The background image shows a close-up of a stone wall. On the left, there is a window with a white frame and a sill. On the right, there is a dark doorway. The wall is made of rough-hewn, light-colored stones. A white text box is overlaid on the bottom right of the image.

CEDAR LODGE, STEEPLE ASTON, OXFORDSHIRE

HERITAGE IMPACT ASSESSMENT

**CONVERSION OF OUTBUILDINGS TO PROVIDE
POOL ACCOMMODATION AND UPGRADING OF
ANCILLARY RESIDENTIAL ACCOMMODATION**

SEPTEMBER 2023

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WORLLEDGE ASSOCIATES



Worledge Associates is an Oxford-based heritage consultancy, committed to the effective management of the historic environment. Established in 2014 by Nicholas and Alison Worledge, Nicholas came to private practice with over 35 years' experience working in heritage management for local authorities. This intimate knowledge and understanding of council processes, and planning policy and practice, helps us to work collaboratively with owners and decision-makers to manage change to the historic environment.

Our team of dedicated researchers and specialists believe in the capacity of the historic environment to contribute to society's collective economic, social, and cultural well-being. We aim to identify what is significant about places and spaces in order to support their effective management and sustain their heritage value. We have worked with a wide range of property-owners and developers including universities and colleges, museums and libraries, large country estates, manor house, farmsteads, cottages, town houses and new housing sites.

INTRODUCTION



The intelligent management of change is a key principle necessary to sustain the historic environment for present and future generations to enjoy. Historic England and successive government agencies

have published policy and advice that extend our understanding of the historic environment and develop our competency in making decisions about how to manage it.

Paragraphs 4-10 of Historic England's Good Practice Advice Note 2 (Managing Significance in Decision-Taking in the Historic Environment) explains that applications (for planning permission and listed building consent) have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset, the extent of the asset's fabric to which the significance relates and the level of importance of that significance.

The National Planning Policy Framework (NPPF) provides a very similar message in paragraphs 194 and 195 expecting both applicant and local planning authority to take responsibility for understanding the significance of a heritage asset and the impact of a development

proposal, seeking to avoid unacceptable conflict between the asset's conservation and any aspect of the proposal.

It has never been the intention of government to prevent change or freeze frame local communities and current policy and good practice suggests that change, if managed intelligently would not be harmful.

This Heritage Impact Assessment Report has been prepared to accompany a planning application and listed building consent to dismantle and rebuild a workshop, part convert the stables, and refurbish the lean-to greenhouse to provide facilities for the recently approved swimming pool, and upgrading existing ancillary residential accommodation in the former coach house and stables, within the curtilage of Cedar Lodge, which is included in the National Heritage List for England (Appendix 1), and lies within the Steeple Aston Conservation Area.

The report will include a brief history of Cedar Lodge, and a Statement of Heritage Significance. It will provide the heritage policy context before describing the proposed works and the impact, or otherwise, on the heritage significance of Cedar Lodge and its garden setting, and the Conservation Area.

BRIEF HISTORY OF CEDAR LODGE

The development of Cedar Lodge is set out in the 'Heritage Impact Assessment Report, Worledge Associates, April 2019' pages 7-9. From this, and the Steeple Aston Village Archive report on Cedar Lodge, and physical inspections, the following development phases were identified.

