislative Context

- 4.3 Section 1(5) of the Listed Buildings Act provides that, where a building has been listed under that Act, any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, is to be treated for the purposes of the Act as part of the building. In this case, the curtilage is to be defined as at the date of the original listing of the building.
- 4.4 It is acknowledged that the protection afforded by the listing extends to any pre-1948 object or structure that was within the curtilage of that building at the time of its originally being listed. That said, while it is accepted that the application building was in existence at the time that Middleton Park was listed (26 November 1951), the question that arises is whether it really was within the curtilage of the country house at the time of it first being listed.

A Different Planning Unit

- 4.5 The planning unit is a concept which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of change, to ensure consistency in applying the formula of a material change of use. The general rule has always been that the materiality of change should be assessed in terms of the whole site concerned.

- 4.6 The leading case for determination of the planning unit is *Burdle & Williams v SSE & New Forest DC [1972] 1 WLR 1207*. In *Burdle*, it was held that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes; the concept of physical and functional separation is key. The area to be looked at is the whole of that used for a particular purpose, including any part of that area which is put to incidental use (*G Percy Trentham Ltd v MHLG and Gloucestershire CC [1966] 1 ALL ER 701*).
- 4.7 It is acknowledged that, possibly at one time, there may have been some sort of functional connection between Heyford Lodge and Middleton Park, given the property is situated at one of the entrances to the parkland. However, this is unclear and there is no evidence to show that this was even the case, given that Heyford Lodge is simply given as a point of reference for one of the park locations within the listing of the RPG. Other referenced lodges are described in greater detail compared to Heyford Lodge and can therefore be taken to be more intrinsically linked to the designated heritage assets.
- 4.8 In any event, even if there was some historic link between the application property and Middleton Park, the country house was first listed in 1951 and the RPG was first listed in 1998. By the earliest of these listing dates, Heyford Lodge was used as a separate residential dwelling in separate ownership. It had no association with the country house or the parkland, with any such association severed considerably earlier than 1951. Heyford Lodge was therefore separated from nearby assets both physically and functionally by the earliest listing of 1951. This was further reinforced by the conversion of the country house to flats in the 1970s.
- 4.9 The relevant unit of occupation at the site is therefore the private residential unit established prior to 1951. This use is materially different to any possible link to the parkland and has been continuous up to this point. As a separate private dwelling, divorced from Middleton Park and with no links to ownership at the heritage assets or their functionality, the occupation and use of Heyford Lodge for exclusively residential purposes cannot be said to be ancillary or incidental to the use at any of the neighbouring land².
- 4.10 Heyford Lodge was therefore within a separate planning unit at the time of the earliest listing identified above³. The application building, as a matter of fact and degree, was physically separate and distinct, and was occupied for different and unrelated purposes. This alone precludes the

² With particular regard to *Westminster City Council v British Waterways Board [1985] A.C. 676; [1984] 3 All E.R. 737*.

³ With particular regard to *Burdle & Williams v SSE & New Forest DC [1972] 1 WLR 1207*.

application building being within the curtilage of any asset at Middleton Park at the time of its listing.

A Separate Curtilage

- 4.11 Even if Heyford Lodge could be said to be part of one and the same planning unit as the assets at Middleton Park (which it is not), it is very unlikely to have fallen within the *curtilage* of assets at the time of listing. Indeed, one needs to proceed with caution in this regard and it cannot be simply said that textual references to the application property in listing descriptions, or its location in relation to assets, results in it falling within their curtilage. Indeed, as an example of complexities in this regard, the Court in *R (Egerton) v Taunton Deane BC [2008] EWHC 2752 (Admin)* found that farm buildings are very unlikely to be within the curtilage of immediately adjacent farmhouses. Of course, in this instance, the distance between the country house and the application site is vastly greater than the example given above that was discussed in the Courts.
- 4.12 There is no all-encompassing, authoritative definition of the term ‘curtilage’. It derives from conveyancing law where it was and remains a term of art. The key authorities for planning purposes include listed building, and landlord and tenant cases. It was established in *Sinclair-Lockhart's Trustees v Central Land Board [1950] 1 P&CR 195* that:
- ‘The ground used for the comfortable enjoyment of a house or other building may be regarded as being within the curtilage of the house or building and...an integral part of the same even though it has not been marked off in any way...It is enough that it serves the purpose of the house or building in some necessary or reasonably useful way.’*
- 4.13 In *Methuen-Campbell v Walters [1979] 1 QB 525*, the Court of Appeal agreed that, for land to fall within the curtilage of a building, it must be intimately associated with the building to support the conclusion that it forms part and parcel of the building. From the findings in *HM Attorney-General ex rel Sutcliffe & Rouse & Hughes v Calderdale BC [1983] JPL 310* a number of factors require consideration; 1) the physical layout of the building and the land or building said to be in the curtilage, 2) ownership (past and present) and 3) the use or function (past and present).
- 4.14 In this instance, by 1951 there was no functional link between Middleton Park and Heyford Lodge. The application building was in a separate residential use. By this point, it had its own, clearly defined curtilage (denoted by the adjacent garden area that was enclosed by boundary treatment). In visual terms, it was separate from the parkland to the south. By the time of the listing of adjacent

