



**Land East of Warwick  
Road, Banbury**

Proof of Evidence of:  
**Edmund Stratford**  
BA (Hons), MCifA

In respect of:  
**Heritage Matters**

On behalf of:  
**Vistry Group**

PINS Ref  
**APP/C3105/W/24/3338211**

LPA Ref  
**23/00853/OUT**

Volume I  
**MAIN TEXT**

May 2024  
Report Reference  
**edp3253\_r019b**

## Document Control

### DOCUMENT INFORMATION

<b>Client</b>	Vistry Group
<b>Report Title</b>	Proof of Evidence of Edmund Stratford in respect of Heritage Matters – Volume I
<b>Document Reference</b>	edp3253_r019b

### VERSION INFORMATION

	<b>Author</b>	<b>Formatted</b>	<b>Peer Review</b>	<b>Proofed by/Date</b>
019_DRAFT	ESt	SCh	CJo	-
019a_DRAFT	ESt	SCh	-	-
019b	-	-	-	FJe 030524

### DISCLAIMER TEXT

No part of this report may be copied or reproduced by any means without prior written permission from The Environmental Dimension Partnership Ltd. If you have received this report in error, please destroy all copies in your possession or control and notify The Environmental Dimension Partnership Ltd.

This report (including any enclosures and attachments) has been prepared for the exclusive use and benefit of the commissioning party and solely for the purpose for which it is provided. No other party may use, make use of or rely on the contents of the report.

We do not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party in respect of this report.

Opinions and information provided in the report are those of The Environmental Dimension Partnership Ltd using due skill, care and diligence in the preparation of the same and no explicit warranty is provided to their accuracy. It should be noted, and it is expressly stated that no independent verification of any of the documents or information supplied to The Environmental Dimension Partnership Ltd has been made.

## Contents

Section 1	Preamble .....	4
Section 2	Appointment, Scope of Evidence and Background Context.....	5
Section 3	Assessment of Effects .....	10
Section 4	Policy Review and Conclusions .....	40
Section 5	References .....	44

## APPENDICES

Appendix ES 1 The Appeal Site and its Heritage Context, including Location of Heritage Images

Appendix ES 2 Heritage Images

Appendix ES 3 Hanwell Conservation Area Visual Analysis

Appendix ES 4 Hanwell Conservation Area Surrounding Land Use Analysis

Appendix ES 5 Recorded Extents of Hanwell Castle Grounds

Appendix ES 6 Wirelines (Including Heritage Viewpoints)

## **Section 1**

### **Preamble**

- 1.1 This Proof of Evidence has been prepared by Edmund Stratford, an Associate Director of The Environmental Dimension Partnership Ltd (EDP), an independent multi-disciplinary environmental consultancy based in Cirencester, Cardiff and Cheltenham.
- 1.2 I have 22 years of continuous experience in practice as a heritage professional, including over 12 years as a heritage consultant to private and public sector clients throughout the UK.
- 1.3 My qualifications comprise a BA with honours in Archaeology from the University of Exeter. I am a full Member of the Chartered Institute for Archaeologists (MCIfA), and a Responsible Post Holder for the Archaeology and Heritage Team at EDP, which is a Registered Archaeological Organisation (RAO) with the ClfA.
- 1.4 My portfolio of project involvements includes the investigation and assessment of standing buildings, settings, and historic landscapes, as well as the assessment, evaluation and recording of archaeological sites, monuments and remains on a wide range of development schemes, ranging in scale and complexity from Nationally Significant Infrastructure Projects and major urban expansions to small-scale schemes for private clients.
- 1.5 I have also been commissioned to produce historic environment assessments for local authorities to inform the evidence base for both Local Plans and development control policy.
- 1.6 As an experienced cultural heritage professional, I have provided expert witness evidence to inform and support the determination of planning applications involving designated and non-designated heritage assets; in S78 public inquiries, informal hearings and through the exchange of written representations. With specific reference to the current appeal, I have previously provided expert witness evidence in respect of the potential impacts to listed buildings and conservation areas, both through direct and indirect effects – i.e. including changes within their setting.
- 1.7 The evidence that I have prepared and provide for this inquiry is true and has been prepared and is given in accordance with the guidance of my Professional Institute. I confirm the opinions expressed are my true and professional opinions.

## Section 2

### Appointment, Scope of Evidence and Background Context

#### MY APPOINTMENT AND INVOLVEMENT IN THE PROJECT

- 2.1 I am appointed by Vistry Group, hereafter referred to as the Appellant, to provide expert witness evidence in respect of heritage matters.
- 2.2 EDP has provided historic environment advice to the Appellant from the outset of the design process for the outline planning application, following instruction in 2022. An experienced Archaeology and Heritage Consultant from EDP produced the Archaeological and Heritage Assessment (**CD1.4 TA6.1**) and Built Heritage and Archaeology ES Chapter (**CD1.4**) that informed the planning application.
- 2.3 I was responsible for the peer review of the Archaeology and Heritage Assessment and ES Chapter; this peer review involved ensuring the completeness of each report, rather than reappraising each and every aspect of the assessment or level of effect identified for every heritage asset. Based on my own site visits and analysis as part of the appeal, I concur with the conclusions in respect of the effects on heritage assets contained within the Archaeology and Heritage Assessment and ES Chapter.
- 2.4 I have visited the appeal site and the heritage assets identified by the Council as being affected by the appeal proposals on a number of occasions, in both winter and spring, to inform this Proof of Evidence.

#### BACKGROUND CONTEXT

- 2.5 The planning application, reference 23/00853/OUT, was submitted in March 2023, with the development description as set out below:
- “Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access”.*
- 2.6 The historic environment assessments, which informed the planning application, were produced by EDP, to both identify and assess potential impacts arising from the development proposals on heritage assets. The Archaeological and Heritage Assessment is to be found at **CD1.4 TA6.1** and Built Heritage and Archaeology ES Chapter at **CD1.4**.
- 2.7 The outline planning application was refused by the Council on 11 August 2023 for four separate reasons; including Reason for Refusal (RfR) 2 set out in the Notice of Decision (**CD4.1**), which relates to effects on heritage assets. RfR 2 is set out below:
- “2. The proposed development is considered to erode the open arable landscape which provides clear separation between Banbury and Hanwell and forms part of the surroundings within which the setting of Hanwell Conservation Area, St Peter’s Church (Listed Building Grade I) and Hanwell Castle (Listed Building Grade II\*) are experienced, to the detriment of and causing harm (less than substantial) to the setting of these designated*

*heritage assets, contrary to policy ESD15 of the CLP 2031 Part 1 and Government guidance within the National Planning Policy Framework.”*

- 2.8 On this basis, this Proof of Evidence focusses on the matters raised in RfR2, in respect of the impact on the three identified designated heritage assets through changes to their setting.
- 2.9 The location of the relevant assets is depicted in relation to the appeal site on **Appendix ES 1**.
- 2.10 To inform this evidence I have undertaken a review of relevant historic environment planning policy. This has included consideration of the policies of the Cherwell Local Plan (CLP) 2031 Part 1, specifically Policy ESD15, as well as emerging policy. These policies are set out and addressed in detail in the evidence of Mr Murray-Cox.

### **The Council's Statement of Case**

- 2.11 Paragraphs 3.17 to 3.25 of the Council's Statement of Case (SoC) (**CD8.2**) presents its case, insofar as heritage matters are concerned, with the following notable points being identified:
1. The Council consider that the appeal proposals would result in harm to three designated heritage assets through change to their settings:
    - Hanwell Conservation Area;
    - Grade I listed Church of St Peter (List Entry Number 1216364) at Hanwell, located 300m to the north-east of the appeal site; and
    - Grade II\* listed Hanwell Castle (List Entry Number 1287674) located 350m to the north-east of the appeal site.
  2. The Council state that the harm to each of these heritage assets is within the category of 'less than substantial harm', in terms of the National Planning Policy Framework (NPPF); and
  3. The Council consider that the public benefits of the appeal proposal would not outweigh the identified harms to designated heritage assets.

### **The Council's Conservation Consultation Responses**

- 2.12 No formal written advice or consultation response is recorded by the Council from any Cherwell District Council (CDC) Conservation Officer during determination of the planning application.
- 2.13 The Appellant submitted an Environmental Impact Assessment Scoping Report on 02 November 2022 and the Council responded with a Scoping Opinion on 07 December. The Scoping Opinion noted Historic England's response, which requested assessment of Hanwell Conservation Area, the Church of St Peter and Hanwell Castle. The Scoping Opinion noted that no response was forthcoming from the CDC Conservation Officer.

### **The Council's Officer Report to Planning Committee**

- 2.14 The Officer Report (**CD4.2**) outlines the Council's position in respect of the proposals within the appeal site and their impact on the historic environment, specifically addressing heritage matters, including the Hanwell Conservation Area, the Church of St Peter and Hanwell Castle under *Heritage Context*, at paragraphs 9.40 - 9.50.
- 2.15 The Officer Report does not make any reference to any formal consultation response received from any CDC Conservation Officer with regard to Hanwell Conservation Area, the Church of St Peter, or Hanwell Castle.
- 2.16 At Section 10: Planning Balance and Conclusion, the Officer Report concludes that:
- “The visual prominence of the site is such that development would breach Banbury's contained environmental setting, giving rise to a direct risk of coalescence between Banbury and Hanwell, to the detriment of both the rural landscape and the setting within which heritage assets (i.e. Hanwell Conservation Area, St Peters Church and Hanwell Castle) are experienced, causing less than substantial harm, contrary to Policies PSD1, BSC1 and ESD15 of the CLP 2031 Part 1 and saved Policies C8 and H18 of the CLP 1996.”*
- 2.17 The Officer Report makes clear in the conclusions that the Council consider that the ‘*impact on heritage assets*’, i.e., the alleged ‘less than substantial harm’ to the Hanwell Conservation Area, the Church of St Peter and Hanwell Castle, is not outweighed by the public benefits of the appeal proposals.

### **THIRD PARTY COMMENTS**

- 2.18 Review of the representations received from third parties indicate concerns in respect of heritage matters, focussing on the perceived effects of the appeal proposals on Hanwell Conservation Area and listed buildings within it. I summarise below the most notable representations.

#### **Keep Hanwell Village Rural Action Group**

- 2.19 Keep Hanwell Village Rural Action Group (KHVRAG) and Stansgate Planning Consultants Ltd, submitted representations to the planning application in May 2023 (**CD3.25**). KHVRAG commissioned an independent Heritage Impact Assessment by TDR Heritage (May 2023) which forms Appendix 4 to **CD3.25**.
- 2.20 The representations by KHVRAG, informed by the TDR Heritage Impact Assessment, confirm their view that the appeal proposals would result in “*less than substantial harm to the setting of the Conservation Area*” and that “*harm is not at the “lower end of the scale” but is at the higher end of the scale*”.
- 2.21 KHVRAG state that, “*the public benefits of the proposal, set out in the conclusion of this report, are significant. However, they do not outweigh the harm to the significance of the heritage asset*”.

2.22 It is notable that KHVRAG's representations focus on identifying harm to only a single designated heritage asset; Hanwell Conservation Area. Similarly, while the TDR Heritage Impact Assessment identifies harm to the Hanwell Conservation Area, its conclusions do not identify any harm in respect of the Grade I listed Church of St Peter or the Grade II\* listed Hanwell Castle.

### **Historic England**

2.23 While a consultation response was received from Historic England to inform the Council's Scoping Opinion, no consultation response appears to have been received or requested from Historic England in respect of the determination of the outline planning application. As such, the Appellant wrote to Historic England on 30 October 2023 (**CD13.5**) to obtain Historic England's advice regarding the heritage impacts of the appeal proposals, specifically with regard to the Grade I listed Church of St Peter and the Grade II\* listed Hanwell Castle.

2.24 The Appellant's letter to Historic England included a package of relevant documentation including the Appellant's Archaeology and Heritage Assessment (**CD1.4 TA6.1**) and Landscape and Visual Impact Assessment (**CD1.4 TA7.1**), the Objection Report by KHVRAG (**CD3.25**) including the Heritage Impact Assessment by TDR Heritage, as well as assemblage of site walkover photographs.

2.25 Historic England's response of 20 December 2023 identified their position that the appeal proposals would "*cause a high level of harm to the significance of the conservation area. In the language of the NPPF the harm would be in the range of less than substantial*". In this response, Historic England did not identify any adverse effects on either the Grade I listed Church of St Peter or the Grade II\* listed Hanwell Castle, nor were these two assets mentioned at all in the response.

2.26 The Appellant subsequently contacted Historic England to clarify their position in respect of these two listed buildings. Historic England's email response of 24 January 2024 (**CD13.6**) identified, in respect of the Grade I listed Church of St Peter and the Grade II\* listed Hanwell Castle, that the appeal proposals, "*would cause some harm, but at a lower level than that identified for Hanwell Conservation Area.*"

### **HERITAGE STATEMENT OF COMMON GROUND**

2.27 A Heritage Statement of Common Ground (SoCG) has been agreed between the Appellant and the Council and is to be found at **CD8.4**.

### **INTERIM SUMMARY**

2.28 From the analysis of the Council and third parties' consideration of the case, it is clear that the key issues identified in respect of heritage matters that will be addressed in evidence are as follows:

1. The effects of the appeal proposals on the following designated heritage assets through change to their settings;

- Hanwell Conservation Area to the north-east of the appeal site;
  - Grade I listed Church of St Peter (List Entry Number 1216364) at Hanwell, located 300m to the north-east of the appeal site; and
  - Grade II\* listed Hanwell Castle (List Entry Number 1287674) located 350m to the north-east of the appeal site.
2. The resultant harm, if arising to any heritage assets, that is required to be considered in the planning balance; and
  3. Whether the public benefits of the appeal proposals would outweigh any identified harms to heritage assets.
- 2.29 While issues 1 – 2 above will be addressed in this Proof of Evidence, it is not the intention to examine the third issue; i.e. whether or not the public benefits of the proposals outweigh any harm to heritage assets. Acknowledging that it is the role of the decision-taker, not heritage experts, to undertake the relevant Paragraph 207/208 balance in respect of designated heritage assets, this matter will be addressed in the evidence of Mr Murray-Cox concerning planning matters.

## Section 3 Assessment of Effects

- 3.1 This section of my evidence assesses the likely nature and magnitude of any effects upon the heritage assets that are identified by the Council and third parties as being affected by the appeal proposals, as set out in **Section 2**.
- 3.2 The following assessment of effects will discuss the main heritage issues which have been identified; i.e. focussing on the effect of the appeal proposals on the identified assets' setting or physical form, and any resultant impact on the assets' significance, in line with the requirements of Paragraphs 200 and 201 of the NPPF.
- 3.3 This section should be read in conjunction with **Appendices ES 1-6**. The location of the appeal site, in relation to relevant heritage assets, is indicated on **Appendix ES 1**, while **Appendix ES 2** provides supporting photographic images in respect of heritage assets and their relationship to the appeal site. **Appendix ES 3** provides a plan replicating the 'visual analysis' contained within the Council's adopted Hanwell Conservation Area Appraisal (HCAA), while **Appendix ES 4** provides analysis of the land uses surrounding the conservation area. **Appendix ES 5** sets out the recorded extents of the grounds of Hanwell Castle, while **Appendix ES 6** provides wirelines of the appeal proposals from relevant viewpoints.

### METHODOLOGY

- 3.4 EDP produced the Archaeological and Heritage Assessment (**CD1.4 TA6.1**) setting out the appeal scheme's impact on relevant heritage assets, which was submitted to inform the determination of the outline planning application.
- 3.5 In my professional opinion this document provides an assessment that is proportionate to the significance of the assets that have the potential to be affected and the likely impact upon them as a result of the appeal proposals proceeding. It applies current best practice guidance and methodology for the identification and assessment of 'indirect' effects on heritage assets, which is set out in Historic England's (2017) *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*, which is known and referenced as GPA 3 (**CD13.4**).
- 3.6 The paragraphs which follow set out my own professional judgement in terms of the likely impact arising from the appeal proposals in respect of the relevant heritage assets, adopting that same methodology which, in addition to employing the guidance set out in GPA 3, included site visits and a walkover survey of the relevant heritage assets and their surrounds.