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| <p>1574 Henry Lamley living in a house on or near the site.</p> <p>1650 Edward Lamley listed in 1662 as living in a house with six hearths.</p> <p>1752 R. R. Kening married Mary Lamley</p> <p>1767 Judith Lamley, Edward Lamley's widow, acquires more land and constructs new house ('The Lodge') adjacent to previous buildings, while demolishing others, including the other half of the pair of cottages leaving what is now Cedar Cottage. Builds single storey link to Lodge in ironstone. Physical evidence, including surviving wrought iron window frames and ironmongery supports a pre-1767 date for the service wing. (1767-1780)</p> <p>1806 R.L. Kening adds linking section to south front, enclosing what has been suggested as a small service yard, (SAVA Report) with windows matching those in the Lodge, internal remodelling throughout. Area.</p> <p>1838 Tripartite sash windows inserted in the south elevation of the Lodge by Elizabeth Jones (?); south elevation rendered; first floor room alterations; first floor added to linking section. Elizabeth Jones resident in 1841 and 1851 census.</p> <p>1994 D Kewley and J Maulden remove bay window and add conservatory; terrace constructed; gardens significantly landscaped.</p> | <p>1860 First floor added to square bay on north front (WC?) with flat roof; outbuildings added to north of existing barn. 1861 census lists Ann Brooks as living at the property.</p> <p>1871 1871 and 1881 census list Mr. Edmund Creek as living at the property. (1871-1881)</p> <p>1891 Cartwright family lived at the house. (1891-1897)</p> <p>1901 Vincent family lived at the house (1901-1923)</p> <p>1910 Valuation shows a Miss Bowland as the owner the house and land comprising 3a 3r 19p occupied by W E A Vincent.</p> <p>1920 Stables added to south of barn (or replaced?)</p> <p>1930 Shallow-pitch extension added to south front linking section with bay window at Ground Floor level.</p> <p>1956 Iris Murdoch and her husband John Bayley lived at Cedar Lodge, occupying both main and service wings as one</p> <p>1960 Bayley's create large opening from entrance lobby to main room and reposition stair, introducing a connection through to the old service wing to form a new kitchen and sitting room.</p> <p>The current owners have undertaken a range of works including the removal of existing timber framed conservatory, internal alterations, new kitchen extension and the refurbishment of an existing potting shed to form a new garden studio, in accordance with 2019 approval and consent.</p> <p>On 30 May 2023 planning approval was granted for the construction of swimming pool with associated works (LPA ref: 23/00462/F)</p> |
|--|---|

STATEMENT OF HERITAGE SIGNIFICANCE



From the research and analysis and following the good practice advice provided by Historic England the heritage significance of Cedar Lodge can be summarised as follows:

Physical evidence of a building that has evolved from its early 18th century origins and provides understanding of its development and the gentrification of the village from the 18th century.

It exhibits evidence of several phases of change, reflecting the needs and aspirations of new occupiers and shows how the demands of contemporary society are reflected in the building's fabric and setting.

The 'chapters' in the building's history have resulted in a change to the house, adding interest but sometimes losing part of the history and earlier evidence. Changes to the building's setting also contribute to its historical interest with evidence of the amalgamation of the closes to create the extensive garden setting.

The garden setting is closely interrelated to the architectural composition of the house, creating a series of outdoor rooms and linked to the building's siting within the plot. The layout with planted tree belts, formal and informal gardens and lawns form part of this setting.

The sense of enclosure to the front and sides with high stone walls

and mature trees and the openness of the rear garden impart a sense of seclusion and exclusion, curating and controlling what is seen and by whom.

The siting and arrangement of the outbuildings and garden compartments help our understanding of the operation of the household and the roles of those 'in service' at the house.

The garden pavilion helps to illustrate earlier generations enjoyment of the gardens and garden setting, placing objects within the garden, designed to be seen, and from which to enjoy the gardens.

The arrangement of buildings within the street, some directly on the back edge of the highway and linked by a series of boundary walls, and some within walled enclosures to the rear of the plots produces a picturesque composition, enhanced by the use of local materials.

The house is recognised by the local community, but also nationally and internationally, through books and articles, as the home for 30 years (1956-1986) of Dame Iris Murdoch, an internationally acclaimed author and her husband John Bayley. During this period Iris Murdoch and John Bayley entertained Oxford Intellectuals and the writers of her generation, and hosted events and gatherings for the local community.

SUMMARY OF HERITAGE POLICY AND ADVICE

Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. With the issuing of the National Planning Policy Framework (NPPF) the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

Cedar Lodge is included in the NHLE (see Appendix 1) and lies in the Steeple Aston Conservation Area, and is subject to the provisions of national policies set out in the National Planning Policy Framework and several Historic England Good Practice Planning Guidelines and Advice Notes, namely.

- Good Practice Advice Note 2 – Managing Significance in Decision-Taking in the Historic Environment March 2015 (GPA2)
- Historic England Advice Note 2 – Making Changes to Heritage Assets
- Conservation Principles, Policies and Guidance (2008)

Historic England's approach to effective management of the historic environment is best summed up in paragraph 86 of its 'Conservation Principles' (2008), which states:

'Keeping a significant place in use is likely to require continual adaptation and change; but provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it. Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers

of significant places should not be discouraged from adding further

layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process'.