assets, Heyford Lodge was also within different ownership and it had no function or use associated with the parkland.

- 4.15 Furthermore, the listed country house will have had a curtilage defined by its immediate external amenity space at the time of its listing. While adjacent to the wider parkland areas, these cannot be said to be legally within the 'curtilage' of the listed building. They are not, for example, intimately associated with it. The curtilage of the country house will have become even more tightly defined to communal garden areas associated with the flatted development formed in the 1970s. As such, not only is the curtilage of Heyford Lodge tightly defined by its garden land, but the curtilage of Middleton Park country house will certainly not extend the considerable distance to cover land at the application site.
- 4.16 Taking all of this into account, it cannot be said that Heyford Lodge was even within the curtilage of the nearby heritage assets at the time of their listing. This assertion is reinforced given that it falls outside of the designated RPG area. If there were any remaining historic links between the site and the parkland by the time of the listing of the RPG, it would have simply been included within the asset's boundaries.

Overall Conclusion – Not Curtilage Listed

- 4.17 Taking everything together, the application site and building were not within the same planning unit as nearby designated heritage assets at the time that the earliest of these were listed. Moreover, they were not within the curtilage of these assets by this point.
- 4.18 It follows that Heyford Lodge cannot be considered as a curtilage listed building.

Statutory and Local Heritage Designations

- 4.19 Taking everything together, Heyford Lodge is not itself a designated heritage asset. Furthermore, the site is over 1.1km away from the country house Middleton Park. It is separated from this asset by Home Wood and there is no intervisibility between it and the site. This is also true for the listed buildings found within the RPG (the closest being Middleton Park Icehouse over 800m away and situated within the woodland). Consequently, the site does not fall within the setting of the country house or the listed buildings close to it within the RPG. These simply cannot be experienced from within the site. Neither can one experience the domestic application site from close to these assets.

4.20 That said, the site falls within the setting of the RPG. The significance and setting of this asset, together with any effect upon it, is now considered below.

5. ASSESSMENT OF SIGNIFICANCE AND SETTING

5.1 The list entry for the RPG is as follows:

“Country house with remains of early-C18 pleasure grounds based on medieval park, surrounded by C18/early-C19 landscape park. Early-C19 improvements to pleasure grounds and park probably by Lewis Kennedy.

HISTORIC DEVELOPMENT

In 1201 Gerard de Camville emparked Home Wood at Middleton Stoney, which, in 1328, was surrounded by a stone wall half a league (c.3km) in circuit. The park seems to have incorporated the area presently known as Home Wood, being incorporated into the later landscape park. By 1710 a new house had been built to replace the old manor house close to the village, its new location towards the south end of a rectangular park and bounded by its own formal courts to north, east and south. In 1737 the estate was sold to William Villiers, 3rd Earl of Jersey, in whose family it remained until 1946. The 3rd Earl built a replacement house in the later 1750s. Sanderson Miller designed two buildings for Lord Jersey in 1749, one of which could have been the Gothic gate lodge. The C18 house was demolished in 1934, replaced in 1938 by a house on the same site, designed by Sir Edwin and Robert Lutyens for the 9th Earl of Jersey, and converted to flats in 1974.

SITE DESCRIPTION

LOCATION, AREA, BOUNDARIES, LAND FORM, SETTING Middleton Park lies to the west of the village of Middleton Stoney, 15km north of Oxford. The c.330ha park is defined by the parish boundary and wall to the south, a strip of farmland between the perimeter belt and the ancient monument known as Ash Bank to the west, and the B4030 public road to the north and east, along with the village of Middleton Stoney, which also lies to the east. The land is mainly level, the ground falling gently to west and south.

