

WOODHALL

PLANNING AND CONSERVATION

**TOWN AND COUNTRY
PLANNING ACT 1990 - SECTION 78**

**APPEAL BY
CALA HOMES (MIDLANDS) LTD.**

**LAND AT SOUTH LODGE,
FRINGFORD ROAD, CAVERSFIELD,
BICESTER**

**PROOF OF EVIDENCE
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The Planning Inspectorate Ref. No:
APP/C3105/A/13/2208385

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ANB 1	Map showing Appeal Site in relation to heritage assets
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1.00 SUMMARY

- 1.01 I am Andrew Newman Brown, BA, BArch, MSc, MRTPI, IHBC. This Inquiry relates to an appeal against the decision of Cherwell District Council to refuse an application for outline planning permission for up to 200 residential units and associated works on land at South Lodge, Fringford Road, Caversfield. The Appellant's case is being presented by a number of witnesses and my evidence relates to the impact of the proposed development upon designated heritage assets.
- 1.02 I have considered the relevant statutory requirements, central government policy relating to the historic environment, the guidance provided by English Heritage, the relevant policies of the Development Plan, and other Council documents.
- 1.03 Within my evidence I have considered the impact of the proposed development upon the following designated heritage assets:
- RAF Bicester Conservation Area;
 - Church of St. Lawrence (a Grade II* listed building); and
 - Home Farmhouse (a Grade II listed building).
- 1.04 The setting of a heritage asset is defined in Annex 2 of the *National Planning Policy Framework*. Whilst the setting of various heritage assets needs to be understood in assessing the impact of this proposal, I consider that any attempt to closely define the extent of setting is of limited usefulness. Setting is not a heritage asset in itself, nor is it a heritage designation; its importance lies in what it contributes to the significance of a heritage asset. Therefore, what is of primary importance is not whether a proposed development is within or beyond the setting but the impact of that development upon the significance of the heritage asset, including its setting.
- 1.05 The Appeal Site is located on land to the north-west of Fringford Road; part of the south-west boundary of the site adjoins an unnamed road that runs between Fringford Road and the B4100. There is a small group of houses to the south of the site at the junction of the two roads, and more extensive housing to the south-east of Fringford Road. The other surroundings of the site are either farmland or woodland. The site is predominantly grassland, with a group of buildings (including a house known as South Lodge) close to the centre of its north-east boundary.
- 1.06 The nearest section of the RAF Bicester Conservation Area to the Appeal Site is located on the opposite side of Fringford Road. The designated area is extensive, with the majority

being to the south-east of Buckingham Road (the A4421) and covering the flying field and technical site. Two arms of the designated area extend west of Buckingham Road, the southern one of which extends to Fringford Road. This section of the Conservation Area lies predominantly to the south-west of Skimmingdish Lane (which runs south-east from Fringford Road to Buckingham Road), although some of the houses to the north-east of the lane are within the designated area.

1.07 As a result of the approach shown on the illustrative masterplan, only a small number of the proposed houses would be adjacent to the RAF Bicester Conservation Area, and these would be located behind the existing and substantial vegetation along the site's boundary with Fringford Road. Even in winter (when the leaves are off deciduous trees and hedges) there would be some screening of these houses by a network of bare branches. As a result, there would be limited views of the proposed housing from the edges of the designated area or in views towards the Conservation Area from Fringford Road. In particular, there would be virtually no change to the principal view out of this part of the Conservation Area, north-west along Skimmingdish Lane. The junction of the new access road with Fringford Road would be the principal element of the proposed development visible from the designated area. Given the nature of Fringford Road and the existence of other road and drive junctions along the section that passes the designated area, I do not consider that this new road junction would affect the character or appearance of the Conservation Area. I consider that the proposed development would not result in any harm to the significance of the RAF Bicester Conservation Area.