### Setting Assessment Methodology

- 3.7 As set out above, my methodology employed in the assessment of the potential impacts of the appeal proposals on the significance of heritage assets through change to their setting has been undertaken in accordance with GPA 3 (**CD13.4**).

3.8 My assessment employs the definition of setting that is set out in Annex 2 of the Framework, namely:

*“Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.*

3.9 My definition of significance is similarly derived from Annex 2 of the Framework, namely:

*“Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”.*

3.10 As such, when assessing the impact of proposals through change to the setting of a heritage asset, it is not a question of simply determining whether its setting would be affected or changed, but rather a question of whether the change within an asset’s setting would lead to a loss of ‘significance’ to the asset itself based on the above ‘heritage interest’ as defined in the NPPF. As paragraph 018 of the Historic Environment Planning Practice Guidance (PPG) (**CD7.4**) makes clear, *“What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset”.*

3.11 In consideration of potential attributes of an asset’s setting that may help to elucidate its contribution to significance, I have given regard to page 10 of GPA 3 (CD13.4), which identifies, in relation to the assessment process, that: *“it will generally be useful to consider, insofar as is possible, the way these attributes have contributed to the significance of the asset in the past (particularly when it was first built, constructed or laid out), the implications of change over time, and their contribution in the present”.*

3.12 I have also given regard to the following pertinent points from GPA 3:

*“...setting is different from general amenity. Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting.”* (page 7, paragraph 16); and

*“Historic England recommends that, when submitted as part of ... evidence to a Public Inquiry, technical analysis of this type should be seen primarily as material supporting a clearly expressed and non-technical narrative argument that sets out ‘what matters and why’ in terms of the heritage significance and setting of the assets affected, together with the effects of the development upon them.”* (page 8, box 1, paragraph 2).

3.13 Equally, while I acknowledge that in considering the setting of a heritage asset - and the ways that elements of this setting may contribute to heritage significance - visual and physical considerations will be central considerations, I have nonetheless been conscious in undertaking the assessment that setting is not purely a visual consideration.

3.14 Accordingly, I have given regard to page 2, box 1, paragraph 5 of GPA 3, which states:

*“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places”.*

3.15 With specific regard to the *“understanding of the historic relationship between places”*, I have given these matters due consideration following the approach to determining setting in GPA 3 endorsed in Para 34-38 of *Catesby Estates v Steer* [2018] EWCA Civ 1697 per Lindblom LJ (the ‘Kedleston Hall’ Court of Appeal judgement) (**CD11.2**).

3.16 I have particularly followed the approach set out at para 38 of the judgement:

*“He was not saying that land could only fall within the setting of Kedleston Hall if there was a “physical or visual connection” between them. He was simply saying that in this instance the extent of the setting of the listed building could not be determined by the fact of the “historical, social and economic connection” to which he referred. There had to be something more than this connection alone if the appeal site were to be regarded as falling within the setting of the Hall”.*

3.17 As such, in the setting assessment presented in this evidence, I have been conscious of the historical, economic and social relationships between designated heritage assets and elements of the wider landscape, including the appeal site. However, my assessment has not stopped at that point, and I have not found it appropriate in this instance for these relationships to define the setting of the assets in their own right, given the extent of the wider landscape, and features within it, which may potentially share these relationships with the heritage assets in question.

3.18 Paragraph 29 of *Catesby Estates v Steer* (**CD11.2**) provides further clarity on this matter when defining setting and reiterating the primacy of the definition of setting set out in Annex 2 of the NPPF:

*“Under current national planning policy and guidance in England, in the NPPF and the PPG, the decision-maker has to concentrate on the “surroundings in which [the heritage] asset is experienced”, keeping in mind that those “surroundings” may change over time, and also that the way in which a heritage asset can be “experienced” is not limited only to the sense of sight. The “surroundings” of the heritage asset are its physical surroundings, and the relevant “experience”, whatever it is, will be of the heritage asset itself in that physical place.” (emphasis added).*

3.19 Put simply, the historical, economic and social relationships between an asset and a place are only meaningful in the consideration of setting, if there is also some form of an 'experience' of the asset within that place.

3.20 This approach is confirmed at page 516 (paragraph 19-52) of the sixth edition of *Listed Buildings and Other Heritage Assets* (Mynors and Hewitson, 2023) (**CD13.7**), which is recognised as the standard reference work on the law in this area:

*“The extent of a building’s setting is a matter of planning judgement for the decision maker in each case, but “setting” is to be given its natural meaning considering a number of factors, including the reasons for listing. The Court of Appeal considered this at length in Catesby Estates v Steer, concluding that there must be a “distinct visual relationship” but other factors, such as economic, social or historical factors, should also be considered”.*

3.21 With the above in mind, the assessment set out in this evidence adheres to the methodology set out in GPA 3 (**CD13.4**). GPA 3 is clear in stating that change within a heritage asset's setting need not be harmful; the implementation of development proposals within a heritage asset’s setting can be positive, negative or neutral, and sets out an approach to setting and development management based on a five-step procedure:

1. Identify which heritage assets and their settings are affected;
2. Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
3. Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it;
4. Explore ways to maximise enhancement and avoid or minimise harm; and
5. Make and document the decision and monitor outcomes.

***Categorising any Potential Level of Harm***

3.22 In considering the identification and potential level of harm to any heritage assets through change to their setting, I have had regard to the Government’s Historic Environment PPG (**CD7.4**).

3.23 The PPG states that *“substantial harm is a high test, so it may not arise in many cases”*, with the implication being that a high level of less than substantial harm also occupies a relatively high threshold.

3.24 Indeed, a recent appeal decision endorsed by the Secretary of State APP/H5390/V/21/3277137 (Edith Summerskill House Inquiry, July 2022) (**CD10.9**), has clarified the position, in respect of the consideration of harm arising through change to the setting of a designated heritage asset, as follows (paragraphs 12.49 and 12.50 of the Inspector’s Report (IR)):

*“...Essentially, substantial harm is set at a high bar, such that a good deal (or all) of the significance of a designated heritage asset would have to be removed for it to be reached. That means that the range for a finding of less than substantial harm is very wide indeed, from a harmful impact that is hardly material, to something just below that high bar”.*

3.25 This leads to the important observation in paragraph 12.50 of the IR, when the Inspector identifies the approach to be taken to the assessment of where on this broad spectrum of less than substantial harm an individual impact is located:

*“In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance”.*

- 3.26 The Planning Inspector subsequently sums up their approach to the identification of harm through changes within the setting of heritage assets in paragraph 12.54 of their Report, where they clearly articulate the following conclusions:

*“It is often argued that such an approach leads to harm to the significance of a designated heritage asset being underestimated. However, what is under consideration is the impact of change on the significance of a designated heritage asset. If that change would come about as a result of development in the setting of that asset, then it is only the component of significance that the asset derives from its setting that would be affected. This is the outcome of the approach the Framework takes”.*

- 3.27 These considerations outlined above are addressed further in the relevant sections below.
- 3.28 The following assessment is therefore undertaken in line with best-practice guidance, based on my own assessment of the appeal site, the relevant heritage assets and the impact of the appeal scheme's approval and implementation on their significance, the latter being drawn from the description of development set out in **Section 2** above.
- 3.29 Subsequent to setting out my own assessment of the appeal proposals, this section also responds to the other issues raised by the Council and third parties, as set out in **Section 2**.

## **THE EFFECTS OF THE APPEAL PROPOSALS ON DESIGNATED HERITAGE ASSETS**

### **Hanwell Conservation Area**

#### ***The Significance of Hanwell Conservation Area***

- 3.30 Hanwell Conservation Area (HCA) is located c.100m to the north-east of the appeal site at its closest point (see **Appendix ES 1**).
- 3.31 A conservation area was first designated in the village in 1985 and revised with a brief written appraisal in 1995. The Hanwell Conservation Area Appraisal (HCAA) adopted by CDC in 2007 (**CD5.9**) notes that *“the proximity of Banbury has affected the village character leading to the need for an updated appraisal”*. Since 2007 the conservation area and its appraisal have not been updated or amended.
- 3.32 The boundary of the HCA has been drawn to encompass almost the entire extents of the modern settlement, with the exception only of the built form to the west of Gullicott Lane on the HCA's western boundary. The excluded area comprises a series of mid-20<sup>th</sup> century dwellings at the western entrance to the village that front onto Main Street and

Gullicott Lane, as well as a group of large modern agricultural sheds further south, opposite Park Farm at the south-west corner of the HCA.

- 3.33 Although the boundary of the HCA has been drawn to exclude modern development on the west edge of the settlement, there is still a number of modern 'infill' dwellings amongst the historic properties within the core of the HCA. The HCAA notes that, *"although there is a significant proportion of mid to late 20<sup>th</sup> century development in the village the majority is sympathetic to the conservation area and uses local materials"*.
- 3.34 The HCAA summarises the historic development of Hanwell and identifies the extents of the present designated conservation area and its significant features of special architectural and historic interest. The document's introduction states its aims to *"establish the key qualities of Hanwell's character and appearance as well as the village's setting"*.
- 3.35 Having reviewed the HCAA and undertaken my own walkover of the conservation area, the significance of the HCA and its features of special architectural and historic interest can be summarised as follows:
- The historic winding linear layout and street pattern of the village, with settlement focused to the north and west of the Church of St Peter and Hanwell Castle grounds, which are located across the village's southern extents;
  - The character and appearance of the four distinct character areas identified in the HCAA; i.e., the Hanwell Castle character area, the Historic Core character area and the east and west Village Ends character areas;
  - The architectural and historic interest of the HCA's built form, in particular the Grade II\* listed Hanwell Castle and Grade I listed Church of St Peter, but also notable examples of other building types that record the gradual development of the village, such as the school, old rectory, public house, former farmhouses and numerous examples of vernacular cottages ranging in date from the 17<sup>th</sup> to 19<sup>th</sup> centuries;
  - The prevalent use of local building materials, notably the rich coloured Hornton Stone;
  - The striking topography deriving from the settlement's location on a spring and watercourse falling towards the Hanwell Brook;
  - Local features and details that give the area its distinctive identity, including the central green bank and spring on Main Street, grass verges and stone wall boundary walls;
  - The preservation of archaeological remains relating to earlier phases of the village, as well as earthworks relating to the landscaping of the grounds of Hanwell Castle; and
  - The setting of the village in a rural landscape with key views over its agricultural surrounds.
- 3.36 Figure 8 of the HCAA and **Appendix ES 3** identifies the distinct character areas within the HCA, with the main features of special architectural and historic interest within each area summarised in the following paragraphs.

- 3.37 In respect of the Hanwell Castle character area, this occupies the south and east portions of the HCA and comprises over half of the extent of the designated area. The character area is defined overwhelmingly by the presence of the remains of the 15<sup>th</sup> century Hanwell Castle and its later additions in the west edge of the area. The wooded parkland associated with the castle, that has been subjected to successive episodes of landscaping, extends to the north, south and east extents of the character area and provides an intimate enclosed setting for the castle. The HCAA notes that the castle has no impact on Hanwell's street scene, enclosed as it is from the wider village by high stone walls and vegetation, but it has a strong relationship to the neighbouring church to the west. The northern extents of the castle grounds include four separate ponds, a spring and the remains of many fishponds amongst the woodland, while to the south the topography rises to provide a landscaped and wooded backdrop to the castle.
- 3.38 With regard to the Historic Core character area, this is located centrally in the HCA and west of the Hanwell Castle character area. This area is the focus of the oldest buildings in the settlement, including several listed examples, and is overwhelmingly residential, with the exception of the church, which is located on higher ground at the southern edge of the area. The core of the area on Main Street contains the central green bank and historic spring. The built form on the winding streets of Main Street and Church Lane is set close to the road frontages and features numerous 17<sup>th</sup>-19<sup>th</sup> century vernacular dwellings of mainly two storeys, with limited survival of thatch roofs. The Old Rectory, historically a Puritan stronghold, lies at the end of Church Lane, where it shares a close visual relationship with the 14<sup>th</sup> century church and the castle to the east.
- 3.39 The east and west Village Ends character areas are characterised by buildings associated with more recent expansion of the settlement, albeit with a character sympathetic to the historic core. The HCAA notes that these areas have "*a social history interest but little of note in terms of architectural or historical importance*". The west Village End character area closest to the appeal site is focused on Gullicott Lane and includes a mixture of converted agricultural buildings and new dwellings on the east side of the lane with the southern boundary of the area formed by Park Farm and its extensive residential curtilage.
- 3.40 In summary, in terms of the contribution of the conservation area's heritage interests to its significance, this is unsurprisingly overwhelmingly derived from the special architectural and historic interest of the notable buildings and spaces within the designated area itself, as well as the acknowledged archaeological interest of parts of the HCA.

#### ***The Contribution of Setting to the Significance of Hanwell Conservation Area***

- 3.41 Whilst the majority of the HCA's significance is bound up in the special architectural and historic interest of the notable buildings and spaces within the limits of the defined designated area, it also draws a minority portion of its significance from its setting.
- 3.42 Historically, Hanwell was a rural settlement surrounded in the medieval period by open fields and commons on all sides, which were latterly enclosed in the 18<sup>th</sup> century by the Cope family at Hanwell Castle, who owned the vast majority of the land in the Hanwell Parish (OHC REF: *Geo.III c.43 (1783) Priv*). Presently, aside from the modern residential developments that form the setting to the western edge of the HCA at Gullicott Lane, the boundaries of the HCA are surrounded on all sides by agricultural land.

- 3.43 The HCA is an extensive asset and accordingly its setting, or the surroundings in which it is experienced, is similarly expansive. As illustrated on **Appendix ES 4**, within a 500m radius of the HCA boundaries the predominant land use is agricultural land, extending to some 203 hectares (ha).
- 3.44 Of course, while **Appendix ES 4** provides spatial and quantitative information in respect of the surroundings of the HCA, and in this regard identifies that the appeal site forms some 6.2% of the agricultural land within a 500m radius of the HCA, it does not assist in identifying the qualitative contribution of the surrounding agricultural land to the HCA; i.e., its contribution to the special architectural and historic interest and character and appearance of the HCA.
- 3.45 In this regard, in general terms the HCAA notes that *“The land around the boundary to the north and south is important to the character of the village, providing the setting for the Conservation Area”*.
- 3.46 In terms of defining how specific elements of the agricultural surroundings in which the conservation area is experienced contribute to its special interest, the HCAA does this through identifying a number of ‘key views’ which are represented on figures in the HCAA and on **Appendix ES 3**.

#### **Key Views**

- 3.47 Historic England's Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition) (HE 2019) notes that, *“Heritage assets can gain significance from their relationship with their setting whilst views from within or outside an area form an important way in which its significance is experienced and appreciated”*.
- 3.48 The HCAA identifies a number of key views with reference to various character areas, including several focused on views outwards from the designated area into the surrounding landscape. It notes, *“from the Churchyard there are views towards the castle and out across open countryside”* while also stating, *“from the southern boundary of the Conservation Area there are clear views to the industrial development in the North East of Banbury and due south to the most recent urban extension along the northern fringe of the town”*. In respect of the village ends, the HCAA states, *“To the west there are vistas across the surrounding landscape from the Conservation Area boundary”*.
- 3.49 As such, my assessment has given due regard to ‘key views’, as identified by the HCAA, and considered the contribution of the appeal site to the setting and significance of the HCA in any such views.
- 3.50 A total of 29 ‘key views’ are identified in the HCAA, where the view is annotated as either a ‘visual stop’, ‘positive view’, ‘view to positive landmark’ or ‘view to horizon’ (in addition to a total of 6 ‘negative views’ which are also identified) (**Appendix ES 3**).
- 3.51 The overwhelming majority of these key views are focussed on the internal spaces of the HCA and do not extend to take in any elements of its setting beyond the boundaries of the designated area.
- 3.52 However, the key views do include **Image 22**, **Image 23**, **Image 24** and **Image 26** (**Appendix ES 1, 2 and 3**), which each comprise views outwards from the northern edge of

the HCA over the immediately surrounding agricultural land and thereby contribute to an understanding and appreciation of the HCA's wider agricultural setting and origins as a rural settlement.