ENTRANCES AND APPROACHES

The main entrance is that from Middleton Lodge, with its accompanying screen and gates (together listed grade II), which stands at the south end of the village. The stone lodge was built in 1805 to the designs of Edward Blore, and the screen is possibly by Thomas Cundy, erected at the same time as he was working on the mansion, 1806-07. From the entrance the drive leads west across the parkland to the pleasure grounds, continuing this line to pass between a pair of two-storey lodges (1938, Sir Edwin Lutyens, listed grade II), and hence arriving at the north side of the turning circle. Beyond the circle, c. 50m north of the house, stands a pair of stone urns (possibly Thomas Cundy, C18/early C19, listed grade II).*

A second lodge, Oxford Lodge (late C18, listed grade II), built in Gothic style and of elongated octagonal plan, with a small crenellated tower, marks the south-east corner of the park. From here a drive crosses north-westwards through the park to join with the east drive as it enters the pleasure grounds. Also joining at this point is a drive from the north which enters the park at Heyford Lodge, the lodge standing to the east of Park Farm. The drive runs south-east across parkland, then south down the east side of the pleasure grounds. An estate building, known as the Swiss Cottage, stands 350m west of Oxford Lodge on the south boundary of the park.

The structure of the drives pre-dated the re-working and re-orientation of the house in the 1930s, and remains as shown on the 1833 Ordnance Survey, when the entrance was on the east front.

PRINCIPAL BUILDING

Middleton Park (listed grade I) stands at the centre of its parkland, enjoying views across the gently falling ground to the west and south. A service wing (Sir Edwin and Robert Lutyens, listed grade II) extends the main block of the south facade eastwards to the southern of the forecourt lodges and incorporates as its southern facade part of the C18 house. The present house, the fourth on the site, was built 1934-38 to the designs of Sir Edwin and Robert Lutyens.*

Between 1805 and 1810, the 3rd Earl of Jersey called on Thomas Cundy to remodel the house, commissioning a number of paintings to record these works.

GARDENS & PLEASURE GROUNDS

The house stands at the southern end of an extensive, roughly rectangular area of pleasure grounds, c.800m long (north-south) and c.325m wide (west-east). This level, c.25 ha. plot, possibly on the site

of the medieval park, is separated from the surrounding landscape park by an encircling ha-ha. To the south of the house is a sunken lawn, a double flight of steps leading down from the stone retaining wall to the terrace alongside the south front. The lawn is bordered on west and east sides by low retaining walls supporting terraces planted with flowering shrubs, above which are grassed terrace walks. From the house there are views out across the park, over the lawn and the ha-ha which marks the garden's southern boundary. A view of Cundy's proposals for the new house, from the first decade of the C19, shows a formal garden set on a balustraded raised platform, from which a broad set of steps leads down into the park.

Flanking the west front are two low, stone walls (listed grade II), part of the 1930s work, terminated by stone lions (Coade stone, late C18-early C19, listed grade II), the lions having formerly flanked the carriage drive in front of the earlier house. On the north side of the house, the line of the east drive continues westwards, through a grassed area set with specimen trees, as a walk to the edge of the pleasure grounds.

The northern two-thirds of the pleasure grounds is planted as commercial woodland, Home Wood. A central ride bisects the wood, focussed on the north front of the house; its line once continued further north as a ride across the park through the 'North Door' in the boundary wall, and, planted to either side with platoons, so on, across the two public roads to The Heath woodland. Within the wood subsidiary paths branch off the central ride, with a perimeter walk starting at the house, leading west, then north along the top of the ha-ha, curving further into the wood along the northern edge of the ground, then returning back to the ha-ha to lead south, and so back to the house via the north and western sides of the kitchen garden. An C18 icehouse (listed grade II) lies c.300m north-west of the house, its stone face probably having once held a simple triangular pediment; close by is a statue base.

In the early C18 Home Wood, then known as 'The Park' (1710 map) was cut through by two straight rides arranged in cruciform pattern running north-south and west-east (Map of Middleton Stoney, 1710). By the mid-C18 additional straight and curving paths through the woodland had been created, linking small open spaces (1736 map).

PARK The park, created in the second half of the C18, is now primarily under the plough, with consequent loss of many parkland trees. Those remaining include a number of Lebanon cedars. It is largely enclosed by belts and woodland, however: Mangthorn Wood and Old Nursery to the west,



Pedigree Plantation and The Belt to the east, and Old Covert to the south-east. Within the park are also a number of substantial clumps: along the west side, from south to north, Cowground Covert, Busheyground Clump, Sainfoinhill Clump and Alder Clump; along the east side, again from south to north, Whitegate Plantation, Cowground Clump, Rubbishpit Clump and Parsonsfield Clump.

