
Land off Main Street
Wendlebury
Oxfordshire

A
Heritage Impact Assessment

June 2022
Mercian Heritage Series No.1933

**Land off
Main Street
Wendlebury
Oxfordshire**

Centred on NGR: SP 561 196

**A
Heritage Impact Assessment
of
Potential New Development**

Text

Richard K Morriss *MA(Hons) MSocSc*

Assistant

R Little *DipHortTher*
L J Morriss *BSc (Hons)*

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Summary

An application for a Permission in Principle (PIP) for 2-3 houses on land off Main Street, Wendlebury in eastern Oxfordshire. Appeal judgments have indicated that PIP still require the same heritage impact assessments as full applications as set out in the 1990 Planning Act and the National Planning Policy Framework. There are no listed buildings within the study area, but there is one immediately adjacent and a few within the village. Consequently, this report was commissioned under the guidance of the National Planning Policy Framework to provide an assessment of the proposal on that listed building and the potential impact of any other adjacent heritage assets. It concludes that the proposal will not result in any harm to any adjacent heritage assets. Consequently neither Section 66 of the 1990 Planning Act nor Paragraphs 202-3 of the NPPF would be engaged.

1. Introduction

An application for a Permission in Principle (PIP) is being developed for land to the rear of buildings on Main Street, Wendlebury in eastern Oxfordshire. Such permissions require, where appropriate, heritage impact assessments. As there is a listed building immediately adjacent to the site and others within the village, this report was commissioned to provide an understanding of the site and its development and to assess the impact of the proposals on adjacent designated or non-designated heritage assets. It is not concerned with any other planning issues.

1.1 Report Format

The report format is quite simple. After this brief introduction, there are short sections on the requirements of NPPF (Section 2) and Heritage Impact Assessments (Section 3). These are followed by an outline of the setting and history of the site (Section 4) and a description of it (Section 5). Section 6 outlines the proposals and Section 7 is an outline heritage impact assessment. Section 8 is a short conclusion and Section 9 a list of the references used for this report.

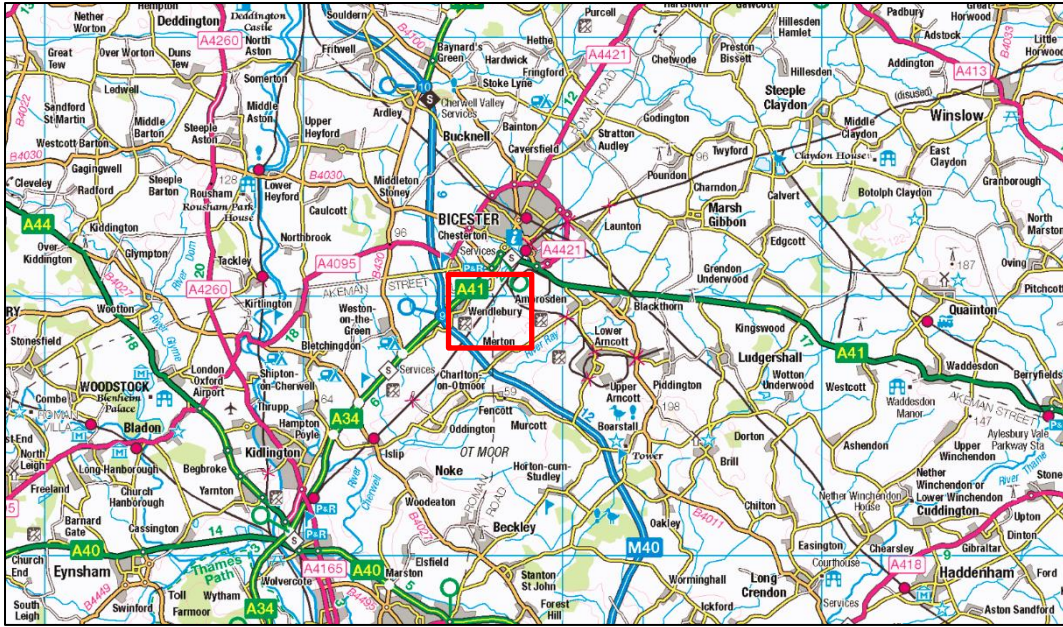


Fig.1: Location plan (Ordnance Survey OpenData/Stable Architecture).

