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HERITAGE STATEMENT

In respect of

Land at Hanwell Fields Phase 2, Banbury

On behalf of

Manor Oak Homes Ltd.

AHC REF: 10178

August 2024

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1.0 INTRODUCTION AND SCOPE

- 1.1 This report has been prepared by Sarah Watt, MCIfA, Director of Asset Heritage Consulting Ltd. on behalf of Manor Oak Homes. Its purpose is to provide an assessment of the potential impact on the historic built environment of the proposed residential development of an area of land north of Dukes Meadow Drive at Hanwell Fields on the northern edge of Banbury (hereafter referred to as the 'site' or 'the application site').
- 1.2 The application is in outline and proposes up to 114 new dwellings on the site, and associated open space, with all matters reserved other than access. The site lies directly north of a site already approved in outline for up to 78 dwellings under planning ref: 21/03426/OUT.
- 1.3 The application follows two previous applications on the site. The first was a withdrawn outline application for up to 176 dwellings (ref: 22/03064/OUT). The second outline application for 114 dwellings (reduced from 117 during the course of the application) was refused on 12th August 2024 (ref: 23/03366/OUT). The two reasons for refusal did not include any reference to harmful impact on heritage assets.
- 1.4 The current application is a revision of the refused scheme. This Heritage Statement is an updated version of the Heritage Statement submitted with 23/03366/OUT. The application site does not contain any heritage assets and there are none in its immediate vicinity. However, the Hanwell Conservation Area lies to the north-west of the site, c.600m at its (closest) south-eastern point from the north-western corner of the site, and includes a number of statutorily listed buildings.
- 1.5 This report first considers the relationship of the site to the conservation area (and listed buildings within it) as a potential element of its wider physical setting. This assessment is primarily based on an appraisal of the visual relationship between the site and the conservation area ascertained from the public footpaths available between the two. Second, informed by that appraisal, the report considers the potential impact of the site's development upon the character and appearance and setting of the conservation area.

- 1.6 This two-part approach of properly understanding significance and then evaluating the potential impact of proposals upon it is in line with good conservation and planning practice advocated in English Heritage's (as was) Conservation Principles (2008) and formally expressed in the government's policies on conserving and enhancing the historic environment set out in the National Planning Policy Framework (NPPF) and supported by the Planning Practice Guidance (PPG).
- 1.7 The assessment of setting is implicitly based on the guidance provided by Historic England in *The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning: 3* ('GPA3'; 2nd edn December 2017). This document explains that setting is not itself a heritage asset; its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. As the PPG accompanying the NPPF amplifies, an assessment of the impact on setting needs to take into account the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

2.0 BASELINE APPRAISAL

2.1 The site

2.1.1 The application site comprises 6.02ha of set-aside agricultural land, being the eastern part of a larger field lying north of Dukes Meadow Drive and the large early 21st-century Hanwell Fields residential estate on the northern edge of Banbury. It lies immediately north of a 3.4ha parcel of land, for which Manor Oak Homes gained planning permission in outline in April 2022 for a c.78-dwelling scheme (ref: 21/03426/OUT) on the north side of Dukes Meadow Drive. The proposed scheme will form an extension of this approved development.

2.1.2 The red-line site area is significantly reduced from that of the original withdrawn scheme, which comprised a c.8.6ha area. The reduction came from the omission of the western third of the previous site area and the 'skewing' of the new western boundary so that it runs north-east rather than northwards, responding to concerns raised in respect of the withdrawn application about landscape and visual impact.

2.1.3 The site (**Plates 1-4**) comprises areas of rough grassland and scrub, bounded by robust native hedgerows on its northern, eastern and southern boundaries. The south-eastern corner of the site adjoins Dukes Meadow Drive. The western boundary is not marked on the ground. The site slopes down from west to east.

2.1.4 For ease of description, the western part of the field (which lies outside the application site) is referred to as the blue-line area.

2.2 The conservation area

2.2.1 The village of Hanwell, c.600m north-west of the site, was designated a conservation area in 1985 and revised, with a brief written appraisal, in 1995. An updated and more detailed Conservation Area Appraisal was produced by the Council in August 2007. The extent of the designated area encompasses the Main Street which runs, in winding fashion, southwest-northeast through the village, along which are sited the majority of the village's buildings and, extending south-east from this, Hanwell Castle and its extensive grounds (**Plates 5-15**).