- 3.53 Similarly, key views represented by **Image 19**, **Image 28**, **Image 29** and **Image 30** (**Appendix ES 1, 2 and 3**) are identified in the HCAA as providing 'views to the horizon' over the wider agricultural surrounds from the southern extents of the conservation area.
- 3.54 However, in respect of the key view captured by **Image 19** (**Appendix ES 1, 2 and 3**), looking south-west from Gullicott Lane at the west edge of the HCA, it is clear that a tree belt now prohibits outwards views from this part of the HCA, such this view does not contribute to an understanding or appreciation of the HCA's wider agricultural setting and origins as a rural settlement, nor allow 'views to the horizon' over agricultural land from the HCA.
- 3.55 In respect of the three key views represented by **Image 29**, **Image 30** and **Image 31** (**Appendix ES 1, 2 and 3**), these views look out from the environs of the church over an agricultural field and the grounds of Hanwell Castle directly south of the church. However, views of the appeal site are curtailed by the rising ground directly to the south, such that the appeal site does not form part of the agricultural land experienced in these views, with only the tops of woodland visible in the distance.
- 3.56 Given that key views over agricultural land represented by **Image 22**, **Image 23**, **Image 24** and **Image 26** all look from the north edge of the HCA and away from the appeal site; that the key view represented by **Image 19** is curtailed by a woodland belt; and the key views represented by **Image 29**, **Image 30** and **Image 31** do not extend to incorporate the land within the appeal site, only a single key view from the HCA is identified as featuring the agricultural land within the appeal site.
- 3.57 This is the view represented by **Image 28** (**Appendix ES 1, 2 and 3**), which comprises a view south from PRow 239/8/20, from the exit of the wooded grounds of Hanwell Castle at the southern boundary of the HCA, looking over an agricultural field bordering the HCA towards Banbury and the appeal site. The extant residential development at Banbury behind its woodland belt, and the appeal site's boundary vegetation, forms the horizon in this view. In this view it is clear that the field immediately south of the HCA makes the greatest contribution to an understanding and appreciation of the HCA's wider agricultural setting and origins as a rural settlement, with the limited extents of the appeal site beyond forming only a distant element of the expansive view.
- 3.58 Therefore, in terms of the appeal site's contribution to an understanding and appreciation of the HCA's wider agricultural setting and origins as a rural settlement, as represented by key views identified in the HCAA, my analysis has determined that this is a relatively limited contribution restricted to a distant experience from a single key view (**Image 28**) on the southern edge of the Hanwell Castle grounds.

### ***Kinetic Views***

- 3.59 In line with GPA3 (paragraph 25), my assessment has also considered 'kinetic views' of the HCA, i.e., the experience of views of the HCA as one moves across the landscape, with

particular regard to the contribution of the appeal site to any kinetic views when approaching the HCA from the public rights of way (PRoW) leading north from Banbury.

- 3.60 As illustrated in **Image 1**, **Image 2** and **Image 3 (Appendix ES 1 and 2)**, approaching the HCA from Banbury via the PRoW that runs through the appeal site, there is no view or experience of the HCA from the PRoW in Banbury itself (**Image 1**) nor is there any view of any element of the HCA as one continues moving through the appeal site's western field on the PRoW (**Image 2** and **Image 3**).
- 3.61 As **Image 9 (Appendix ES 1 and 2)** illustrates, the first view of any notable element of the HCA on this approach from Banbury, is the view of the tower of the Church of St Peter after one has left the appeal site, crossed Gullicott Lane and entered the field to the north-east of the appeal site. **Image 13** and **Image 14** illustrate that there are kinetic views of the church as one follows the PRoW over this field and into the smaller field directly south of the church and HCA, where **Image 14** allows appreciation of a number of important elements of the HCA, including the castle and church, in the context of their immediate agricultural setting.
- 3.62 From the approach to the HCA from Banbury via the PRoW that runs to the east of the appeal site's eastern field, **Image 6** and **Image 7 (Appendix ES 1 and 2)** again both demonstrate that there are no views of the HCA as one travels past the appeal site.
- 3.63 As **Image 10 (Appendix ES 1 and 2)** illustrates, the first view of any notable element of the HCA on this approach from Banbury, is the view of the tower of the Church of St Peter after one has come past the appeal site and entered the field to the north. **Image 10** and **Image 15** illustrate that there are kinetic views aligned on the church as one follows the PRoW over this field into the smaller field directly south of the church and HCA.
- 3.64 When approaching the HCA via Gullicott Lane from Banbury (which is however not a formal PRoW), **Image 4** and **Image 8 (Appendix ES 1 and 2)** illustrate how the enclosed character of this approach also militates against any kinetic views of the HCA or any of its notable elements when passing through the appeal site.
- 3.65 My assessment of kinetic views also considered the approach to the HCA from Banbury via Warwick Road, with the appeal site to the east. It is my conclusion that no elements of the HCA are visible on this approach. As illustrated by **Image 12 (Appendix ES 1 and 2)**, while built form of the Hanwell settlement is visible in combination with the appeal site, this comprises the 20<sup>th</sup> century residential development and agricultural sheds that lie beyond the HCA's western boundary.
- 3.66 As such, my evidence has determined that the appeal site does not contribute to any kinetic views of the HCA in any of the approaches to the HCA from the south. It has, however, established that there are kinetic views that feature notable elements of the HCA on the approach from Banbury, but these are all obtained from the agricultural fields north-east of the appeal site and immediately south of the HCA, and it is therefore these aspects of the agricultural setting of the HCA that contribute most to its significance.

***The Contribution of the Site to the Setting and Significance of the Hanwell Conservation Area***

- 3.67 In terms of the more general contribution of the appeal site to the character and appearance of the HCA, aside from in respect to 'key views' or 'kinetic views', my assessment has established that this is again limited.
- 3.68 The well vegetated boundaries of the appeal site, in combination with the intervening topography between the appeal site and HCA ensures that the land within the appeal site is not a feature that can be readily experienced from or in combination with the HCA. This is a finding consistent with the conclusions of the Landscape evidence of Mr Connolly and EDP's Landscape and Visual Impact Assessment which accompanied the planning application (**CD1.4** (TA7.1)), where *Figure 7.4: Findings of EDP's Visual Appraisal* identifies that the 'zone of primary visibility' of the appeal site is limited to only sections of the very southern edge of the HCA.
- 3.69 Certainly, from Gullicott Lane and the west Village End character area of the HCA, my site visits confirmed that the appeal site, while at its closest point to the HCA, does not contribute to the HCA's character and appearance, being largely screened by a combination of modern built form, vegetation and agricultural buildings beyond the boundary of the HCA, as evidenced in **Image 18, Image 19, Image 20 and Image 21 (Appendix ES 1 and 2)**. Clearly, from Gullicott Lane and the Village End character area of the HCA, the very limited experience of the appeal site is not notable for its contribution to an understanding or appreciation of any aspect of the significance of the asset.
- 3.70 Similarly, from the environs of the church at the southern edge of the HCA further to the east, the land within the appeal site is screened by the rising topography and intervening vegetation, such that only the top of the tree belts on the appeal site boundary are glimpsed on the horizon. As evidenced in **Image 29, Image 30 and Image 31 (Appendix ES 1 and 2)**, the agricultural setting to the south of the HCA is best and most commonly appreciated from this location with reference to the fields immediately adjoining the HCA boundary, rather than the land in the appeal site further to the south. **Image 17 (Appendix ES 1 and 2)** illustrates how the land within the appeal site's eastern field is only experienced beyond the rising ground defining the extreme southern boundary of the HCA.
- 3.71 In terms of the experience of the HCA from the appeal site itself, as previously established, the robust boundary vegetation defining the site boundary with Gullicott Lane prohibits any experience of the HCA from the appeal site's western field.
- 3.72 From within the appeal site's eastern field, **Image 5** illustrates the typical glimpsed views of the Church of St Peter than can be obtained through the northern boundary vegetation from parts of this field. However, these views are considered incidental rather than a designed or associative view that contributes to the significance of the HCA.
- 3.73 Consideration has also been given to the appeal site's historical, social and economic association with Hanwell and the HCA. As part of the parish of Hanwell, the site's eastern field likely formed part of the landholding of the Cope family, who were the lords of the manor seated at Hanwell Castle in late 18<sup>th</sup> century, and since the 15<sup>th</sup> century, and owned all of the land in Hanwell Parish at that time.

- 3.74 More recently, the land in the appeal site has been associated with the Park Farm estate (*pers comm* from the landowner). The Park Farm estate appears to have been managed in the late 19<sup>th</sup> century and 20<sup>th</sup> century from Park Farmhouse, located at the south-west edge of the HCA. However, the Park Farm farmhouse is no longer part of a working farm, and the late Victorian/early 20<sup>th</sup> century farmhouse is now at the centre of an extensive residential curtilage, containing various modern residential outbuildings and annexes, with the gardens expanded over former agricultural land south of the conservation area.
- 3.75 Nonetheless, it is clear that the appeal site has an historical functional and economic association with Hanwell village through this former relationship. Even so, insofar as there is an historical, functional link between the HCA and the land within the appeal site, it derives from their proximity and this very basic historical connection as a small part of a much larger former landholding, rather than by virtue of any design intent, such as an intended outlook over the land within the appeal site from any building or space in the conservation area. The agricultural land in the appeal site therefore contributes, to a small degree, as a small component of a much more expansive agricultural setting, to an understanding of the agricultural origins of the Hanwell settlement encompassed by the HCA.
- 3.76 This contribution is further tempered by the fact that, in reality, this association can only be appreciated or experienced from very restricted portions of the HCA, such that the appeal site makes only a very minimal contribution to the character, appearance and significance of the HCA.

#### ***The Impact on the Significance of Hanwell Conservation Area***

- 3.77 The assessment has concluded that the core significance of the Hanwell Conservation Area lies in the special architectural and historic interest of the buildings and spaces within the designated area. The appeal proposals would result in no change at all to the physical form or fabric of the HCA from which it principally derives its heritage significance.
- 3.78 With respect to the identified key views from the HCA, the appeal proposals are modelled as wirelines within **Appendix ES 6**, which includes the identified key views that look south from the HCA. **Image 19** from Gullicott Lane (**Appendix ES 1, 2 and 3**) is modelled as HVP1 of **Appendix ES 6**; **Image 29**, from south of the churchyard (**Appendix ES 1, 2 and 3**), is modelled as HVP3 of **Appendix ES 6**; **Images 30 and 31**, from the north of the churchyard (**Appendix ES 1, 2 and 3**), are modelled as HVP2 of **Appendix ES 6**; and **Image 28**, from the exit of the castle grounds (**Appendix ES 1, 2 and 3**), is modelled as VP6 of **Appendix ES 6**.
- 3.79 In this respect, these verified wirelines indicate that the rising topography would screen visibility of the appeal proposals from HVP2 and HVP3. In the case of HVP1, the appeal proposals would be screened by the dense vegetation in the foreground.
- 3.80 In respect of VP6, the modelled wirelines indicate that there would be some very limited change to this view, where the built form of the appeal proposals (for the most part screened by the intervening topography), would be barely perceptible behind the tree-belt on the skyline, broadly consistent with the current experience of extant development on the northern boundary of Banbury to the east.

- 3.81 It should be noted that the appeal proposals provide the opportunity to implement extensive landscape planting across the northern extents of the appeal site and its north and east boundaries, that would further strengthen the screening effects of existing vegetation in these key views.
- 3.82 As such, the wirelines presented in **Appendix ES 6** demonstrate that the appeal proposals could be implemented without any material change to the character of any key views identified in the HCAA.
- 3.83 It is acknowledged that development in the appeal site's western field may be perceptible from very limited areas at the very south-west edge of the conservation area and potentially from the Park Farm residential property, which has an historical association with the appeal site. It may be experienced in the form of glimpses of built development through wooded boundaries, in much the same way as the northern edge of Banbury is currently perceived in views south from the HCA, such as in **Image 28**.
- 3.84 Even so, despite the very limited visual impact of the proposed development on the HCA, on the basis that the development of the agricultural land in the appeal site would result in the loss of the very limited contribution that the appeal site currently makes to the HCA's agricultural setting, there would be an inevitable loss of significance, i.e. harm, to the HCA, but at a low level.
- 3.85 In relation to the site's eastern field, the provision of new landscaped public open space in this location will open up access to glimpsed views of the church for the public to enjoy and appreciate, which will allow the church and Hanwell settlement to still be appreciated in the context of its agricultural setting to the south. The implementation of the appeal proposals in the site's eastern field is therefore not expected to result in any harm to the HCA through any adverse effects on the experience of the church in this respect.
- 3.86 Therefore, it is my view that the implementation of the appeal proposals would (taken as a whole) result in a very limited impact on Hanwell Conservation Area, derived from the reduction in the contribution made by a peripheral element of the wider agricultural setting of this asset. The appeal proposals would result in the loss of a limited area of agricultural landscape that forms a small portion of the wider setting of the HCA and potentially introduce visibility of new housing filtered by vegetation from very limited parts of the HCA. The resultant harm to the HCA is therefore considered to fall at the low end of the spectrum of 'less than substantial harm' in terms of the NPPF.
- 3.87 It is my conclusion that the impact of the appeal proposals on the HCA would constitute less than substantial harm at the low end of that broad spectrum of impact, because of the extent to which the HCA's significance and other elements of its setting would remain unchanged by the appeal proposals:
- The appeal proposals would result in no change at all to the physical form or fabric of the HCA from which it principally derives its heritage significance;
  - There would be no material change to the character of any 'key view' as identified in the HCAA. The change to key views would be limited to only a single key view

(**Image 28** of **Appendix ES 1, 2 and 3** and VP6 of **Appendix ES 6**), where the appeal proposals would be barely perceptible;

- The change to the setting of the HCA would be limited to only two fields forming little more than 6% of the agricultural land within a 500m radius of the HCA;
- In reality, the implementation of the appeal proposals would leave the vast majority of the HCA's agricultural setting, including the expansive tracts of agricultural land to the south that separate Hanwell from Banbury, entirely unaffected;
- The HCA would continue to be experienced in the context of agricultural land surrounding it on all sides both in outward views from the southern edge of the HCA and in views of Hanwell on the approach from Banbury to the south;
- There would be no change to any 'kinetic views' of the HCA on the approach from Banbury; and
- The appeal site's eastern field would be retained as an open field parcel (albeit converted from arable farmland to informal open space), such that it would still allow views of the church tower across an undeveloped landscape and agricultural land.

### **Grade I listed Church of St Peter (List Entry Number 1216364)**

#### ***The Significance of the Grade I listed Church of St Peter***

3.88 The Grade I listed Church of St Peter (List Entry Number 1216364) at Hanwell is located c.300m to the north-east of the appeal site on the southern edge of the settlement, where it is separated from the appeal site by intervening agricultural land bounded by hedgerows, as well residential properties and agricultural buildings off Gullicott Lane.

3.89 The church was first listed in 1955, with the National Heritage List for England official list entry identifying the building as follows (reproduced in its entirety):

*“Church. Almost entirely rebuilt in the C14. North and south doorways of C13. Tracery in window in south aisle dates from the C13 and is probably re-sited. Clerestory added in late C14/early C15 and new roof constructed. Late C18 repairs. Ironstone ashlar. Stone slate roof laid to diminishing courses. Chancel, nave, north and south aisles, south porch, west tower. 5-window range. Chancel, 2-light Decorated windows and a blocked window. 5-light east window with intersecting tracery. Small 4-centred arched doorway on north now blocked. pointed arched hood moulds. Lively frieze of monsters and humans or a combination of both c.1340 by the north Oxfordshire group of masons (see churches at Horley, Adderbury, Bloxham). Nave has three 2-light Perpendicular clerestory windows on both north and south. North aisle. Three 4-light C16 windows and C13 east and west windows have flowing or reticulated tracery. South aisle has a 3-light Decorated west window, a 3-light geometrical east window and windows with; Intersecting tracery to left and right of porch. South porch. Gabled, Diagonal buttress. C13 doorway. Plank and batten door with inner door. Stone ledge seats. 2 blocked windows. Tower of 2 stages with crenelated parapet. Higher stair tower with slit windows. 2-light Perpendicular windows. Chancel. All windows have slender jamb shafts. Vault made under the chancel in 1776 and floor raised to the level of the Decorated piscina and sedilia. 3-bay butt-purlin, tie beam*

roof. Altar rails of 1686. 3-bay north and south nave arcades. On the north the capitals have crenelated cresting, on the south there are figures of minstrels playing musical instruments. (Similar carvings at Adderbury, Bloxham and Drayton). North aisle roof renewed. South aisle roof restored retaining original tiebeams. South aisle. Piscina and credence table. In the south-east corner a stone angle fireplace with chimney vent in the form in a pinnacle with gabled crocketed openings. North aisle. Stone carved reredos and Decorated piscina. 2 small square recesses. Tub shaped font of c.1200 with a finial intersecting arcading. Wooden Jacobean cover with 4 scrolls supporting a finial Alabaster tomb effigy to William Cope and wife in chancel wall. Memorials to Jonathan Cope d1765, Mary d.1753, Jonathan d.1763. Cartouche commemorating Charles Cope 1781. Hatchment in south aisle and wall memorial to Harris family member. North aisle has marble wall memorial to Reverend Thomas Gill d.1771 South aisle. Tomb effigy Brass to Fitzherbert Potter, DD; 1749. Ironstone chest tomb commemorates George Ashwell, d.1693. Balusters at corners and decorated with cornucopia. Recess in chancel has funeral helms of the Cope family. Creed and the Lord's Prayer painted on the wall in the south aisle. Clock of 1671. Door to bell tower of plank and nail construction with strap hinges..”.