2. Planning Legislation & Guidelines

Planning law relating to listed buildings and conservation areas is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the Act deals with the responsibilities of local planning authorities – the decision takers - when dealing with planning applications that could impact on heritage assets and states that:

*‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’.*¹

Government guidelines regarding the listed buildings and conservation areas legislation in the 1990 Planning Act changed twice in two years, resulting in the introduction of a new *précis* of planning guidance published in March 2012 – the *National Planning Policy Framework (NPPF)* – which replaced all other separate Planning Policy Guidelines and Planning Policy Statements.² A revised version of the NPPF was published in July 2018 and another in February 2019.³ The glossary of the NPPF described ‘heritage assets’:

‘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. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).’

The relevant NPPF paragraph states that local planning authorities should require applicants:

*‘...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 proposals on their significance’.*⁴

¹ Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 section 66 (1), 41

² Department for Communities & Local Government, 2012, *National Planning Policy Framework*.

³ Ministry of Housing, Communities & Local Government, 2019, *National Planning Policy Framework*.

⁴ *Op. cit.*, para. 189

3. Heritage Impact Assessments

3.1 General Introduction

The purpose of a heritage impact assessment (HIA) is to meet the relevant guidance given in the NPPF. This outlines the need to inform the planning decisions when considering proposals that have the potential to have some impact on the character or setting of a heritage asset. It is not concerned with other planning issues.

The nature of the heritage assets and the potential impact upon them through development are both very varied. The heritage assets include both designated heritage assets – such as listed buildings, scheduled ancient monuments and conservation area – and non-designated heritage assets, a rather uncomfortable and sometimes subjective category that includes locally listed buildings, field systems, buried archaeological remains and views. The degree of impact a development could have on such assets is variable and can sometimes be positive rather than negative. The wide range of possible impacts can include loss of historic fabric, loss of historic character, damage to historic setting, and damage to significant views.

Under the requirements of the NPPF and of other useful relevant guidance, such as English Heritage's *Conservation Principles* and *Informed Conservation*, and recent material from the newly formed Historic England, the process of heritage impact assessments can be summarised as involving three parts:

1. understanding the heritage values and significance of the designated and non-designated heritage assets involved and their settings;
2. understanding the nature and extent of the proposed developments;
3. making an objective judgement on the impact that the proposals outlined in Part 2 may have on the information outlined in Part 1.⁵

3.2 Definition of Setting

Setting, as a concept, was clearly defined in PPS5 and was then restated in the NPPF which describe it as:

'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.'

⁵ English Heritage, 2008, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*; Clark, K, 2001, *Informed Conservation: Understanding Historic Buildings and Their Landscapes for Conservation*

The latest version of the Historic England guidance on what constitutes setting is virtually identical to the former English Heritage guidance:

‘Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.’⁶

The new guidance also re-states the earlier guidance that setting is not confined entirely to visible elements and views but includes other aspects including environmental considerations and historical relationships between assets:

‘The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance’.⁷

In terms of the setting of heritage assets the approach is the same but the latest Historic England guidance - *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3* (GPA3) of 2017 - suggests a five-step approach.⁸ The steps are:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a Contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it;
- Step 4: explore the way to maximise enhancement and avoid or minimise harm;
- Step 5: make and document the decision and monitor outcomes.

⁶ Historic England, 2017, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3* (2nd ed.), para.9

⁷ *Op.cit.*, Part 1, reiterating guidance in the PPG of the NPPF.