- 2.2.2 The conservation area contains one Grade I listed building (St Peter's Church); one Grade II* listed building (Hanwell Castle); and three Grade II listed buildings (Spring Farmhouse, Heath Farmhouse and No.6 Main Street, all of 17th-century date). It also includes two Grade II listed gate piers associated with Hanwell Castle, and a number of Grade II listed churchyard monuments.
- 2.2.3 The village has origins as an Anglo-Saxon settlement based around a spring, the name deriving from *Hana's Weg*, 'Hana' being a personal name and 'weg' being the Old English word for 'way' or road.
- 2.2.4 The heart of the village in the medieval period is likely to have been focused around the spring near Spring Farm, which supplied water to the village and fed the fish ponds extending beyond Hanwell Castle. The village green, pound and smithy were all located here, too, while the church stood on higher ground to the south-east, overlooking the village, with the Castle nearby.
- 2.2.5 The later expansion of the village was to south-west and north-east along the line of Main Street; the presence of the church and the Castle precluded further development to the south-east.
- 2.2.6 The earliest indication of a church at Hanwell is a reference to its rector in 1154. The present St Peter's Church (listed at Grade I; see **Plates 13 & 14**) is a rebuilding of the early 14th century. It retains some fine 14th-century carvings of figures, both human and monstrous, done by masons whose work is found in other churches in the county. The chancel of c.1300 is in the early Decorated style.
- 2.2.7 Hanwell Castle (listed at Grade II*; see **Plates 11, 12 & 15**), was begun in 1498 by William Cope, treasurer to Henry VII, after he acquired the manor from the de Vernons, and was completed by his son, Anthony. Although it was crenellated, it was never intended as a defensive structure, and was built as Hanwell Hall, a two-storey house with four corner turrets around a central courtyard and built of brick with stone dressings. Four generations of the Cope family lived there until 1714. This house was largely demolished in the 18th century, probably following the death of Sir Charles Cope of Bruern in 1781, when it was converted to use as a farmhouse.

- 2.2.8 By 1902, only the south-west tower, south wing, and the stone gate piers to the entrance were left standing, in dilapidated condition, with the materials from demolitions having been reused in farm buildings. The surviving elements were restored in 1902 by Caroline Berkeley, who also added an east wing in the same style as the surviving Tudor wing.
- 2.2.9 The original grounds of the castle were more extensive than they are today. Robert Plot, in his *The Natural History of Oxfordshire* (published in 1677) describes a number of elaborate features there, including a waterworks in a 'House of Diversion' on an island in a fishpond north-east of the house, including an artificial shower and a ball tossed by a column of water; a corn mill, which also turned a large engine for cutting stone and another for boring guns; and a water clock with gilded sun moving in a wooden hemisphere. The First Series Ordnance Survey (OS) map of 1833 defines the original extent of the grounds to the south of the castle, which by 1904 had been significantly reduced to 17.5 acres (7ha).
- 2.2.10 The Castle is significant for the survival of original early fabric and as the earliest known example of the use of brick in north Oxfordshire. The use of this material in a stone belt is indicative of the Cope family's wealth, status and aspirations.
- 2.2.11 By the 16th century, several small yeomen farmers in the village were beginning to prosper, which led to the erection of a number of substantial farmhouses. These, like most other historic houses and cottages in the village, are of two storeys and built of coursed ironstone. In the early 20th century, thatch still predominated but now there are only a few surviving thatched roofs.
- 2.2.12 The conservation area boundaries are very clearly defined against the arable land around it, which is particularly evident from the air (see the aerial photograph on p.8 of the Conservation Area Appraisal). This image also reveals how much (over half) of the conservation area is made up of the grounds to Hanwell Castle, and how well-wooded these are.
- 2.2.13 Sir Charles Cope enclosed the parish in 1768, with all farmers thereafter becoming his tenants. Arable farming continued to be the principal agricultural use of the land until well after this time. Throughout the late 18th and 19th centuries, farm holdings increased

in size; by 1904, there were six farms engaged in mixed farming, with around half of the land under permanent pasture.