The site is also subject to Local Planning Policies set out in the adopted Cherwell Local Plan 2011-2031.

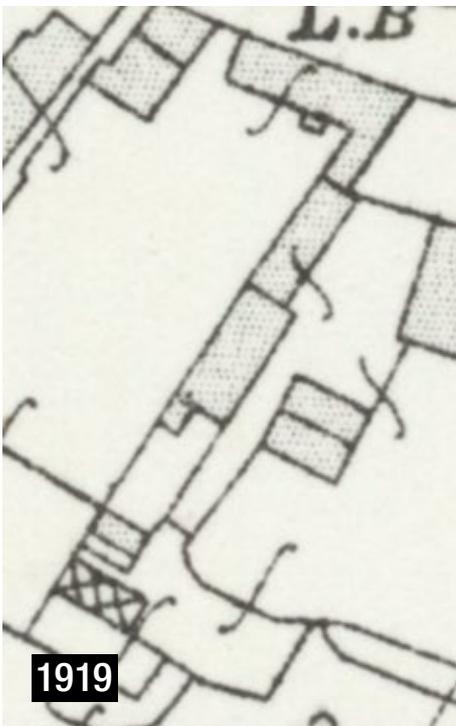
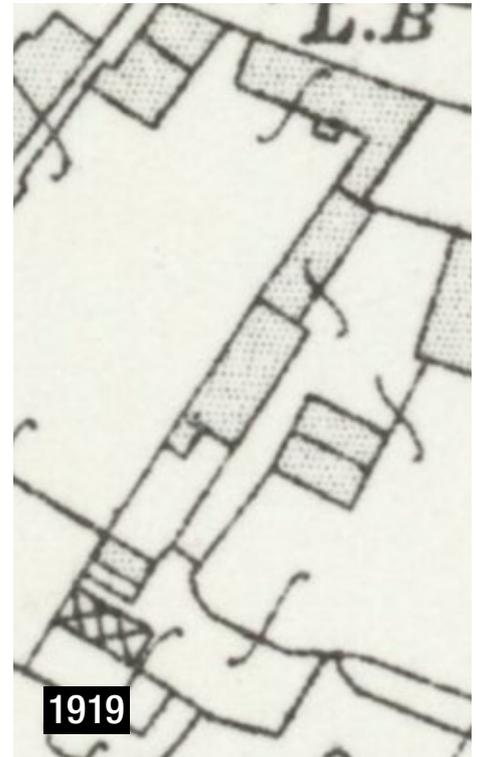
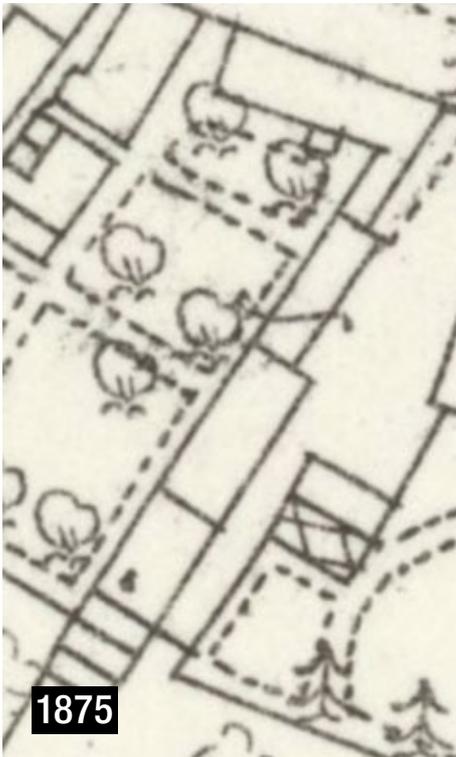
At the Council meeting on 14 May 2019 Cherwell District Council resolved that the Mid-Cherwell Neighbourhood Plan be 'made'. The Neighbourhood Plan will be used to help decide planning applications in the Mid-Cherwell Neighbourhood Plan area. Policy PD4, inter-alia, requires a Heritage Impact Assessment be submitted for developments in and adjoining Conservation Areas.

