

Heritage Statement

**The Poplars, Land South of Clifton  
Road, Deddington**

For

Blue Cedar Homes Ltd



Prepared by:

Stephen Bond MA HonDArt FSA MRICS GradDipConsAA

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ANNEX I: Viewpoint AVR images

## EXECUTIVE SUMMARY

1. This independent heritage statement provides an assessment of the significance of built and/or cultural heritage in the environs of the application site at The Poplars, Land South of Clifton Road, Deddington, and of the impact of the submitted development proposal on that significance. The statement has been commissioned by Blue Cedar Homes to inform the development of proposals for the site and to form part of the planning submission for the project. The statement covers built and/or cultural heritage, but not archaeology, which is covered in a separate archaeological evaluation prepared by Red River Archaeology Ltd in January 2020.
2. The application site [NGR: SP 47090 31750] is an open agricultural field or paddock, lying on the east side of Deddington and immediately south of Clifton Road, and just within the north eastern boundary of Deddington Conservation Area. Immediately to its south stands Deddington Castle, a scheduled monument.
3. The statement establishes that there are three designated heritage assets that might receive impacts from the development of the application site: Deddington Conservation Area (an asset of medium to high significance), Deddington Castle (a scheduled monument of high significance), and the jointly Grade II\* listed Castle End and Monks Court.
4. The statement contains a heritage impact assessment, which concludes that the proposals within the application are likely to cause slight 'less than substantial' harm to both Deddington Castle and the Conservation Area, but will have no effect on the significance of Castle End and Monks Court.
5. The statement also considers the cumulative effect of the application together with development proposals for a site further east along Clifton Road recently granted outline planning consent at appeal. It finds that the cumulative harm resulting the two developments together would not reach a tipping point that causes 'substantial harm' to the significance of either Deddington Conservation Area or Deddington Castle.
6. The application proposals include positive heritage enhancements to the Conservation Area and Deddington castle. The statement notes that these heritage benefits form part of the wider public benefits that will be delivered by the proposals within this application and need to be considered as part of the planning balance required by the NPPF.

# 1 INTRODUCTION

## 1.1 Purpose of statement

This independent heritage statement provides an assessment of the significance of built and/or cultural heritage in the environs of the application site at The Poplars, Land South of Clifton Road, Deddington, and of the impact of the submitted development proposal on that significance. The statement has been commissioned by Blue Cedar Homes to inform the development of proposals for the site and to form part of the planning submission for the project. As noted, the statement covers built and/or cultural heritage, but not archaeology, which is covered in a separate archaeological evaluation prepared by Red River Archaeology Ltd in January 2020.

The planning submission relates to a proposal for a residential retirement development of 7 no. dwellings on the site [Figure 1], which lies just inside the boundary at the north eastern edge of Deddington Conservation Area [Figure 2].

The National Planning Policy Framework [NPPF], which since 2012 has incorporated the Government's heritage policy and is now in a third edition (published in June 2019), recognises that the historic environment is an irreplaceable resource whose fragile and finite nature is a particularly important consideration in planning. The Historic Environment Good Practice Advice in Planning: 2 (entitled 'Managing Significance in Decision-Taking in the Historic Environment' and published in July 2015), states:

*'Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect. The first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance.'* [HEGPA 2, paragraph 4]

It also notes in introduction that:

*'...the information required in support of applications for planning permission and listed building consent should be no more than is necessary to reach an informed decision, and that activities to conserve or investigate the asset needs to be proportionate to the significance of the heritage assets affected and the impact on that significance'* [HEGPA 2, paragraph 3]

The Good Practice Advice advocates a logical step-by-step approach to dealing with heritage assets during the planning and design of development and subsequently in making a planning application – namely:

- *'Understand the significance of the affected assets*
- *Understand the impact of the proposal on that significance*
- *Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF*
- *Look for opportunities to better reveal or enhance significance*

- *Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change.*
- *Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.’ HEGPA 2, paragraph 6]*

This heritage statement has been prepared to fulfill this brief established by the NPPF and the Historic Environment Good Practice Advice in Planning: 2. It has also been prepared to accord with guidance set out in Historic England's 2019 Advice Note 12 'Statements of Heritage Significance: Analysing Significance in Heritage Assets'.

## 1.2 Methodology and sources of information

This statement has been based on:

- Site visits carried out by the author to the site in 2019 and 2020;
- Various original and modern documentary sources available for inspection in the Oxfordshire History Centre;
- Diverse published and unpublished evaluations of the local area and its historical associations;
- The local Historic Environment Record [HER];
- Historical documents available online;
- Other website information, including local newspapers and census information from [www.findmypast.com](http://www.findmypast.com) and material from a range of record sources made available on Bristol City Council's Know Your Place website, at [www.heritagegateway.org.uk](http://www.heritagegateway.org.uk), and from Historic England's National Heritage List for England;
- Historical maps and plans of the locality;
- Examination of national and local policy documents and other relevant material produced by Historic England and Cherwell District Council, including its adopted 2012 Deddington Conservation Area Appraisal.

## 2 GENERAL BACKGROUND, DEVELOPMENT HISTORY, AND ANALYSIS OF THE APPLICATION SITE AND ITS WIDER ENVIRONS

### 3.1 Location and description

The application site [NGR: SP 47090 31750; Figures 1, 2, 3] is an open agricultural field or paddock, lying on the east side of Deddington and immediately south of Clifton Road. The village of Deddington itself is located on the western side of the River Cherwell valley in northern Oxfordshire, roughly 6 miles (10 km) south of Banbury and, to its east, close to the border with Northamptonshire. As noted already, the application site lies just within the north eastern boundary of Deddington Conservation Area [Figure 2]. Immediately to its south stands Deddington Castle, a scheduled monument [Figure 3].

The site is bounded to the west by buildings fronting Castle Street, to the south by the remaining part of the field and then Deddington Castle, to the east by outlying residential properties fronting on to Clifton Road and a field to their rear, and to the north by a public pavement and the carriageway of Clifton Road.

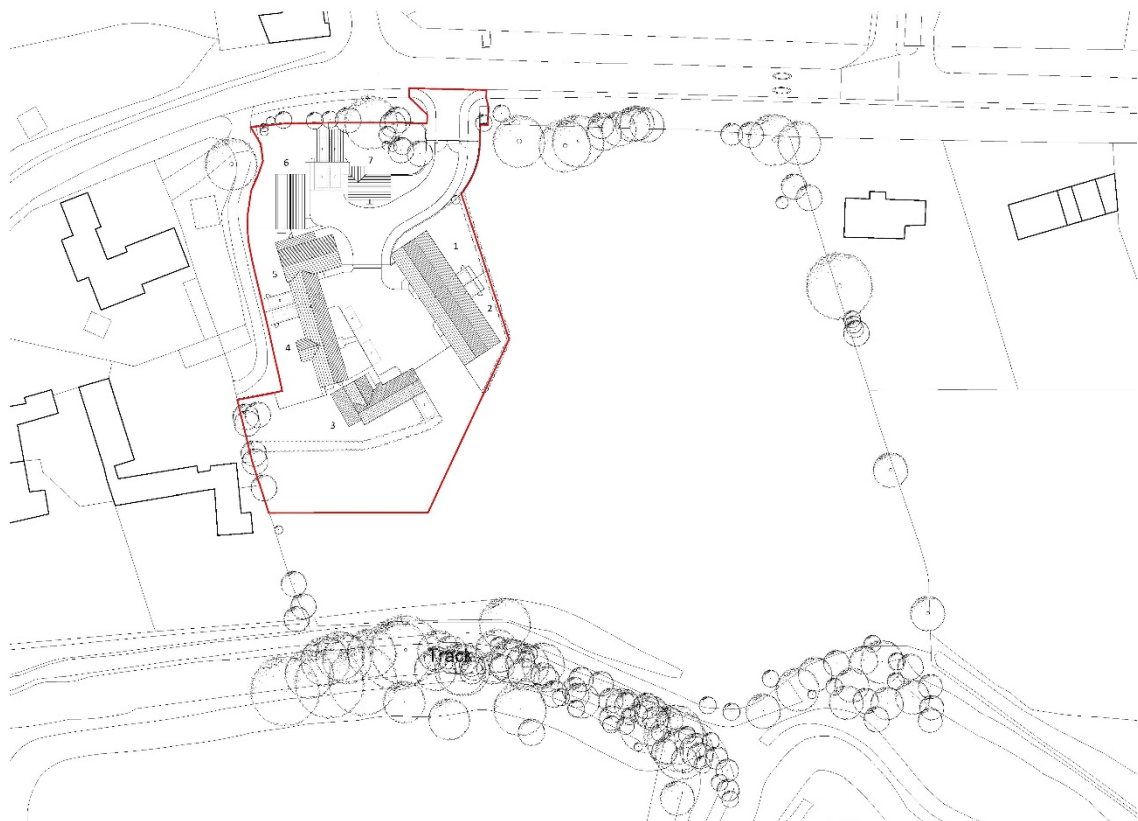


FIGURE 1: LOCATION OF THE APPLICATION SITE AND STUDY AREA IN RELATION TO CLIFTON ROAD (©BBA ARCHITECTS)

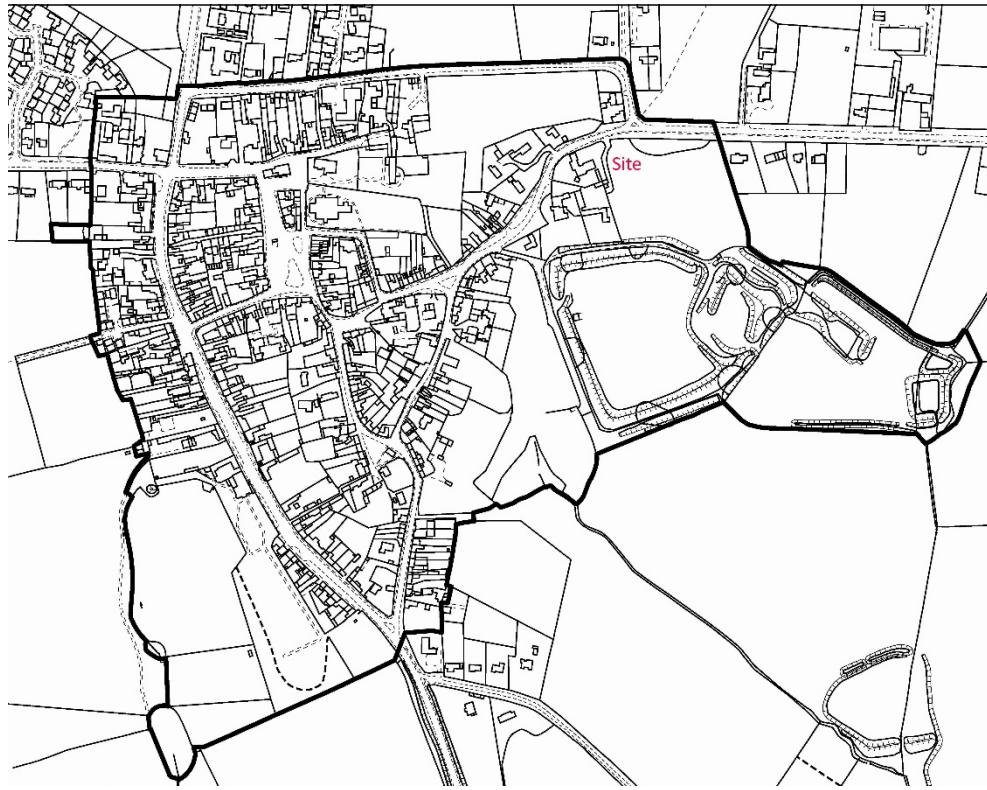


FIGURE 2: LOCATION OF SITE IN RELATION TO THE BOUNDARY OF DEDDINGTON CA (©CHERWELL DISTRICT COUNCIL)