- 2.3.1 The Conservation Area Appraisal divides the conservation area into four character areas. The Historic Core covers the central section of Main Street and also Church Lane and the church. To south-west and north-east are the Village Ends. The rest of the area is covered by the Hanwell Castle and Grounds character area. This is shaped a little like a bent leg, with the foot pointing south, and covers the whole of the south-eastern part of the conservation area. It is the part which is closest to the application site and it comprises private land.
- 2.2.14 This land, which was historically much larger, extending to the south, comprises wooded and landscaped grounds, including four ponds, a spring, and the earthwork remains of many fishponds, now covered in woodland. This wooded characteristic is what is most visible of the conservation area in views across agricultural fields and the footpaths that cross them, from the south and south-east.
- 2.2.15 The Conservation Area Appraisal identifies that in this character area the key views are towards the church, castle and Old Rectory, and remarks that, *'From the southern boundary...there are clear views to the industrial development in the North East of Banbury and due south to the most recent urban extension along the northern fringe of the town.'* No view is identified from the conservation area in the direction of the application site.
- 2.2.16 The physical setting of the conservation area comprises arable fields to the south, south-east and east between Hanwell and Banbury. The edge of the town is apparent in views out in these directions, while to the north and west the setting is rural, despite the presence of the M40 cutting across it. As can be seen from the aerial photograph referred to above, and other photographs included in this report, the conservation area appears as a distinct wooded 'island' surrounded by these fields.
- 2.2.17 In terms of the individual listed buildings and structures within the conservation area, the key elements of the settings of Spring Farmhouse, Heath Farmhouse and No.6 Main Street are respectively their own plots and their relationships with the street frontage. Heath Farmhouse and Spring Farmhouse share a setting overlooking (at right-angles to

each other) the triangular green from where the springs issue, where Main Street turns eastwards (see **Plates 6-8**).

2.2.18 St Peter's Church and Hanwell Castle are key elements of each other's settings, standing very close to each other to the south-east of the Main Street at the end of Church Lane. The important close setting for the church is its walled churchyard (which contains a number of listed chest tombs and monuments), from where there is also a view overlooking Hanwell Castle on the lower ground to the east (see **Plates 12 & 15**). The Castle can also be seen in conjunction with the church from the south-eastern end of Church Lane (see **Plate 11**). The field south of the church (outside the conservation area) also allows views towards both buildings (see **Plates 16 & 17**).

2.2.19 The setting of the Castle is otherwise secluded and very well-defined by its extensive wooded and landscaped grounds, which preclude any views of the Castle from the south and south-east.

2.2.20 The Hanwell Castle grounds are the home of Hanwell Community Observatory. This comprises a set of permanently mounted weatherproof telescopes, used in the open air, with no observatory building. An observing club was started in 1998 and in 1999 the Community Observatory was established, with the aim of promoting astronomy in the community.

2.2.21 The Council's consultation response on the withdrawn application, within the section on 'Heritage impact', refers to the need to assess the impact on the Observatory of potential light pollution from the proposed development of the application site, but this is clearly not a heritage issue.

2.3 Relationship of site to conservation area

2.3.2 For the purposes of this report, the footpaths upon which this appraisal is based have been numbered 1-3 (and are marked on the plan at **Appendix 1**). The footpaths were walked on 2nd March 2023 when the trees were not in leaf.

2.3.3 It is worth stating first that there is no inter-visibility between the built-up area of the conservation area and the application site. This is because of the intervention of the

wooded grounds of the Castle between the village buildings and the sightlines south-east towards the site.