⁸ *Op.cit.*, para.19

3.3 Definition of Significance

The glossary of the *Planning Practice Guidance* (PPG) to the NPPF defines significance as:

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

The PPG also states that:

*‘Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as ‘locally listed’.*⁹

but cautions that:

*‘A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process’.*¹⁰

3.4 Definition of Harm

Current guidance by Historic England is that ‘change’ does not equate to ‘harm’. The NPPF and its accompanying PPG effectively distinguish between two degrees of harm to heritage assets – *substantial* and *less than substantial*. Paragraph 201 of the revised NPPF states that:

‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable use of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use’.*¹¹

⁹ Planning Practice Guidance, 2014, paragraph 39

¹⁰ *Ibid.*

¹¹ Ministry of Housing, Communities & Local Government, *op. cit.*, para.201

Paragraph 202 of the revised NPPF states that:

‘Where a development proposal would 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 proposals including, where appropriate, securing its optimum viable use’.

Similarly, Paragraph 203 states that:

‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Recent High Court rulings have emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to *‘have special regard to the desirability of preserving the [listed] building or its setting’*.

As stated by HH Judge David Cooke in a judgment of 22 September 2015 regarding impact on the setting of a listed building:

‘It is still plainly the case that it is for the decision taker to assess the nature and degree of harm caused, and in the case of harm to setting rather than directly to a listed building itself, the degree to which the impact on the setting affects the reasons why it is listed.’

The judgment was endorsed by Lord Justice Lewison at the Court of Appeal, who stated that:

*‘It is also clear as a matter both of law and planning policy that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused’.*¹²

¹² Court of Appeal (PALMER and HEREFORDSHIRE COUNCIL & ANR) in 2016 (Case No: C1/2015/3383) para.34.

4. Setting & Outline History

4.1 Wendlebury

Wendlebury is a village just to the south-west of Bicester, in the Oxford clays of south-eastern Oxfordshire and in the valley of the River Ray; a tributary of the river runs alongside the village's Main Street, crossing under it to change sides just to the south of the Red Lion Inn close to the study area.

The village lies on the main road from Bicester to Oxford; a much earlier road was built by the Romans in the 1st century CE in connection to their small settlement of Alchester, just to the north east of the village, and it is likely that the name of the hamlet of Little Chesterton north-west of the village core reflects that Roman era.

The Bicester-Oxford road was turnpiked in 1793 and at the start of the 1920's was initially numbered the A43; in 1938 a by-pass was built to the north-west of the village which has since been upgraded to a dual carriageway and now numbered the A41.

The name of the village would suggest Saxon origins, probably derived from a personal name *Wendel* or *Wendla* and *burg* – his or her fortified house; it appears to have been first recorded, as *Wandesberie* in the Domesday Survey of 1068.¹³ Until the later-20th century it appears to have been a small agricultural settlement; 32 houses were recorded in the early-18th century rising to 49 in 1851 and 67 in 1901 when the population of the parish was 196. That had declined to just 148 in 1931 and there were just 50 houses in the village in 1951 despite the construction of six local authority houses.¹⁴

The Ordnance Survey's detailed 19th century mapping of the village shows it had two main built up sections. One was mainly along Church Lane with the parish church at its north-western extremity and the Red Lion Inn at the junction with the main road, and a second on the main road at the southern end of the village, focussed on the Plough Inn; otherwise there was only scattered development along the main road itself in between (*see* Figs.2 & 3).