1.08 The Church of St. Lawrence is listed Grade II* and is located within a small graveyard, almost entirely surrounded by woodland, on the east side of the B4100 to the north-west of the Appeal Site. In addition to this existing woodland, the illustrative masterplan submitted with the application indicates that a new Ecological Corridor (which would include some tree planting) would be provided along the north-west boundary of the site. As a result, there would be no views of the proposed development from the church. In addition, the proposed development would not be seen in any views towards the church. I therefore consider that the proposed development would not result in any harm to the significance of this listed building.

1.09 Home Farmhouse is listed Grade II and is located within a group of agricultural buildings on the west side of the B4100 to the west of the Appeal Site. As a result of the agricultural buildings immediately to the east of the farmhouse and the intervening hedges and hedgerow trees there would be no views of the proposed development from the farmhouse. In addition, the proposed development would not be seen in any views towards the farmhouse.

I therefore consider that the proposed development would not result in any harm to the significance of this listed building.

- I.10 As a result of my assessment of the proposed development, I consider that the character and appearance of the Conservation Area and the setting of the two listed buildings would be preserved (this relates to the statutory duties imposed by Sections 66 and 72 of the *Planning (Listed Building and Conservation Areas) Act 1990*).
- I.11 In addition, I conclude that the proposed development accords with the requirements of Policies EN39, EN40 and EN44 of the Non-Statutory Cherwell Local Plan 2011. As this appeal relates to an application for outline planning permission I cannot come to a firm conclusion regarding its conformity with emerging Policy ESD 16, which requires high quality design that contributes positively to the area's character and identity. However, on the basis of the illustrative masterplan and the Design and Access Statement submitted with the application, and subject to an appropriate reserved matters' application, I cannot see any reason why the proposal should not accord with this emerging policy.
- I.12 I therefore consider that there are no reasons relating to the RAF Bicester Conservation Area or the listed buildings in the vicinity of the Appeal Site why this appeal should not be upheld.

2.00 PERSONAL DETAILS

- 2.01 I am Andrew Newman Brown, Architect and Town Planner. I obtained my Bachelor of Arts (Architecture) from the University of Newcastle upon Tyne in 1971 and a Bachelor of Architecture from the same institution in 1974. In 1975 I successfully completed my Master of Science (Environmental Conservation) at Heriot-Watt University, Edinburgh. I am a registered architect, a member of the Royal Town Planning Institute, and a member of the Institute of Historic Building Conservation.
- 2.02 The whole of my career has involved work in the historic environment and the design of new developments in sensitive locations. Initially I worked in specialist conservation/design teams for Tyne and Wear County and Durham County Council, and I was then Conservation Officer of Chester City Council from 1983 to 1988. Since then I have been in private practice, first in Cheshire, then as a partner of Brown Environmental Design (Manchester and Barnsley), and now as a director of Woodhall Planning & Conservation Ltd. I have been involved in many schemes involving listed buildings and conservation areas, and have prepared Conservation Area Appraisals for local planning authorities. I have provided design and conservation evidence at Public Inquiries for many developers and local authorities.
- 2.03 In relation to this proposal, I was not involved in the preparation of the application. I was approached following the refusal of the application by Cherwell District Council to advise whether I could support the Appellant's case. I was subsequently appointed to give evidence at this Inquiry.
- 2.04 For the avoidance of doubt, I confirm that the opinions expressed within this evidence are my true and professional opinions.

3.00 SCOPE AND METHODOLOGY OF EVIDENCE

3.01 This Inquiry relates to an appeal against the decision of Cherwell District Council (the 'Council') to refuse an application for outline planning permission for up to 200 residential units and associated works on land at South Lodge, Fringford Road, Caversfield.

3.02 The Appellant's case is being presented by a number of witnesses and my evidence relates to the impact of the proposed development upon designated heritage assets. Landscape issues are considered within the evidence of Mr. Charsley. In a case such as this it is important to provide a structured framework for objective analysis and, particularly, to disaggregate likely significant effects on landscape from those which relate to heritage assets. The overall planning evaluation of the proposed development is provided within the evidence of Mr. Bateman.