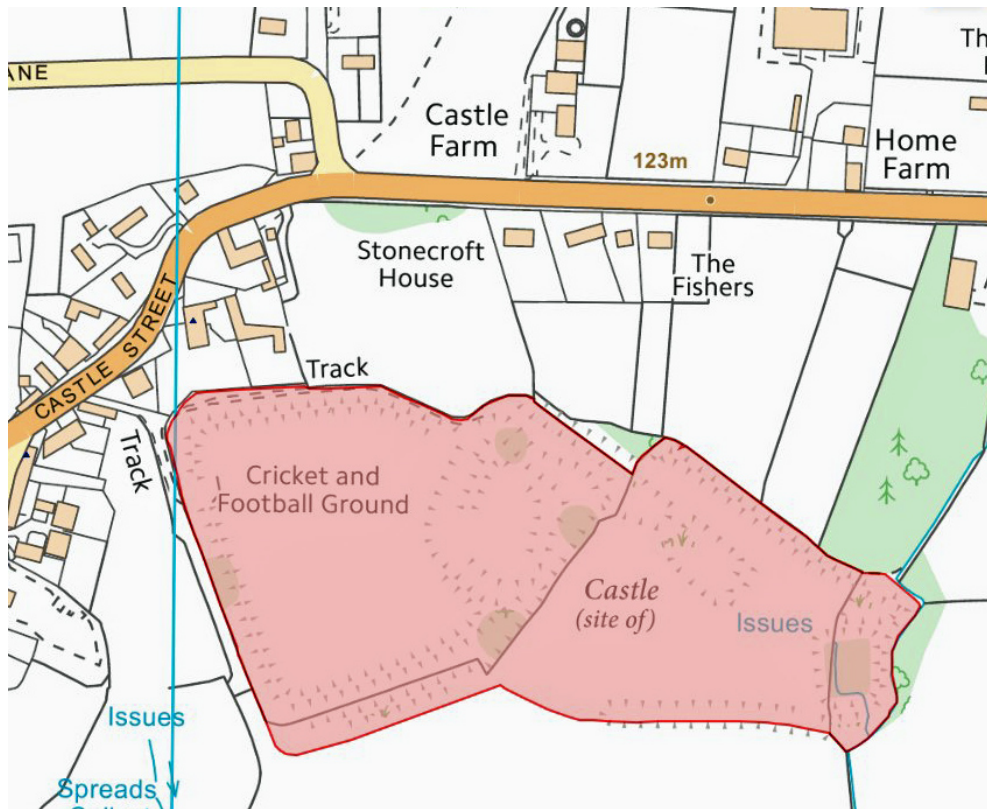


FIGURE 3: EXTRACT FROM NATIONAL HERITAGE LIST FOR ENGLAND SHOWING DEDDINGTON CASTLE SCHEDULED MONUMENT (RED SHADING) AND GRADE II\* LISTED CASTLE END AND MONKS COURT (BLUE TRIANGLE (TO NW OF CASTLE)). THE SITE LIES IN THE FIELD SHOWN HERE BEARING THE LABEL 'STONECROFT HOUSE', WHICH IN FACT RELATES TO THE PROPERTY TO THE EAST OF THE SITE ©HISTORIC ENGLAND

The reasonably enclosed application site, partially shielded from Clifton Road by a screen of scrubby trees and vegetation, is positioned on slightly southward sloping ground above minor tributary streams of the River Cherwell and at an elevation of around 125mAOD. The area was noted in a 2013 assessment by CgMs to be characterised by a series of low ridges. Deddington to the west is set on a plateau of high ground, with the Castle at its eastern end partly overlooking the application site as well as land to the south of the village. The underlying bedrock geology of the area is shown on the British Geological Survey map to be part of the Marlstone Rock sedimentary formation, a ferruginous limestone and ironstone formed approximately 174 to 191 million years ago in the Jurassic Period in a local environment previously dominated by shallow seas.

## 2.2 Outline historical development of the application site and its surrounding area

### 2.2.1 Introduction

An archaeological evaluation has been undertaken by Red River Archaeology Ltd and provides archaeological information on the application site.

### 2.2.2 Saxon and medieval periods

The Victoria County History 1983 volume for Oxfordshire suggests that Deddington may have been settled in the 6<sup>th</sup> or 7<sup>th</sup> centuries, but there is little historical or archaeological evidence on which to build a detailed picture of this settlement. Certainly, by the time of Domesday in 1086, it formed part of a large estate with almost 100 households. The village appears to have consolidated around the *capital messuage* or principal manor house of the estate, which possibly may have lain close to the west of the Castle. Clifton Road may well have originated as an early medieval hollow way linking the village of Clifton to the east with Deddington. The Castle was built shortly after the Norman Conquest and certainly before 1100, most likely by Odo of Bayeux, who owned the manor of Deddington. The Norman Castle comprised an 11<sup>th</sup> century motte, with separate baileys to the east and west and a 12<sup>th</sup> century enclosure. It had a small chapel that was still in use in the 14<sup>th</sup> century. By 1275-76, the village was a borough and was taxed at a higher rate in 1296, indicating its considerable relative wealth at the time, being one of the largest and most valuable settlements in Oxfordshire.

The village is thought to have reached its maximum historic extent by the late 13<sup>th</sup> or 14<sup>th</sup> centuries. Burgage plots are known around New Street to the south west of application site, while there is evidence for early crofts to the west of Earl's Lane to the site's north west. From the later 1500s, the population and wealth of the village, based on agricultural produce, began to decline – a process which continued gradually until the early 20<sup>th</sup> century.

### 2.2.3 Post-medieval period to present day

Cary's 1787 map of Oxfordshire (not illustrated) appears to show the area of the application is the north of the Castle as being open and undeveloped, although admittedly it is at a small scale. A parish



enclosure aware map of 1808 [Figure 4] appears to show the site partly taken up by small gardens located to the rear of two houses situated opposite the Earl's Lane junction with Clifton Road.



**FIGURE 4: TWO COTTAGES SHOWN ABUTTING CLIFTON ROAD AT THE JUNCTION WITH EARL'S LANE ON THE 1808 PARISH ENCLOSURE AWARD MAP (©OXFORDSHIRE COUNTY COUNCIL)**

As the Red River Archaeology evaluation report records, two trenches excavated on the margin of the application site in January 2020 in an attempt to locate the potential post-medieval boundaries for this housing found nothing – possibly due to the ephemeral nature of the boundaries, to inaccurate survey in creation of the 1808 award map, or to disturbance caused by ploughing after the boundaries were removed. However, the 1815 surveyor's drawing for the Old Series OS map of the area appears to show that the site was already open, without houses, and part of a large field [Figure 5].



**FIGURE 5: 1815 SURVEYOR'S DRAWING FOR THE OLD SERIES OS MAP (©BRITISH LIBRARY; ORDNANCE SURVEY PMCL 100061726)**

Another version of the same map referenced on the Deddington Map Group’s webpage (on <http://www.deddingtonhistory.uk>) shows a dense and purposefully planted screen of trees along the application site’s boundary with Clifton Road – a consistent feature on maps for the following one hundred years. To the west of the application site, on both the 1808 and 1815 maps, a homestead group of buildings is present. Known as Blount’s Farm in 1808 (VCH Vol 11; 1983) and later in the century as The Green, then The Poplars, the farmhouse at the core of this homestead group was listed as Castle End in 1955 (and is now referred to as ‘Castle End and Monk’s Court’ in the list entry - see section 3.4.3 below). It was owned from the mid-16<sup>th</sup> century by Christ Church College, Oxford, until 1932 it was sold to the Revd. D. G. Loveday. The larger field immediately to the east of this homestead, of which the application site forms a part, was a core – in the first half of the 19<sup>th</sup> century, usually arable – component within its associated agricultural land. However, examination of Victorian census entries suggests that the name change from The Green to The Poplars may have accompanied the separation of use of the former farmhouse itself from farming related activity in the 1870s. The 1881 census is the first appearance of the new house name, by which time – again, for the first time - the resident was the local GP, Edward Turner and his large family. The wider household was completed by a number of domestic servants, a medical assistant, and a nurse (who seemingly doubled as a domestic servant), but with no one having any overt connection to farming. Dr Edward Turner died in September 1889 (Banbury Advertiser, 12<sup>th</sup> September 1899), but his widow, Louise, and family continued to live at The Poplars through beyond the 1911 census, at least, demonstrating its permanent separation from farming use.

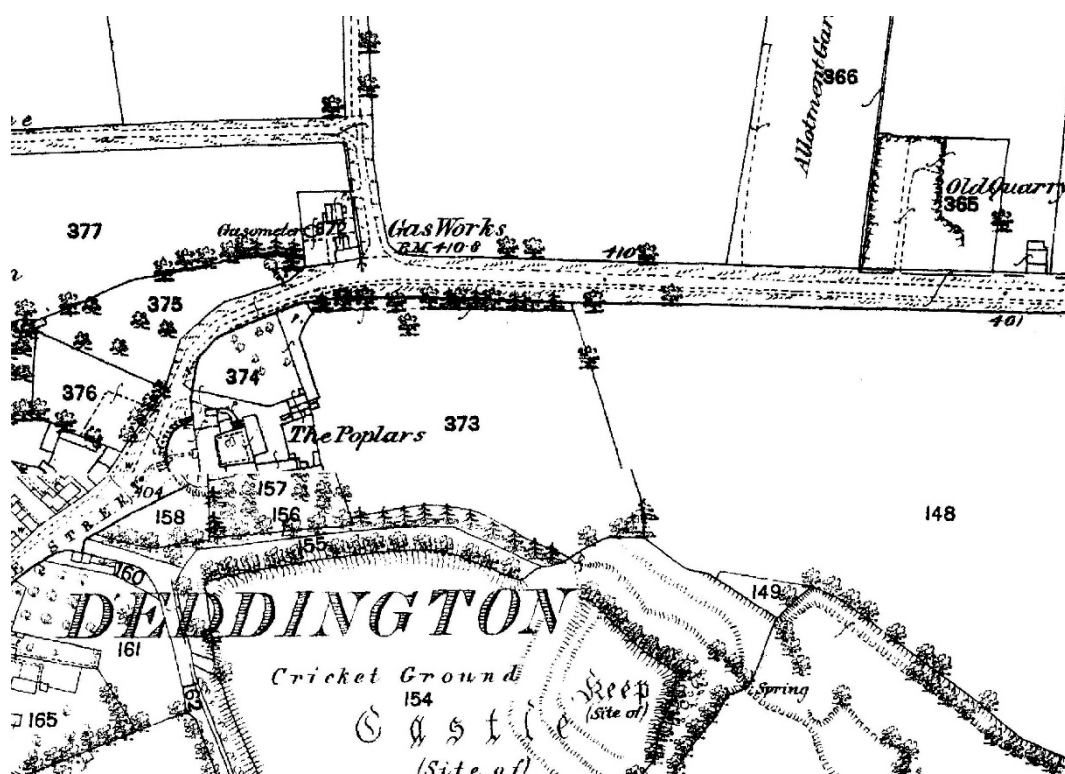


FIGURE 6: 1881 OS MAP (©LANDMARK INFORMATION GROUP; ORDNANCE SURVEY PMCL 100061726)

The 1881 1<sup>st</sup> edition OS map [Figure 6] again shows the site as an open field with the purposefully planted screen of trees along its northern boundary with Clifton Road. Development of the village can be seen with the gas works and gasometer on the corner of the Clifton Road/Earl's Lane junction opposite. The 1903 2<sup>nd</sup> edition OS map shows the same arrangement and so is not illustrated here, while the 1923 OS map is again identical except that the gas works has been replaced by two houses. In fact, the first OS map subsequently to show any significant change in the environs of the site is that from 1974, which for the first time depicts the row of four detached houses – Stonecroft, Oak Lodge, Willery, and the Fishers – in their gardens to the east of the application site facing onto Clifton Road. The construction of these was commenced in 1955 after Christ Church College, Oxford, had disposed of 1,604 acres of its land holdings forming the Deddington Estate in 1954. The Deddington Map Group's webpage includes a link to the 1954 estate map and an accompanying sales brochure.