The relevant policies, guidelines and advice are included in Appendix 2.

The range of buildings which are subject to the proposals lie on the western side of Cedar Lodge, and form part of its boundary with Cedar cottage to the west. A series of plans strongly suggest the stables post-date WWII, with the workshop building post-dating 1973. The form of the green house also appears to have changed in the post-WWII period.

The map regression 1875 to 1919 shows the replacement of a greenhouse with a solid structure and a replacement rectangular greenhouse to the southern end of the range.

While the 1:10560 scale map revised to 1954 is less distinct there is clearly a gap between the end of the northern range and the outbuilding and greenhouse to the south (red). By 1973 the stable range had been constructed (yellow), with a clear gap to the south, (green) with a replacement outbuilding and greenhouse further to the south (blue) clearly a different shape and orientation to that on the 1919 map.



PROPOSAL



The proposed works are shown on the submitted plan and detailed in the Design and Access Statement. In summary there include.

- Dismantling and removing the post 1974 workshop and rebuilding as a glazed structure as a garden lounge and entrance through to the approved pool;
- Linking this through into the southern end of the post 1954 stable range and converting the last stall into a plant and shower and change room;
- Restoring the green house including the retention and use of the plunge pool as a lily pond, installing a shower change room to the western end;
- Upgrading the existing ancillary residential accommodation in the former coach house and stable ranges to meet current safety and weather insulation standards, and current living standards. Works include installing a compliant replacement staircase, roof insulation, replacing existing casements with matching slimline double-glazing casements, inner glazing to door openings, installing a shower room, upgrading kitchen;
- Widening an opening to the southern gable to replace a two-light casement with a three-light casement to increase light to the kitchen. Replacing three existing Velux roof lights to the eastern with conservation roof-lights.



View from the yard looking south to the two historic ranges marking the western boundary of the site. The former larger stable and coach house block converted to two ancillary residential units prior to the listing of Cedar Lodge in 1988, proposed to be upgraded to meet modern accommodation standards. Post 1954 stables to the south of this block, with the workshop and green house beyond



View looking north of the post 1954 stable block with later polycarbonate roof just visible in the above image beyond the former stable and coach house range proposed to be upgraded



View looking south of the post 1954 stable range with later polycarbonate roof. Last stall proposed to be adapted to a plant room and shower change room



View of the end wall of the post 1954 stables, with brick pier and an infill roof spanning to the rear wall with tile capping of the greenhouse, added post 1973 map, creating a covered workshop. Slate to the yard and corrugated metal sheeting the garden side. Proposal is to replace with new glazed structure to provide garden lounge and entrance to the approved pool



Inside the workshop showing the rear wall of the greenhouse, timber posts supporting the corrugated metal roof of the workshop and the wall to the garden beyond. Access formed into the western end of the green house and shed to form a second shower and change room



View from the west of the end of the post 1954 stable range, the corrugated metal roof of the post 1973 workshop with the rear wall of the greenhouse and attached shed infill beyond. The corrugated roof structure and supporting wall proposed to be replaced with glazed structure providing a garden lounge and access point to the approved pool. Shed to be re-conditioned and adapted to second shower and change room and the greenhouse restored



View of the lean-to greenhouse with stone and brick supporting wall to the rear. Brick base, timber windows, polycarbonate roof. Possible post WWII adaptation or rebuilding of an earlier range shown on 1919 map



Shed at the western end where second shower and change room proposed



Interior looking west shed end proposed to be adapted to form W.C. and shower. Outside plunge pool installed during Iris Murdock's period to be used as lily pond



View of the existing two-light window to the southern gable proposed to be replaced with three-light slimline double-glazed casement. Slate roof to be stripped, insulation inserted and re-laid. The three existing Velux roof lights to the eastern are proposed to be replaced with more appropriate conservation roof-lights

ASSESSMENT OF IMPACT

The proposals, which were telegraphed in the previous application for the swimming pool, are to provide the necessary ancillary facilities for the pool, including plant, and change rooms.

Evidence from the maps dating from 1875 to 1973 strongly indicate that the vast majority of the fabric impacted by the proposals post dates WWII. It is considered, however, that the stone and brick wall supporting the lean-to green house may date from the early 20th century.