In the mid-20th century, according to the relevant Victoria County History volume:

'The appearance of the present village (1955) with its dwellings mainly built of the local rubble stone or mellowed red brick of local manufacture is harmonious and, on account of its open stream, unusual. A few of the cottages and probably the core of the Manor House date from the 17th century'.¹⁵

¹³ Ekwall, E, 1970, *The Concise Oxford Dictionary of English Place-Names*, 506

¹⁴ Lobel, M D, 1959, *A History of the County of Oxford: Volume 6*, pp. 338-346

¹⁵ *Ibid.*

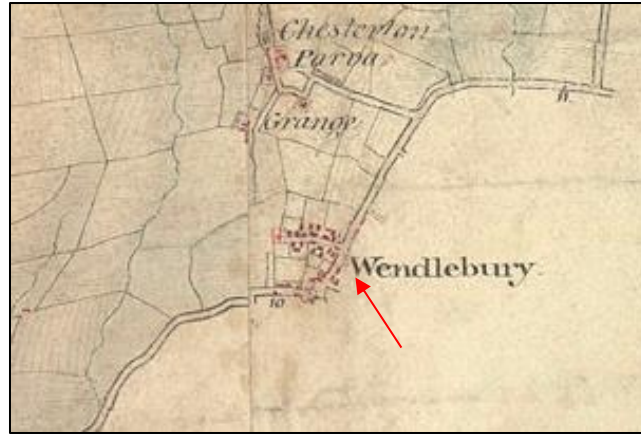


Fig.2: Extract from the original Ordnance Survey drawing begun in 1815 (British Library).

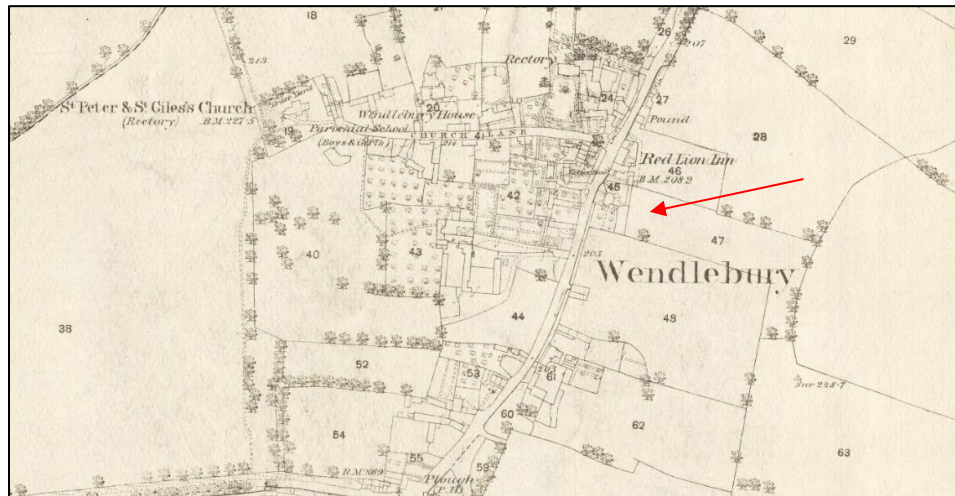


Fig.3: Extract from the 1st edition 1:2500 Ordnance Survey map, surveyed in 1875.

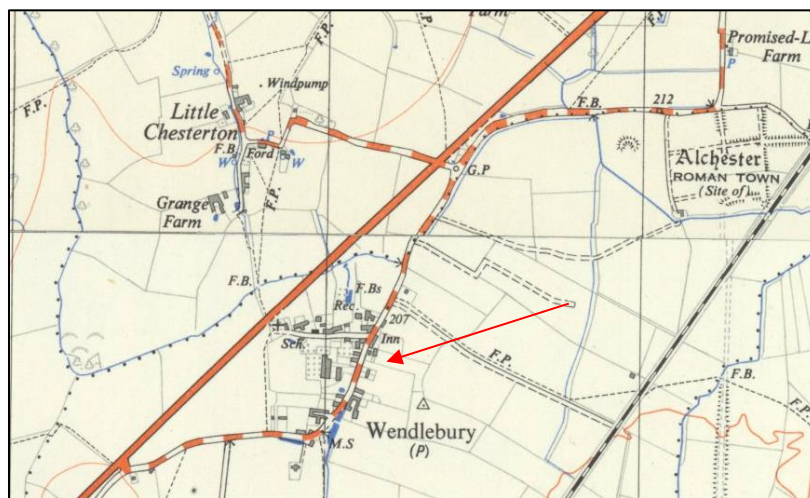


Fig.4: Extract from the Ordnance Survey 6'' map, circa 1960.