3.03 The application was refused by the Council on 4th October 2013. Four reasons for refusal have been provided and my evidence relates to part of the second reason, which states that:

2. *Development of this site would erode an important green buffer gap between the planned expansion of Bicester and the village of Caversfield which would be harmful to the setting and identity of Caversfield itself and also that of the setting of the RAF Bicester Conservation Area as it would fail to preserve or enhance its setting contrary to Policies ESD15 and ESD16 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance in the National Planning Framework.*

3.04 It is unclear from this reason for refusal and from the Council's Statement of Case (in relation to the distinctions within paragraphs 133 and 134 of the National Planning Policy Framework) whether the Council considers that the proposed development would cause 'substantial harm' or 'less than substantial harm' to the setting of the RAF Bicester Conservation Area (see 5.03 below).

3.05 Although the Council has only raised a concern about the setting of the RAF Bicester Conservation Area, there are also two listed buildings in the vicinity of the Appella Site. Therefore, in order to assist the Inspector with the statutory duties under Sections 66 and 72 of the *Planning (Listed Building and Conservation Areas) Act 1990* (see 4.01 below), within this evidence I consider the impact of the proposed development upon the following designated heritage assets (the locations of which are shown on the map in Appendix ANB 1):

- RAF Bicester Conservation Area;

- Church of St. Lawrence (a Grade II* listed building); and
- Home Farmhouse (a Grade II listed building).

3.06 I note that the Appeal Site has the potential to contain archaeological features but the Council considers that these can be adequately protected by an appropriately worded condition. I therefore do not consider this aspect of the historic environment any further.

Methodology

3.07 In order to prepare this evidence I have visited all the heritage assets set out at 3.05 above and have made use of the material submitted with the application. The proposed development will not have any direct impact upon any designated heritage assets but has the potential to impact upon the setting of the RAF Bicester Conservation Area (which includes a number of listed buildings) and on the setting of the two listed buildings identified in 3.05 above.

3.08 Guidance on the appraisal of conservation areas is provided within the English Heritage document, *Understanding Place: Conservation Area Designation, Appraisal and Management*. This, together with the Council's *RAF Bicester Conservation Area Appraisal* provides the basis for my appraisal of the significance of the designated area.

3.09 The setting of a heritage asset is defined in Annex 2 of the *National Planning Policy Framework* (the 'Framework' - see 5.06 below). Whilst the setting of various heritage assets needs to be understood in assessing the impact of this proposal, I consider that any attempt to closely define the extent of setting is of limited usefulness. Setting is not a heritage asset in itself, nor is it a heritage designation; its importance lies in what it contributes to the significance of a heritage asset (see 5.10 below). Therefore, what is of primary importance is not whether a proposed development is within or beyond the setting but the impact of that development upon the significance of the heritage asset, including its setting.

3.10 I consider that the protection of the significance (the 'special interest') of listed buildings and conservation areas is the object of Sections 66 and 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (see 4.01 below) and that this approach accords with the methodology set out in the English Heritage document, *The Setting of Heritage Assets* (see 5.11 below). It also accords with the advice on page 16 of *The Setting of Heritage Assets*, which includes the comment that:

Understanding the significance of a heritage asset will enable the contribution made by its setting to be understood. This will be the starting point for any proper evaluation of the implications of development affecting setting.

3.11 As a result, within my evidence I have not attempted to define the geographical extent of the setting of the various heritage assets but have sought to identify whether and to what extent elements of the setting of a heritage asset contribute to the significance of that asset. I have then assessed the impact of the proposed development on the significance of the various heritage assets, including any impact on those elements of their settings that contribute to their significance. In assessing significance I have used the four categories (archaeological, architectural, artistic and historic) listed in Annex 2 of the Framework (see 5.06 below) in preference to those suggested on pages 27 to 32 of the English Heritage document, *Conservation Principles, Policies and Guidance*, as the Framework is a central government document and post-dates the English Heritage publication.