## 2.3 Local character within the wider Deddington Conservation Area

Deddington Conservation Area was designated in 1988. It incorporates the entire historic core of the settlement, the castle to the east of that core, and, to the north of the castle, the application site. There is a reasonably homogeneous character to the Conservation Area, although the 2012 Conservation Area Appraisal identifies eight constituent character zones, each with its own identifying features. The Castle and the application site lie in a character zone termed 'Setting', which it defines as:

*'Areas of predominantly open space which are considered to contribute to the setting of the historic core of the village. They are tranquil areas and comprise rough grassland areas which are often bounded by ironstone walls...which contribute to the rural character of the area. Also included is the main recreational area located to the east - which is a Scheduled Ancient Monument and an archaeological site, consisting of extensive earthworks which are remnants of a former motte and bailey castle. Earth banks and significant trees are found on the perimeter of the space. These banks create raised platforms towards open countryside. These views are limited by the trees found here and realistically there are only a couple of formal viewpoints found here, however the trees are deciduous and therefore during the autumn/winter glimpses of the wider countryside south become more prevalent'.*

Immediately to the west of the application site lies another small character area, termed 'Castle Street' in the 2012 CA appraisal. The character of this locality is described as being:

*'...fairly quiet due to its position close to the edge of the village. It is characterised by relatively low density development compared to the rest of the conservation area, due partly to recently built houses set in individual plots. The character becomes more rural on progressing from west to east. The verges become wider and trees become more evident and the building pattern becomes more loose and organic.*

*The area has a mixture of two cottages and some substantial three storey buildings on the northern side, which are not listed. The most notable building in Castle Street is Castle End and Monks Court, which together, used to be a former farmhouse. These are prominent buildings and*

*are Grade II\* listed. The properties have an extensive front lawn which houses a large mature Yew tree, acting as a visual stop at this turning and drawing attention to the listed building.*

*There is a stateliness of character to the area; the large mature trees lining the street form the beginnings of a pleasant avenue, and make a statement of the importance of the space. Further east the road becomes more enclosed, with a 3-4 metre high wall on one side (surrounding Stonewall) and a high evergreen hedge on the opposite side, both sweep round in line with the curve of the road, drawing the eye round. This character area makes a prominent and significant entrance to the village from the east.'*

## 3 THE IDENTIFICATION OF HERITAGE ASSETS BEING POTENTIAL RECEPTORS OF IMPACTS FROM THE DEVELOPMENT PROPOSALS

### 3.1 Introduction

#### 3.1.1 Heritage assets and their potential to experience impacts from the development

The NPPF defines a heritage asset as being *'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'*.

From a heritage perspective, built and other assets in the environment are either heritage assets or ordinary assets. Those that are classified as heritage assets may be designated (for example, a listed building or conservation area) or non-designated. The National Planning Policy Framework [NPPF], which contains the Government's national heritage policy, defines 'designated' heritage assets (being World Heritage sites, scheduled monuments, listed buildings, protected wreck sites, registered parks and gardens, registered battlefields or conservation areas), but not non-designated heritage assets. However, in defining the term 'heritage asset', it does by implication determine that those assets which are non-designated are *'assets identified by the local planning authority (including local listing)'*.

More helpfully, under the heading *'What are non-designated heritage assets?'*, paragraphs 039 and 040 of the Ministry of Housing, Communities and Local Government's 2019 'Planning Practice Guidance: Conserving and enhancing the historic environment' states:

*'Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.'*

*A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets. [Paragraph 039]*

*There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence. [Paragraph 040]'*

Once its definitions are drawn together, the NPPF identifies heritage assets as being components of the historic environment that can be positively identified as having a degree of archaeological, architectural, artistic or historic interest meriting consideration in planning decisions. Simply being old, being part of an ensemble or area that is - as an assemblage - recognisable as a heritage asset, having a history of use, bearing a similarity to components in the locality that are heritage assets, or

conversely being physically distinctive within its setting or wider context does not *per se* transform a built (or other ordinary) asset into a heritage asset. Building on the definition of 'heritage' set out in English Heritage's *'Conservation Principles'* (2008) (being *'all inherited resources which people value for reasons beyond mere utility'*), heritage assets can be distinguished from other components of the environment by the meaning for society that a heritage asset holds over and above its functional utility. So to be regarded as a heritage asset, a building or structure must have some meaningful archaeological, architectural, artistic or historical interest that gives it a value to society transcending its functional utility.

The NPPF makes the point that significance (which it defines as *'The value of a heritage asset to this and future generations because of its heritage interest'*) derives *'not only from a heritage asset's physical presence, but also from its setting'*. It defines the setting of a heritage asset as being:

*'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.'*

Paragraph 189 of the NPPF demands that:

*'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance...'*

Moreover, as has already been explained, the Historic Environment Good Practice Advice in Planning: 2 reiterates this requirement in its advocated approach to dealing with heritage assets, which begins *'Understand the significance of the affected assets'*.

Accordingly, by extension, this heritage statement is required by this policy and associated guidance to identify:

- Designated heritage assets within or (if a designated area-wide asset) including the site, which might potentially receive direct impacts from the development of the application site;
- Non-designated heritage assets within the site, which might potentially receive direct impacts from the development;
- Designated heritage assets beyond the boundaries of the site, whose settings might potentially receive indirect impacts from the development, leading to harm to significance of the heritage asset;
- Non-designated heritage assets beyond the boundaries of the site, whose settings might potentially receive indirect impacts from the development, leading to harm to significance of the heritage asset.

In this instance, the application site lies within Deddington Conservation Area, within the setting of Deddington Castle, and perhaps within the setting of Grade II\* listed Castle End and Monks Court.

Accordingly, there are various potential receptor assets present that are likely to experience either direct or indirect impacts that could affect their significance. In the following subsections, the heritage assets likely to be affected one way or another by the development proposal are examined and identified for further consideration in a way and to the extent that is proportionate to comply with Paragraph 189 of the NPPF. It should be emphasised that this section of the statement for the application site identifies the built/cultural (that is, non-archaeological) heritage assets that might fall into these four categories and which must therefore be considered to be potential receptors of impacts from the development. Below ground archaeology is not covered in this heritage statement.

### 3.1.2 Types of impacts

The NPPF notes that harm can be caused to the significance of a heritage asset by its alteration or destruction, or from development within its setting. Put another way, impacts – whether beneficial or adverse – that might affect the significance of a heritage assets will either be:

- Direct physical impacts on its built fabric or character; or,
- Indirect impacts on the contribution made by its setting to its significance.

### 3.1.3 Assessing significance

The NPPF defines the significance of a heritage asset as being *‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’*.

As noted above, Paragraph 189 of the NPPF demands that:

*‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance...’*

The significance of heritage assets that are identified in this section as being potential receptors of impacts from the development proposals will be described below to the extent and level of detail that might be considered proportionate to comply with NPPF Paragraph 189 – that is, *‘proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’*. In addition to describing their significance in words, it is useful and desirable to give some idea of their relative heritage interest by using a form of weighting.

Various hierarchies to ‘quantify’ or ‘measure’ the comparative significance of heritage assets have been utilised in recent years. They all have strengths and weaknesses, given the inevitability that such comparisons will always be somewhat subjective in their nature.

However, at present, the only such hierarchy sponsored from within central Government is that set out within the Design Manual for Roads and Bridges (DMRB; HA208/07, Volume 11 Section 3 Part 2) jointly published the Highways Agency, Transport Scotland, the Welsh Assembly Government, and the

Department for Regional Development Northern Ireland (2013 edition). It has the added benefit of having been subjected to scrutiny within the planning system, including Public Inquiries. It is this hierarchy of significance that has been adopted for use in this statement of significance, as a result.

With minor adaptation under 'negligible' to bring the 2013 hierarchy into line with the NPPF, across two Annexes, DMRB provides the following terminology and definitions for a cultural heritage hierarchy of significance:

Level of Significance	Criteria
Very high	<p>World Heritage Sites;</p> <p>Assets of acknowledged international importance;</p> <p>Assets that can contribute significantly to acknowledged international research objectives;</p> <p>Historic landscapes of international value (designated or not) and extremely well preserved historic landscapes with exceptional coherence, time depth, or other critical factor(s).</p>
High	<p>Scheduled Monuments and undesignated assets of Schedulable quality and importance;</p> <p>Grade I and II* Listed buildings (Scotland category A);</p> <p>Other Listed buildings that can be shown to have exceptional qualities in their fabric or associations not adequately reflected in their Listing grade;</p> <p>Conservation Areas containing very important buildings;</p> <p>Undesignated structures of clear national importance;</p> <p>Designated and undesignated historic landscapes of outstanding historic interest (including Grade I and Grade II* Registered Parks and Gardens); undesignated landscapes of high quality and importance of demonstrable national value; and well preserved historic landscapes exhibiting considerable coherence, time depth or other critical factor(s);</p> <p>Assets that can contribute significantly to acknowledged national research objectives.</p>
Medium	<p>Designated or undesignated assets that contribute to regional research objectives;</p> <p>Grade II (Scotland category B) Listed buildings;</p> <p>Historic (unlisted) buildings that can be shown to have exceptional qualities in their fabric or historical association;</p>



Level of Significance	Criteria
	<p>Conservation Areas containing important buildings that contribute significantly to their historic character;</p> <p>Historic townscapes or built up areas with important historic integrity in their buildings, or built settings (for example including street furniture or other structures);</p> <p>Designated landscapes of special historic interest (including Grade II Registered Parks and Gardens); undesignated landscapes that would justify such a designation; averagely well preserved historic landscapes with reasonable coherence, time depth or other critical factor(s); landscapes of regional value.</p>
Low	<p>Designated and undesignated assets of local importance including those compromised by poor preservation and/or poor survival of contextual associations;</p> <p>Assets of limited value, but with potential to contribute to local research objectives;</p> <p>Locally Listed buildings (Scotland category C(S) Listed Buildings) and historic (unlisted) buildings of modest quality in their fabric or historical association;</p> <p>Historic townscape or built-up areas of limited historic integrity in their buildings or built settings (for example including street furniture or other structures);</p> <p>Robust undesignated historic landscapes; historic landscapes with importance to local interest groups; and historic landscapes whose value is limited by poor preservation and/or poor survival of contextual associations.</p>
Negligible	<p>Assets with very little surviving archaeological interest;</p> <p>Buildings of little architectural or historical note;</p> <p>Landscapes with little significant historical interest.</p>

Table 1: DMRB Hierarchy of Value

Whilst, inevitably, some subjectivity is at times involved in making value judgements, this hierarchy of values has to be appreciated as a continuum and there may be ‘shades’ of interpretation where, for instance, an asset lies close to the borderline between the descriptions of ‘high’ and ‘very high’ significance.

## 3.2 Designated heritage assets within or including the application site

### 3.2.1 Introduction

The application site does not contain any individual designated built heritage assets within its boundary. However, it does lie within the wider Deddington Conservation Area. There are no other designated built or cultural heritage assets within or including the application site.

### 3.2.2 Deddington Conservation Area

Section 2.3 above considers the character of the CA, which is noted was designated in 1988, incorporates the entire historic core of the settlement, the castle to the east of that core, and, to the north of the castle, the application site.

As the Council's 2012 Conservation Area Appraisal notes, much of Deddington has the feel of a small traditional market town. This sense is heightened by the strong and continuous building line throughout the Conservation Area, leading to enclosed spaces with limited outward views. Historic Deddington is distinctive in that there has been little change to its medieval street pattern and general layout. Prior to the 20<sup>th</sup> century, the village was at its largest and wealthiest (in comparative sense) at the start of the 14<sup>th</sup> century. Thereafter, it retracted somewhat to its historic core, which as a result was never comprehensively redeveloped. The village and its Conservation Area thus have a strong, coherent and legible historic heart. Out on the fringes of the Conservation Area and, principally, in its setting, the later history of the settlement and its 20<sup>th</sup> and 21<sup>st</sup> century growth can be read and appreciated for what it is. A further major contribution to the character and special interest of the CA is its material palette, with predominant use in its vernacular buildings of highly distinctive local ironstone. Variation in the streetscape has been introduced by refronting of some houses in limestone the 18<sup>th</sup> century and in brick in the 19<sup>th</sup> century.