Footpaths 1 & 4

- 2.3.4 The informal Footpath 1 runs along the southern boundary of the conservation area in an easterly direction from the gate into the field (outside the conservation area) that lies due south of St Peter's Church. There are good, picturesque views north and north-eastwards across this field towards the church (**Plates 16 & 17**) which also take in glimpses, through the trees (in the winter months), of Hanwell Castle. The field rises to the south so that views in that direction from the church are terminated by the horizon formed by its hedged boundary against the larger arable fields beyond (**Plate 18**; and see Viewpoint 10 in the Landscape & Visual Impact Assessment ('LVIA'), from the churchyard itself).
- 2.3.5 Footpath 1 is edged by the woodland within the grounds of Hanwell Castle to the north and by a large arable field to the south. The path follows the edge of the field and joins Footpath 2 (PRoW 239/9) which runs north along the eastern boundary of the 'foot' of the conservation area and south across arable fields towards Dukes Meadow Drive, west of the application site.
- 2.3.6 From the gate into the field south of the church (**Plate 19**; and cf Viewpoint 1 in the LVIA), views of the site are prevented by the topography and tree screening along mid-range field boundaries. The distant focus of the view is the sprawling industrial/warehouse development on the north-eastern edge of Banbury, south-east of Hanwell Fields.
- 2.3.7 From this same point, there are views south along the continuation of a footpath (120/7/10) which comes through the village, past the church and connects to Footpath 1 before running south/south-east across the arable field. These views are terminated by recent housing on the Banbury 5 site at Hanwell Fields, filtered through a screen of trees (**Plate 20**). It is probable that, in the summer months, this development is less visible.

- 2.3.8 As one progresses eastwards along Footpath 1 to the point where it joins FP4 (239/8/20), which runs north-east into the woodland associated with Hanwell Castle, a sightline opens up towards the hedged northern boundary of the site (**Plate 21**; and cf Viewpoint 12 in the LVIA). This is a distant view in which the only 'marker' is a tree on that boundary. The land itself, within the site, cannot be seen. Above and beyond the hedged boundary rise the large warehousing developments on the north-eastern edge of Banbury, which extend visually the full length of what can be seen of the site boundary and some distance to the left. In front of these, to the left of the view, housing on the Hanwell Fields development can also be seen.
- 2.3.9 From Footpath 4, just to the north-east within the wooded part of the Hanwell Castle estate, views towards the site's northern boundary are heavily filtered by trees (see Viewpoint 11 in the LVIA).
- 2.3.10 As one continues eastwards along Footpath 2 from the point described in paragraph 2.3.8, the ground slopes down to the east and the glimpsed view towards the site becomes lost behind a treed field boundary (**Plates 22 & 23**). The western and part of the northern boundary of the blue-line area (the western part of the larger field of which the site is a part) on the horizon is all that can be seen as one approaches the 'foot' or south-eastern spur of the conservation area (**Plate 24**). From the tip of this spur, at the lowest level of the footpath, the topography and tree screening means that, although the western boundary of the blue-line area can be seen, the application site is not visible (**Plate 25**).
- 2.3.11 From this point also, but looking south, it is possible to see the recent Hanwell Fields housing development south of Dukes Meadow Drive behind a screen of trees on the horizon (**Plate 26**). The houses are likely to be less visible in the summer months.
- 2.3.12 In summary, Footpath 1 allows a distant, glimpsed and transient view towards part of the northern boundary of the application site. This is seen in conjunction with the industrial estates south-east of the site and the existing Hanwell Fields housing development. This housing is barely visible with the naked eye at this distance although a general sense of built development is gained. The sightline is only present from a section partway along the footpath and disappears as one progresses east down the slope.

2.3.13 The application site makes no contribution to the character or quality of this view outwards from the edge of the conservation area.

Footpath 2

2.3.14 This footpath is part of PRow 239/9 and is discussed here in three sections called, for convenience, north, central and south.

North

2.3.15 The northern section runs north-south along the eastern boundary of the conservation area, along the 'sole' of the foot that represents its south-eastern spur. The path ascends a slope to the north, bounded by woodland in the grounds of Hanwell Castle to the west and an arable field to the east, reaching a hedge-line at the 'heel' of the foot. From here, on the higher ground, there are views south-southeast in the direction of the application site.

2.3.16 In this view (**Plates 27 & 28**; and cf Viewpoint 6A in the LVIA), the tall hedge-line forming the northern and western boundaries of the blue-line area stands on the horizon. To left of this, the northern boundary of the application site is marked by the mature tree which stands on it (referred to as the 'marker tree' for orientation purposes; see **Appendix 1**). The boundary of the site continues right of this tree for a short distance, where it is experienced in the same way as its continuation to the west along the blue-line area. Broadly in line with the north-western corner of the red-line application site, industrial chimneys and their emissions can be seen beyond the hedge line (**Plates 28-30**).