- 3.90 The exceptional architectural and historic interests of the church are also well-documented in the *Pevsner Architectural Guide* (Pevsner and Sherwood, 2017), *the Victoria County History* (VCH) (Salzman, 1969), *A History of Banbury* (Beesley, 1841) (with respect to the building's association with notable events and persons), as well as on the Hanwell Village website.
- 3.91 These sources confirm that the earliest indication of a church at Hanwell is a reference to its rector in 1154 and since the 12<sup>th</sup> century the descent of the advowson has followed that of the manor; the church continues to retain a strong physical and visual relationship with Hanwell Castle to the east, the seat of the manor since the 15<sup>th</sup> century (see **Image 14**, **Image 32** and **Image 33** of **Appendix ES 1** and **2**).
- 3.92 The church was almost entirely rebuilt early in the 14<sup>th</sup> century, with many characteristic features of the Decorated style practised by the Oxfordshire masons. The only earlier 12<sup>th</sup>-13<sup>th</sup> century fabric appears to be the font, the north and south doorways, some window tracery and portions of the south aisle wall. It is clear that the rebuilding of the church in the 14<sup>th</sup> century formed part of a single architectural scheme that survives little changed to the present.
- 3.93 As such, from an analysis of the available sources, in combination with a site visit to the church and its environs, it is evident that the significance of this asset is primarily derived from the high architectural interest of its built form, both in its internal and external features, which represents the oldest building in the Hanwell settlement and an exceptionally well-preserved example of a 14<sup>th</sup> century Oxfordshire church. This is the key heritage interest through which the national importance of the building is expressed and understood, and which has led to its designation as a Grade I listed building.
- 3.94 Its significance is also derived from the extensive and well-documented historic interest of the building which has formed the religious and communal focus of the parish of Hanwell for over 700 years. The building also derives significance from the historic interest inherent in its association with important historical figures, notably generations of the Cope family of

Hanwell Castle who were the benefactors of the church, and also a number of notable rectors associated with the growth of Puritanism in the 17<sup>th</sup> century.

- 3.95 While the significance of the church is overwhelmingly derived from the special architectural and historic interest of the building's fabric and built form, the church also possesses high artistic interest, evident in the architectural treatment of the fabric of its built form and its various adornments and monuments that reflect evolving ecclesiastical taste since the medieval period. It also possesses archaeological interest, deriving from the progressive alterations to the fabric of the building, through which its evolution can be read and understood, as well as through the possibility for earlier fabric or buried remains of an earlier church on the site.

***The Contribution of Setting to the Significance of the Grade I listed Church of St Peter***

- 3.96 Of course, whilst the majority of the church's significance is bound up in its standing form and fabric, and clearly this is recognised in its designation as a listed building of exceptional architectural and historic interest, it also draws a minority portion of its significance from its setting.
- 3.97 The listed building's immediate setting, within its surrounding churchyard, makes a clear contribution to its significance. It is from this churchyard, surrounded by a stone wall and accessed from the main settlement to the north and west via Church Lane, that the entirety of the building and its architectural and historic features can be appreciated, in combination with its surrounding historic monuments, a number of which are also listed buildings in their own right (**Image 30, Image 31, Image 32 and Image 33 of Appendix ES 1 and 2**).
- 3.98 Immediately beyond the churchyard, the surroundings in which the church is experienced are defined by its location on the higher ground at the southern edge of the historic core of the settlement, within a grouping of notable historic buildings that includes Hanwell Castle, located strikingly in a low bowl to the immediate east of the church, and the 17<sup>th</sup> century Old Rectory, which stands at the east end of Church Lane (**Image 14, Image 32 and Image 33 of Appendix ES 1 and 2**).
- 3.99 These buildings and their surrounding grounds, which each share strong visual, functional and associative relationships, are therefore the key elements of the setting of the church that make a positive contribution to its significance. They contribute positively to the experience and appreciation of the building in its historic settlement context, as well as an understanding of the church as the oldest and most prominent building in the settlement and the focus of Hanwell's ecclesiastical and manorial power.
- 3.100 The importance of these relationships to the setting of the church are reinforced through the identification of the key view (**Image 32 of Appendix ES 1, 2 and 3**) in the HCAA, which replicates the view of the church and castle represented in an early 19<sup>th</sup> century engraving by Skelton (**Image 34 of Appendix ES 2**).
- 3.101 While of undoubted importance to the Hanwell settlement, the church is not a particularly visible landmark from within the wider settlement. The HCAA identifies that the church is mostly screened from the wider settlement, with the experience of the building limited to the spaces close at hand, at the east end of Church Lane.

- 3.102 In terms of the contribution of the appeal site to the setting of the church, the assessment has established that this is limited.
- 3.103 The Council's SoC states: "*St Peter's Church and Hanwell Castle are located on the southern side of Hanwell Conservation Area in the area overlooking the proposed development*". However, my evidence has clarified the visual relationship between the church and the appeal site and determined, with reference to **Image 29**, **Image 30** and **Image 31 (Appendix ES 1 and 2)**, that there are no views of the appeal site from the church. The land within the appeal site is screened by the rising topography and intervening vegetation immediately beyond the church to the south, such that only the top of the tree belts on the appeal site boundary are glimpsed on the horizon.
- 3.104 As evidenced in **Image 29**, **Image 30** and **Image 31**, the agricultural setting to the south of the Church of St Peter is best and most commonly appreciated from the church itself with reference to the fields immediately south of the church, rather than the land in the appeal site further to the south. **Image 14** similarly illustrates the view north from the agricultural field south of the church, where the church is experienced beyond the agricultural field, at the centre of the historic group comprising the Old Rectory and Hanwell Castle. This view contributes positively to the significance of the church by allowing an appreciation of the building as the focal point of an historically rural settlement in combination with its associated important historic buildings and spaces of special interest.
- 3.105 In terms of the experience of the church from the appeal site itself, as previously established, the robust boundary vegetation defining the appeal site boundary with Gullicott Lane prohibits any experience of the church from the appeal site's western field.
- 3.106 From within the appeal site's eastern field, **Image 5 (Appendix ES 1 and 2)** illustrates the typical glimpsed views of the Church of St Peter that can be obtained through the northern boundary vegetation from parts of this field.
- 3.107 This is the only 'experience' of the listed building from the appeal site. However, there is no suggestion that the land within the appeal site was ever intended to provide any form of designed or manipulated 'arena' within which to appreciate and enjoy the historic architectural interest of the church, in the way that a purposefully planned landscape setting might be expected to function. It is clear that the church's relationship with the agricultural land in the appeal site (at a distance of 300m from the church) has never been a key contributor to its setting or significance. These views are therefore considered to be incidental views of the church that do not contribute to its significance, rather than comprising designed or associative views (such as the view in **Image 32** and **Image 14**) that contribute to the significance of the church.
- 3.108 Equally, insofar as there is an historical link between the church and the land within the appeal site, it derives from their very basic historical connection as land forming part of the parish of Hanwell (albeit only the appeal site's eastern field).
- 3.109 Given that the church is not an agricultural building and does not derive its significance from any agricultural association with the land in the site, the appeal site bears little upon our understanding or appreciation of the church's historic form and function, or for that matter the special architectural or historic interest for which it has been designated.

3.110 It is therefore considered that the appeal site makes a neutral contribution to the setting of the church and no contribution to its significance, i.e. its special architectural and historic interest.

***Kinetic Views of the Grade I listed Church of St Peter***

3.111 In line with GPA3 (paragraph 25), my assessment has also considered 'kinetic Views' of the church, i.e., the experience of views of the church as one moves across the landscape, with particular regard to the contribution of the appeal site to any kinetic views when approaching from the PRoW leading north from Banbury. Relevant images and locations are depicted in **Appendix ES 1** and **2**.

3.112 As illustrated in **Image 1**, **Image 2** and **Image 3**, approaching the church from Banbury via the PRoW that runs through the appeal site, there is no view or experience of the church from the PRoW in Banbury itself (**Image 1**), nor is there any view of the church as one continues moving through the appeal site's western field on the PRoW (**Image 2** and **Image 3**).

3.113 As **Image 9** illustrates, the first view of the church on this approach from Banbury, is the view after one has left the appeal site, crossed Gullicott Lane and entered the field to the north-east of the appeal site. **Image 13** and **Image 14** illustrate that there are kinetic views of the church as one follows the PRoW over this field and into the smaller field directly south of the church and HCA, where **Image 14** allows appreciation of the close relationship between the church and castle in the context of their immediate agricultural setting.

3.114 From the approach to the church from Banbury via the PRoW that runs to the east of the appeal site's eastern field, **Image 6** and **Image 7** again both demonstrate that there are no views of the church as one travels past the site.

3.115 As **Image 10** illustrates, the first view of the church on this approach from Banbury, is the view of the tower after one has come past the appeal site and entered the field to the north-east. **Image 10** and **Image 15** illustrate that there are kinetic views aligned on the church as one follows the PRoW over this field into the smaller field directly south of the church.

3.116 When approaching the church via Gullicott Lane from Banbury, which is however not a formal PRoW, but a former agricultural track, **Image 4** and **Image 8** illustrate how the enclosed character of this approach also militates against any kinetic views of the church when passing through the appeal site.

3.117 My assessment of kinetic views also considered the approach to the church from Banbury via Warwick Road, with the appeal site to the east. As illustrated by **Image 12**, while built form of the Hanwell settlement is visible in combination with the appeal site, this comprises the 20<sup>th</sup> century residential development and agricultural sheds that lie beyond the HCA's western boundary and there are no views of the church on this approach.

3.118 As such, my evidence has determined that the appeal site does not contribute to any kinetic views of the church in any of the approaches to Hanwell from the south. It has however established that there are kinetic views of the church on the approach from Banbury, but

these are all obtained from the agricultural fields north of the appeal site and immediately south of the HCA.

- 3.119 As a result, it is the conclusion of this assessment that the significance of the listed church, and the contribution made by its setting to its significance, is not amplified by the appeal site in its current form or through any views across the appeal site towards it. As agricultural fields located at a distance of 300m from the church, the character of the appeal site is not a fundamental aspect of the design or function of the church and make no notable contribution to an appreciation of the national importance and heritage interests of the listed building.
- 3.120 Therefore, in terms of the site in its current form, it is concluded that it presently makes no contribution to the significance of the listed building, i.e., there is nothing specific about the appeal site that adds to the significance or special architectural or historic interest of the church. While the eastern field of the appeal site is technically within the setting of this listed building, it makes no particular contribution to the appreciation of the church's significance, other than it being possible to experience unremarkable glimpses through vegetation of the tower in the distance.

#### ***The Impact on the Significance of the Grade I listed Church of St Peter***

- 3.121 The assessment has concluded that the core significance of the Grade I listed Church of St Peter lies in the architectural and historic interest of its standing form and fabric and clearly this is recognised in its designation as a listed building of exceptional architectural and historic interest. The appeal proposals would result in no change at all to the physical form or fabric of the building, from which it principally derives its heritage significance.
- 3.122 The appeal proposals would not result in any change to the key elements of the setting of the church that contribute most to its significance. There would be no change to the surrounding churchyard, nor would the church's relationship to the key buildings and spaces in the historic core of the Hanwell settlement, such as the Old Rectory and Hanwell Castle, be affected. The proposals would not affect the church's prominence in the landscape or role as focal point of the settlement, nor would they impact on any designed or associative views of the church.
- 3.123 With respect to the identified key views from the environs of the church identified in the HCAA, the wirelines modelling the appeal proposals within **Appendix ES 6** include these key views, where **Image 29**, from south of the churchyard (**Appendix ES 1, 2 and 3**), is modelled as HVP3 of **Appendix ES 6**; and **Images 30 and 31**, from the north of the churchyard (**Appendix ES 1, 2 and 3**), are modelled as HVP2 of **Appendix ES 6**.
- 3.124 In this respect, these wirelines indicate that there would be no change to the character of these key views from the environs of the church, with the built form of the appeal proposals in the site's western field screened by vegetation and the intervening rising topography.
- 3.125 The church's wider agricultural setting would also remain unchanged in terms of the continued experience of views out onto the open rising agricultural land immediately to the south, and there would be no change to any 'kinetic views' of the church on the approach from Banbury.

- 3.126 In terms of the experience of the church from the appeal site, the appeal site's eastern field would be retained as an open field parcel (albeit converted from arable farmland to informal public open space) with only low-level recreational features and landscaping, such that it would still allow glimpsed views of the church tower across an undeveloped landscape and agricultural land beyond.
- 3.127 While it is acknowledged that there would be some limited change within the wider setting of the church through development of the appeal site, the implementation of the proposed development would not result in the loss of any elements of the setting of the listed building that presently make a positive contribution to its significance, nor affect the ability to appreciate its significance from the wider conservation area or landscape beyond.
- 3.128 As such, this assessment concludes that there is no potential for development of the form proposed in the appeal site to result in an adverse effect on, or harm to, the significance of the Grade I listed Church of St Peter, i.e., the listed building's significance would be preserved.