The visual analysis within the Conservation Area Appraisal (its Fig 15) identifies the application site as an 'important green space' and indicates that the view of Deddington Castle across it from Clifton Road is a 'positive vista', while in the opposite direction, the view from the edge of the Castle's earthworks looking northwards is a 'positive view'. These definitions and distinctions are not defined in the Appraisal. In reality, the positioning of the symbol for the positive vista from Clifton Road in the Appraisal's visual analysis is probably somewhat incorrect as the best view towards the Castle is gained from further east along the field boundary through an open gap in the tree screen by an electricity supply transformer.

As the CA Appraisal notes, in passing along castle Street towards the edge of the village and the location of the application site, the grain and built character of the village becomes more rural, with wider verges, more trees, and a looser, more organic form. At its eastern end, the road is enclosed by a high wall and sweeps around to Clifton Road, creating a prominent entrance or gateway to the village from the east. However, this strong and important character attribute is markedly compromised by the somewhat unkempt nature of shrubbery and verges, and a tarmacked footway, on the immediate

Clifton Road approach to the corner, immediately in front of the application site and within the Conservation Area boundary.

The DMRB hierarchy of significance (provided in section 3.1.3 above) differentiates between conservation areas containing '*important buildings*' that contribute significantly to their historic character (which it identifies as being of medium significance) and those containing '*very important buildings*' (which it considers, accordingly, to be of high significance). This approach is generally upheld by Planning Inspectors in planning appeals. Unquestionably, despite the interest and value of the CA, the majority of buildings within it making a positive contribution to the village fall into the category of 'important' buildings, although there are a considerable number of nationally designated buildings within its boundaries. In consequence, it is considered that the Conservation Area is a designated heritage asset of **medium to high significance**.

### 3.3 Non-designated heritage assets within or including the application site

None.

### 3.4 Designated heritage assets within the wider environs of the site

#### 3.4.1 Introduction

The identification of designated heritage assets lying within the setting of the site and its wider environs that might experience positive or negative impacts from the application's development proposals has primarily relied upon examination of the National Heritage List for England [NHLE] maintained by Historic England, together with an understanding of the nature and extent of the proposed works, as set out in the Design and Access Statement [DAS] and drawings accompanying the application. The NHLE database is the '*official list of buildings, monuments, parks and gardens, wrecks, battlefields, World Heritage Sites and other heritage assets considered worthy of preservation*' and so provides information on the location of all designated heritage assets in England, with the exception of conservation areas (which are regarded as being the preserve of local planning authorities).

The NHLE search of the immediate environs of the application site [Figure 3] reveals that there are only two designated heritage assets located in a position likely to mean they could receive impacts from development of the application site, being Deddington Castle, a scheduled monument, and Grade II\* listed Castle End and Monks Court.

The NPPF and related guidance is clear that heritage assets outside the application site can only be affected by indirect impacts from the development proposals which will have a positive or negative effect on the contribution their setting makes to significance.

### 3.4.2 Deddington Castle

Deddington Castle – a scheduled monument - lies immediately to the south of the application site. It comprises an 11<sup>th</sup> century motte and bailey castle, with a bailey on either side of the central motte, and a 12<sup>th</sup> century enclosure castle.

The schedule entry for the Castle, which was first designated in March 1951, reads:

#### *'Reason for Designation*

*Motte and bailey castles are medieval fortifications introduced into Britain by the Normans. They comprised a large conical mound of earth or rubble, the motte, surmounted by a palisade and a stone or timber tower. In a majority of examples an embanked enclosure containing additional buildings, the bailey, adjoined the motte. Motte castles and motte-and-bailey castles acted as garrison forts during offensive military operations, as strongholds, and, in many cases, as aristocratic residences and as centres of local or royal administration. Built in towns, villages and open countryside, motte and bailey castles generally occupied strategic positions dominating their immediate locality and, as a result, are the most visually impressive monuments of the early post-Conquest period surviving in the modern landscape. Over 600 motte castles or motte-and-bailey castles are recorded nationally, with examples known from most regions. As one of a restricted range of recognised early post-Conquest monuments, they are particularly important for the study of Norman Britain and the development of the feudal system. Although many were occupied for only a short period of time, motte castles continued to be built and occupied from the 11th to the 13th centuries, after which they were superseded by other types of castle.*

*The motte and bailey castle and the later enclosure castle at Deddington survive as extant earthworks on the edge of the village whose development it both promoted and then later affected. Each phase is a good example of its class, and part excavation has demonstrated that both phases contain archaeological and environmental remains relating to the monument, the landscape in which it was built and the economy of the inhabitants. The central part of the site is in the care of the Secretary of State and the bailey forms a public amenity used by the villagers.*

#### *Details*

*The monument includes an 11th century motte and bailey castle, with a bailey on either side of the central motte, and a 12th century enclosure castle. The monument is situated immediately east of the present village of Deddington. It occupies an east-facing spur overlooking a shallow valley through which a spring fed stream flows from north to south. The central part of the site is in the care of the Secretary of State. The motte and its western bailey survive as an impressive group of earthworks, with the enclosure castle built into the north east corner. The latter remains visible as a series of low banks and hollows within an enclosing ditch. To the east, a second bailey, which encloses a number of platforms and extends down to the stream in the valley bottom, is visible as a cropmark on aerial photographs. The motte survives as a small stone and earthen mound, the eastern half of which was cut away during the construction of the stone enclosure castle. However, the western half survives to its original height of c.3m above the interior of the*

*bailey and its summit is known from excavation and survey to have originally measured c.25m across. The main bailey extends to the west of the motte which lies in its east corner. It encloses a level area c.170m north-south and c.240m east- west. Its surrounding bank stands up to 2.5m above the interior and has a level rampart top c.2.5m wide. Its outer slope is enhanced by a broad ditch c.15m wide and up to 3m deep. This gives the outer face of the rampart a 5m deep drop from top of bank to base of ditch. Finds of late 11th century pottery and compacted earthen floor surfaces were found across the interior of the bailey during excavations carried out in the 1940s. The ditch and bank is interrupted in two places: an entrance to the west end which measures c.10m wide and a further 9m wide entrance in the north east corner. By the late 12th century, an enclosure castle of stone construction had been built into the eastern corner of the western bailey. This was roughly kite- shaped with square based towers on the wall line to the north and east, on the former motte, and a larger gatehouse tower to the west. Excavations have shown that in addition, the enclosure contained a series of timber and stone buildings including a hall, kitchens, solar, stables, a well, latrine pits and a chapel. These were added in several stages of construction works during the 1100s. All of these buildings had gone out of use by the 14th century and the stone from the ruins was subsequently taken to build other properties in the village. However, as part excavation revealed, the foundations, floor levels and lower courses of masonry survive buried below the present ground level. To the east a further bailey runs down the slope of the valley. This is roughly equal in area to the main bailey and the two lie end on with the early motte at the centre. Although this second bailey has been under cultivation, it can be seen on aerial photographs and its banks appear on Ordnance Survey maps drawn before the 1960s. At the east end the ditch has been used to form the line of a stream and two large depressions shown on the aerial photographs may be late medieval fishponds or quarries used in the building of the castle. Further platforms and earthworks within the bailey show the locations of building platforms and sub-divisions related to the castle's functions. Aerial photographs taken during World War II show two broad parallel hedge boundaries across the main bailey of the castle, forming a drive from the west entrance to the inner bailey. These late features were removed by the 1970s. It was suggested by the excavator that the early motte and bailey castle may have been built by Bishop Odo, the brother of William the Conqueror. It later became part of the lands of William de Chesney who is thought to be responsible for the building of the stone enclosure castle. By AD 1310 it was referred to as 'a weak castle in which is a chamber' but it was used two years later to imprison Piers Gaveston until he was removed by the Earl of Warwick. In 1530 it was long abandoned but ruins remained above ground so that Leland could report 'ther hath been a castle here'. Among the excavated remains, the finds included one of the earliest black rat skeletons found in Britain. Excluded from the scheduling are the post and wire boundary fences, gate posts and boundary walls forming the edge of the protected area and lying within it. Also excluded is the pavilion on the football pitch and the goal posts although the ground beneath these is included in the scheduling.'*

As Historic England has previously noted, the earthworks of the Castle are some of the most impressive in Oxfordshire. It is thought it was established soon after the Norman Conquest, belonging to a group of military monuments generally known as 'motte-and-bailey' castles. Their purpose was both defensive and symbolic. The Norman invaders were few in number, and in a country where the natives were potentially rebellious, it was through physical demonstrations of over-lordship such as castle

building, through complex and adaptable administration carried out by capable, ambitious and sometimes treacherous lords who owned those castles, as well as through the threat of sudden and violent retribution from soldiers within the castles, that control was maintained.

The significance of the Castle derives from its evidential and illustrative value. It is known that, within the perimeter of the scheduled monument, there are significant archaeological deposits, providing important evidence of its construction, development, and use. Viewed from within the castle and from the outside, the appearance of the monument today still allows an appreciation of the considerable impact its construction must have had on the local population in the 11<sup>th</sup> century.

The first settlement of Deddington appears to have been located where today's village is centred. The Castle was placed a little way away from this core. Clearly, that was no accident. It has been suggested that this separation could have been the result of selection of a readily defensible position, or there may have been a conscious determination to keep the castle and the settlement distinct for symbolic and political reasons. It must be stressed, however, that the Castle is far from being a defensive 'island' in open countryside. The Church of St Peter and St Paul in the heart of the village is only 250m away from the north west corner of the Castle. It is more correct to think of the Castle as occupying the eastern end of the same relatively small plateau of higher ground as the historic village lying to its west, rather than being an isolated placement out in the wider landscape.

Today's setting to the monument still reflects its historic settlement edge positioning and reinforces the illustrative value of the heritage asset. Some views out from inside the Castle give a distinctive sense of its connection to a historic agricultural hinterland, as much as with the settlement of Deddington itself. Due to topography, this characteristic is far stronger in the semi-panoramic and more distant views gained when looking out from the castle towards the south. Views to the north, including that across the application site, are more contained, less expansive, and tend to focus on relatively small open spaces within the immediate vicinity of the Castle. This distinction has been noted recently in an appeal decision (see section 5.3.2 below), where the Inspector in reaching his decision found that '*Only when looking south or east from the castle, and away from the [appeal] site [to the north], would views take on the appearance of a truly rural character associated with the open countryside.*'

Using the DMRB hierarchy of significance provided in section 3.1.3, Deddington Castle is a designated heritage asset of **high significance**.