4.00 STATUTORY REQUIREMENTS AND THE DEVELOPMENT PLAN

Statutory requirements

- 4.01 All policies relating to listed buildings and conservation areas need to be understood in the context of the statutory requirements, which are primary. Section 66 of the *Planning (Listed Building and Conservation Areas) Act 1990* states that special regard shall be paid to the desirability of preserving the setting of listed buildings and Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 4.02 It should also be noted that, in relation to conservation areas, the Courts have held that the objective of “preserve” or “preserving” (Sections 69 and 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*) can be achieved by development which leaves character and appearance unharmed. This is the criterion I have adopted for my assessment, rather than the idea that “preservation” means keeping unaltered.
- 4.03 Under Section 38 (6) of the *Planning and Compulsory Purchase Act 2004*, if regard is to be had to the Development Plan for the purposes of any determination to be made under the *Planning Acts*, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Development Plan

- 4.04 The Development Plan comprises the ‘saved’ policies of the Cherwell Local Plan – November 1996. None of these relate to the setting of listed buildings or conservation areas. The Council has approved the Non-Statutory Cherwell Local Plan 2011 for development control purposes and is in the process of preparing a new Local Plan. The status of these two documents is considered within the evidence of Mr. Bateman.
- 4.05 The following policies within the Non-Statutory Cherwell Local Plan 2011 are relevant to my evidence:
- Policy EN39
 - Policy EN40
 - Policy EN44
- 4.06 I note that the absolute wording of these policies does not allow for the balancing act between harm and benefits, which is integral to the legislation relating to listed buildings and

conservation areas, and to the approach set out in the Framework (see 4.01 above and 5.03 below).

- 4.07 The only emerging policy that relates to my evidence (which is one of the two policies referred to in the second reason for refusal) is ESD 16, which relates to the character of the built and natural historic environment. This is a wide ranging policy, which includes two sentences that are relevant to heritage assets:

*... 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 ... contribute positively to an area's character and identity ... in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their settings.*

- 4.08 I consider that it is questionable whether the wording of this emerging policy allows for the balancing act between harm and benefits, which is integral to the legislation relating to listed buildings and conservation areas, and to the approach set out in the Framework (see 4.01 above and 5.03 below).

Conservation Area Statement

- 4.09 The Council has produced a *RAF Bicester Conservation Area Appraisal*, which sets out the background to the designation of the area, a history of its development, and an assessment of its character and appearance. It does not, unfortunately, contain a section specifically assessing the setting of the designated area (as recommended in paragraphs 2.2.6 and 2.2.7 of the English Heritage document, *Understanding Place: Conservation Area Designation, Appraisal and Management*). There is, however, some reference to views out of the flying field section of the Conservation Area in Section 9.7.1, and a very brief description of the surroundings of the domestic site at the beginning of Section 9.7.3.

5.00 CENTRAL GOVERNMENT POLICY AND GUIDANCE

- 5.01 Central government policy on planning issues is set out in the *National Planning Policy Framework* (the 'Framework'). In addition, the advice from English Heritage in *Understanding Place: Conservation Area Designation, Appraisal and Management* and *The Setting of Heritage Assets* is of particular relevance to this Inquiry (see 5.08 to 5.12 below).

Framework

- 5.02 One of the twelve core planning principles set out in paragraph 17 of the Framework is to, 'Conserve heritage assets in a manner appropriate to their significance ...' Further details are provided in Section 12 (paragraphs 126 to 141), which is specifically concerned with conserving and enhancing the historic environment. Paragraph 129 states that:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 5.03 Paragraphs 133 and 134 make a distinction between proposed developments that will lead to '... substantial harm to or total loss of significance ...' of a designated heritage asset (paragraph 133) and proposals which will have '... less than substantial harm ...' (paragraph 134). Both of these paragraphs require that any harm should be weighed against the public benefits of the proposed development (or, in the case of paragraph 133, that other criteria apply).

