

A photograph of a rural farm scene. In the foreground, a white duck is on the left, and several brown ducks are in the center. A white plastic chair is on the right. In the background, there are wooden buildings, a green car, and a large green tree. The sky is overcast.

# TIME OUT FARM ALVESCOT

HERITAGE IMPACT ASSESSMENT  
NOVEMBER 2023

[www.worlledgeassociates.com](http://www.worlledgeassociates.com)



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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 houses, 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 has been prepared to accompany a planning application for the construction of a track from Mill Lane to Time Out Farm, including the construction of a bridge across a water course. The land where it is proposed to construct the track and bridge lies within the Alvescot Conservation Area, while to the east of the site, adjoining Time Out Farm, lies Alvescot Mill, which is entered in the national Heritage List for England, grade II (Appendix 1).

The report provides a brief history of Alvescot, including Alvescot Mill, which formerly owned the land now forming Time Out Farm. It will then provide a brief summary of the history of Time Out farm, which appears to have become established from 2001.

Following a summary of the relevant Heritage Policies and Guidelines, the proposal will be outlined, and an assessment provided of its impact, or otherwise, on the Alvescot Conservation Area, and the setting of Alvescot Mill.



## BRIEF HISTORY OF ALVESCOT



Extract from 1-Inch OS First Edition 1828 showing Alvescot

According to the Alvescot Conservation Area Character Appraisal, 'Neolithic, Bronze-Age and Romano-British pottery finds indicate sporadic early settlement in the area. While there is little evidence of Anglo-Saxon habitation, by 1086, 28 tenants in total were recorded, scattered throughout small settlements at Alvescot, Alwoldsbury, Bromscott and Pemscoth.'

Alvescot was the smallest of the four settlements recorded in 1086. Evidence suggest it originally lay to the east of the current settlement. The plague resulted in the disappearance of all but Alvescot, which probably survived due to the establishment of a church on the manor in the early-12th century. A mill became established by the 13th century. Possibly as a result of the impact of the plague, the manors for the four settlements merged into a single manor in the mid-14th century.

For most of its history Alvescot was a small agricultural bases community, farmed on the open-field system. While some inclosures occurred by the later Middle Ages and certainly by the 16th or 17th century, around 70 per cent of the parish remained uninclosed in 1796, when an Act to inclose was obtained. The award was sealed in 1797. In 1851 there were seven farms over 100 a.

According to the Alvescot Conservation Area Character Appraisal, 'During the 17th and 18th centuries the village took on the form and built character recognisable today. By the later-18th century there were 40 houses in the village, and today Alvescot retains an unusually high proportion of 18th-century houses and cottages. By 1801 the population stood at 339, rising to a high- point of 407 in 1861.'



Extract from six-inch OS map surveyed 1876-80 showing Alvescot with Alvescot Mill to the north on Shill brook.

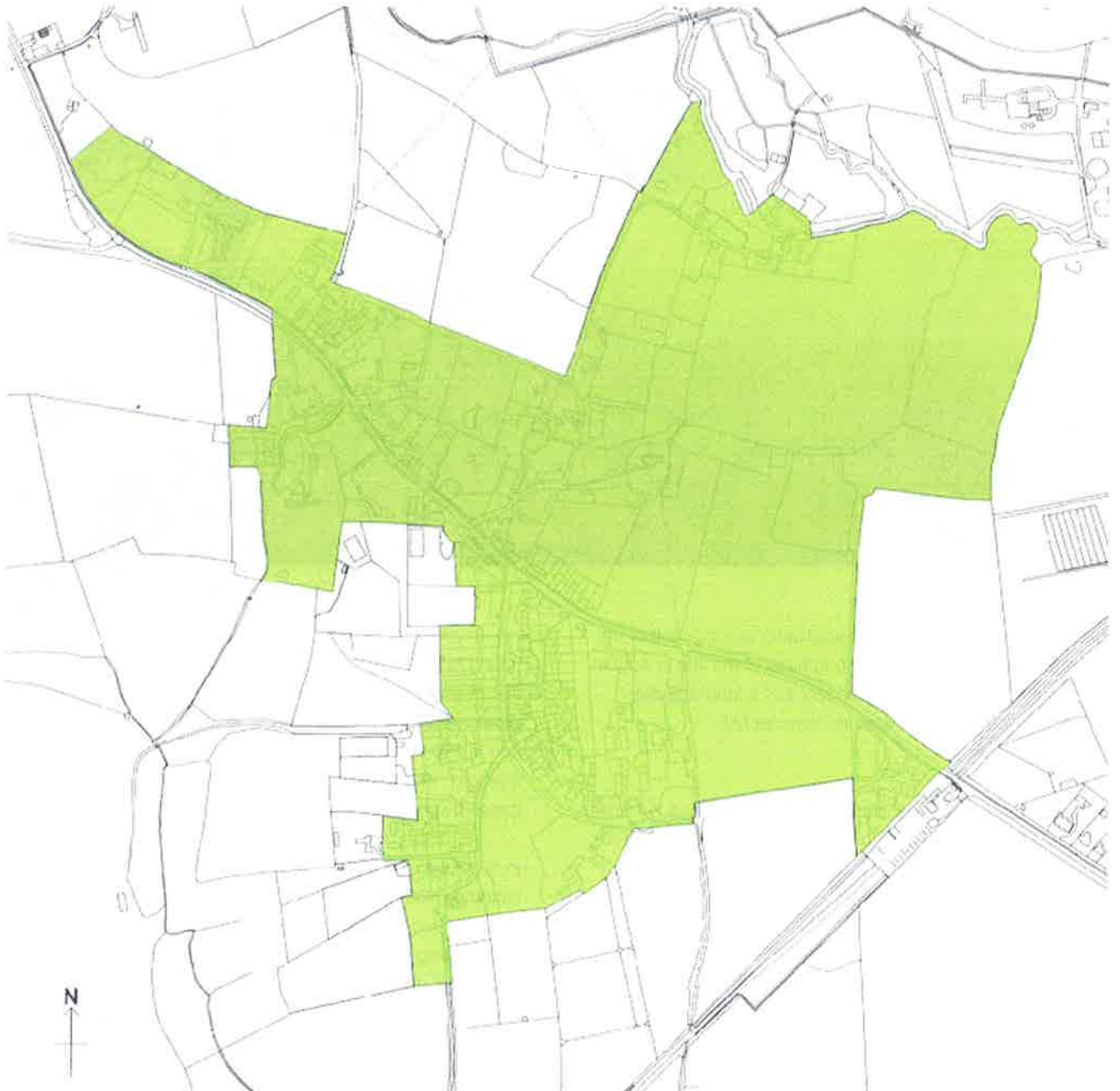
In 1870-72, John Marius Wilson's 'Imperial Gazetteer of England and Wales' described Alvescot like this:

ALVESCOTT, a parish in Witney district, Oxford; near the Cheltenham and Faringdon railway, 3½ miles WNW of Bampton. Post Town, Bampton, under Faringdon. Acres, 2,690. Real property, £2,961. Pop., 407. Houses, 85. The property is subdivided. The living is a rectorry in the diocese of Oxford. Value, £371. Patron, Rev. A. Neate. The church is cruciform, in early English, with plain Norman tower. There are

a Baptist chapel, a free school, and charities £22.

The six-inch OS surveyed 1876-80 showing Alvescot, and surrounding fields.

20th century developments have occurred within the settlement, to the south of the main road running NW-SE through the village. In 1988 Alvescot was designated a Conservation Area.



Extract from the Alvecot Conservation Area Boundary Map from the West Oxfordshire DC website.



## TIME OUT FARM



Evidence from recent planning applications suggest that the current holding dates from the purchase of the site in August 2001, although there is clear evidence of a long-standing former agricultural use related to Alvescot Mill.

### ALVESCOT MILL

Details of the history of Alvescot Mill are included in 'A History of the County of Oxford: Volume 15, Bampton Hundred (Part Three)', ed. Simon Townley (London, 2006), British History Online <http://www.british-history.ac.uk/vch/oxon/vol15> [accessed 23 June 2023].

It writes:

In 1279 a predecessor of Alvescot mill, on a tributary of Shill brook, was a freehold on Alvescot manor, occupied with a house and 6 a. for 18s. rent. Quitrent of 17s. remained due in 1904. In the early 17th century the mill was owned with around 11 a. and 5 cottages by the Tanner family, who retained it until 1904. Most were resident millers, though in the mid 18th century and the late 19th both mill and millhouse were let. In the 17th century it was evidently a corn grist mill, and so remained; millers in the 18th century

baked commercially, and a bakehouse was mentioned from 1757. In the 1860s the mill was both water- and steam-powered, and included an attached cider mill and press. From 1795 the premises were heavily mortgaged and in 1904 the mortgagee, who had evidently acquired the freehold, sold to Alfred Akers. Thereafter the mill apparently ceased working.

In 1662 the miller was taxed on 5 hearths probably including outbuildings, and in 1670 the house and perhaps the adjoining mill were slated and presumably stone-built. The existing house, two-storeyed with attic dormers, is of about that date, though the south front was rebuilt in the earlier 20th century, and in the later 20th the house was extended westwards to incorporate a former outbuilding, which became a cottage. The attached mill on the north, two-storeyed with a loft and built of limestone rubble, is of the mid or late 18th century; a northwards extension over the mill stream was partly rebuilt in 1845, with a new arch and bakehouse chimney. In 1904 the mill had a single breast-shot wheel driving two pairs of stones. The stones survived in 1997 along with hoppers, bins, and wooden scales, but the wheel had been removed by 1983.