### **3.4.3 Castle End and Monks Court**

The list entry for the Grade II\* listed Castle End and Monks Court, which was first designated in March 1977, reads simply:

*'Large farmhouse, now 2 dwellings. Early C16 and 1647 (on datestone), altered and extended late C18. Marlstone rubble with ashlar dressings and wooden lintels; coursed squared marlstone with limestone-ashlar dressings; Stonesfield-slate roofs with ashlar stacks. 4-unit plan in 2 builds with added outshut and rear wings. 2 storeys and 2 storeys plus attic. Rubble right half of front is at least partly C16 or earlier, but now has three 16-pane late-C18 sashes at each floor, all with*

wooden lintels. To left of the windows a fine 4-centre-arched C16 moulded stone doorway with label is sheltered by a 2-storey porch, with a 2-light ovolo-moulded stone-mullioned window above a moulded stone doorway (probably restored) with moulded label and lozenge stops; the gable has a panel inscribed 1647. Probably contemporary, although without the chamfered plinth, is the 3-window range to left, which has similar mullioned windows of 2, 3 and 5 lights aligned below 2 stone gables, and has an additional 2-light window without a label set between the first-floor windows; the ground-floor windows are unusually large but are probably C17. Left end wall has further mullioned windows. Steep-pitched roof has stacks to both gables and to right of centre. Right gable all is rebuilt and returns to a late-C17/C18 rear wing with later windows. To rear of main range a late-C18 outshut, now partly raised, includes a higher section containing a tall arched stair window with Gothick glazing bars; at the left end of the range the outshut extends to rear to link with a small C18 range, probably originally stable and loft, now part of Monks Court. Interior: right half of Castle End has stop-chamfered cross beams and a 2-bay roof. The central truss, with collar and cambered chamfered tiebeam, supports 2 rows of butt purlins. The roof may be early C18 or earlier. Left half has a 2-bay early-C16 roof, with trenched purlins and a ridge beam supported on a fine arch-braced collar truss worked with hollow chamfers. A large Tudor-arched stone fireplace with recessed spandrels and an arched single-light window (now internal) survive at first floor and are probably contemporary with the roof. Monks Court retains a mid-C17 open fireplace with the bressumer chamfer returning down the jambs, but was re-modelled internally late C18 and has joinery of that date, including a stair with stick balusters and an inlaid ramped and wreathed mahogany handrail; the stair hall has a 4-centred plaster vault. The second early-C16 truss illustrated by Wood Jones has been destroyed by the construction of a party wall. There is no evidence of the open hall, but it is likely to have occupied the site of Monks Court.'

The conjoined Castle End and Monks Court lie a little way to the west of the application site. The site is arguably within the setting of the listed building, although the principal listed building, the historic former farmhouse - known until the early 19<sup>th</sup> century as Blount's Farm - is separated from the site by a property now known as Castle Barns, a set of former agricultural barns converted to residential use and with various outbuildings. In the past, as part of a series of planning applications between 2004 and 2011, it has been considered that Castle Barns lies within the curtilage of the Grade II\* listed Castle End and Monks Court and hence falls under its listing, although it has no designated status of its own.

It is the case that listing may well include structures that are adjacent to or adjoin the principal listed building itself. The '*by no means simple*' process for determining the full extent of what is listed in any particular instance has been defined by barrister, Charles Mynors, arguably the leading expert on listed building law, in a 2006 article and his contemporaneous book 'Listed Buildings, Conservation Areas and Monuments' as being:

*'1) The building that is itself included in the list ('the principal building') must first be identified from the list. The description should only be referred to where the identification of the building is ambiguous.*

*2) The whole of the principal building, including its interior, will be covered by the listing.*

3) Any object (such as a sundial or panelling) fixed to the principal building at the date of listing will be included, provided that it is a 'fixture' according to the normal rules of land law.

4) Any structure fixed to the principal building at the date of listing will be included, provided that, if it is itself a building, it was 'ancillary' to the principal building at the date of listing (or possibly at 1 January 1969 in the case of buildings listed prior to that date).

5) The curtilage of the principal building must then be identified, which will be 'quintessentially a matter of fact'. Relevant matters will be the physical layout of the principal building and any other buildings that might or might not be within its curtilage; their ownership, past and present; and their function, past and present. Not all the land in the same ownership as the principal building will necessarily be included; some land in separate ownership may be included. Not every structure has a curtilage.

6) Any pre-1948 structure that was in the curtilage of the principal building at the date of listing (or possibly 1 January 1969) will be included in the listing, provided that it is a fixture, and is ancillary to the principal building.'

Items (5) - (6) in his description are generally referred to as the 'curtilage principle'. The key term 'ancillary' has been defined in case law as '*for example, the stable block of a mansion house, or the steading of a farmhouse...the concept envisaged is that of principal and accessory*'.

These points are reinforced in Historic England's 2019 'Historic Environment Advice Note 10: Listed Buildings and Curtilage', which notes:

*'The courts have said that there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building:*

- *The physical layout of the listed building and the structure;*
- *Their ownership, both historically and at the date of listing; and*
- *The use or function of the relevant buildings, again both historically and at the date of listing.'*

The advice note sets out a number of examples, including for both domestic residential and farm buildings. Despite the assumption in the past that Castle Barns is curtilage listed property, sharing the principal building's Grade II\* listing, on paper there would seem to be some doubt that this is correct. No access has been possible during preparation of this heritage statement to ascertain adequately the physical relationship between the two (and, as an example, this may demand an understanding of the positioning of, say, boundary walls between the two), but, on its face, the arrangement may fail the ancillary use test of 'principal and accessory', as it has been shown in section 2.2 (page 7) that The Poplars was in use from the 1870s as a domestic residence, seemingly without farming connection, suggesting that the agricultural barns subsequently converted as Castle Barns could not have been ancillary to its use – in the formal sense that is implied - after that time (and certainly not in 1948, at the date of listing in 1955, or in January 1969, being the three key 'event dates' mentioned by Charles Mynors).



This is a reasonably complex legal matter that cannot be resolved by a heritage consultant (and, in any case, not without access to the property itself or to an understanding of any previous discussions and decisions that have been made in this regard). However, tentatively, this heritage statement will take adopt the stance that Castle Barns does not share the listing of the principal building, Castle End and Monks Court for the reasons given the preceding paragraph.

Using the DMRB hierarchy of significance provided in section 3.1.3, the Grade II\* listed Castle End and Monks Court is considered to be a designated heritage asset of **high significance**. The meaningful contribution made by its setting to this significance involves its position on the eastern edge of the settlement, its relationship as a former farmhouse to its former agricultural homestead complex (including Castle Barns), and, beyond that, its proximity to part of its former agricultural land, including the application site. The latter notwithstanding, there is negligible intervisibility between the application site and the listed building, due to the intervening presence of the Castle Barns complex of structures.

### 3.5 Non-designated heritage assets within the wider environs of the site

As has already been seen, non-designated assets are essentially those that have been identified by the local planning authority as having some meaningful archaeological, architectural, artistic or historical interest that gives the asset a value to society transcending its functional utility, making it a material consideration in the planning process. Appendix 3 of the Council's 2012 Conservation Area Appraisal identifies and briefly describes '*Significant Local Non-Designated Heritage Assets (Locally Listed Structures)*'. This includes two at this eastern end of the village: '*6. Rushall House, Earl's Lane*' and '*7. Old Well House, Castle Street*'. The latter lies to the north of Castle Street and is too distant from the application site to be considered a potential receptor of impacts from the development proposal within the application. Rushall House, on the site of the former gasometer and, according to the appraisal '*formerly known as The Gas House*', stands directly across Clifton Road from the application site.

There is an argument that such non-designated heritage assets are already being considered in a coherent and appropriate way for their presence within and their contribution to the designated Deddington Conservation Area and that their separate identification as individual non-designated heritage assets in the impact assessment process results essentially in 'double counting'. For that reason, for the purposes of this heritage statement and its impact assessment, impacts on the setting of Rushall House, as a non-designated heritage asset, will be considered as constituting part of the assessment of impact from the development proposals on the Conservation Area.

## 4 HERITAGE LEGISLATION AND POLICY CONTEXT

### 4.1 National legislation and policy context

In England today, Government policy is framed around the principle that the care and conservation of individual heritage assets and the wider historic environment must involve:

*'Managing change...in ways that will best sustain...heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations'*

[English Heritage (2008) *Conservation Principles*]

Accordingly, in the Ministerial Foreword of the original edition of the NPPF, the Government stated that:

*'Sustainable development is about change for the better, and not only in our built environment. .... Our historic environment – buildings, landscapes, towns and villages – can better be cherished if their spirit of place thrives, rather than withers.'*

In terms of legislation, Section 66 of the Planning (Listed Buildings and Conservation Area Act) 1990 states that:

*'...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'.*

Section 72 of the same Act requires that requires that, in a conservation area, *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.*

The crucial point that is made forcefully in the NPPF [paragraphs 7-10] is that, to be sustainable, development must consider and involve the protection and enhancement of our natural, built and historic environment.

Of particular significance are Government policies for the historic environment set out in paragraphs 192-197 and 200-202 of the NPPF which variously require the local planning authority in determining applications for development to consider:

- *'The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,*
- *The desirability of new development making a positive contribution to local character and distinctiveness [paragraph 192];*

while dictating that:

- *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance [paragraph 193];*
- *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
  - a. *Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
  - b. *Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional [paragraph 194];*
- *Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...[paragraph 195];*
- *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use [paragraph 196];*
- *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset [paragraph 197];*
- *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably [paragraph 200].*

## 4.2 Local policy context

The local planning context is set out in the Planning Statement accompanying the application. However, it is useful within this heritage statement to note that, in 2015/2016, Cherwell District Council adopted Part 1 of its Local Plan 2011-2031, containing a single specific 'umbrella' for conservation and the historic environment (ESD15 – 'The Character of the Built and Historic Environment'). This policy notes that:

*‘Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential. New development proposals should:*

- *Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions;*
- *[...]*
- *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...*
- *Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.*
- *Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages*
- *Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*
- *[...].’*

Additionally, Policy ESD15 notes that *‘The Council will provide more detailed design and historic environment policies in the Local Plan Part 2’* and, in that regards, Policies C25, C27 and C28 of the 1996 Adopted Cherwell Local Plan have been saved and are of relevance to the development proposal in the application.

Saved Policy C25, relating to development in the setting of a scheduled monument, states that:

*‘In considering proposals for development which would affect the site or setting of a scheduled ancient monument, other nationally important archaeological sites and monuments of special local importance, the council will have regard to the desirability of maintaining its overall historic character, including its protection, enhancement and preservation where appropriate.’*

Saved Policy C27, relating to development in villages, states that:

*'Development proposals in villages will be expected to respect their historic settlement pattern.'*

Saved Policy C28, relating to standards of layout, design and external appearance in new development, states that:

*'Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.'*

### 4.3 Heritage policy and its implications for development on the site

Both local and national heritage policy are built on the need to place great weight on the protection and safeguarding of the significance of any and all heritage assets that will be affected by a development proposal. The National Planning Policy Framework notes that 'the more important the asset, the greater the weight [given to conservation of significance] should be'. Any harm likely to be caused to significance of designated heritage assets needs to be minimised in the development proposal and must be outweighed in the planning balance by its delivery of public benefits.

Based on the foregoing and after detailed assessment of the significance of the heritage assets potentially affected by development on the site, general heritage-sensitive guidelines were established to inform development design for the application site. Discussed with Cherwell District Council officers at pre-application stage, these advised that, for the site to be developed in a way that respects and responds to heritage values in its environs, the development proposals would need to:

- i) Retain a clear view towards Deddington Castle from Clifton Road;
- ii) Maintain the visual connection between the Castle and its historic agricultural hinterland in the view out from within the earthworks (towards its eastern end) looking northward;
- iii) Reflect local development form as part of the Conservation Area, particularly in respect to layout pattern, building heights, massing, scale and detailing – as but one example, the historic development immediately to the west of the application site is of a distinctive 'courtyard' nature, which could provide an example to inform a possible layout.
- iv) Use locally distinctive materials, as part of the Conservation Area, including ironstone boundary walling, as highlighted by the Conservation Area appraisal.
- v) Seek to provide enhancements to the Conservation Area in line with NPPF paragraph 200 which encourages '*new development within Conservation Areas...and within the setting of heritage assets to enhance or better reveal their significance*'.
- vi) Respect buried archaeology on the site in accordance with the National Planning Policy Framework.

- vii) Deliver clear and real public benefits that will outweigh any harm likely to be caused to the significance of heritage assets.

## 5 ASSESSMENT OF POTENTIAL IMPACTS

### 5.1 Introduction and general observations

As has been noted at the start of this statement, it has been prepared to comply with paragraph 189 of the NPPF, which requires an applicant whose proposals may affect one or more heritage assets 'to describe the significance of any heritage assets affected, including any contribution made by their setting' to a level of detail that is 'sufficient to understand the potential impact of the proposal on their significance'. This concluding section of the statement reviews likely impacts on relevant heritage assets in the light of the foregoing analysis and findings.

As has already been mentioned in section 3.1.2, impacts – whether beneficial or adverse – that might affect the significance of a heritage assets will either be:

- Direct physical impacts on its built fabric or character; or,
- Indirect impacts on the contribution made by its setting to its significance.