Set to the south of the east drive, 350m from Middleton Lodge and 100m north of Parsonsfield Clump, stands the largely medieval All Saints Church (listed grade II), extended eastwards for the Jersey Mausoleum, c.1805. A medieval wayside cross stands 50m to the north. East of the church is a castle mound and bailey. North of the east drive, adjacent to the north drive, is a cricket field with pavilion. Beyond this to the north is a c.9ha area fenced off from the park, as it has been since at least the mid-C19 (Ordnance Survey, 1st Edition 1", 1833); south-east of this, between the park and the public road, lies the western part of Middleton Stoney village.*

West of the house, but not visible from it, and just set in from the western edge of the park, is a lake, fed by a stream which enters the north-west corner of the site, and flows from the dam at the southern end of the lake to feed a second, smaller, body of water, lying 350m south of the house. A view by Lewis Kennedy, entitled 'Alterations for the Improvement of Middleton Park', done for the Earl of Jersey in 1811, shows the view south from the house as parkland with a ribbon of water crossing the middle ground. In the early C18 only a stream existed along the course of the water bodies (Grantham, Map of Middleton, 1710), later widened to form a 'pond' and 'new pond' (map, 1736).

Following the remodelling of the house by Thomas Cundy, the 5th Earl of Jersey employed the gardener Lewis Kennedy in the early C19 to produce an improvement scheme for the park, which seems to have been executed. At this time Lord Jersey also extended the park on the east side: in 1814 c.29ha were added to the park, and in 1824-25 a further extension involved demolishing the old manor house near the church, together with nearby cottages and streets, to be replaced by new, picturesque cottages outside the park.

KITCHEN GARDEN

The walled kitchen garden complex lies to the north-east of the house, within the pleasure ground area. The main, southern area is walled and contains a pair of C19 cottages built into its north wall.

The northern part is smaller and surrounded by brick and stone walls on three sides, and a bank with yew trees on the fourth. It is occupied by a 1980s house and a converted stable.”

Contributors to the Significance of the Heritage Assets

- 5.2 **Archaeological Value:** The asset derive significance from the historic fabrics and features within it. The archaeological and evidential value of the RPG is considered to contribute to its overall significance as a heritage asset at a moderate level.
- 5.3 **Historical Value:** Illustrative historical value will contribute to the overall significance of the RPG and the listed buildings within it, which represents an important component of the historic site. Although altered over the course of time, the buildings as a whole retain considerable significance in historical terms. It is assessed that their historical value will contribute to their overall heritage significance at a major level.
- 5.4 **Architectural value:** The architectural aesthetic of listed buildings within the RPG reflects that of many historic features within parkland settings. Their attractive appearance is of considerable aesthetic value, and in combination with their historic architecture, represents a major contribution to the asset’s significance.
- 5.5 **Communal value:** Although the country house is now a private, flatted, development, the sense of history and place can be experienced by individuals during access to the RPG and associated buildings. Overall, a moderate level of communal value is assessed.
- 5.6 **Setting:** The parkland setting of the assets is discussed in detail below. This is considered to be of high significance.
- 5.7 **Overall:** In respect of Table 2 and the assessment of significance above, the RPG has very high value in terms of heritage significance. The listed buildings within the RPG represent heritage assets of national importance and very high/high heritage significance. Their significance, however, is mainly derived from their historic fabric and architectural detailing, together with their group value and links to historical figures.

The Setting of the Heritage Assets

- 5.8 The setting of designated heritage assets is derived from the surroundings in which they are experienced. The RPG is clearly experienced within an expansive parkland setting. This comprises built development of a historic nature, including residential development, together with large

pockets of established woodland. The part of the RPG closest to the application site is mainly open field systems with loosely knit established trees. It is influenced by the pocket of residential, commercial and agricultural development along Lower Heyford Road in which the site falls.

6. ASSESSMENT OF IMPACT

Proposal

- 6.1 This application seeks householder planning permission for the construction of a two-storey rear extension with single-storey lean-to side element, together with a minor enlargement of the open framed canopy over the front door.