Although most of the older buildings have survived, the general character and material palette of the village has since changed dramatically. Perhaps because of the relief to the village through the building of the by-pass at the end of the 1930's, the growth of nearby Bicester, and the growth of longer-range commuting by road the village began to grow from the 1960's onwards and its population by 2011 was 421.

Much of the growth has resulted in modern infill developments, generally of detached houses along Church Lane and Main Street, but most has been in small cul de sac developments of various layouts and designs leading off it. They include Rectory Court and Old Rectory Close to the north and St. Giles Close and Farrier's Mead to the south – the latterly immediately to the south of the study area. The material palette of these new houses is quite different to the older ones and tends to be a mixture of both red and grey machine-made brick, machine-sawn weather-boarding and some render and an eclectic mix of roof designs, pitches and coverings.

4.2 The Study Area

The study area appears to occupy the western end of one large and regular field, presumably formed as a result of the Inclosure Act for the parish passed in 1801; it seems to have belonged to Bridge House Farm, the former farmhouse of which survives to the west. This was the only building to the west of the site until the second half of the 20th century.

The present access into the site between Bridge House and the outbuildings of the Red Lion did not exist until the later-20th century either; there was, to the east of Bridge House and extending into the grounds of the Red Lion long rectangular building clearly shown on the Ordnance Survey mapping.

New houses have been built to the south of Bridge House and on the western side of the site, and there is a modern cul-de-sac development – Farrier's Mead – developed partly to the rear of older buildings but mostly in a field to the south. To the north the site is bounded by the recently redeveloped rear yard area of the Red Lion.

5. Description

Excluding the access from Main Street the site is roughly square in plan with a slight rise to the east; beyond its present timber fence eastern boundary is the continuation of the *circa* 1801 field which is in the same ownership but which is used as a horse paddock and is not part of this application. Within the paddock is a modern stable block against the northern boundary adjacent to a manège.

On the north and south sides the site is bordered by mature hedgerows which include some mature trees, including an ash on the north side and a walnut on the south side that are protected by tree protection orders (TPO). To the west are the well-maintained gardens behind Bridge House and the 'Villas', a pair of later-20th century houses.



Pl.1: Entrance to the site off Main Street.



Pl.2: The site from the north-west.



Pl.3: The south-eastern corner of the site, modern housing beyond.



Pl.4: The site from the south-east looking towards the back of the Red Lion.



Pl.5: The eastern boundary of the site, looking into the paddock.



Pl.6: The site looking south-west to the backs of modern housing on Main Street.

6. Potential Proposed Development

Proposals for 2-3 houses within the study area are being considered, though no specific layout, design, or material palette has been formalised. Access would be by the existing access from Main Street.

7. Heritage Impact Assessment

The heritage impact assessment is totally separate to any other planning issues and relates solely to the potential impact the proposals could have on designated and non-designated heritage assets adjacent to the site.

The village only appears to have nine (9no.) listed buildings in all, of which seven were only added to the list as part of a major resurvey of the village in 1987. Of these only the Grade II listed **Red Lion** is close enough to the study area to be impacted.

The public house was one of the buildings listed in 1987 and its older section lies parallel to and virtually on Main Street. Probably dating to the mid-18th century, it is mainly of two storeys and built mainly of limestone rubble with ashlar dwellings under a plain gabled and mainly stone-tiled roof. The interior has been significantly altered. The rear yard area to the rear has recently been effectively redeveloped and large new accommodation blocks added.