Finally, as a general principle, in NPPF terms, adverse effects resulting from any development proposal – that is, harm - can be considered to be a continuum, with 'substantial harm' only occurring at its very highest end and 'less than substantial' harm occupying the whole of the remainder of the continuum from the most minimal harm through to the threshold with 'substantial harm' where significance is almost completely vitiated.

### 5.2 Potential receptors of impacts

The heritage assets that may be affected by the development proposal have been identified in section 3 of this heritage statement as being limited to:

*Designated heritage assets within or including the site, which might potentially receive direct impacts from the development of the application site*

- i) Deddington Conservation Area.

*Non-designated heritage assets within or including the site, which might potentially receive direct impacts from the development of the application site*

- None

*Designated assets within the wider environs of the site, which might potentially receive indirect impacts from the development of the application site*

- ii) Deddington Castle [scheduled monument]
- iii) Grade II\* listed Castle End and Monks Court

*Non-designated assets within the wider environs of the site, which might potentially receive indirect impacts from the development of the application site*

- None (except Rushall House considered as constituting part of Deddington Conservation Area, as discussed in section 3.5).

## 5.3 Case law of relevance to the application

### 5.3.1 Called-in *Citroen* site decision

On 10<sup>th</sup> September 2020, the Secretary of State's decision on the called-in planning application for the Citroen site next to an elevated section of the M4 in Brentford was announced. The findings and recommendations of the Planning Inspector, David Nicholson RIBA IHBC, who held a public inquiry on the called-in application in January and February 2020, have placed renewed emphasis on two general heritage issues: the approach to applying heritage policies, including those relating to significance, in heritage impact assessments and the need for and process of assessment of cumulative harm to heritage assets from development proposals. Now that the Inspector's report is available and there has been time to assimilate its approach and ramifications, these have been reflected, where appropriate, within the impact assessment below.

The *Citroen* decision (see, for instance, paragraphs 6.26 and 6.30 of the decision report) follows the line of the National Planning Policy Framework that a heritage asset's significance is made up of two components: the heritage values enshrined in the asset itself, including, potentially, attributes relating to its intrinsic character; and a secondary component of significance that derives from its setting – that is, the contribution made by the setting to significance. Building from that, the decision considers there are two possible types of impacts from a development proposal (as mentioned in sections 3.1.2 and 5.1 above) – direct impacts affecting the asset's built fabric or character and indirect impacts affecting the contribution made by its setting to its significance.

The *Citroen* Inspector's report builds up to its assessment of the level of harm likely to be involved through key principles flowing logically from the NPPF:

- *'Harm to [heritage] assets inevitably means a degree of non-compliance with development plan policies which are drafted to prevent or guard against harm to designated assets' (6.23.4).*
- *'However, harm to designated assets...is not an insuperable obstacle to planning permission'.*
- *'The less than substantial [harm] category comprises a sliding scale, spectrum or gradient from (at the bottom) the merest trace of harm, to (at the top) a very significant degree of harm a touch below what would fall within the substantial category of harm' (6.28).*

*Citroen* (6.29) emphasises the Court's definition of the category of substantial harm in the *Bedford* case (see also later in this section of the heritage statement) that *'for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained*



*away... One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced'.*

Critically, in regard to the issue of limited impacts on an asset with multiple aspects to its significance (and this seems particularly relevant to both an individual heritage asset having a considerable and/or complex range of heritage values making up its significance and also area-wide heritage assets such as Conservation Areas or World Heritage Sites), the *Citroen* Inspector reflected that:

*'Concern is expressed that one should not artificially lower the degree of harm on the basis that only one aspect of significance is harmed. That proposition on its own is obviously right, but the main point is a simple one – what harm does the proposal do to significance? If it affects to some degree one part of what makes an asset significant, but leaves the other 3 or 5 or 10 aspects of significance untouched, that must be relevant to the assessment of how much harm to significance would be caused. Assets rich in significance are inherently more robust. That is not to say that harm to one aspect is unimportant; but it does indicate that with such assets it takes harm to multiple aspects of significance for harm to be pitched high up the less than substantial scale'.*

The foregoing led in *Citroen* to the Inspector concluding that:

*'...the overall harm should be some sort of product of impact and importance, with the balance tipped firmly in favour of preservation. However, to argue that a slight detrimental change to its setting should automatically be equated with considerable harm on account of the importance of the asset would be an extreme if not unreasonable position. It would prejudice the balance required to be taken by the decision maker under NPPF§196. Considerable importance and weight to the desirability of preserving does not necessarily result in considerable weight to the harm. Providing the desirability of preserving has been given considerable weight, and the balance tipped appropriately, the assessment of the weight to the actual harm to significance (or special interest) in the overall balances is a matter for the decision maker.'*

In *Citroen*, the Inspector was considering indirect impacts affecting the significance of an array of designated heritage assets through change potentially causing harm to the contribution made to significance by their settings. He set out (6.26) a 'correct approach' to assessing impacts that can be adapted, as below, for more general use:

- Understand the significance of the asset in question – as above, the totality of its significance will be made up of two components: the heritage values enshrined in the asset itself, including potentially attributes relating to its intrinsic character; and a secondary component of significance that derives from its setting.
- Assess to what degree any change to the asset itself causes harm (or positive benefit) to its significance.
- Assess to what degree any change to the setting causes harm (or positive benefit) to the significance of the asset.
- In terms of a cumulative approach to the assessment, it may be relevant to ask whether the changes in question (which could be direct impacts or indirect impacts) compound or further exacerbate pre-existing harm to the asset's significance.

In terms of the last bullet in the preceding, the *Citroen* Inspector considered (15.29) the most appropriate way to tackle the occurrence of ‘cumulative harm’ in heritage impact assessments:

*‘To my mind, the cumulative harm should be assessed in three ways. First, it is the proposal that should be assessed initially, followed by a cumulative assessment...Which of these considerations carries more weight, and how these are combined, will be a matter for the decision-maker based on the circumstances. Second, existing harm should never be used to justify additional harm. Policy is unequivocal that the quantum of proposed harm should not be compared with existing harm in assessing whether it would make a significant difference. Finally, if the combination of existing and proposed harm would reach a tipping point then this would be particularly relevant in judging the overall effects.’*

On cumulative harm, the *Citroen* report highlights (6.33-6.34) that:

*‘...in very simple terms, the analysis is of incremental further harm caused by the scheme. That takes into account what harm has already been caused as the baseline. However, the harm attributable to the scheme under consideration is not the total harm. It is the degree of additional harm. Where this matters is when there is a very large degree of existing harm, and a further straw may break the camel’s back... It is also very important to be clear that analysing the further incremental degree of harm is not a backdoor route to large-scale harm through multiple small increments. The exercise in every case takes as the baseline the latest cumulative baseline. Once any particular tipping point is reached, the next increment may be judged unacceptable.’*

### **5.3.2 Land South of Clifton Road, Deddington OX15 OTP – appeal decision**

On 19<sup>th</sup> October 2020, the Inspector’s decision on two inter-related appeals (APP/C3105/W/19/3242236 and APP/C3105/W/20/3247698) by Harcourt (Deddington) Limited against refusal by Cherwell District Council of outline consent for, respectively, 15 and 14 residential properties on land south of Clifton Road was announced. The land in question lies immediately to the east of the 1950’s dwellings known as Stonecroft, Oak Lodge, Willery, and the Fishers, which have already been mentioned in section 2.2 of this heritage statement. Both appeals were allowed by the Inspector and outline planning permission granted.

There are similarities and differences between these development proposals and that for the current application site, but, in all, a primary consideration in determination has been or will be, in the Inspector’s words, *‘the effect of development on the character and appearance of the area, including Deddington Castle and the Deddington Conservation Area’*.

Having considered the contribution made by setting to the significance of the scheduled monument, Deddington Castle, and the part played by views to and from the Castle within that, the Inspector concluded (paragraph 15) that, in contrast to views out to the north:

*‘Only when looking south or east from the castle, and away from the [appeal] site, would views take on the appearance of a truly rural character associated with the open countryside.’*

The Inspector also observed (paragraph 19) that:

*'The visual differentiation [between the village core and less dense development at its edges and peripheral clusters] is important to preserve, and the high density nature of the village core should not be allowed to sprawl outward to lower density locations such as the peripheral cluster [around the appeal site].'*

In that regard, the Inspector stated (paragraphs 22 and 23) that:

*'The prevalence of other field parcels that would remain interspersed amongst development along Clifton Road would guard against ribbon development, and even with the loss of the site to the development the proportion of unbuilt vs built form would remain low density...Consequently, this area of Clifton Road could maintain its low density and peripheral nature (through a combination of layout and landscaping approaches and the preservation of other field parcels) and still be easily discernible from the relatively high density nature of the village core.'*

*'The development should not be considered to form a precedent, there are sufficient numbers of remaining field parcels that preserve the peripheral feel of the area and any future development proposals would need to account for the subsequent and cumulative loss of any field parcels and any consequential effects.'*

The Inspector found (paragraph 24) that the effect of the development proposals in the two outline applications would be that:

*'...the settings of both Deddington Conservation Area and Deddington Castle would...be preserved. I note that Historic England raised concerns about the loss of the field parcel in and of itself, but in my view the setting of the castle should be taken as a whole, not in isolation, and by this measure it would be preserved.'*

### **5.3.3 Other case law on substantial and less than substantial harm**

The NPPF's approach to negative impacts on designated heritage assets (referred to as 'harm') revolves around an undefined threshold between 'substantial' and 'less than substantial' harm. Although the term 'substantial harm' is neither defined in the NPPF nor in related guidance, the Planning Practice Guidance (2019) for Conserving and Enhancing the Historic Environment advises:

*'In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.'*

*'While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or*

*conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.'*

This carefully worded guidance reflects in part the only case law to date that touched upon the definition of substantial harm (Bedford Borough Council v Secretary of State for Communities and Local Government, 2013). This related to a judicial review of a planning appeal. Accordingly, its findings in terms of an absolute definition are to a degree ambiguous, as that was not the issue at hand. The case was about process, not fact. However, the judgement is of importance for the light it sheds on an acceptable approach to defining 'substantial harm', which was summed up as follows:

*'What the inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away.*

*Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.'*

Since then, relevant case law has focused to a large part on addressing the matter of achieving an appropriate balance between competing interests in circumstances where the level of harm to the significance of a heritage asset is likely to be less than substantial. In the *Barnwell Manor* case [SDDC CD17 Barnwell Manor Wind Energy Ltd v. East Northamptonshire District Council [2014] EWCA 137] it was found that '*less than substantial harm does not equate to a less than substantial planning objection*'. The judgement emphasised the need to have special regard to impacts on the setting of designated heritage assets and that '*there is a need to give considerable importance and weight to any harm...when carrying out the planning balance*'.

Also in 2014, the *Forge Field* ruling [R (Forge Field Society) v Sevenoaks District Council & Others [2014] EWHC 1895 (Admin)] reiterated *Barnwell Manor*'s approach, finding that the statutory duty imposed under section 66 of the Listed Buildings and Conservation Areas Act 1990 to have special regard to the desirability of preserving listed buildings and their settings requires that considerable weight must be accorded to any harm to listed buildings or their settings. The judgement concluded:

*'The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the right balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation...'*

As *Forge Field* noted, despite this statutory presumption, there is a balance to be considered. In the *Razor's Farm* recovered appeal decision in September 2014 [APP/H1705/A/13/2205929], alluding to *Barnwell Manor*, the Secretary of State noted that '*an adverse impact [on significance]...is one factor that attracts considerable importance and weight in the balancing exercise. However, it is important*

to acknowledge that considerable importance and weight is not synonymous with overriding importance and weight'.