The workshop building, which is essentially a post 1973 asymmetrical roof spanning from the end of the post 1954 stables to the rear wall of the greenhouse and shed, is of no heritage significance. The removal and infilling of this space with a simple zinc metal roof and glazed structure, set-back from the western face of the stable block, will have minimal visual impact.

It is considered the adaptation of the last stall of the post 1954 stable block to provide a plant room and shower change room is a logical re-use of this otherwise vacant space.

While the greenhouse is not of great age, it is sited in a location shown on the 1919 map, with evidence it was used during the period of occupation by Iris Murdock and John Bayley, and thus has some social significance. Its refurbishment and reuse, including the retention of the plunge pool makes a positive contribution.

This range of buildings is set physically and visually remote from the house, with little intervisibility between the principal rear garden setting and these buildings. Accordingly, the proposed changes, to essentially post WWII fabric, will have no impact on the identified heritage significance of Cedar Lodge and its setting.

The replacement of the visually incongruous workshop structure with a simple contemporary building provides a positive improvement, while the repair and the refurbishment of the greenhouse, which has social significance, will enhance this aspect of its heritage

significance, and its contribution to the Steeple Aston Conservation Area.

In relation to the proposals to upgrade the ancillary residential accommodation. It is thought the conversion of the former two-storey coach house and stable, and adjoining outbuildings, occurred during the Murdock period, when they entertained many of their contemporaries. These buildings are not included in the NHLE in their own right but are clearly curtilage listed. Together with the house they make a visual contribution to the Steeple Aston Conservation Area.

The accommodation is basic, while the current staircase in the southern unit, inserted as part of the original conversion, is non-compliant and not-significant. The majority of the work focussed on upgrading the buildings to save energy and reduce their carbon footprint, and to provide a greater level of facilities and comfort, including installing a non-structural shower room and a refitted kitchen. It is considered these upgrading works to meet current standards for residential accommodation are benign, with the level of proposed investment ensuring their long-term sustainable use.

In terms of external alterations, it is considered the replacement of the current two-light casement to the southern gable with a three-light casement will result in a minimal visual alteration to the building, which is only visible from within the private garden of Cedar Lodge. The proposals to replace the three Velux roof lights with more appropriate conservation roof-lights to the eastern roof slope, which is visible from the house and principal garden of Cedar Lodge, offers a considerable visual improvement.

The proposed stone repairs and removing and re-slating these ranges of curtilage buildings will ensure their long-term physical preservation to the benefit of the setting of Cedar Lodge and its visual contribution to the Steeple Aston Conservation Area.

CONCLUSION

Paragraph 86 of its 'Conservation Principles' (2008), reminds decision makers that:

'Keeping a significant place in use is likely to require continual adaptation and change; but provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it. Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process.'

The proposals, as with the approved swimming pool, have been developed based on an understanding of the heritage significance of Cedar Lodge and its garden setting.

The works are principally to post WWII fabric and elements set at the southern end of the historic service outbuilding ranges to the west and south-west of the house. These are visually remote from the house and its principal garden setting.

The proposal is to provide the required and expected ancillary facilities to the approved swimming pool. It logically re-uses part of the adjoining post 1954 stable block for a plant room and shower and change room.

The post 1973 workshop is a physically poor and visually incongruous structure of no heritage significance, and its replacement with a simple contemporary glazed structure with a zinc roof to provide access to the pool and a garden lounge, provides a visual enhancement.

The refurbishment and re-use of the greenhouse and attached shed, provides a positive outcome. While the fabric is of modest significance, the retention and incorporation of the plunge pool installed and used during Murdock period enhances this aspect of the social significance of Cedar Lodge.

As part of the overall scheme to improve this important range of former service buildings, the established ancillary accommodation unit in the upper coach house and stables will be internally refurbished to provide improved energy efficiency and upgraded facilities for guests and visitors to Cedar Lodge. This work will also involve stone repairs, and re-slatting the roofs, and replacing Velux roof-lights with visually more appropriate conservation roof-lights.

