



**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

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Section 1 Conclusions

- 1.1 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.
- 1.2 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 Hanwell Conservation Area, 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.
- 1.3 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.
- 1.4 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.
- 1.5 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":

"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."
- 1.6 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 Hanwell Conservation Area (as the only asset I consider to be affected).

- 1.7 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 Hanwell Conservation Area. 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.
- 1.8 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.
- 1.9 Accordingly, it is concluded that, subject to the application of the Paragraph 208 planning balance within the NPPF in respect of Hanwell Conservation Area, with regard to historic environment matters overall there are no issues that prevent the appeal proposals from proceeding.
- 1.10 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.



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