## 5.4 Assessment of potential impacts and their significance of effects

### 5.4.1 Introduction

In section 5.1 above, it was stated that the assessment of harm caused to the significance of heritage assets in this heritage statement would be based on the notion that harm can be seen as a continuum, with substantial harm only occurring at its very highest end and less than substantial harm occupying the whole of the remainder. This approach derives from the principles set down as national policy in the NPPF and, as seen in section 5.3.1, it concurs with the approach taken in the *Citroen* case. In this statement, in reaching an assessment on harm, the 'less than substantial' continuum/sliding will be subdivided into notional bands of harm – starting at the lower end with 'slight' harm, then 'moderate', and finally 'major', before reaching the upper threshold with 'substantial harm' – each band still being a gradient and with no hard dividing lines between them.

applied terminology that assumed that the 'less than substantial' sliding scale could be regarded as being subdivided into notional bands of harm – starting at the lower end with 'slight' harm, then 'moderate', and finally 'major', before reaching the upper threshold with 'substantial harm' – each band still being a gradient and with no hard dividing lines between them. This addendum follows the same logical approach.

### 5.4.2 Impacts on views

Since the impact of the development proposals contained in the current application on the heritage value within key views is of considerable importance within the general impact assessment process, it makes sense to bring forward consideration of these views before looking at the effect of the development proposals on the designated heritage assets themselves.

The LVIA forming part of the application identifies and illustrates five viewpoints with accurate verified representative images. For the purposes of this heritage assessment, these have been supplemented with an additional viewpoint image and the viewpoints have been reordered. The table below establishes the relationship between the same viewpoints/views in the heritage statement and LVIA for ease of understanding. The viewpoint AVR images are set out in Annex I to this statement.

Heritage Viewpoint No.	LVIA Viewpoint No.
1	Not included
2	5
3	4

Heritage Viewpoint No.	LVIA Viewpoint No.
4	3
5	2
6	1

*Viewpoint 1: Clifton Road looking south towards Deddington Castle*

This is the principal available view from the public highway along Clifton Road across the field containing the application site to Deddington Castle. It is thus assumed to be the ‘positive vista’ identified in the CA Appraisal, despite being in a different location to that shown on its visual analysis plan. The Castle is markedly less visible in summer in the same view.

The proposed view demonstrates that the application proposals leave the view of the Castle open and unaffected, although new buildings and tree planting will be visible off to the right hand side.

All components of the view from this viewpoint lie in the Conservation Area. The visual relationship in the view between the field and the former barns to Blount’s Farm (now the converted Castle Barns) will be lost. There is already no sight of the former farmhouse (now the listed Castle End and Monks Court) in this view.

*Viewpoint 2: Footpath beside the earthworks of the Castle looking north to Clifton Road (LVIA 5)*

This is essentially the view identified in the CA Appraisal as the ‘positive view’ across the field containing the application site from the edge of the Castle. In reality, it is a view across the field to Clifton Road and does not show any wider countryside to the north of the scheduled monument.

The proposed view shows that the application proposals will be visible in this view, although much softened by tree planting. However, the greater part of the field remains open, retaining a reasonable relationship between the Castle and immediate agricultural land. The development will partially obscure the glimpsed view through trees and across Clifton Road of the non-designated Rushall House from this viewpoint.

*Viewpoint 3: Similar to (2), but set closer to the Castle looking north to Clifton Road*

As noted, this is a similar view to (2) but set slightly further south and closer to the Castle. The proposed winter and summer views demonstrate that, in the winter, the development will be partially visible, although the greater part of the field will remain open and legible as agricultural land. In the summer, there will be a very partial glimpse at most of the development from this viewpoint.

*Viewpoint 4: Footpath beside the earthworks of the Castle looking north to the application site*

This is not an identified viewpoint or view in the CA Appraisal. However, it has been included to show the visual effect glimpsed through shrubbery and vegetation growth from the footpath further west than viewpoint (2).

The proposed winter view shows that the development will be visible looking up slope across a section of open pastureland from the boundary wall, while in summer it will be obscured by leaf growth on vegetation.

*Viewpoint 5: Footpath beside the earthworks of the Castle looking north to the application site*

Viewpoint 5 is, in theory, the positive vista identified in the CA Appraisal looking towards the Castle from near Clifton Road. In reality, it is a private view looking towards the Castle taken from a viewpoint on private land, off the public highway.

The proposed view shows that the viewpoint looks directly into the application site and, accordingly, when developed will be dominated by the new housing on the application site.

*Viewpoint 6: Footpath beside the earthworks of the Castle looking north to the application site*

Viewpoint 6 is a view from the footway on Clifton Road that has been presented for landscape assessment purposes. It looks through the boundary tree screen towards the location of the application site, rather than in the direction of the Castle, which would be the focus of a heritage view. It is not the principal view of the Castle from this footway, which is that shown as Viewpoint 1 above. Nonetheless, the existing view shows that the Castle is partially visible through trees in winter from this vantage point.

As is explained below in section 5.4.3, the positioning of the proposed development in the open field has been driven by the wish to retain the key view of the Castle from Viewpoint 1 further to the east. From this vantage point, closer to the new housing, the development will obscure a section of the winter view of the Castle, although marginally the greater part of the view will still be retained. The proposed summer view shows that the Castle will be obscured by vegetation for that part of the year.

### **5.4.3 Delivery against heritage-based development principles**

In section 4.3 above, it was noted that, based on heritage policy and emerging assessments of significance, heritage-focused development principles were identified to inform design development in a way that respects and responds to heritage values in its environs. The key principles were discussed with Cherwell District Council officers at pre-application stage.

It is assessed that the proposals in the application perform in the following ways against these principles:

- i) *Retain a clear view towards Deddington Castle from Clifton Road*

Given tree and other vegetation screening, there is a single key view from the Clifton Road pavement towards the Castle (Viewpoint 1 above). The area to be developed, including the access road, has been kept away against the western fringe of the open field, leaving this view corridor unrestricted (although the new housing will be seen as part of the village settlement, peripherally to the right). Having been modelled, this is shown to be an effective approach to retaining the clear view from the road to the Castle.

ii) *Maintain the visual connection between the Castle and its historic agricultural hinterland*

Again, the positioning of the developed area means that the visual connection with agricultural land in the view out from the Castle will be maintained (Viewpoint 2). Naturalistic screening with new trees – taking the form of a small copse rather than an artificial line of trees following the development boundary - will be planted to soften the appearance of both existing and new housing on the left hand margin of the view from the Castle. The remaining part of the overall site will be returned to good quality pastureland to improve both its character in this important view and its ongoing use. Again, with this modelling, this is shown to be a successful approach to the issue.

iii) *Reflect local development form as part of the Conservation Area, and*

iv) *Use locally distinctive materials, as part of the Conservation Area*

The layout of the development is built around an agricultural courtyard model, with notional farmhouse, barn and outbuilding forms. The material usage follows this form and adopts local materials for the exterior of all buildings. As a result, the development will respect and reflect built form and grain in its immediate environs.

v) *Provide enhancements to the Conservation Area*

Currently, the Conservation Area gateway in front of the site is slightly disappointing and unrepresentative of the settlement and its special character. The proposed development would (with general agreement) enable this CA gateway area to be actively managed by Blue Cedar, including keeping the ditch alongside the pavement and the footway free of overgrown and unkempt weeds and maintaining the grass verge in front of the site and open field. Blue Cedar are proposing to create an appropriate sized ironstone planter (on one or both opposing verges) and associated wall(s) to mark entry into Deddington CA positively, and would undertake (again, subject to general agreement) to manage this feature actively in the future. To the south of the developed area, the application shows that an existing unsightly ramshackle shed will be removed and damaged sections of the stone boundary wall with the Castle, which is identified in the CA Appraisal (its Fig. 15: 'Visual Analysis') as being a 'characteristic boundary wall', will be rebuilt to best conservation standards and maintained in good condition in the future.

vi) *Respect buried archaeology on the site*

The tightly-grouped form of the development will minimise intervention with any archaeological remains that are present beneath the ground on the overall site. It has been agreed that archaeological conditions will be discussed and agreed with the planning authority as part of any consent for the development and will be strictly adhered to. For example, in a response to consultation on a previous application for the site on 7th April 2014, the County Archaeologist requested '*In accordance with the National Planning Policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should...be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area*'. Recognising that this is best practice, it is understood the applicant will seek to



negotiate a WSI with the County Archaeologist in order to comply with the demands of the NPPF and will ensure that preservation of any archaeological deposits is properly planned.

vii) *Deliver clear and real public benefits that will outweigh any harm to significance of heritage assets*

Heritage benefits to be delivered by the proposed development have been outlined in (v) above. Non-heritage public benefits are described in the Planning Statement accompanying the application.

#### **5.4.4 Deddington Conservation Area**

All six views described above lie within and relate in their entirety to the Conservation Area. The special interest and character of CA, including that part closest to and containing the application site, have been described in sections 2.3 and 3.2.2 above and will not be repeated again here. This heritage statement has found that the CA is a designated heritage asset of medium to high significance.

Since the application site lies within the CA, potential effects from its development on the significance of the CA will involve direct impacts only.

The development proposals involve the loss of the north western segment of the open field at the very north eastern edge of the Conservation Area. In travelling westwards along Clifton Road towards the edge of the CA, the new housing will be occasionally glimpsed in small parts through the screening trees. The Inspector in the recent appeal case (section 5.3.2 above) found that the wider approach along Clifton Road in this direction *'signalled to me that the landscape was changing, and that I was moving from open countryside into the village's peripheral development and towards its core'*. That experience will remain unchanged by the application proposals. If static at Viewpoint 1, rather than moving towards the village, as noted in section 5.4.2, the visual relationship in the southwards view between the open field and the former barns to Blount's Farm (now the converted Castle Barns) will be lost. However, the key view of the Castle from the public footway across the open land will remain. The presence of the new housing will become more evident as the settlement edge is reached with the new junction for its access, close to the corner that marks the principal historic entrance to the village (as opposed to the CA's gateway a little before). The materials to be used in and around this new junction off Clifton Road have been chosen to reflect the distinctive character attributes of the village and its CA, and it is intended will be durable and of high quality.

As identified under 'Viewpoint 2' in assessment of views earlier in this section, from the boundary wall at the northern edge of the Castle, the new housing will be visible, although much softened by tree planting. However, the greater part of the field will remain open, retaining a relationship between the Castle and the immediate parcel of agricultural land to its north. The development will partially obscure the glimpsed view through trees and across Clifton Road of the non-designated Rushall House from here.

Aside from the foregoing and a view through screening trees to the new housing from the Earl's Lane junction with Clifton Road, the development will not be visible in other publicly-accessible views from or to the Conservation Area.

Generally, the development proposals respond to the distinctive character of the immediate Conservation Area, reflecting the form of the neighbouring courtyard grouping to the west of the site. Throughout the scheme, including the subdivision of plots, the material palette will be dominated by use of traditional ironstone walling – again, responding to the special interest of the Conservation Area, and as is described in the 2012 CA Appraisal.

In the 2017 case of *Palmer v Hertfordshire Council*, it was held that the heritage impact assessment approach must be a comprehensive one, not a fragmented assessment focusing only on harm, but an overall balanced consideration of both harm and benefits taken together. To reflect that, to be set against the foregoing identified adverse effects of the development proposals on the CA, positive enhancements to the Conservation Area and its special character from the application have been described in section 5.4.3 (v).

The applicant has sought the advice of Historic England on the submitted development proposals and this was provided in a letter dated 1<sup>st</sup> October 2020. In regard to the impact of the proposals on Deddington Conservation Area, Historic England’s assessment is that:

*‘With regard to the conservation area the definition of the significance of the Setting character area is quite clear in the Conservation Area Assessment. Construction of buildings here, and reduction of the open space, will cause some harm to the conservation area. The harm will be less than substantial. There is no formal scale for less than substantial harm but on a simple scale of minor, moderate and major (severe) I advise that it would be minor to moderate, depending on the final details of the scheme and the success or otherwise of proposed screening.’*

There is no evidence in the latter that that assessment considers and takes account of the positive enhancements the application can deliver to the edge of the CA.