2.3.17 To the left of the tree, the land slopes down to the east and the rest of the site's northern boundary is less visible because of the topography (only the top of the tall hedgerow is visible; **Plate 29**). This visibility will be decreased further in the summer months by tree screening in the mid-ground. In the left of the view, the industrial development on the north-eastern edge of Banbury can be seen, and parts of the Hanwell Fields development (**Plate 27**).

2.3.18 Like the view towards the site from Footpath 1, this view is distant and available only from a limited part of the footpath. Like that view, it is also seen in an existing context of residential and industrial development and does not contribute anything to the significance or setting of the conservation area.

2.3.19 The glimpsed view towards the site boundary disappears south of this point on the footpath because of the topography and intervening tree screening (**Plate 31**). To the north, the footpath continues north-westwards around the grounds of Hanwell Castle, before turning south-west through those grounds and connecting with Footpath 1 on the southern boundary of the conservation area.

Central

2.3.20 The central section of the footpath runs from the tip of the south-eastern spur of the conservation area southwards to a gap in a hedged and treed field boundary dividing two arable fields. The footpath itself cuts across these fields without formal markers. There are no views of the application site from this section of the footpath. Only the hedge along the western and part of the northern boundary of the blue-line area can be seen from here on the horizon, the site itself being screened by intervening trees and the topography (**Plate 32**; and cf Viewpoint 6B in the LVIA).

2.3.21 There is no visual or other relationship between the site and the conservation area that can be experienced from this section of the footpath.

South

2.3.22 The southern section of the footpath continues south from the gap in the hedge uphill across an arable field to Dukes Meadow Drive, eventually running parallel with the western boundary of the blue-line area. The application site itself cannot be seen (**Plates 33 & 34**; and cf Viewpoint 6C in the LVIA).

2.3.23 Looking back to the north (**Plate 35**), the conservation area is experienced as a belt of woodland extending east-west along the near horizon. No buildings within the designated area can be seen and it is not apparent that the village of Hanwell lies behind the trees. These views are not reliant in any way on the status of the application site.

Footpath 3

- 2.3.24 This informal footpath runs along the northern boundary of both the blue-line area and the application site (coincident with the parish boundary between Banbury and Hanwell). From points along the blue-line boundary, there are views north-west across arable fields towards the southern boundary of the conservation area. The conservation area is experienced as a belt of woodland, partly lined with hedging, across an expanse of arable land. The buildings in the village cannot be discerned (**Plate 36**).
- 2.3.25 As one progresses eastward along the boundary of the application site (**Plate 37**), the rise of the land in the foreground means that the woodland in the conservation area starts to fall out of view. At the north-south field boundary that marks broadly the centre point of the site's northern boundary, all that can be seen of the conservation area is the wooded south-eastern spur (**Plate 38**) with the tips of trees further west.
- 2.3.26 The conservation area appears as a distinct entity, comprising woodland, in the views described and shown in **Plates 35 & 36**. The ability to appreciate this does not rely on the status of the application site, and the latter makes no contribution to the significance or setting of the conservation area.

Summary

- 2.3.27 The findings of this baseline appraisal indicate that the application site does not contribute to the significance of the Hanwell Conservation Area, and neither does it have any significant role to play as part of its physical setting.
- 2.3.28 When viewed from the conservation area, from the points identified along its southern and eastern boundaries, there is very little visibility of the application site, with only distant, glimpsed and transient views of the western part of its northern boundary. In these views, the site is experienced in conjunction with the existing built-up edge of Banbury, encompassing the industrial and commercial developments on the north-eastern edge of the town and part of the existing Hanwell Fields recent residential development. The site is not experienced in any way that suggests a relationship of any significance with the conservation area.

2.3.29 The views back towards the conservation area from the western part of the northern boundary of the site reveal the conservation area in its setting, as a wooded belt cutting across the landscape, distinct from the arable fields surrounding it. The site itself does not play any role in this view.