#### **Grade II\* listed Hanwell Castle (List Entry Number 1287674)**

##### ***The Significance of the Grade II\* listed Hanwell Castle***

- 3.129 The Grade II\* listed Hanwell Castle (List Entry Number 1287674) is located 350m to the north-east of the appeal site, from which it is separated by its own enclosing wooded grounds to the south, with agricultural fields beyond.
- 3.130 As it is in private ownership - converted to three dwellings set in extensive private grounds - it has only been possible to examine the building from public vantage points and through published sources, including the National Heritage List for England, map data and satellite imagery, as set out in the Archaeology and Heritage Assessment (**CD1.4 TA6.1**) accompanying the planning application.
- 3.131 The castle was first listed in 1955, with the National Heritage List for England official list entry identifying the building as follows (reproduced in its entirety):

*“Country house, now 3 dwellings. Former great house of which only the south-west tower and south range remains of a 2-storey house built round a courtyard with main entrance on west. Begun c.1498 for William Cope, cofferer to Henry VII. Mostly demolished in C18. East wing and restorations c.1903. Left part. Complex range incorporating C15, C19 and C20 builds. Squared coursed ironstone. Steeply pitched stone slate roof laid to diminishing courses. Stone and brick ridge stacks. Double depth plan. 2 storeys. 2-window range. Entrance porch has plank door and 4-centred wood head. Front has C20 windows with wood lintels. Rear has Tudor windows some renewed. Central part: long rectangular south range. Diaper patterned blue and red brick. Limestone dressings. Steeply pitched stone slate roof laid to diminishing courses. Brick ridge and end stacks. 2 storeys. 5-window range. Gabled porch has entrance with 4-centred doorway. Ground floor has C20 windows with wood lintels. First floor has 2- 3- and 4-light C15/C16 windows, some with King mullions and an oriel window. Tower on right. Red brick with diaper patterns in blue brick and ironstone quoins. 3 storeys. 2 corner turrets. Crenellated parapets. South side has 4-light C15/C16 windows that are on ground floor transomed. Interior not inspected but south*

*range is noted as having 2 large kitchen fireplaces placed back to back; plain moulded stone doorways; late marble fireplaces. Tower noted as having contemporary stone fireplaces on upper floors and newel stair in north-west turret. James I visited in 1605, 1612, and 1624 Leland records the castle as a very pleasant and gallant house in c.1540. The earliest example of C15 brickwork in north Oxfordshire. The C20 addition on east is not of special architectural interest. Photography and plans in NMR. Interior not inspected”.*

- 3.132 The special architectural and historic interests of the castle are also well-documented in the *Pevsner Architectural Guide* (Pevsner and Sherwood, 2017), the VCH (Salzman, 1969), *A History of Banbury* (Beesley, 1841) (with respect to the building’s association with notable events and persons), as well as a recently published examination of the castle’s landscaped grounds (Wass, 2022).
- 3.133 These sources confirm that the castle was first constructed by the Cope family in the late 15<sup>th</sup> century as Hanwell House or Hall and formed the earliest brick-built building in Oxfordshire, set within a low lying position east of the church with the grounds extending across the valley to the north, south and east.
- 3.134 The house was built round three sides of a court, open to the east. The main entrance was originally to the west, north of the church, of which the Grade II listed 17<sup>th</sup>-century gate piers still remain, although the building is now approached via its own drive from Main Street to the north. In the 18<sup>th</sup> century there was a 'gallery' connecting the house with the chancel of the adjoining church to the west.
- 3.135 The surrounding grounds of the castle, on a strong east - west axis of arrangement, underwent considerable development in the late 16<sup>th</sup> and early 17<sup>th</sup> century to the point where the celebrated water gardens were visited by royalty and commented on by Robert Plot in his *Natural History of Oxfordshire* of 1677. They contained numerous ingenious water features including a 'house of diversion' built in a small island in one of the fish ponds, a mill for grinding corn and also cutting stone, indicating a Jacobean garden of notable sophistication and technical interest.
- 3.136 Three quarters of the castle were demolished around 1770 and the surviving portion and the outbuildings became Castle Farm. Only the south-west tower and the south side of the quadrangle of the original building remained by 1902, when new occupiers undertook restoration of the house and gardens, including the addition of the modern east wing, which was built in the same style as the surviving Tudor wing. The majority of the building that is currently extant dates from the extensive renovation in 1902.
- 3.137 The castle was lived in by four generations of Copes until the early 18<sup>th</sup> century, but the building, including its later additions, is now divided into three dwellings.
- 3.138 It is clear from an analysis of the available sources, in combination with a site visit to the castle’s environs, that the building derives its significance overwhelmingly from the architectural interest of the fabric of its Tudor built form, which remains testament to an impressive country house in characteristic Tudor style constructed by a notable family. This is the key heritage interest through which the national importance of the building is expressed and understood, and which has led to its designation as a Grade II\* listed building.

- 3.139 Its significance is also derived from the extensive and well-documented historic interest of the building which has formed one of the preeminent buildings in the settlement, and the seat of manorial power, for over 400 years. The building also derives significance from the historic interest inherent in its association with important historical figures, notably generations of the Cope family and royal visitors, as well as its association and witness to national events such as the growth of Puritanism in the 17<sup>th</sup> century and the English Civil War.
- 3.140 The castle also possesses a degree of artistic interest, evident in the architectural treatment of the fabric of its built form. It also possesses archaeological interest, deriving from the progressive alterations to the fabric of the building, through which its evolution can be read and understood, as well as through the possibility for earlier fabric or buried remains of now lost portions of the building within the grounds.
- 3.141 Of course, whilst the majority of this asset's significance is bound up in its standing form and fabric, and clearly this is recognised in its designation as a listed building of special architectural and historic interest, the castle also draws a minority portion of its significance from its setting.

***The Contribution of Setting to the Significance of the Grade II\* listed Hanwell Castle***

- 3.142 The listed building's immediate setting, in a low-lying, intimately enclosed position at the western edge of its extensive grounds, makes a clear contribution to its significance. While the surrounding grounds of the listed building are now divided into three separately owned curtilages defining residential properties, they still retain a high degree of tangible historic integrity, along with the wider woodland valley extending to the east, that together allows an appreciation of the surviving extents of the designed landscape historically associated with the castle. The surroundings of the castle that retain this historic character have accordingly been identified by the Council as the Castle Grounds character area within the HCA (**Appendix ES 3**).
- 3.143 It is within the Castle Grounds character area of the HCA, which surrounds the castle to the north, east and south, that the notable historical features of the castle's former grounds are contained and within which they were designed to be appreciated and enjoyed in combination with the architectural interest of the castle itself. This defined area contributes to the castle's significance by evidencing the successive episodes of landscaping, construction and planting that the owners of the castle commissioned over several centuries in order to display their wealth and tastes. The most obvious extant features of the former designed landscape surrounding the castle perhaps include the walls, gate piers, ponds and the extensive woodland planting, but the character area also contains archaeological remains that will evidence now lost aspects of the castle's former pleasure grounds.
- 3.144 Given the low-lying and enclosed nature of the listed building's position it is not readily appreciable from the wider landscape, and the HCAA acknowledges that "*the castle has no impact on Hanwell's street scene*". It is therefore clear that the Castle Grounds character area defines the setting of the castle that makes the most important contribution to its significance, through both its historical role as the designed setting to the castle and

presently by continuing to define the arena from which the building itself is best experienced, appreciated and understood.

- 3.145 Analysis of historical sources indicates that the designed landscape associated with the castle was once more extensive. **Appendix ES 5** illustrates the known extents of the grounds of the castle as they have evolved over time, indicating that into the late 19<sup>th</sup> century the designed setting of the castle extended further across the fields to the south and east of the present-day castle grounds, including the field north-east of the appeal site. By the early 20<sup>th</sup> century the grounds had contracted largely to their present extents and the wider parkland reverted to agricultural land enclosed by hedgerow. The westernmost extents of the former parkland to the east of Gullicott Lane were developed for the Park Farm and Hanwell Grange properties.
- 3.146 My analysis has indicated that these former extents of the castle grounds do not retain any features that indicate their former association with the castle and they allow only very limited experience of the castle itself. Views of the castle from its former wider parkland are limited to the small field directly south of the church (**Image 14**) and rare glimpses from the larger field directly south of the present day wooded castle grounds (**Image 16**) (**Appendix ES 1** and **2**). As such, the contribution of these former elements of the castle's wider grounds to the significance of the castle, is considered to be limited.
- 3.147 The appeal site does not form any part of the recorded extents of the castle's historical grounds and parkland. There is no suggestion that the agricultural land within the appeal site was ever intended to provide any form of designed or manipulated 'arena' within which to appreciate and enjoy the architectural interest of the listed building, in the way that a purposefully planned designed landscape setting might be expected to function.
- 3.148 As established above, the castle is not readily experienced in the wider landscape beyond its associated grounds defined by the Castle Grounds character area in the HCA, enclosed as it is from the wider village by high stone walls and vegetation. Indeed, the only other location where the castle can readily be experienced is from the environs of the Church of St Peter to the immediate west.
- 3.149 This experience of the castle is illustrated in **Image 14**, **Image 32** and **Image 33** (**Appendix ES 1** and **2**), where the lower-lying castle stands east of the more dominant church, located strikingly on the higher ground. It is this experience that offers the only notable opportunity to appreciate the building and its architectural and historic features beyond its otherwise well-enclosed grounds.
- 3.150 The church and castle share strong visual, functional and associative relationships, and therefore the church comprises a key element of the setting of the castle that makes a positive contribution to its significance. It contributes positively to the experience and appreciation of the castle in its historic settlement context, as well as an understanding of the castle as the oldest non-ecclesiastical building in the settlement and the focus of Hanwell's manorial power.
- 3.151 The importance of these relationships to the setting of the castle are reinforced through the identification of the key view (**Image 32**) in the HCAA (**Appendix ES 1, 2** and **3**), which

replicates the view of the church and castle represented in an early 19<sup>th</sup> century engraving by Skelton (**Image 34 of Appendix ES 2**).

- 3.152 In terms of the contribution of the appeal site to the setting of the castle, as previously established, the Council's SoC states: "*St Peter's Church and Hanwell Castle are located on the southern side of Hanwell Conservation Area in the area overlooking the proposed development*". However, my evidence has clarified the visual relationship between the castle and the appeal site and determined that there are no known or identified 'designed' or 'associative' views towards the appeal site from the castle itself, nor is there any indication that the appeal site was intended to be experienced in combination with the listed building, or vice versa.
- 3.153 It was not possible to gain access to the building itself to inform my evidence, however, it is acknowledged that there will potentially be expansive 360 degree views from the roof of the castle tower that likely take in the surrounding landscape over a great distance, including the distant appeal site and Banbury to the south. Even so, there is no indication that any such visibility constitutes a designed view south in the direction of the appeal site, or specifically that the character of the appeal site would be a contributor to the significance of the castle in any such views; the immediate setting of the castle to the south is both historically and presently defined by its wooded grounds and the rising topography, which serves to discourage views outwards in the direction of the appeal site.
- 3.154 It is therefore clear, in view of the castle's enclosed, low-lying position and its wooded grounds extending over the rising topography to the south, that the listed building was not designed or sited to take advantage of a particular view or landscape position in respect of views over the landscape further to the south in the direction of the appeal site.
- 3.155 In terms of the experience of the castle from the appeal site itself, as previously established, the enclosed woodland setting of the castle, and the robust boundary vegetation defining the appeal site boundary with Gullicott Lane, prohibits any potential for an experience of the castle from the appeal site's western field.
- 3.156 From within the appeal site's eastern field, **Image 5 (Appendix ES 1 and 2)** illustrates the typical glimpsed views in the direction of Hanwell that can be obtained through the northern boundary vegetation from parts of this field. However, the castle's low-lying position and surrounding wooded grounds ensure that it is not experienced from this part of the appeal site.
- 3.157 In terms of historical, social and economic connections, in common with the entirety of the land within the Hanwell parish, the appeal site formed part of the wider landholding of the Hanwell Castle Estate into the 20<sup>th</sup> century, until the break-up of the estate by the mid-20<sup>th</sup> century, as recorded on historic maps and 1904 sales particulars (OHC Ref: G A Oxon b 91(2)). Therefore, insofar as there is an historical link between the castle and the land within the appeal site, it derives from their very basic historical connection as part of an extensive landholding that encapsulated the entirety of the parish of Hanwell, as well as further land beyond.
- 3.158 Given that the castle is not an agricultural building and was conceived as a manor house set within extensive private grounds, it does not derive its significance from any agricultural

association with the land in the site; the appeal site possesses no physical attributes or features that contribute to an understanding or appreciation of the castle's historic form and function, or for that matter the special architectural or historic interest for which it has been designated.

3.159 The historical association on its own is therefore not considered sufficient to determine that the appeal site forms part of the setting of the listed building. Indeed, the site visit established that the farmland that forms the appeal site does not form any part of the surroundings in which the listed building is experienced. Equally, there is nothing about the non-descript farmland within the appeal site which indicates the historical ownership link or indeed suggests any connection whatsoever with the castle.

3.160 It is therefore considered that the appeal site makes no contribution to the setting of the castle and no contribution to its significance, i.e., its special architectural and historic interest.

#### ***Kinetic Views of the Grade II\* listed Hanwell Castle***

3.161 In terms of the experience of the building more widely, despite the building's impressive scale, its low-lying and enclosed position means that it does not possess any landmark qualities in the local landscape and there are few kinetic views of the building as one moves through the Hanwell settlement and across the surrounding landscape, even during winter when the effects of vegetation screening are reduced.

3.162 In line with GPA3 (paragraph 25), my assessment has considered 'kinetic views' of the castle, i.e., the experience of views of the castle as one moves across the landscape, with particular regard to the contribution of the appeal site to any kinetic views when approaching from the PRoW leading north from Banbury. Relevant images and their locations are depicted in **Appendix ES 1** and **2**.

3.163 As previously illustrated in respect of the assessment of the church and HCA, there are no kinetic views of the castle when approaching from Banbury via the PRoW that runs through the appeal site, or from the approach to the castle from Banbury via the PRoW that runs to the east of the appeal site's eastern field, nor from Gullicott Lane, or Warwick Road west of the appeal site.

3.164 As **Image 16** illustrates, when looking towards the wooded grounds of Hanwell Castle from the agricultural field north-east of the appeal site, there is a very limited experience of the castle on this approach via PRoW 239/8/20, restricted to a small glimpse of the tower through the woodland, likely only appreciable in winter. Similarly, views of the castle are only obtained from the PRoW further west when one is immediately south of the settlement (**Image 14**).

3.165 As such, my evidence has determined that the appeal site does not contribute to any kinetic views of the castle in any of the approaches to Hanwell from the south. It has however established that there are kinetic views of the castle on the approach from Banbury, but these are all obtained from the agricultural fields further north of the appeal site.

3.166 In summary, the contribution of the setting of the castle to its significance derives overwhelmingly from the importance of the castle's relationship to its enclosing grounds

and extents of former parkland (of which the appeal site has never formed a part), as well as the castle's significant relationship to the historic core of the Hanwell settlement and church.

- 3.167 As a result, it is the conclusion of this assessment that the significance of Hanwell Castle, and the contribution made by its setting to its significance, is not amplified by the appeal site in its current form. As agricultural fields located at a distance of over 300m from the castle and separated from it by dense woodland and intervening agricultural land, the character of the appeal site is not a fundamental aspect of the design or function of the castle and makes no notable contribution to an appreciation of the national importance and heritage interests of the listed building.
- 3.168 Therefore, it is concluded that the appeal site does not form a part of the surroundings in which the castle is experienced and it makes no contribution to the significance or special architectural or historic interest of the listed building.

***The Impact on the Significance of the Grade II\* listed Hanwell Castle***

- 3.169 The assessment has concluded that the core significance of the Grade II\* listed Hanwell Castle lies in the architectural and historic interest of its standing form and fabric and clearly this is recognised in its designation as a listed building of special architectural and historic interest. The appeal proposals would result in no change at all to the physical form or fabric of the building, from which it principally derives its heritage significance.
- 3.170 The appeal proposals would not result in any change to the key elements of the setting of the castle that contribute most to its significance. There would be no change to the surrounding grounds of the castle, nor would any former elements of the castle's historical parkland setting be affected.
- 3.171 The castle's relationship to the key buildings and spaces in the historic core of the Hanwell settlement, such as the Church of St Peter to the west, would similarly be unaffected by the appeal proposals. The appeal proposals would not affect the castle's prominence in the landscape or role as focal point of the settlement, nor would they impact on any designed or associative views of or from the castle. Neither would there be any change to any 'kinetic views' of the castle on the approach from Banbury.
- 3.172 As previously established with reference to the conservation area and church, the wireline modelling of the appeal proposals presented in **Appendix ES 6** demonstrates that there would be no change to the character of views towards the appeal site from the environs of the castle in the historic core of the settlement, with the built form of the appeal proposals in the site's western field screened by vegetation and the intervening rising topography.
- 3.173 The implementation of the development proposals for the appeal site is not expected to have any potential to be experienced in combination with the listed building, from either the grounds of the building itself or when experiencing the building in the wider landscape.
- 3.174 While it is acknowledged that the entirety of the appeal site has an historical association with the listed building through once forming part of the wider landholding associated with the castle, it does not form part of the surroundings in which Hanwell Castle is presently experienced. The change resulting from the construction of new residential development

across the agricultural land in the appeal site, is therefore expected to result in no adverse change to the current experience of the listed building and its significance, and it would therefore preserve the special architectural and historic interest of the building without adversely impacting on any elements of its setting that contribute to its significance.

3.175 As such, this assessment concludes that there is no potential for development of the form proposed in the appeal site to result in an adverse effect on, or harm to, the significance of the Grade II\* listed Hanwell Castle, i.e., the listed building's significance would be preserved.

### **RESPONSE TO THIRD PARTY REPRESENTATIONS**

3.176 Review of the representations received from third parties highlights concerns related to heritage matters, specifically the effects of the appeal proposals on the setting of HCA, the Grade II\* listed Hanwell Castle, and Grade I listed Church of St Peter. These matters have accordingly been addressed in my evidence in respect of the assessment of designated heritage assets.