Contribution of Site to Setting of Assets

- 6.2 The site is just beyond the northern extent of the RPG, close to an access into it. However, this is not a key gateway into the RPG. Rather, this is via Middleton Lodge, with its accompanying screen and gates (together listed grade II), which stands at the south end of the village.
- 6.3 The site accommodates a residential dwelling with associated domestic paraphernalia. While simple and relatively pleasant in appearance, this dwelling is of no real architectural merit. None of the fabric is listed and it has no recognisable association with the parkland or country house within it. Heyford Lodge is not understood as a component (former or present) of the RPG. It is simply read as a residential property along the carriageway similar to those across the road.
- 6.4 Overall, the site is tightly defied by its curtilage and is separated from the RPG by boundary treatment and established trees. It makes a neutral contribution to the setting of the designated heritage asset.

Assessment of Effect on Setting of Assets

- 6.5 Heyford Lodge is not curtilage listed and is not associated with the RPG or the listed buildings within it. Such an association, if it indeed existed at one point, has long since been extinguished. Consequently, the proposal's effect on the fabric of the property is not a matter to be considered in this application. Rather, from a heritage perspective, the key issue is the effect of the scheme on the setting of this part of the RPG.
- 6.6 The site is domestic in nature, accommodating a residential unit, its associated garden and residential paraphernalia. The proposal is simply for an extension to Heyford Lodge. It would make

no difference to the developed plot in terms of its established residential character. Consequently, there would be no change to one's overall experience within or adjacent to this part of the RPG in this sense.

- 6.7 As discussed, it is not particularly relevant to consider the scheme's effect on the design or fabric of the building in this assessment. That said, the scheme remains subordinate to Heyford Lodge and would not add an excessive amount of built footprint to the site. There would be no harmful erosion of any important views to or from the RPG from nearby public vantage points. Neither would the scheme unbalance the host property through excessive bulk and mass and the extensions would not compete with the main dwelling in terms of visual primacy. The existing building would still be read as the main and original element of the property.
- 6.8 Additionally, the scheme would integrate successfully with the existing fenestration pattern and would not obscure any important part of the building's architectural composition (which includes the bay window to the south elevation and the chimney stacks to the north and west elevations). It follows that Heyford Lodge's simple, yet pleasing, aesthetic contribution close to the nearby lesser used access to the RPG would remain unchanged. The eye would not be drawn away from the RPG by the design of the scheme.
- 6.9 Furthermore, the scheme would not cause direct harm to the health of established trees at the plot (which, it should be noted, can be removed without consent). It would also not add weight to the rooting systems of trees of significant visual amenity value, preserving their long term health. The verdant setting of this part of the RPG would remain unchanged.
- 6.10 Lastly, even if considered to fall within the setting of the country house and nearby listed buildings within the RPG, which is not the case, the significance of these buildings is mainly derived from their architectural composition and links to historical figures (such as Sir Edwin and Robert Lutyens). They are experienced in a parkland setting. For reasons given, the proposal, which is considerably divorced from nearby listed buildings, would not alter this setting. As such, even if the site is hypothetically taken to fall within the setting of nearby listed buildings, there would be no harm to their significance and their setting would be preserved.

Overall Findings

- 6.11 Drawing the threads of the above assessment together, it is considered that the proposal would result in no harm to the setting or significance of the identified designated heritage assets. Their settings would be preserved.

6.12 The scheme would therefore accord with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan (Part 1), Policies C10, C28 and C30 of the Cherwell Local Plan 1996 and Policy PD5 of the Mid-Cherwell Neighbourhood Plan 2018-2031, together with the Framework, insofar as they seek to promote high quality design, protect the District's historic environment and ensure developments reflect the character and distinctiveness of the locality.

Buried Archaeology

6.13 Given the size and positioning of the proposal, it is unlikely that this proposal would result in disturbance or removal of buried archaeological deposits. However, if present at the site, mitigation through preservation by record is assessed to represent an appropriate course of action.

7. CONCLUSION

- 7.1 The site itself comprises an area subject to limited historical development. For reasons given, Heyford Lodge is not a 'curtilage listed' building, falling outside of the planning unit and curtilage of the nearby RPG and country house at the time that they were listed.
- 7.2 The potential effects on the setting and significance of nearby designated heritage assets have been assessed in detail, with only the closest, the RPG, identified as a candidate for harm in respect of the development proposal. No harm has been assessed in respect of the setting of this designated heritage asset.
- 7.3 The proposal will not result in change in the nature of the site in historic landscape terms, would not unduly urbanise the site and would not change the sub-urban nature of this particular part of the carriageway. Neither would it disrupt the simple architectural composition of the host property, overwhelm it in terms of size or draw the eye away from views into the RPG.
- 7.4 This assessment has been completed with due regard to the revised Framework, the Planning Practice Guidance, the Council's development plan and guidance issued by Historic England and the ClfA.