- 5.04 Guidance on what constitutes 'substantial harm' has been provided as a result of a judgement by Mr. Justice Jay in the High Court (see Appendix ANB 3). Paragraph 24 of that judgement ends with the sentence:

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

Paragraph 25 goes on to state:

Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious

impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.

- 5.05 Similar advice is contained within the online draft National Planning Practice Guidance. Under 'Conserving and enhancing the historic environment', Section 3, which deals with 'Decision-taking: historic environment', states (under the heading, 'How to assess if there is substantial harm?'):

A key factor in determining whether the works constitute substantial (ie serious) harm is if the adverse impact goes to the heart of why the place is worthy of designation – why it is important enough to justify special protection.

- 5.06 Annex 2 of the Framework provides definitions for a variety of terms related to the historic environment. The 'Setting of a heritage asset' is defined 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.

- 5.07 Similarly, 'Significance (for heritage policy)' is defined 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.

Understanding Place:

Conservation Area Designation, Appraisal and Management

- 5.08 The English Heritage document, *Understanding Place: Conservation Area Designation, Appraisal and Management*, indicates (in paragraph 1.6) that:

An appraisal of an area ... will lead to an understanding and articulation of its character which can be used to develop a robust policy framework for planning decisions. An adopted appraisal will be material to appeal decisions

- 5.09 Paragraph 2.2.5 of the document indicates that one of the key elements in defining the special interest of a conservation area is likely to be, '... the relationship of the conservation area to its setting and the effect of that setting on the area'

The Setting of Heritage Assets

5.10 The English Heritage document *The Setting of Heritage Assets* makes it clear in Section 2.4 that:

Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset.

5.11 This document also provides a five step approach for assessing the implications of a development proposal (pages 15 to 24), namely:

- Step 1: Identifying the heritage assets affected and their settings;
- Step 2: Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: Assessing the effect of the proposed development on the significance of the asset(s);
- Step 4: Maximising enhancement and minimising harm; and
- Step 5: Making and documenting the decision and monitoring the outcomes.

5.12 I have adopted this approach for the assessments within my evidence, although the fifth step is outside the scope of my evidence (see 3.02 above).

6.00 IMPACT ON HERITAGE ASSETS

6.01 The Appeal Site is located on land to the north-west of Fringford Road; part of the south-west boundary of the site adjoins an unnamed road that runs between Fringford Road and the B4100. There is a small group of houses to the south of the site at the junction of the two roads, and more extensive housing to the south-east of Fringford Road. The other surroundings of the site are either farmland or woodland. The site is predominantly grassland, with a group of buildings (including a house known as South Lodge) close to the centre of its north-east boundary. Somewhat confusingly, South Lodge was the name that was previously used for the house to the south of the entrance into the site from Fringford Road, which is now known as The Gatehouse, South Lodge.

6.02 As indicated in 3.05 above, within my evidence I consider the impact of the proposed development upon the following three designated heritage assets:

- RAF Bicester Conservation Area;
- Church of St. Lawrence (a Grade II* listed building); and
- Home Farmhouse (a Grade II listed building).

RAF Bicester Conservation Area

Step 1 – Identify the heritage asset

6.03 The nearest section of the RAF Bicester Conservation Area to the Appeal Site is located on the opposite side of Fringford Road (see Appendix ANB 1). The designated area is extensive, with the majority being to the south-east of Buckingham Road (the A4421) and covering the flying field and technical site. Two arms of the designated area extend west of Buckingham Road, the southern one of which extends to Fringford Road. This section of the Conservation Area lies predominantly to the south-west of Skimmingdish Lane (which runs south-east from Fringford Road to Buckingham Road), although some of the houses to the north-east of the lane are within the designated area.

6.04 An English Heritage report in April 2000 (quoted in Section 5.1 of the Council's *RAF Bicester Conservation Area Appraisal*) concluded that:

RAF Bicester retains, better than any other military airbase in Britain, the layout and fabric relating to pre-1930s military aviation With West Raynham in Norfolk it comprises the best-preserved bomber airfield dating from the period up to 1945 It comprises the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920s Home Defence Expansion Scheme.