3.177 In the following paragraphs I comment on other related issues arising in the main representations of relevance, considered to be the following:

- The representations of KHVRAG; and
- The consultation responses of Historic England.

#### ***KHVRAG's Representations***

3.178 As previously noted, KHVRAG commissioned an independent Heritage Impact Assessment by TDR Heritage (Appendix 4 to **CD3.25**) which identified, like my own assessment, that the appeal proposals would result in less than substantial harm to the setting of the HCA. The TDR assessment considered the less than substantial harm to fall at "*the higher end of the scale*".

3.179 In response to this finding, I direct the Inspector to the following section of my evidence, "*Consideration of Harm to Designated Heritage Assets*", where I address policy and case law in respect of the appropriate approach to consideration of harm arising through change to the setting of a designated heritage asset.

#### ***Historic England's Consultation Responses***

3.180 As previously noted, the Appellant undertook consultation with Historic England regarding the heritage impacts of the appeal proposals, specifically with regard to the highly graded assets, namely the Grade I listed Church of St Peter and the Grade II\* listed Hanwell Castle (**CD13.5** and **CD13.6**).

3.181 Historic England's response of 20 December 2023 identified their position that the appeal proposals would "*cause a high level of harm to the significance of the conservation area. In the language of the NPPF the harm would be in the range of less than substantial*". In consideration of this finding, I once more direct the Inspector to the following section of my

evidence, “*Consideration of Harm to Designated Heritage Assets*”, where I address policy and case law in respect of the appropriate approach to consideration of harm arising through change to the setting of a designated heritage asset.

- 3.182 In respect of the Grade I listed Church of St Peter and the Grade II\* listed Hanwell Castle, Historic England’s subsequent email response of 24 January 2024 (**CD13.6**) stated:

*“As discussed, our letter focussed on the key asset impacted by the proposals, in this case the Hanwell conservation Area. As outlined in our advice ‘Such development would affect the appreciation and understanding for the rural origins of the village and the close connection it has with the landscape. It will also affect to some extent the understanding of the historic relationship of the buildings within the conservation area with the surrounding fields which they farmed.’ This would to an extent include St Peter’s Church and Hanwell Castle, as they are also experienced within this rural setting.*

*To expand on that further. As Historic England’s setting guidance and the NPPG make clear, the historic connection between places, the kinetic experience of approaching a place, and factors such as noise can often contribute to the setting of a listed asset. This development would bring the suburbs closer to the church and castle, closing the gap to the south, and will be partly visible and appreciable (for example, through noise, lighting) on nearby approach roads and paths to both of these highly graded assets. The development is therefore likely to somewhat reduce the ability to appreciate the origins of these buildings, which at present can still be appreciated. This would cause some harm, but at a lower level than that identified for Hanwell Conservation Area.”*

- 3.183 Historic England make clear that it is their view that any harm arising to the Grade II\* listed Hanwell Castle and Grade I listed Church of St Peter would be considered a lower level of harm than any level of harm to the Hanwell Conservation Area.

- 3.184 However, it is my view that the finding of harm to these assets by Historic England, including through alleged noise and lighting effects, has not been properly informed by the available evidence.

- 3.185 In terms of noise effects, the Noise Impact Assessment (SLR 2022) (**CD1.16**) completed to inform the planning application confirmed, “*in terms of noise, there are not any constraints to the principle of the development*”. Furthermore, I am not aware of any evidence that indicates the appeal proposals would result in any material change to noise levels beyond the appeal site, such that could affect the experience of the church or castle in Hanwell.

- 3.186 Similarly, in respect of lighting, I am not aware of any evidence that indicates the appeal proposals would result in any material change to light levels beyond the appeal site, such that could affect the experience of the church or castle. The Lighting Impact Assessment (M-EC 2022) (**CD1.20**) completed to inform the outline planning application did not identify the church or castle as sensitive receptors to lighting effects. In respect of receptors in Hanwell, the report concluded “*With the proposed development in place, lighting from the site will not exceed the recommended ILP pre and post-curfew criteria*” and that the proposed development “*is not considered to result in a detrimental impact on the dark sky and the adjacent Hanwell Observatory*” (located in the castle grounds).

- 3.187 On this basis, Historic England's assertions that the appeal proposals would harm the church and castle through noise and lighting changes are unsubstantiated.
- 3.188 Similarly, I dispute the appropriateness of Historic England's approach in making reference to the "*kinetic experience of approaching a place*". It must be acknowledged that the term '*kinetic experience*' is not a concept identified in GPA 3 (**CD13.4**) (Historic England's own guidance for assessment of setting), nor in any other of Historic England's guidance notes in respect of the setting and significance of heritage assets.
- 3.189 Instead, only the term 'kinetic views' is a concept considered in GPA3 (at para 25). I refer to my evidence above in regard to the consideration of 'kinetic views' of the church and castle, which finds that the appeal proposals would not result in any change to kinetic views of either listed building.
- 3.190 As a consequence, it is my view that Historic England's consultation response in respect of the alleged harm to the church and castle is vague and unsubstantiated by any evidence. Equally it is my view that Historic England's response does not properly apply the best-practice guidance published by Historic England (GPA3) to inform its conclusions. As such, the conclusions should be treated cautiously and should not be relied on as a fully considered or informed assessment of the impact of the appeal proposals.

#### **CONSIDERATION OF HARM TO DESIGNATED HERITAGE ASSETS**

- 3.191 The Archaeological and Heritage Assessment (**CD1.4 TA6.1**) produced by EDP to inform the planning application identified that the appeal proposals have the potential to affect the significance of Hanwell Conservation Area through change to its setting.
- 3.192 My evidence has made clear that I consider that the appeal proposals would result in less than substantial harm, at a low level, to the Hanwell Conservation Area through change to its setting. It is my view that there would be no harm to the significance of either the Grade I listed Church of St Peter, or the Grade II\* listed Hanwell Castle.
- 3.193 Accordingly, for the purposes of the NPPF Paragraph 208 planning balance, the low level of less than substantial harm to the HCA should be weighed against the public benefits of the appeal proposals by the decision-taker.
- 3.194 The Council have stated that they consider that the appeal proposals would result in less than substantial harm to the HCA, as well as to the Grade I listed Church of St Peter and the Grade II\* listed Hanwell Castle, but have not articulated the extent of harm within the less than substantial harm category for any of these assets.
- 3.195 The TDR Heritage Impact Assessment (Appendix 4 to **CD3.25**) that forms part of the representations by KHVRAG, identifies less than substantial harm to the HCA and that the harm is "*at the higher end of the scale*". The conclusions of the TDR Heritage Impact Assessment do not identify any harm in respect of the Grade I listed Church of St Peter, or the Grade II\* listed Hanwell Castle.
- 3.196 The consultation responses from Historic England (**CD13.5** and **CD13.6**), which were requested after the determination of the planning application, identified Historic England's

view that the appeal proposals would “*cause a high level of harm to the significance of the conservation area. In the language of the NPPF the harm would be in the range of less than substantial*”. In respect of the Grade I listed Church of St Peter and the Grade II\* listed Hanwell Castle, Historic England subsequently stated that the appeal proposals, “*would cause some harm, but at a lower level than that identified for Hanwell Conservation Area*”.

3.197 It is my view that the TDR Heritage Impact Assessment and Historic England’s finding of such a relatively high level of harm through change to the setting of the HCA is incompatible with the guidance set out in the NPPF and its accompanying PPG (**CD7.4**).

3.198 As previously set out, the PPG states that “*substantial harm is a high test, so it may not arise in many cases*”, with the implication being that a high level of less than substantial harm also occupies a relatively high threshold.

3.199 It is worth reiterating (as set out in the Methodology section above) that a recent appeal decision endorsed by the Secretary of State APP/H5390/V/21/3277137 (Edith Summerskill House Inquiry) (**CD10.9**) has clarified the position, in respect of the consideration of harm arising through change to the setting of a designated heritage asset, as follows:

*“In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance”.*

3.200 The Council’s views, alongside the views of third parties and Historic England, on the alleged harm to the HCA and the Grade I listed Church of St Peter and Grade II\* listed Hanwell Castle, should accordingly be considered in this context.

## Section 4 Policy Review and Conclusions

- 4.1 My evidence addresses heritage matters set out in the Council's SoC, and specifically the alleged harm to the Hanwell Conservation Area, Grade I listed Church of St Peter and Grade II\* listed Hanwell Castle through change to each asset's setting.
- 4.2 Having assessed the appeal proposals, it is my conclusion that the implementation would (taken as a whole) result in a very limited adverse impact on the significance of HCA, derived from the reduction in the positive contribution made by an element of the wider setting of this asset. The appeal proposals would result in the loss of a limited area of historically associated agricultural land which forms a small part of the wider agricultural setting of the conservation area. The resultant harm to the conservation area would lie at a low level of 'less than substantial harm' in terms of the NPPF.
- 4.3 In respect of the Grade I listed Church of St Peter and Grade II\* listed Hanwell Castle within the Hanwell Conservation Area, my assessment concludes that the significance of these listed buildings would not be adversely affected by the appeal proposals. The implementation of the appeal proposals would not result in any loss of significance to these assets nor diminish the contribution that their settings presently make to their significance; i.e., there would be no harm to the Grade I listed Church of St Peter or Grade II\* listed Hanwell Castle.
- 4.4 It is the Appellant's position that if the decision-maker considers that the implementation of the appeal proposals would result in harm to the Grade I listed Church of St Peter and Grade II\* listed Hanwell Castle, then relevant case law indicates that the harm deriving from any change to the setting of these assets could only be at the lower end of the spectrum of less than substantial harm.

### **Local Planning Policy**

- 4.5 Turning to the local planning policy listed in RfR 2; i.e. *Policy ESD 15: The Character of the Built and Historic Environment of the CLP 2031 Part 1*; the relevant section of this policy states that "new development proposals should":

*"Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting"*

*"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 NPPG. Proposals for development that affect non designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG".*

- 4.6 However, in taking this particular approach, Policy ESD 15 is 'silent' on the approach that should be taken to 'harmful' development in respect of designated heritage assets. Hence, the only reasonable conclusion to be drawn is to revert to that of the NPPF - that the benefits of granting permission for development in this case have to be weighed against the low level of less than substantial harm to the HCA (as the only asset I consider to be affected).
- 4.7 Policy ESD 13 is not referenced in the Council's RfR, but it is referred to at paragraph 3.16 of the Council's SoC (**CD8.2**) with reference to *Landscape Context*. The policy relates to *Local Landscape Protection and Enhancement* rather than specifically heritage matters, albeit the Council's SoC alleges that the appeal proposals "*harming the undeveloped setting and eroding the identity of the settlement of Hanwell and its heritage assets*" would be "*contrary to policy ESD 13 of the CLP 2031 Part 1*".
- 4.8 In this respect, elements of this policy that notionally could be considered to refer to heritage matters are contained within the second part of the policy that states:
- "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*".
- 4.9 In respect of the penultimate bullet point and reference to "*the setting of settlements, buildings, structures or other landmark features*", I note that this part of the policy does not specifically refer to heritage assets or historic environment features. Furthermore, as Policy ESD 15 adequately and specifically addresses heritage assets and their settings, this aspect of Policy ESD 13 is considered to be relevant only to landscape concerns in respect of the setting of settlements, buildings, structures or other landmark features, and as such is properly addressed by Mr Connolly's Landscape evidence.
- 4.10 With regard to the "*historic value of the landscape*" in the final bullet point of Policy ESD 13, I note that the appeal site is not identified in any adopted local plan policy document as possessing any 'historic value', either as a heritage asset or in landscape terms. Neither is the land in the appeal site identified as part of any local or national designation for any perceived heritage or landscape value. Therefore, with regard to heritage matters, I do not consider that the implementation of the appeal proposals would be in conflict with Policy ESD13.
- 4.11 The representations by KHVRAG (**CD3.25**) identify that the appeal proposals are in conflict with Policy C33 of the Cherwell Local Plan (1996) (**CD5.3**). Saved policy C33 of the Cherwell

Local Plan (1996) relates to *Protection of Important Gaps of Undeveloped Land*, where the saved policy states:

*“The Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value”.*

- 4.12 In terms of the first part of this policy; i.e., whether the appeal site is “*an undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure*”, this is addressed by the evidence of Mr Carr.
- 4.13 In terms of the second part of Saved Policy C33, my evidence has demonstrated that the land in the appeal site does not make an important contribution to the setting of any listed buildings, nor is it an important contributor in respect of any views or features of recognised amenity or historical value, with regard to heritage matters within the scope of my evidence. My evidence has confirmed that the appeal proposals would not ‘close or interrupt’ (as per the wording accompanying Policy C33) any important views of relevance to any heritage assets. As such, I conclude that the implementation of the appeal proposals would not conflict with any aspects of Saved Policy C33 of relevance to heritage matters. It is noted that the Council also do not contend that the appeal proposals are contrary to Saved Policy C33.
- 4.14 In terms of emerging policy set out in the *Cherwell Local Plan Review 2040 Consultation Draft (Regulation 18) September 2023 (CD5.6)*, the emerging policies of relevance to the historic environment (*Core Policy 57: Historic Environment and Archaeology; Core Policy 58: Conservation Areas; and Core Policy 59: Listed Buildings*) broadly mirror the adopted policy of the CLP 2031 Part 1 (**CD5.1**), as well as the NPPF. As such, I conclude that the appeal proposals are also capable of being found in accordance with the emerging local policy position, once adopted.

#### **National Planning Policy**

- 4.15 As far as national planning policy is concerned, Paragraph 205 of the NPPF places ‘great weight’ on the conservation of designated heritage assets such as HCA. In addition, Paragraph 206 advises that ‘clear and convincing justification’ should be required for proposed development that causes any degree of harm to a designated heritage asset, such as the conservation area in this instance.
- 4.16 Of course, Paragraph 208 of the NPPF makes it clear that even harmful development can be acceptable if the public benefits that it would bring forward are of sufficient weight to outweigh the less than substantial harm to designated heritage assets that would be generated by its implementation.
- 4.17 Accordingly, it is concluded that, subject to the application of the Paragraph 208 planning balance within the NPPF in respect of the identified low level of harm to the HCA, with regard to historic environment matters overall there are no issues that prevent the appeal proposals from proceeding.

- 4.18 Furthermore, the outline nature of the proposals across the agricultural fields in the appeal site ensures that there are future opportunities to address any heritage issues or concerns that the Council may have in respect of the exact location, scale, layout and character of the development at detailed design stage.