These areas were formerly largely hidden from the study site by the mature hedgerow on the northern boundary; that natural barrier has recently been reinforced by the building of new accommodation on the boundary of the site in the form of a tall stone-faced block that now blocks virtually all of the views from the site of the rear elevations of the listed building – the only portion clearly visible being the re-roofed southern extension of the road side range and its three rooflights.

It is considered that the significance of the setting of the Red Lion is now defined by its location by the roadside. Its previous setting up until the mid-20th century had a greater degree of significance as it was not only a roadside inn but it was also a focal point that marked the eastern end of the main core of the village along Church Lane, and it also backed on to open fields to the east and the north.

The development of housing along both sides of Main Street to the north of the Red Lion from the 1960's onwards, along with more infill houses to the south, completely changed its former character from being a focal point in the village's layout to just being another element along the side of a street now effectively fully developed on both sides through the settlement.

Its relationship with the study area has now been completely altered by the new developments to the rear of the original buildings which have made the rear yard of the complex effectively inwards looking. It is considered that the study area plays little part in the setting of the listed building, and none in the significance of that setting.



Pl.7: The Red Lion from the south, entrance to the study area on the right.



Pl.8: View north across study area, with new build of Red Lion to the left.



Pl.9: Red Lion from the north, showing new developments to the rear and no views of study area.

The two other nearest listed buildings to the study area – **Willow Cottage** on the west side of the Main Street and **Elm Tree House** on the junction of Church Lane – are both Grade II listed stone cottages of the 17th century; because of intervening properties and boundaries, neither can be clearly seen from the study area and it plays no part in the significance of their settings.



Pl.10: Elm Tree House.

The two most significant listed buildings in the village – the rather odd barn-like parish **Church** and **Wendlebury Manor/House** on Church Lane – are both far too far from the study area to be impacted by any development of it. Similarly there are no non-designated heritage assets nearby that could be impacted.

Wendlebury does not have a conservation area and given the overall character of the village this is understandable. It is nevertheless a very well-kept village with attractive private gardens and it does have its attractive elements, especially with the stream running along one side or other of Main Street and clusters of attractive properties, such as on parts of Church Lane. However, most of its houses are of the later-20th century and few of these are of any architectural significance or heritage value.

Its general layout is equally modern, as are most of the property boundaries – so that there are few remnants of its pre-mid-20th century layout. Much of the change has come through the infill between earlier properties but the developments northwards along Main Street and the various cul-de-sac developments of it are all completely new elements within the village.

For example, to the north of the Red Lion the Main Street effectively formed the settlement boundary as there was virtually no houses along it. Since the 1960's houses have been built on land carved out of the adjacent fields to create an entirely new settlement boundary to this part of the village. Similarly, to the south of the site, the creation of Farriers Mead with its sinuous layout at the end of the 20th century was largely within an existing field and has extended the settlement boundary well to the east of Main Street and, indeed, to the east of the study area.



Pl.11: Main Street looking north, a little west of the study area.



Pl.12: Looking south along Main Street, showing essentially modern character of the village.



Pl.10: The entrance to Farriers Court, immediately south of the study area.

The archaeological potential of the study area is unknown. It appears to have been a field for centuries, and was presumably open land prior to its inclosure following the 1801 Act. The village is close to a known Roman site but to date little if anything of archaeological significance has been found within its centre. It is suggested that discussions be had with the LPA's archaeological advisor as to appropriate archaeological mitigation for any development of the site.

8. Conclusions

For the reasons outlined above it is considered that, in heritage terms, there would be no harm caused to any adjacent heritage assets, designated or non-designated, by any low key development of the study area. The proposal for housing would not result in any harm to the character, setting or significance of any heritage asset and therefore neither Section 66 of the 1990 Planning Act nor Paragraphs 201-3 of the National Planning Policy Framework would be engaged.