3.0 ASSESSMENT OF IMPACT

- 3.1 The application is in outline and proposes up to 114 new dwellings on the site, and associated open space, with all matters reserved other than access. The Illustrative Sketch Layout (based on a Parameters Plan) shows how the site could be laid out and developed, indicating building heights and the locations of public open space and SUDS. The Layout responds to the various technical constraints identified.
- 3.2 The red-line site area was reduced from that of the withdrawn scheme, which comprised a c.8.6ha area, in response to concerns about landscape and visual impact. The reduction came from the omission of the western third of the previous site area and the reorientation of the new western boundary. The northern boundary now extends westwards only as far as the 'marker' tree referred to above, with the western boundary drawn in a south-westerly direction from this point.
- 3.3 In addition to these changes, a significant area of public open space is proposed in the north-west corner of the site and a wide landscaped buffer along its northern boundary, connecting to further public open space in the eastern part of the site where SUDS ponds are proposed. These aspects of the layout shift development very substantially away from the parts of the site which have the most visibility in views from the north and north-west, including from footpaths around the edge of the conservation area.
- 3.4 Single-storey dwellings are proposed along the new western edge of the development with up to two storeys across the rest of the site, with a small area at the gateway into the site at the southern edge where three storeys are accommodated.
- 3.5 The scheme incorporates a substantial 'stand-off' from the site's northern boundary and omits the western third of the site considered under the withdrawn application entirely, drawing development substantially further away from these areas of greater visibility. This will have the effect of further reducing, or removing entirely, the visibility of the proposed development from the viewpoints from the footpaths around the conservation area that are discussed above.

- 3.6 Under the withdrawn scheme it was considered unlikely that there would be any visibility of the development in the views illustrated in **Plates 22 & 23**. Under the present scheme, this is even less likely. In the view shown at **Plate 21**, there may have been some limited visibility of the roofs of two-storey dwellings off-set from the northern boundary, which would have been seen in context with the existing built form of the industrial developments beyond. Under the present scheme, any such visibility will be even less.
- 3.7 In the view illustrated at **Plates 27 & 28**, there may have been some limited visibility under the withdrawn scheme of properties off-set from the northern boundary, but this is another distant view that already contains built development. Under the present scheme, any such visibility will be even less.
- 3.8 It was concluded in relation to the withdrawn scheme that the potential visibility of part of the northern edge of development over a long distance and from only a few specific points along the conservation area boundary would not affect the significance of the conservation area or its setting. Under the present scheme any such visibility of the scheme in the views described will be even less.
- 3.9 The Conservation Officer's comments in the Report to Committee on the recently refused application (ref: 23/03366/OUT) include an acknowledgement that '*...the applicant has submitted a heritage impact assessment, which also provides verified views of the proposed development (winter views) from the Conservation Area/Hanwell Castle grounds. The Heritage Statement as submitted appears to corroborate the assessment made by the application submission that the proposed development would not be perceived in views from Hanwell Conservation Area or the setting of the listed buildings and conservation area.*' Despite this, the comments go on to say that, '*The level of heritage harm likely to be experienced would be less than substantial and probably would be towards the lower end of a less than substantial impact.*'
- 3.10 It is important to recognise that visibility does not *per se* equate to a harmful impact, but must affect significance in some way in order for there to be considered an impact.
- 3.11 The conclusion of the foregoing baseline appraisal is that the application site does not contribute to the character and appearance or significance generally of the Hanwell

Conservation Area, and neither does it have any significant role to play as part of its physical setting. Therefore it follows that the development of the site cannot, in and of itself, have an adverse impact on the conservation area.

- 3.12 The setting of the conservation area (and the listed buildings within it) is not itself a heritage asset. The importance of 'setting' lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. An assessment of the impact on setting needs to take into account the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
- 3.13 The conservation area will continue to be experienced (from the south and south-east) as a wooded entity surrounded by arable fields, whether or not the application site is developed. The development will neither enhance nor detract from the ability to appreciate this.
- 3.14 In views outward to the south-east from the edge of the conservation area, the sense of looking out across arable fields from Hanwell towards Banbury will not be affected by the site's development as proposed. Because of the natural topography, the proposed development, if it is perceived at all, will be perceived as either over the horizon, or over a ridge-line in these views, and not as development encroaching towards Hanwell in a way that compromises the gap between it and Banbury. Any limited and distant visibility will be experienced as part of the existing context of built development on the edge of Banbury, which it adjoins. The village and conservation area, wrapped around with woodland, will continue to be perceived as a distinct entity surrounded by open farmland.
- 3.15 Notwithstanding this, the Illustrative Sketch Layout shows how the proposals will work with the natural topography to minimise the visibility of the proposed development in views from the conservation area boundary.
- 3.16 In this respect, it is worth noting the recent comments of the Inspector who allowed an appeal by public inquiry in relation to application 23/00853/OUT, an outline application for up to 170 dwellings off Warwick Road to the west of the present application site, and also between the developed northern edge of Banbury and the village and conservation

area of Hanwell (which is referred to as 'the HCA'). At paragraphs 39 and 40 of his decision, he states that:

'It is common ground that the setting of St Peter's Church and Hanwell Castle should not be conflated with that of the HCA because the latter comprises an extensive asset, while the listed buildings are discrete assets within the conservation area...