6.05 The special interest of the RAF Bicester Conservation Area is therefore the result of its different periods of development, mainly up to 1945. I consider it to be primarily of architectural and historic interest (although it also has some archaeological interest), and of national importance.

Step 2 – Assessment of setting

6.06 The setting of the RAF Bicester Conservation Area is provided by the adjacent farmland (mainly to the north-east and south-east of the flying field) and the surrounding housing developments. The setting of the married quarters character area (the section of the designated area closest to the Appeal Site) includes the extensive area of housing to the north of Skimmingdish Lane, the farmland to the south-west, the housing along both sides of Fringford Road to the west, and the grassland of the Appeal Site to the north-west.

6.07 As indicated in 4.07 above, the Council's *RAF Bicester Conservation Area Appraisal* does not contain a section specifically assessing the setting of the designated area. This suggests that the setting is considered to be of limited relevance to the significance of the heritage asset. I note that paragraph 6.4 of the Council's Statement of Case indicates that the *Conservation Area Appraisal* refers to the views across the flying field to open countryside beyond. This is correct in that Section 9.7.1 states that:

There is little visual containment to the flying field The flying field therefore has a strong relationship with the open countryside beyond in an arc from the north east through east to south east.

However, this comment only relates to the flying field section of the Conservation Area and, as illustrated on Figure 11 of the *Conservation Area Appraisal*, does not include views out to the Appeal Site. The only views identified on this figure that are close to the Appeal Site relate to short-distance vistas within the domestic site. These do not extend beyond the boundary of the designated area.

6.08 The description of the married quarters character area in Section 9.7.4 includes the following statements:

The boundaries to the zones are defined by main and subsidiary roads. ... the main contribution these blocks of housing make, apart from stylistic differences, mentioned elsewhere, are the visual links to and from the main domestic and technical sites.

This analysis indicates that the main contribution that the married quarters make to the significance of the Conservation Area is the varied designs of the houses and their visual links to the other sections of the designated area.

6.09 As the Conservation Area is so extensive (see 6.03 above) the following assessment of the contribution that its setting makes to its significance relates primarily to the married quarters character area, which is the section of the designated area adjacent to the Appeal Site.

6.10 In relation to the (non-exhaustive) checklist on page 19 of *The setting of heritage assets*, I consider that the following three attributes of the setting of the married quarters character area contribute positively to its significance:

- Topography – the generally flat nature of the countryside is one of the key reasons for the location of the flying field in this part of the country;
- Land use – the housing to the north-east of Skimmingdish Lane was constructed as part of RAF Bicester (the other land uses adjacent to the married quarters character area are not considered to contribute to its significance); and
- Associative relationships between heritage assets – a number of war-time burials of RAF personnel occurred in the graveyard of the Church of St. Lawrence (see 6.17 below).

6.11 It is noteworthy that there are limited views out from the Conservation Area towards the Appeal Site. The principal view out is that north-west along Skimmingdish Lane, in which the entrance gates into the site (adjacent to The Gatehouse, South Lodge) are prominent, flanked by trees. In views along Fringford Road past the Conservation Area there is little to distinguish the houses within the designated area (which are set back behind trees) from the variety of the other houses along the road. There are no significant views towards the Conservation Area across the site.

Step 3 – Effect of the proposed development

6.12 The proposed development consists of residential development of the Appeal Site. The illustrative masterplan submitted with the application indicates that a new vehicular access would be provided to the north-east of the junction of Fringford Road and Skimmingdish Lane, with a new pedestrian route making use of the existing entrance gates adjacent to South Lodge. Also, a landscaped, 'Attenuation Area' is shown between these two access points and the existing vegetation along the site's boundary with Fringford Road is to be retained (except where it would need to be removed for the new vehicular access).

6.13 The proposed development would not alter any of the three attributes of the setting of the married quarters character area identified at 6.10 above.