The village does not have a conservation area so Section 72 of the 1990 Planning Act would not be engaged. In terms of the general grain of the village, it is not considered that this now has any great significance due to the major redevelopments from the later-20th century which have completely altered its overall character and extended it into the surrounding fields.

In this context, the proposed development of the study area to the rear of new housing on Main Street, to the south of the redevelopment of the rear yards of the Red Lion, and to the north of the modern Farriers Mead development seems perfectly appropriate in heritage terms.

9. References

Clark, K, 2001, *Informed Conservation: Understanding Historic Buildings*

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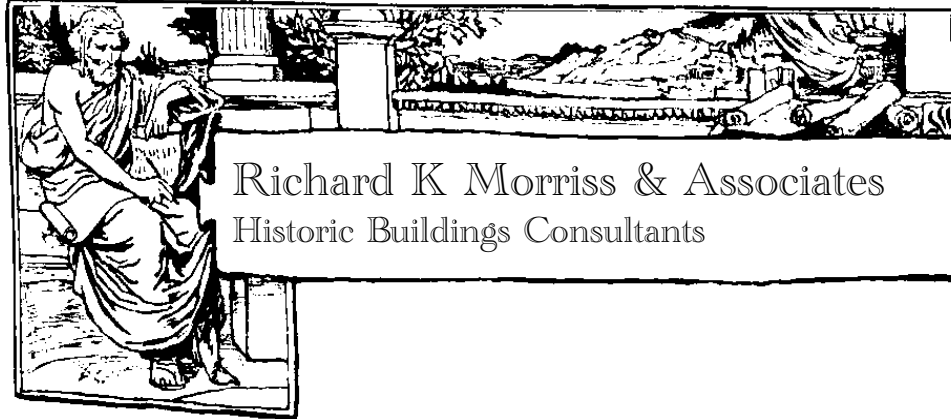
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Planning (Listed Buildings and Conservation Areas) Act 1990



The Consultancy

Richard K Morriss founded this Consultancy in 1995 after previously working for English Heritage and the Ironbridge Institute of the University of Birmingham and spending eight years as Assistant Director of the Hereford Archaeology Unit. Although Shropshire-based the Consultancy works throughout the UK on a wide variety of historic buildings for clients that include the National Trust, the Landmark Trust, English Heritage, the Crown Estates, owners, architects, planning consultants and developers. It specialises in the archaeological and architectural analysis of historic buildings of all periods and planning advice related to them. It also undertakes broader area appraisals, heritage impact assessments and Conservation Management Plans.

*Richard Morriss is a former Member of the Institute of Field Archaeologists and of the Association of Diocesan and Cathedral Archaeologists, archaeological advisor to four cathedrals, occasional lecturer at Bristol and Birmingham universities, and author of many academic papers and of 20 books, mainly on architecture and archaeology, including *The Archaeology of Buildings* (Tempus 2000), *The Archaeology of Railways* (Tempus 1999); *Roads: Archaeology & Architecture* (Tempus 2006) and ten in the *Buildings of series: Bath, Chester, Ludlow, Salisbury, Shrewsbury, Stratford-upon-Avon, Warwick, Winchester, Windsor, Worcester* (Sutton 1993-1994). The latest work is an Historic England funded monograph on the *Houses of Hereford* (Oxbow 2018).*

He was a member of the project teams responsible for the restoration of Astley Castle, Warwickshire, winner of the 2013 RIBA Stirling Prize; the restoration of the Old Market House, Shrewsbury, winner of a 2004 RIBA Conservation Award; and Llwyn Celyn, Monmouthshire, winner of the RICS Conservation Project of the Year 2019. He has also been involved in several projects that have won, or been short-listed for, other awards including those of the Georgian Group for Mostyn House, Denbigh; St. Helen's House, Derby; Radbourne Hall, Derbyshire and Cusgarne Manor, Cornwall.



BROMLOW HOUSE
BROMLOW
SHROPSHIRE
SY5 0EA

rkmbromlowhouse@gmail.com