In my opinion, the agricultural land immediately south of Hanwell forms part of the setting of both listed buildings. However, the intervening distance and lack of intervisibility together with the absence of evidence demonstrating a socio-economic link between the buildings and the appeal site means that the latter makes no meaningful contribution to their significance, nor does it form part of the surroundings in which the buildings are experienced and enjoyed by the public at large. For these reasons...the proposed development would not harm the setting of St Peter's Church or Hanwell Castle.

3.17 At paragraph 43 of his appeal decision, he states:

'I consider that the majority of the HCA's significance is contained in the special architectural and historic interest of the notable buildings and spaces arranged along Main Street. These attributes result in picture postcard views along Main Street which are of the very highest order. While the arable fields surrounding the village clearly contribute to the understanding of Hanwell's agricultural origins and its subsequent development, there is a danger that the contribution of a surrounding landscape to a heritage asset can be overstated especially in cases where there is no direct visual relationship between the two as is the case here.'

3.18 He goes on to say that, in the case of the Warwick Road site, if it had immediately abutted the conservation area or encroached into important views to or from the village, then the argument that it made a material contribution to the significance of the conservation area might have more credibility. However, the site was distant and visually isolated from the historic core of the conservation area and there was no evidence of a historical association between the two.

- 3.19 A similar situation applies here except that in this case the site in question is much more distant and visually isolated from the conservation area and the listed buildings it contains.
- 3.20 The Inspector's conclusion in relation to the Warwick Road site was that *'the level of harm to the significance of the HCA would be towards the bottom of the 'less than substantial' range given any changes would be perceptual rather than actual.'* He went on, as required by paragraph 208 of the NPPF, to weigh this limited level of harm against the public benefits, these being the provision of 170 dwellings; the provision of affordable housing in excess of policy requirements; the provision of public open space; a Biodiversity Net Gain; and a number of economic benefits during construction and post-completion, concluding that, *'Overall, the collective public benefits attract substantial weight sufficient to outweigh the harm I have identified to the HCA. Consequently, the proposal passes the "paragraph 208" test.'*
- 3.21 It is my firmly held view that there will be no harm arising to any heritage asset from the development of the present application site. In this case therefore there is no requirement to engage paragraph 208 of the NPPF. If, however, the Council maintains a view that the proposals would result in *'less than substantial [harm]...towards the lower end of a less than substantial impact,'* any such harm must on any objective basis be similar to or less than the very limited harm considered to arise from the Warwick Road scheme, such that it would be significantly outweighed by the public benefits.
- 3.22 This conclusion is supported by the decision on the refused application (ref: 23/03366/OUT), which does not refer to any harmful impact on heritage assets.

4.0 SUMMARY AND CONCLUSION

- 4.1 This report has appraised the relationship of the application site to the Hanwell Conservation Area, primarily in terms of views and intervisibility. There is no intervisibility between the site and any individual listed building within the conservation area.
- 4.2 The appraisal has concluded that the application site does not contribute to the character and appearance or significance generally of the Hanwell Conservation Area, and neither does it have any significant role to play as part of its physical setting. The factors influencing this conclusion are the distance between the site and conservation area, the form of the natural topography between them (and the hedges and trees that provide screening within that space) and the resultant very limited intervisibility of the two areas.
- 4.3 Views from the conservation area towards the site are only available from limited points along its southern and eastern boundaries, with no intervisibility between the site and the heart of the conservation area or any buildings within it. Views from the western part of the northern boundary of the application site reveal the conservation area as a well-defined wooded belt or 'island,' distinct from a surrounding landscape of large arable fields.
- 4.4 Based on this appraisal it is evident that the development of the site as proposed will have no effect, either positive or negative, on the significance of the conservation area as a designated heritage asset, either directly or on any significant aspect of its wider physical setting.
- 4.5 In summary, and for all the reasons set out in detail above, I am of the view that the proposed development complies with the advice on conserving the historic built environment contained in the NPPF, the relevant policies of the Cherwell Local Plan and the statutory tests set by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Plate 1: Looking east across site; northern boundary to left