## Section 5 References

### Published and unpublished sources

Beesley, A, *History of Banbury*, (1841)

Historic England, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)* (2017)

Historic England, *Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition)*, (2019)

Munby, J, *The Coach House, Hanwell Castle: Heritage Statement*, (2022)

Mynors, C and Hewitson, N, *Listed Buildings and Other Heritage Assets (Sixth Edition)*, (2023)

Pevsner, N, Sherwood, J, *The Buildings of England: Oxfordshire*, (1974)

Salzman, L F, *The Victoria History of the County of Oxford*, (1969)

Wass, S, *Seventeenth-century Water Gardens and the Birth of Modern Scientific Thought in Oxford: The Case of Hanwell Castle*, Windgather Press (2022)

### Maps, plans and miscellaneous sources

*Ordnance Survey Map of 1887*

*Ordnance Survey Map of 1923*

*Ordnance Survey Map of 1955*

*Ordnance Survey Map of 1995*

Skelton, J, *Engraving of Hanwell Church and Castle-Tower*, (1823) (OHC Ref: POX0505041)

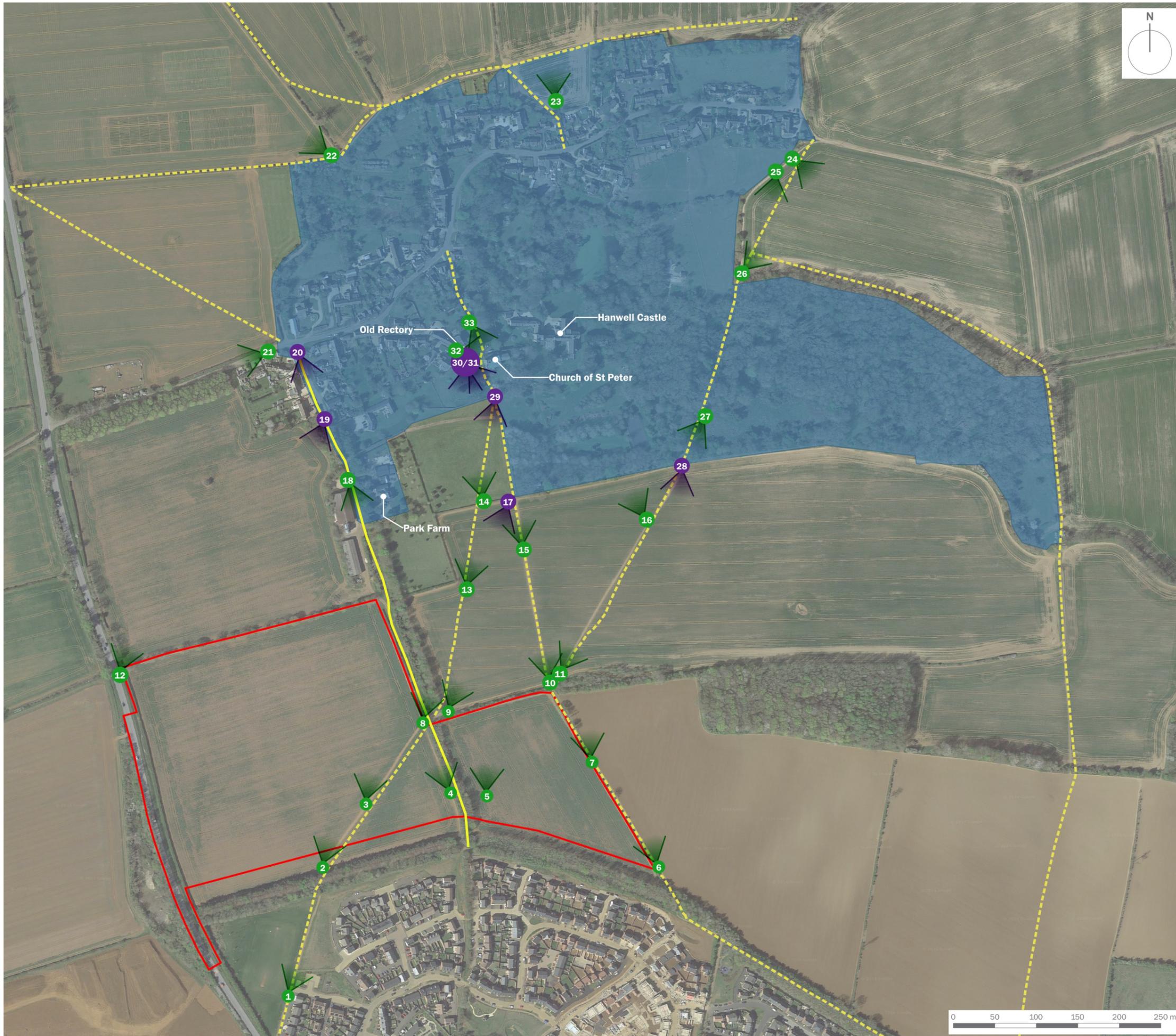
*Wass's transcription of the Castle Farm Estate Map by Will Leonard taken from a 1799 Valuation of the Estates, Property of the Countess of Dorset.*

*Wass's transcription of the Welch's Farm Estate Map by Will Leonard taken from a 1799 Valuation of the Estates, Property of the Countess of Dorset.*

*Oxfordshire Enclosure Acts Vol IV.255: Private Hanwell Enclosure Act 1783 (OHC REF: Geo.III c.43 (1783) Priv).*

*Auction Catalogues of properties in Oxfordshire and Berkshire, 1904: The Hanwell Castle Estate (Bodleian Library Ref: G A Oxon b 91(2))*

**Appendix ES 1**  
**The Appeal Site and its Heritage Context, including Location of Heritage**  
**Images**



- Appeal Site
- Hanwell Conservation Area
- 1 Image Location
- 1 Image Location and Wireline Viewpoint
- Gullicott Lane
- Public Right of Way (PROW)

client  
**Vistry Group**

project title  
**Land East of Warwick Road, Banbury**

drawing title  
**Appendix ES 1: The Appeal Site and its Heritage Context, Including Location of Heritage Images**

date	<b>10 APRIL 2024</b>	drawn by	<b>CJo</b>
drawing number	<b>edp3253_d048</b>	checked	<b>ES</b>
scale	<b>1:4,500 @ A3</b>	QA	<b>GYo</b>



Registered office: 01285 740427 - www.edp-uk.co.uk - info@edp-uk.co.uk

## **Appendix ES 2**

### **Heritage Images**



**Image 1:** Typical experience of the approach to Hanwell on PRoW 120/116/10 from Banbury looking north towards Hanwell with the appeal site beyond the treeline. No elements of the Hanwell Conservation Area are experienced from this section of the PRoW.



**Image 2:** Typical experience of the approach to Hanwell from Banbury on PRow 120/116/10 and 191/6/30, looking north towards Hanwell over the appeal site's western field. No elements of the HCA are experienced from this approach through the appeal site, with the elements of the Hanwell settlement visible limited to 20<sup>th</sup> century housing and agricultural sheds outside the designated area.



**Image 3:** Typical experience of the approach to Hanwell from Banbury on PRoW 191/6/30, looking north towards Hanwell over the appeal site's western field. No elements of the HCA are experienced from this approach through the appeal site, being screened by tree belts, 20<sup>th</sup> century housing and agricultural sheds on Gullicott Lane that do not form part of the conservation area.



**Image 4:** Typical experience of the approach to Hanwell looking north, from the section of Gullicott Lane within the appeal site. No elements of the HCA are experienced from this approach through the appeal site, being screened by tree belts along the track.



**Image 5:** Typical view north towards Hanwell from the appeal site's eastern field. The Church of St Peter can be glimpsed through the tree-belt on the appeal site's northern boundary.



**Image 6:** View northwest from PRoW 239/7/20, looking towards Hanwell, with the appeal site's eastern field beyond the hedge to the left of the image. There is no experience of any notable features of HCA from this section of the PRoW, with the church and castle screened by intervening vegetation and topography.



**Image 7:** View northwest from PRoW 239/7/20, looking towards Hanwell, with the appeal site's eastern field beyond the hedge to the left of the image. There is no experience of any notable features of HCA from this section of the PRoW, with the church and castle screened by intervening vegetation and topography.



**Image 8:** Typical experience of the approach to Hanwell looking north-east, from the section of Gullicott Lane to the east of the appeal site. There is no appreciation of HCA from this section of Gullicott Lane due to the enclosing effects of the tree belt east of the track.



**Image 9:** View north-east from PRow 239/6/10, looking towards Hanwell and the Church of St Peter having exited the appeal site's western field and crossed Gullicott Lane. This is the first view of the church as one follows the PRow north from Banbury.



**Image 10:** View north from PRow 239/7/10, from the southern boundary of the agricultural field immediately north-east of the appeal site, looking towards Hanwell and the distant Church of Peter. The well treed grounds associated with Hanwell Castle are to the right of the image and screen the castle from view on this approach.



**Image 11:** View north-east from PRow 239/8/20, looking towards Hanwell and the wooded grounds of Hanwell Castle from the agricultural field northeast of the appeal site. There is no experience of any notable features of HCA in this view, with the church and castle screened by vegetation.



**Image 12:** Typical experience of the approach to Hanwell on Warwick Road, looking east towards Hanwell with the appeal site to the right of the hedge line. No elements of the HCA are experienced from Warwick Road, with the elements of the settlement visible limited to 20<sup>th</sup> century housing and agricultural sheds outside the designated area.



**Image 13:** View north-east from PRow 239/6/10, looking towards Hanwell and the Church of St Peter from the field to the north-east of the appeal site.



**Image 14:** View north-east from PRoW 239/6/10, looking towards HCA and the Church of St Peter from the elevated southern boundary of the field to the immediate south of the church. Hanwell Castle is also experienced, glimpsed between trees, to the right of the church in this view and the Old Rectory is glimpsed between trees to the left of the church.



**Image 15:** View north from PRoW 239/7/10 from the agricultural field north-east of the appeal site looking towards Hanwell and the Church of Peter. The well treed grounds associated with Hanwell Castle are to the right of the image, and screen the castle from view on this approach.



**Image 16:** View north from PRow 239/8/20, looking towards the wooded grounds of Hanwell Castle from the agricultural field north-east of the appeal site. There is a very limited experience of the castle on this approach, restricted to a small glimpse of the tower through the woodland, likely only appreciable in winter.



**Image 17:** View south-west from PRow 239/7/10 beyond the southern edge of the conservation area looking towards the appeal site over an agricultural field. The appeal site's eastern field is visible behind the tree line with the northern edge of Banbury and its wooded fringe beyond. The appeal site's western field is screened by the tree belts either side of Gullicott Lane. The appeal proposals are modelled as wirelines in this view in VP5 of **Appendix ES 6**.



**Image 18:** View south from Gullicott Lane at the southwest edge of the Hanwell Conservation Area opposite Park Farm. This view is identified as a Negative View in the HCAA, presumably on account of the presence of a series of large agricultural sheds adjacent to the conservation area boundary. These sheds screen views of the appeal site's western field from the edge of the conservation area, such that there is only glimpses of the appeal site's western field between Gullicott Lane and the shed and no notable experience of the agricultural setting of the HCA.



**Image 19:** View south-west from Gullicott Lane at the west edge of the Hanwell Conservation Area. This view is identified as a Key View (view to horizon) in the HCAA, although it is clear that a tree belt prohibits outwards views from the west edge of Gullicott Lane here. The appeal proposals are modelled as wirelines in this view in HVP1 of **Appendix ES 6**.



**Image 20:** View south down Gullicott Lane from the junction with Main Street at the west edge of the HCA with 20<sup>th</sup> century residential development outside the conservation area in the right of the image. This view is identified as a Key View (view to positive landmark) in the HCAA. The appeal proposals are modelled as wirelines in this view in VP4 of **Appendix ES 6**.



**Image 21:** View west from the west edge of the HCA down Main Street, with 20<sup>th</sup> century residential development outside the conservation area in the left of the image. This view is identified as a key view (view to positive landmark) in the HCAA.



**Image 22:** View north-west from the north-west edge of the HCA over surrounding agricultural land. This view is identified as a key view (view to horizon) in the HCAA.



**Image 23:** View north from the north edge of the HCA over surrounding agricultural land. This view is identified as a key view (view to horizon) in the HCAA.



**Image 24:** View south-east from PRoW 239/8/20 at the north-east edge of the conservation area. This view over agricultural land surrounding the east edge of the conservation area is identified as a key view (view to horizon) in the HCAA.



**Image 25:** View south from PRoW 239/8/20, looking towards the appeal site from agricultural land on the east edge of the conservation area over the wooded grounds of Hanwell Castle. The woodland prohibits any outward views to the appeal site from this part of the conservation area.



**Image 26:** View north-east from PRoW 239/8/20 as it exits the Hanwell Castle woodland. This view over agricultural land surrounding the east edge of the conservation area is identified as a key view (view to horizon) in the HCAA.



**Image 27:** View south-west from PRow 239/8/20, looking towards Banbury and the appeal site from within the wooded grounds of Hanwell Castle in the eastern portion of the HCA. The woodland and falling ground prohibit any outward views to the appeal site from this part of the conservation area.



**Image 28:** View south-west from PRoW 239/8/20 from the exit of the wooded grounds of Hanwell Castle at the southern boundary of the HCA over an agricultural field towards Banbury and the appeal site. The residential development behind woodland at Banbury, and the appeal site's boundary vegetation, forms the horizon in this view. This view is identified as a key view (view to horizon) in the HCAA. This is the only key view identified in the HCA that features the land within the appeal site. The appeal proposals are modelled as wirelines in this view in HVP6 of **Appendix ES 6**.



**Image 29:** View south-west from PRoW 239/6/10 at the southern exit to the churchyard on the southern edge of the HCA. The view looks over a rising agricultural field bordering the conservation area boundary, with the Park Farm dwelling to the right of the view. While this view faces in the direction of the appeal site, the site is screened by the rising topography and vegetation on Gullicott Lane beyond. This view is identified as a key view (view to horizon) in the HCAA. The appeal proposals are modelled as wirelines in this view in HVP3 of **Appendix ES 6**.



**Image 30:** View south-east from the east end of Church Lane at the northern access into the churchyard. A key view (view to horizon) is identified from this location in the HCAA. The view looks over the churchyard towards the church and the grounds of Hanwell Castle to the east.



**Image 31:** View south from the east end of Church Lane at the northern access into the churchyard. A key view (view to horizon) is identified from this location in the HCAA, looking south-east over the grounds of Hanwell Castle to the east, but this image shows the view south in the direction of the appeal site (see **Image 30**), which is screened by the rising topography and intervening vegetation, such that only the tree belts on the site boundary are glimpsed on the horizon. The appeal proposals are modelled as wirelines in this view in HVP2 of **Appendix ES 6**.



**Image 32:** View east from the east end of Church Lane looking towards the church and castle from in front of the old rectory. This image illustrates the key physical and visual relationships between the important ecclesiastical and manorial buildings which form a distinct group in the historic core of the settlement. This view is identified as a key view (view to positive landmark) in the HCAA. It is also a view captured in an engraving by Skelton in 1823 (**Image 34**).



**Image 33:** View south towards the church and castle from the PRow leading from Main Street to the church. This image illustrates the key physical and visual relationships between the important ecclesiastical and manorial buildings which form a distinct group in the historic core of the settlement.

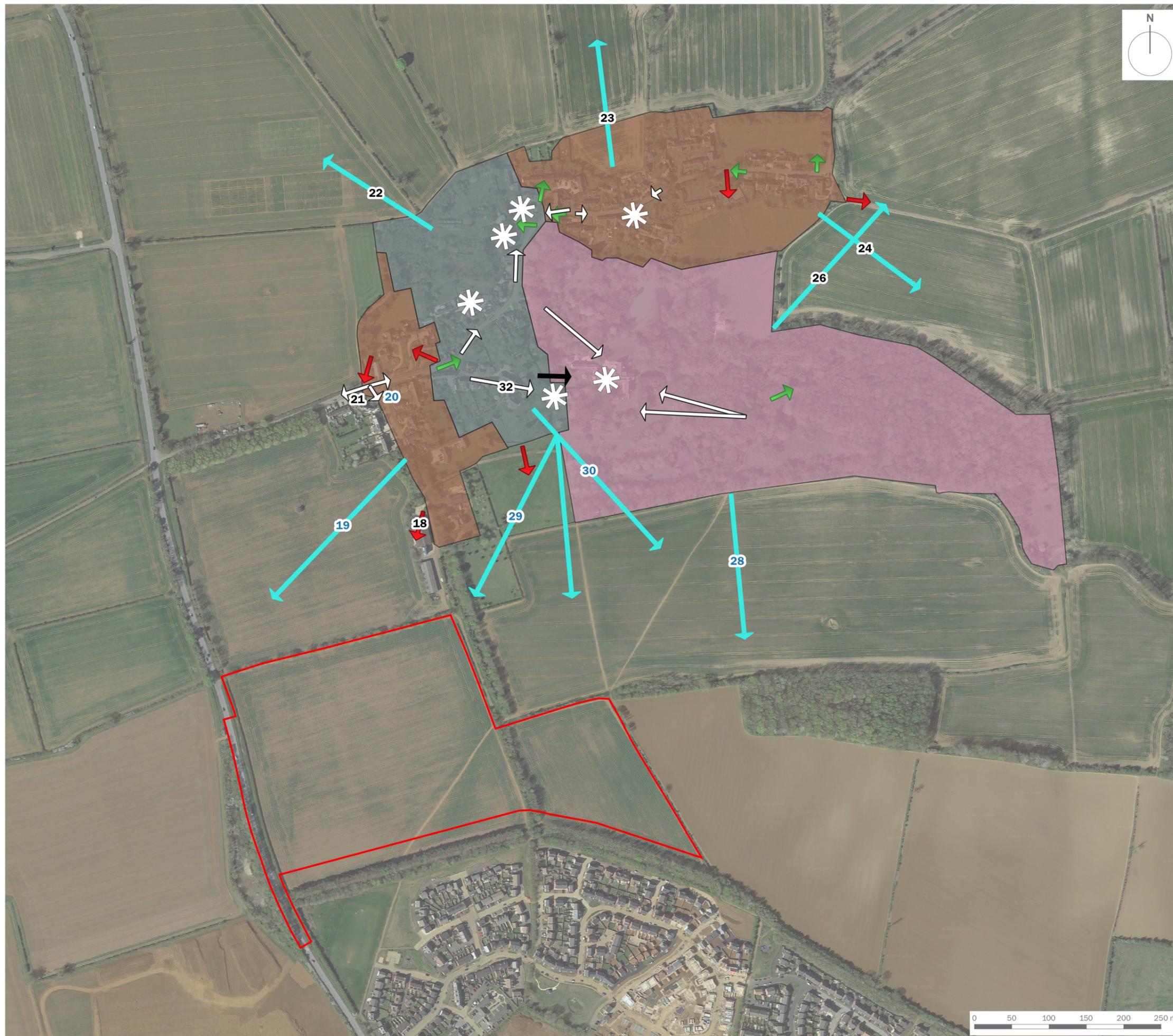


HANWELL CHURCH AND CASTLE-TOWER.