- 6.14 As a result of the approach shown on the illustrative masterplan, only a small number of the proposed houses would be adjacent to the RAF Bicester Conservation Area, and these would be located behind the existing and substantial vegetation along the site's boundary with Fringford Road. Even in winter (when the leaves are off deciduous trees and hedges) there would be some screening of these houses by a network of bare branches. As a result, there would be limited views of the proposed housing from the edges of the designated area or in views towards the Conservation Area from Fringford Road. In particular, there would be virtually no change to the principal view out of this part of the Conservation Area (north-west along Skimmingdish Lane - see 6.11 above). The junction of the new access road with Fringford Road would be the principal element of the proposed development visible from the designated area. Given the nature of Fringford Road and the existence of other road and drive junctions along the section that passes the designated area, I do not consider that this new road junction would affect the character or appearance of the Conservation Area.
- 6.15 As a result of this assessment, I consider that the proposed development would not result in any harm to the significance of the RAF Bicester Conservation Area.

Step 4 – Maximising enhancement and minimising harm

- 6.16 As the Appeal Site does not contribute to the significance of the RAF Bicester Conservation Area (see 6.10 above), the proposed development does not provide any opportunity to enhance the designated area. The layout shown on the illustrative masterplan (with a landscaped Attenuation Area adjacent to the Conservation Area) mitigates the potential harm of new housing being seen in the view north-west along Skimmingdish Lane (see 6.11 and 6.13 above).

Church of St. Lawrence

Step 1 – Identify the heritage asset

- 6.17 This church dates from the tenth and eleventh centuries, although the majority of the early fabric is of late twelfth and thirteenth centuries; it was restored and partly rebuilt in 1874. The church is listed Grade II* (see Appendix ANB 2). The building is located within a small graveyard, almost entirely surrounded by woodland, on the east side of the B4100 (incorrectly given as A41 on the list description – see Appendix ANB 2) to the north-west of the Appeal Site. There appears to be a close association between the church and Caversfield House, which is located a short distance to its north-east. A large number of the graves on the north side of the church are of RAF personnel killed during the Second

World War. I consider that the significance of the church is primarily as a result of its architectural and historic interest.

Step 2 – Assessment of setting

6.18 The setting of the church is provided by its graveyard, together with the surrounding woodland and buildings relating to Caversfield House. As a result of the woodland (which includes many conifers) and the adjacent buildings it is almost impossible to see the church from outside the woodland. From the A41 only the upper section of the west gable of the church is visible.

6.19 In relation to the (non-exhaustive) checklist on page 19 of *The setting of heritage assets*, I consider that the following attributes of the setting of the Church of St. Lawrence contribute positively to its significance:

- Other heritage assets – principally Caversfield House;
- Green spaces, trees and vegetation – the green space of the graveyard and the surrounding trees;
- Openness, enclosure and boundaries – the strong sense enclosure of the graveyard;
- Tranquility, remoteness, ‘wildness’ – the sense of tranquillity and remoteness established by the sense of enclosure (see above); and
- Associative relationships between heritage assets – principally with the former residents of Caversfield House and the personnel of RAF Bicester (see 6.10 and 6.17 above).

Step 3 – Effect of the proposed development

6.20 The Appeal Site lies to the south-east of the church but is separated from it by dense woodland. In addition, the illustrative masterplan submitted with the application indicates that a new Ecological Corridor (which would include some tree planting) would be provided along the north-west boundary of the site. As a result, there would be no views of the proposed development from the church. In addition, the proposed development would not be seen in any views towards the church. Some views of the proposed houses would be seen in the approach to the church along the unnamed road alongside the south-west boundary of the site. However, I do not consider that this approach is important to the special interest of the listed building. The proposed development would not alter any of the attributes of the setting of the church identified at 6.19 above.

- 6.21 As a result of this assessment, I consider that the proposed development would not cause any harm to the significance of the Church of St. Lawrence.

Step 4 – Maximising enhancement and minimising harm

- 6.22 The proposed development does not provide any opportunity to enhance the significance of the Church of St. Lawrence. Similarly, there is no opportunity to minimise harm as none has been identified (see 6.21 above).