Plate 2: Looking south-east across site



Plate 3: Looking south/south-east across site



Plate 4: Looking west along northern boundary of site ('marker tree' to right)



Plate 5: Looking north-east along Main Street towards the thatch-roofed Grade II listed No.6



Plate 6: Looking north along Main Street towards the triangular green and Grade II listed Spring Farmhouse, with grounds of Hanwell Castle to right



Plate 7: Looking north across triangular green, with Spring Farmhouse to left



Plate 8: Looking south from green along Main Street (corner of Grade II listed Heath Farmhouse to right)



Plate 9: Looking east along Main Street past The Moon and Sixpence public house



Plate 10: Looking north-west along Church Lane



Plate 11: Looking east past St Peter's Church towards Hanwell Castle



Plate 12: Looking north-east from churchyard towards Hanwell Castle



Plate 13: West end of St Peter's Church



Plate 14: South elevation of St Peter's Church, from churchyard



Plate 15: Looking north-east from churchyard showing close relationship of church and Castle



Plate 16: Looking north across field south of church (outside the conservation area) towards the church (Hanwell Castle grounds to right)



Plate 17: Looking north-east across field south of church towards the church (Castle behind trees to right)



Plate 18: Looking south across field south of church to fence-line on horizon (Castle grounds to left)



Plate 19: View south-east from gate onto Footpath 1, south of church (the site is not visible)



Plate 20: View south from gate onto Footpath 1 south of the church (new houses at Banbury 5 can just be seen behind the trees to the right)



Plate 21: Above: view south-east towards part of northern boundary of application site from partway along Footpath 1; the red arrow points to the 'marker tree' on that boundary. Below: zoomed-in version of the same image



Plate 22: Above: view south-east from lower eastern section of Footpath 1: red arrow points to the 'marker tree' on the site's northern boundary while left of this, the site cannot be seen. Below: zoomed-in version of the same image



Plate 23: View south-east from further east than the position shown in Plate 22: the 'marker tree' and site boundary have fallen out of view



Plate 24: View east from Footpath 1 to south-eastern 'spur' of the conservation area: the hedged boundary of the blue-line area can be seen to the right on the horizon



Plate 25: View south-east from south-eastern tip of conservation area: the western boundary of the blue-line area only is visible



Plate 26: View south from south-eastern tip of conservation area; houses on Dukes Meadow Drive seen on the horizon left of centre, behind trees



Plate 27: View south-east from Footpath 2 (North) from 'heel' of south-eastern spur of conservation area; red arrow points to 'marker tree' on northern boundary of site



Plate 28: View south-east from a slightly lower position than that in Plate 27; red arrow points to 'marker tree' on northern boundary of site



Plate 29: Zoomed-in view of Plate 26: red arrow indicates 'marker tree', with industrial development seen to right. Note how the site levels fall away to left of the tree, with only the top of the boundary hedge visible



Plate 30: Zoomed-in detail of 'marker tree' on site boundary, and industrial development beyond



Plate 31: View south-east from further south along Footpath 2 (North): the site is not visible



Plate 32: View south-east from Footpath 2 (Central): the site is not visible (western boundary of blue-line area seen on horizon to right)



Plate 33: View south-east from Footpath 2 (South): the site is not visible, with western boundary of blue-line area seen on horizon



Plate 34: View south-east from Footpath 2 (South): the site is not visible, with western boundary of blue-line area seen on horizon



Plate 35: View north towards conservation area from southern end of Footpath 2 (South)



Plate 36: View north-west towards conservation area from Footpath 3



Plate 37: View north-west from Footpath 3/northern boundary of site towards conservation area, which is beginning to fall out of view



Plate 38: View north-west from further east along Footpath 3/northern boundary of site towards conservation area, which has almost entirely fallen out of view

Appendix 1:
Aerial photograph annotated with footpaths referred to in the text