It has been noted in section 5.3.1 that, in the *Citroen* case, it was found that:

*‘If [harm from a development proposal] affects to some degree one part of what makes an asset significant, but leaves the other 3 or 5 or 10 aspects of significance untouched, that must be relevant to the assessment of how much harm to significance would be caused. Assets rich in significance are inherently more robust. That is not to say that harm to one aspect is unimportant; but it does indicate that with such assets it takes harm to multiple aspects of significance for harm to be pitched high up the less than substantial scale’.*

Inevitably, area-wide heritage assets of medium to high significance are ‘assets rich in significance’. The development proposals will have an adverse effect on part of the significance of the CA, but by far the greatest aspects of its significance will be left entirely untouched and unaffected by the application. That is not to belittle the importance of the degree of harm. All harm to significance is a matter of importance and the NPPF makes clear that the greater the significance of an asset, the greater the weight that should be placed upon its conservation.

Nonetheless, taking into account:

- i) The extent of adverse impacts on the significance of the CA,

- ii) The identified heritage benefits to the CA that the scheme can deliver, and
- iii) That the effects of development proposals on the significance of a conservation area (as with other area-wide assets, such as a World Heritage Site) must be assessed considering the asset – that is, the CA - as a whole, not in part (as is anticipated by, for instance, paragraph 201 of the NPPF),

the conclusion of this heritage statement is that, overall and on balance, the application will result in **slight 'less than substantial' harm to** the significance of Deddington Conservation Area *as a whole*.

#### 5.4.5 Deddington Castle

Since the application site lies outside the scheduled area of Deddington Castle, but within its immediate northern setting, potential effects from its development will involve indirect impacts only on the contribution made by setting to the significance of the Castle. The remainder of its attributes of significance will remain unaffected by the development proposals.

As discussed in section 3.4.2 above, the significance of the Castle derives from its evidential and illustrative value. As previously explained and in common with all other heritage assets, overall, that significance is made up of attributes relating to the fabric, form, character, history, associations with events and people, use, communal and social values, and so forth, and a second component comprising the contribution made to significance by setting.

In section 3.4.2, it is concluded that the Castle is a designated heritage asset of high significance. It is noted there that the setting to the scheduled monument still reflects today its historic settlement edge positioning and reinforces the illustrative value of the heritage asset. However, due to topography, the semi-panoramic, more distant views gained looking out from the Castle towards the south (and, to a lesser degree, the east) better convey its connection to a historic agricultural hinterland than do those to the north (including that over the application site), which are more contained, less expansive, and tend to focus on relatively small open spaces within the immediate vicinity of the Castle. That is not to deny that the view from the edge of the earthworks looking out over the open field immediately to the north and including application site is also of importance being a 'positive view', as the CA Appraisal identifies. That accords with the general approach and findings of the Inspector at the recent appeal relating to the site a little further east from the application site.

The views analysis has shown that, due to careful positioning of the developed area within the open field, the important view from Viewpoint 1 will be maintained, as will the greater part of the visual connection with agricultural land in the northward view out from the Castle (Viewpoint 2). The visibility of the new housing will be broken up and softened by naturalistic screening with new trees in the form of a small copse. The remaining part of the overall site will be returned to good quality pastureland to improve its character in this important view.

Pulling all the foregoing together, it is concluded that the application will have a relatively small impact on the total legibility of the Castle's positioning between the historic settlement edge and open countryside. One heritage benefit accruing to the scheduled monument from the application that needs to be taken into account in this impact assessment will be the conservative repair and ongoing

maintenance of the stone wall between the earthworks and the field - a positive 'characteristic boundary wall' identified in the CA Appraisal.

Historic England's advice on the application scheme in its letter of 1<sup>st</sup> October 2020 was that:

*'Taken overall, the impact of the new development on visitors to the castle will be that the open agricultural setting of the castle will be reduced by a small amount. Also, the effect will be to bring the built-up area of the village closer to the castle than is currently the case. This is important, as the isolation of the castle from the village is a key element of its significance...The impact on the scheduled monument will cause less than substantial harm for the reasons given above...There is no formal scale for less than substantial harm. On a simple scale of minor, moderate and major (severe) I consider the harm to the significance of the scheduled monument would be minor.'*

As with the CA, Deddington Castle with its high significance is an asset 'rich in significance'. The development proposals will have an adverse effect on a small part of the significance of the scheduled monument, but by far the greatest aspects of its significance will be left entirely untouched and unaffected by the application. Again, that is not to belittle the importance of the degree of harm or the principle that the greater the significance of an asset, the greater the weight that should be placed upon its conservation.

Historic England's contention that the effect of the application will be 'to bring the built-up area of the village closer to the castle than is currently the case' is not wholly correct. The development will take away the north western segment of the open field and the effect of that has been properly described and considered in the foregoing. But the application will not bring the built-up settlement area *physically* closer to the Castle in any way. The proposed site plan [Figure 1] demonstrates clearly that a substantial part of Castle Barns immediately to the west projects closer to the scheduled area of the Castle than the new housing.

Nonetheless, despite that important caveat, the conclusion of this heritage statement concurs with the finding of Historic England that, overall and on balance, the application will result in **slight 'less than substantial' harm** to the significance of Deddington Castle. The development proposal can only indirectly affect the Castle through the contribution made to its significance by its setting. Far and away the greater part of that contribution to significance arising from setting will be untouched and unaffected by the application (most particularly, all the views looking out from and towards the monument from the south), as will be the many attributes of significance deriving from its own characteristics that are outlined in the second paragraph of this subsection. That approach to impact assessment is consistent with the lesson identified from the *Citroen* case and leads logically to the finding that the application will cause no more than slight 'less than substantial' harm to the significance of Deddington Castle.

It is worth noting in passing that the Inspector on the two recent appeals relating to other land south of Clifton Road (see 5.3.2 above) found that the larger proposed developments there would have no effect on the significance of the Castle. There are differences and similarities between the circumstances pertaining to that appeal site and the current application site. It is right to conclude in

this case that current application will result in slight harm, but the two conclusions do not seem inconsistent from the foregoing assessment.

#### 5.4.6 Castle End and Monks Court

The significance of the joint listed building, Castle End and Monks Court, has been considered in section 3.4.3 and it has been concluded there that it is a designated heritage asset of high significance. In this instance, the potential effects from the development proposal will involve indirect impacts only on the contribution made by the listed building's setting to its significance. The remainder of its attributes of significance will remain unaffected by the development proposals. The contribution made by setting to its significance has been assessed as being its relationship as a former farmhouse – and subsequently as a residence of some substance on the edge of the settlement - to its former agricultural homestead complex (including Castle Barns), and, beyond that, its proximity to part of its former agricultural land, including the application site. The latter notwithstanding, it has been noted that there is negligible intervisibility between the application site and the listed building, due to the intervening presence of the Castle Barns complex of structures.

The relationship between the former farmhouse, the principal listed building, and its historical homestead group of buildings will be unaffected by the application. The wider relationship with the open field will be affected by the presence of the new housing, although an open strip of the field will be retained to the south of the housing up to the boundary with Castle Barns. As noted, there is no intervisibility between the principal listed building at ground level and the open field due to the visual barrier presented by the Castle Barns complex. The discussion at section 3.4.3 above on curtilage listing tentatively concluded that that Castle Barns does not share the listing of the principal building, Castle End and Monks Court, but that might require legal advice to resolve with absolute clarity.

Historic England's remit includes being consulted on applications for planning permission for development which affects a Grade I or II\* listed building or its setting, a Grade I or II\* registered park or garden, a scheduled monument, or a registered battlefield. In the light of that, the absence of mention in their advice letter dated 1<sup>st</sup> October 2020 of likely impacts on the contribution of setting to the significance of Grade II\* listed Castle End and Monks Court is taken to indicate that they do not consider that its significance will be affected adversely by the development proposals in the application.

On balance, it is considered that the application will have little adverse effect on the significance of the listed Castle End and Monks Court, due to the screening effect of Castle Barns in between. On those grounds, it is concluded that the development proposals in the application will have a **neutral effect** on the significance of the listed building.

#### 5.4.7 Cumulative effect

As noted previously, the cumulative effect of the application with that of the 14/15 houses further east that have recently been granted outline planning permission at appeal must also be considered. The *Citroen* case correctly stresses the need to understand whether cumulative harm resulting from the

adverse effect of these together reaches a tipping point that causes substantial harm to the significance of either Deddington Conservation Area or Deddington Castle.

It is undoubtedly the case that together the two developments will erode aspects of openness in the settings of the two designated heritage assets. However, and again as noted previously (see 5.4.4), the characteristic that the Inspector at the appeal(s) found most important - the wider approach along Clifton Road in this direction '*signalled to me that the landscape was changing, and that I was moving from open countryside into the village's peripheral development and towards its core*' - will remain unchanged by the cumulative effect of the application and consented at appeal proposals.

The Inspector also found that the appealed and now consented proposals would have no adverse effect on the contribution made by setting to the significance of Deddington Castle, but he expressly commented in the decision report that:

*The [appeal] development should not be considered to form a precedent, there are sufficient numbers of remaining field parcels that preserve the peripheral feel of the area and any future development proposals would need to account for the subsequent and cumulative loss of any field parcels and any consequential effects.'*

The current application would represent a partial erosion of one such open field parcel, but the impact of that has already been properly considered in this heritage statement. The issue here is whether the cumulative effect of the application, added to the development consented at appeal, would approach or reach a tipping point where this further increment of harm should be 'judged unacceptable', to use the Citroen Inspector's words.

Even with the two developments implemented together, it is considered that there would be 'sufficient numbers of remaining field parcels [to] preserve the peripheral feel of the area'. The two developments would not be experienced in many, if any, single views from the Castle. The peripheral open/agricultural setting of the Castle experienced in any northward views would not be transformed so adversely that it would no longer be readily legible as such.

On the basis of the foregoing, it is concluded that the cumulative harm resulting from the adverse effect of the two developments together would not reach a tipping point that causes substantial harm to the significance of either Deddington Conservation Area or Deddington Castle.

#### **5.4.8 Summary of impact assessment**

Summarising the foregoing, this heritage statement concludes that the development proposals within the application will have varying effects on the significance of heritage assets in the local historic environment, resulting in:

- Deddington Conservation Area (medium to high significance) – slight 'less than substantial' harm
- Deddington Castle (high significance) – slight 'less than substantial' harm
- Castle End and Monks Court (high significance) – neutral effect.

## 5.5 Justification for causing harm to significance

As noted in section 4, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities shall have special regard to the desirability of preserving listed buildings or their setting or any features of architectural or historic interest which they possess and also that they shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Where harm occurs, the NPPF sets out the test whereby this must be justified. The Council's local plan policies, set out in section 4 above, reinforce that process.

The impact assessment has found that slight less than substantial harm would be caused by the development on the significance of the designated Deddington Conservation Area and Deddington Castle.

Paragraph 196 of the NPPF requires that:

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

Public benefits are usefully defined within the 2019 Planning Practice Guidance as follows:

*Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit..*

*Examples of heritage benefits may include:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation.'*

While the matter of the planning balance is not an issue for consideration in this heritage statement, the *heritage* benefits of the application have been identified already in section 5.4.3 (v) as enhancements to the Conservation Area, with one also constituting an enhancement in the setting of Deddington Castle (mentioned in section 5.4.5).

These heritage benefits form part of the wider public benefits that will be delivered by the proposals within this application and which are considered as part of the planning balance within the Planning Statement accompanying the submission. However, it is important in closing to stress both that considerable weight must be accorded to any harm likely to be caused to designated heritage assets and that *'the provision of...open-market houses and the associated economic activity are very weighty matters in economic and social terms'*, as the 'Razor Farm' recovered appeal decision noted.

**Stephen Bond MA HonDArt FSA MRICS GradDipConsAA**

**Heritage Places**

e: [sbond@heritageplaces.co.uk](mailto:sbond@heritageplaces.co.uk)

30<sup>th</sup> November 2020



## Annex I: Viewpoint AVR Images