Home Farmhouse

Step 1 – Identify the heritage asset

- 6.23 This farmhouse dates from the seventeenth century and was extended in the following two centuries; it is listed Grade II (see Appendix ANB 2). The building is located within a group of agricultural buildings on the west side of the B4100 (incorrectly given as A41 on the list description – see Appendix ANB 2) to the west of the Appeal Site. I consider that the significance of the farmhouse is primarily as a result of its architectural and historic interest.

Step 2 – Assessment of setting

- 6.24 The setting of the farmhouse is provided by the surrounding agricultural buildings and the adjacent farmland. As a result of the agricultural buildings that are located between the farmhouse and the road, public views of the listed building are limited.
- 6.25 In relation to the (non-exhaustive) checklist on page 19 of *The setting of heritage assets*, I consider that the following attributes of the setting of Home Farmhouse contribute positively to its significance:
- Land use – the agricultural use of the surrounding land and buildings;
 - Green spaces, trees and vegetation – these relate to land use (see above);
 - Openness, enclosure and boundaries – these relate to land use (see above); and
 - Functional relationships and communications – the functional relationship with the surrounding agricultural land and buildings.

Step 3 – Effect of the proposed development

- 6.26 The Appeal Site lies to the east of the farmhouse and is separated from it by the agricultural buildings immediately to its east and then by a field, flanked by roads lined with hedges and hedgerow trees (including those that form the south-western boundary of the site). As a result, there would be no views of the proposed development from the farmhouse. In addition, the proposed development would not be seen in any views towards the farmhouse. The proposed development would not alter any of the attributes of the setting

of the farmhouse identified at 6.25 above, apart from the loss of a section of farmland some distance from the building. The majority of the farmland in the area around the farmhouse would remain unaltered.

- 6.27 As a result of this assessment, I consider that the proposed development would not cause any harm to the significance of Home Farmhouse.

Step 4 – Maximising enhancement and minimising harm

- 6.28 The proposed development does not provide any opportunity to enhance the significance of Home Farmhouse. Similarly, there is no opportunity to minimise harm as none has been identified (see 6.27 above).

7.00 CONCLUSIONS

- 7.01 Within my evidence I have set out the statutory requirements and the policies of the Development Plan that relate to the historic environment, together with the central government policy and the guidance that I consider to be relevant.
- 7.02 I have assessed the impact of the proposed development on the significance of three designated heritage assets, namely:
- RAF Bicester Conservation Area;
 - Church of St. Lawrence (a Grade II* listed building); and
 - Home Farmhouse (a Grade II listed building).
- 7.03 As a result of the assessments contained within this evidence, I have concluded that the proposed development would cause no harm to the significance of the RAF Bicester Conservation Area. Nor would any harm be caused to the significance of the two listed buildings. As a result, the character and appearance of the Conservation Area would be preserved (see duty imposed by Section 72 of the *Planning (Listed Building and Conservation Areas) Act 1990* – see 4.01 above). Also, the setting of the two listed buildings would be preserved (see duty imposed by Section 66 of the *Planning (Listed Building and Conservation Areas) Act 1990* – see 4.01 above).
- 7.04 In addition, I conclude that the proposed development accords with the requirements of Policies EN39, EN40 and EN44 of the Non-Statutory Cherwell Local Plan 2011 (see 4.05 above). As this appeal relates to an application for outline planning permission (see 3.01 above) I cannot come to a firm conclusion regarding its conformity with emerging Policy ESD 16, which requires high quality design that contributes positively to the area's character and identity (see 4.07 above). However, on the basis of the illustrative masterplan and the Design and Access Statement submitted with the application, and subject to an appropriate reserved matters' application, I cannot see any reason why the proposal should not accord with this emerging policy.
- 7.05 I therefore consider that there are no reasons relating to the RAF Bicester Conservation Area or the listed buildings in the vicinity of the Appeal Site why this appeal should not be upheld.