It is considered that the proposals will have no impact on the heritage significance of these curtilage buildings, which contribute to the setting of Cedar Lodge and to the Steeple Aston Conservation Area. The proposed investment in the adaptation, re-use, and upgrading of the buildings will provide a long-term sustainable use and thus their preservation, which is the principal objective of both national and local heritage policies.

APPENDIX 1: ENTRY IN NATIONAL HERITAGE LIST FOR ENGLAND FOR CEDAR LODGE

Heritage Category: Listed Building

Grade: II

List Entry Number: 1225927

Date first listed: 26-Feb-1988

Statutory Address 1: CEDAR LODGE, NORTH SIDE County: Oxfordshire

District: Cherwell (District Authority)

Parish: Steeple Aston

Substantial house. Possibly originally mid C18, re-modelled late C18 and extended C19. Limestone and marlstone rubble with some wooden lintels; Stonesfield-slate and Welsh-slate roofs with brick stacks. Double-depth plan with service ranges. 2 storeys plus attic. Entrance front has a symmetrical window arrangement

of 16-pane sashes with brick jambs and wooden lintels, and has a central 6-panel door with marlstone jambs and a C18 flat canopy with panelled soffit and shaped brackets, to extreme right a rubble projection with a similar window has been added, probably to contain a stair. Symmetrical 3-window garden front, stuccoed over limestone rubble, has a more elaborate entrance canopy with dentil decoration below round window; outer bays have architraved tripartite sashes. Two-span roof has end stacks in both sections but is of unequal spans. A late-C18/early-C19 hipped-roofed Welsh-slated range, running at right angles to the house, has a 3-window front with leaded 2-light casements at first floor, and lower windows with ornamental cast-iron grilles flanking the 6-panel door; it has been joined to the right end of the main range by a C19 marlstone linking section, altered C20. Interior: some late-C18 panelled doors and shutters. For many years the home of the novelist, Iris Murdoch. (VCH: Oxfordshire: Vol XI, p23)

APPENDIX 2: NATIONAL AND LOCAL HERITAGE POLICIES, GUIDELINES AND ADVICE

NATIONAL PLANNING POLICY FRAMEWORK

Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. With the issuing of the National Planning Policy Framework (NPPF), the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

In relation to development affecting a designated heritage asset the NPPF states in paragraphs 199 and 200 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.

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.’

Paragraph 197 of the NPPF, however, also advises Local Planning Authorities that.

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

THE PLANNING PRACTICE GUIDANCE (PPG)

This seeks to provide further advice on assessing the impact of proposals explaining that what matters in assessing the level of harm (if any) is the degree of impact on the significance of the asset. It states:

‘In determining whether works to a listed building (or its setting) 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 NPPF explains in paragraphs 201 and 202 the differences between ‘substantial’ harm and ‘less than substantial’ harm, advising that any harm should be justified by the public benefit of a proposal.

In cases where there is less than substantial harm, paragraph 202 states:

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

The PPG also seeks to provide a clearer understanding of what constitutes ‘public benefit’, as it is the public benefit that flows from a development that can justify harm. In weighing the public benefits against potential harm, considerable weight and importance should be given to the desirability to preserve the setting of listed buildings.

Public benefits can flow from a variety of developments and could be anything that delivers economic, social, or environmental progress as described in the NPPF, paragraph 8.

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. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. It explains that public benefits can include heritage benefits, such as:

- 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 for a heritage asset.

HISTORIC ENGLAND ‘CONSERVATION PRINCIPLES’ (2008)

Works of alteration, extension, or demolition need not involve any harmful impact and may be necessary to ensure a building has a viable future. Historic England explains its approach to managing the historic environment and how we experience places stating in in ‘Conservation Principles’ (April 2008) paragraph 88:

‘Very few significant places can be maintained at either public or private expense unless they are capable of some beneficial use; nor would it be desirable, even if it were practical, for most places that people value to become solely memorials of the past’.

It also points out in paragraph 92:

‘Retaining the authenticity of a place is not always achieved by retaining as much of the existing fabric as is technically possible’.

It also comments in paragraph 86:

‘Keeping a significant place in use is likely to require continual adaptation and change; but provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it. Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process’.

Further, in relation to new works and alterations in paragraph 138 states:

New work or alteration to a significant place should normally be acceptable if:

- a. there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place.
- b. the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed.
- c. the proposals aspire to a quality of design and execution which may be valued now and in the future.