**Image 34:** Engraving by Skelton of 1823 that depicts the view to the church and castle from Church Lane, identified as a Key View (view to positive landmark) in the HCAA. The present view is captured in **Image 32**.

## **Appendix ES 3**

### **Hanwell Conservation Area Visual Analysis**



- Appeal Site
- Hanwell Conservation Area Visual Analysis**
- Hanwell Castle Character Area
- Historic Core Character Area
- Village Ends Character Area
- Positive Views
- Negative Views
- Positive Landmark
- View to Positive Landmark
- View to Horizon
- Visual Stop
- 19 Wireline Viewpoint in Appendix ES 6
- 21 View Shown in Appendix ES 2

Mapped from the Conservation Area Appraisal, Cherwell District Council, 2007

client

**Vistry Group**

project title

**Land East of Warwick Road, Banbury**

drawing title

**Appendix ES 3: Hanwell Conservation Area Visual Analysis**

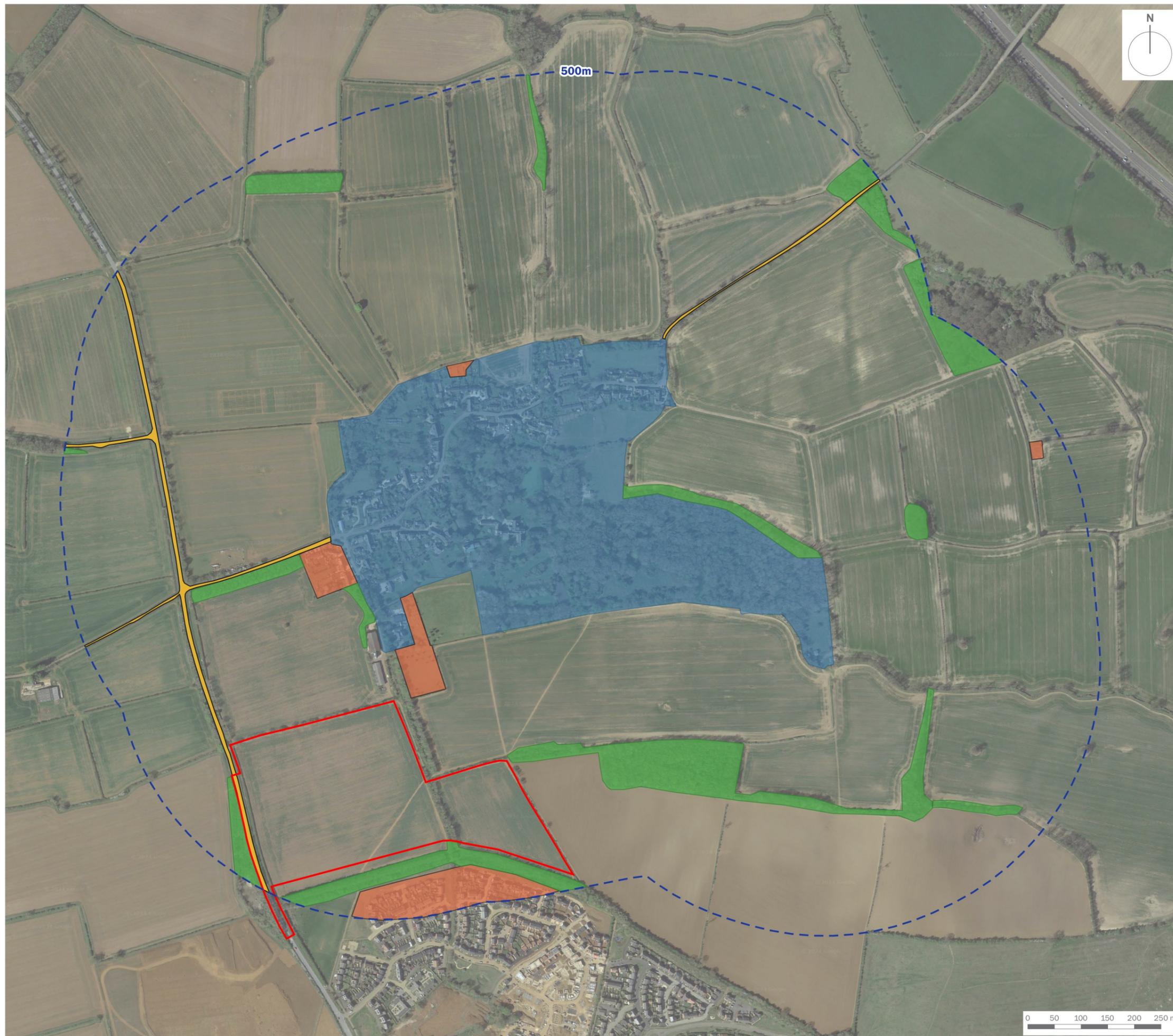
date	<b>10 APRIL 2024</b>	drawn by	<b>CJo</b>
drawing number	<b>edp3253_d049</b>	checked	<b>ES</b>
scale	<b>1:5,000 @ A3</b>	QA	<b>GYo</b>



Registered office: 01285 740427 - www.edp-uk.co.uk - info@edp-uk.co.uk

## **Appendix ES 4**

### **Hanwell Conservation Area Surrounding Land Use Analysis**



- Appeal Site (12.6ha)
- 500m Buffer from Hanwell Conservation Area (219.8ha)
- Hanwell Conservation Area (32.7ha)
- Roads (2.2ha)
- Woodland (10.6ha)
- Developed Areas (3.9ha)

Total of agricultural land within buffer measures 203.1ha.

The appeal site corresponds to 6.2% of agricultural land.

client

**Vistry Group**

project title

**Land East of Warwick Road, Banbury**

drawing title

**Appendix ES 4: Hanwell Conservation Area Surrounding Land Use Analysis**

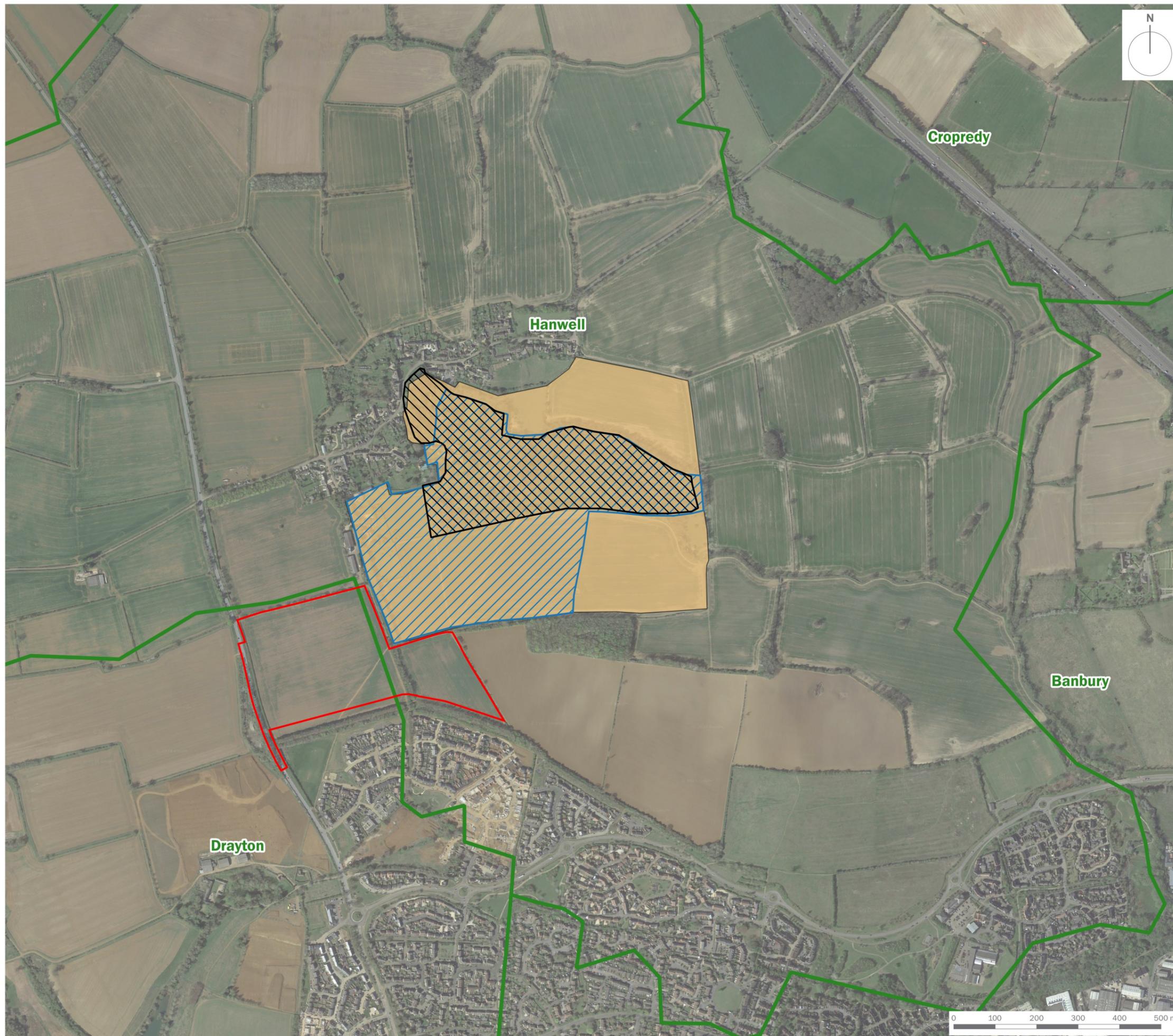
date	<b>10 APRIL 2024</b>	drawn by	<b>CJo</b>
drawing number	<b>edp3253_d050</b>	checked	<b>ES</b>
scale	<b>1:7,000 @ A3</b>	QA	<b>GYo</b>



Registered office: 01285 740427 - [www.edp-uk.co.uk](http://www.edp-uk.co.uk) - [info@edp-uk.co.uk](mailto:info@edp-uk.co.uk)

## **Appendix ES 5**

### **Recorded Extents of Hanwell Castle Grounds**



- Appeal Site
- Historic Parishes (1850)
- Parkland in c.1799 Mapped from Wass (2022)
- Parkland in the 19th Century Mapped from 1887 Ordnance Survey Map
- Present-day Parkland within Castle Grounds Character Area of HCA

Historic Parishes extent mapped from historic tithe maps.

Extents of parkland mapped from Stephen Wass (2022).

client

**Vistry Group**

project title

**Land East of Warwick Road, Banbury**

drawing title

**Appendix ES 5: Recorded Extents of Hanwell Castle Grounds**

date	<b>10 APRIL 2024</b>	drawn by	<b>CJo</b>
drawing number	<b>edp3253_d051</b>	checked	<b>ES</b>
scale	<b>1:9,000 @ A3</b>	QA	<b>GYo</b>



Registered office: 01285 740427 - [www.edp-uk.co.uk](http://www.edp-uk.co.uk) - [info@edp-uk.co.uk](mailto:info@edp-uk.co.uk)

## **Appendix ES 6**

### **Wirelines (Including Heritage Viewpoints)**



To be viewed at comfortable arm's length

Photomontage HVP1: Proposed (Ghosed)  
Appeal proposals ghosted onto existing view



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length

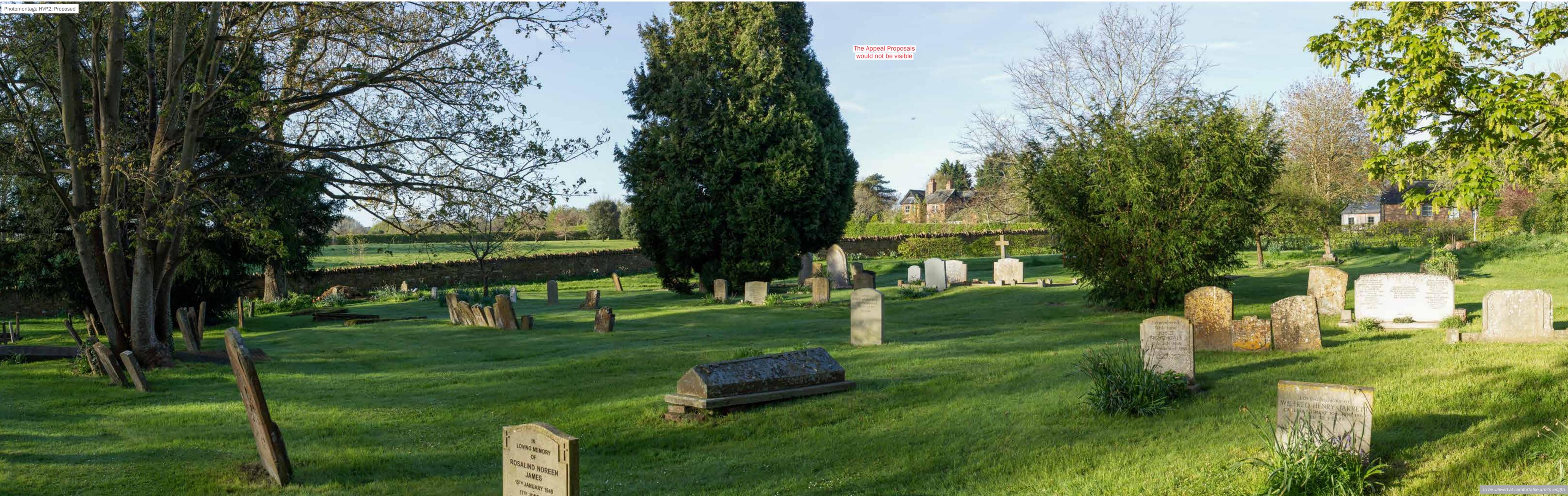


To be viewed at comfortable arm's length



To be viewed at comfortable arm's length

The Appeal Proposals  
would not be visible



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length

Photomontage HVP3: Proposed (Ghosted)  
Appeal proposals ghosted onto existing view



To be viewed at comfortable arm's length

The Appeal Proposals  
would not be visible



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length

The Appeal Proposals  
would not be visible



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



The Appeal Proposals would be barely noticeable in this view, been seen as similar to the existing baseline, where views of properties within Banbury are possible beyond mature tree cover

To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length

The Appeal Proposals would be barely noticeable in this view, been seen as similar to the existing baseline, where views of properties within Banbury are possible beyond mature tree cover



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length

The Appeal Proposals would be barely noticeable in this view, been seen as similar to the existing baseline, where views of properties within Banbury are possible beyond mature tree cover



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



The Appeal Proposals would be barely noticeable in this view, if seen at all

To be viewed at comfortable arm's length



**CARDIFF**  
**02921 671900**

**CHELTENHAM**  
**01242 903110**

**CIRENCESTER**  
**01285 740427**

**info@edp-uk.co.uk**  
**www.edp-uk.co.uk**

The Environmental Dimension Partnership Ltd. Registered as a Limited Company in England and Wales. Company No. 09102431. Registered Office: Quarry Barn, Elkstone Studios, Elkstone, Gloucestershire GL53 9PQ



**URBAN  
DESIGN  
GROUP** REGISTERED PRACTICE



**Landscape  
Institute**  
Registered practice