Amongst the Government's planning objectives for the historic environment is that conservation decisions are properly informed.

HISTORIC ENGLAND'S 'GOOD PRACTICE ADVICE NOTES 3: THE SETTING OF HERITAGE ASSETS'

Paragraph 19, of this practice note, explains that.

Amongst the Government's planning policies for the historic environment is that conservation decisions are based on a proportionate assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset'.

From this summary of the national heritage management policy framework, it is clear that there is a complex assessment decision-making process to navigate when considering change within the historic environment.

Central to any decision is the recognition that history is not a static thing, and that the significance of our historic environment derives from a history of change.

S66 AND S72 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Section 66 of the Act requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Act requires that local planning authorities 'In the exercise, with respect to any buildings or other land in a conservation area, [...] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

There have been a number of Court of Appeal decisions which have provided interpretations of the requirements of these sections.

In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East*

Northants District Council, English Heritage and National Trust, [2015] 1 W.L.R. 45, Sullivan L J made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of

listed buildings when carrying out the balancing exercise (of judging harm against other planning considerations).

In *Jones v Mordue & Anor* [2016] 1 W.L.R. 2682 the Court of Appeal explains how decision makers can ensure this duty can be fulfilled: that by working through paragraphs 131 -134 of the NPPF, in accordance with their terms a decision maker will have complied with the duty under sections 16, 66(1) and 72. This report follows this advice to ensure consistency with the duty to preserve or enhance.

In the Court of Appeal [*Catesby Estates v Steer and SSCLG*, 2018] the concept of setting was explored. In paragraph 15 of the judgement Justice Lindblom rehearses the Planning Inspector's considerations, commenting that the Inspector found it difficult to disassociate landscape impact from heritage impact. The focus of the judgement is to determine the extent to which visual and historical relationships between places contribute to define the extent of setting. Three general conclusions are made:

- a) The decision maker needs to understand the setting of a designated heritage asset, even if it cannot be delineated exactly.
- b) There is no one prescriptive way to define an asset's setting - a balanced judgement needs to be made concentrating on the surroundings in which an asset is experienced and keeping in mind that those surroundings may change over time.
- c) The effect of a development on the setting of a heritage asset and whether that effect harms significance.

CHERWELL DISTRICT COUNCIL HERITAGE POLICY

The Adopted Cherwell Local Plan 2011-2031 (Part 1) contains strategic planning policies for development and the use of land. It forms part of the statutory Development Plan for Cherwell to which regard must be given in the determination of planning applications. The Plan was formally adopted by the Council on 20 July 2015.

Policy ESD 15: The Character of the Built and Historic Environment

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 Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions

Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity.

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. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged

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
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features
- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed.
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- Be compatible with up-to-date urban design principles, including Building for Life, and achieve Secured by Design accreditation.
- Consider sustainable design and layout at the master planning stage of design, where building orientation and the impact of microclimate can be considered within the layout

- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy)
- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well-designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality.
- Use locally sourced sustainable materials where possible.

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high-quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

MID-CHERWELL NEIGHBOURHOOD PLAN 2018- 2031 – MADE MAY 2019 POLICY PD4: PROTECTION OF IMPORTANT VIEWS AND VISTAS

Development proposals within the plan area must demonstrate sensitivity to the important views and vistas described in Table 4 and illustrated by photographs in the documents referred to in that Table, by including an assessment of the significance of the views and the effect of the proposed development on them. Proposals which cause significant harm to any of these views will only be acceptable where the benefits of the proposal clearly outweigh any harm. Development proposals must also be designed such that there is no adverse impact on the sensitive skylines identified in Fig. 8 and referenced in Table 4.

Applicants for development in or adjacent to a Conservation Area must demonstrate in a Heritage Impact Assessment that they have taken account of the appropriate Conservation Area Appraisal, and of the Heritage and Character Assessment at Appendix K and demonstrated that the proposal causes as little harm to an identified view as possible and that any harm is outweighed by the benefits of the proposal. The development should not harm the Conservation Area and its setting, other heritage assets, or historic street and village views and longer distance vistas.