Extract from six-inch OS map surveyed 1876 showing Alvescot Mill (Corn) and a number of other properties along Mill Lane

Fishing rights in part of Shill brook belonged to the mill in 1904 and presumably earlier. In 1909 fishing in a 'trout stream' in the brook was sold with Shield farm.

The Oxford Journal on 26 February 1757, carried an advertisement.

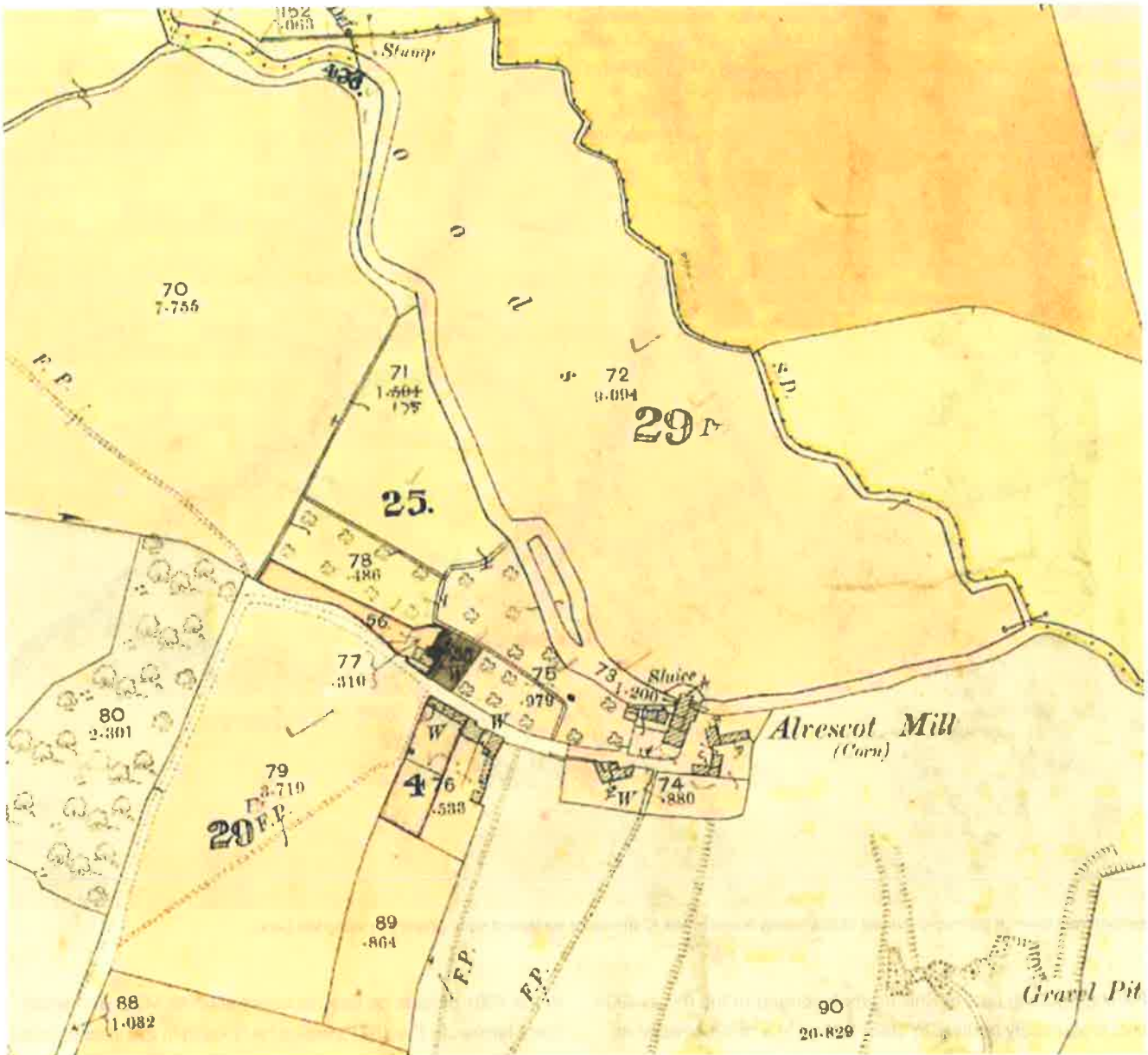
'TO BE LETT and enter'd upon at Lady-Day, next at Alvescot, in the County of Oxford, A Grist-Mill and Bake-House, with a very good Dwelling House. Both in good repair; and eight or nine acres of meadow ground adjoining, with horse or cow commons in Alvescot Common. For further particulars enquire of Mr. Henry Tanner of Fairford. Owner of the said premises.

While the Mill may have been let, the 1841 census lists Richard Large Tanner (40) as the Miller at Alvescot. He is there in 1851.

In the 1861 census he lists his occupation as Miller and small dairy farmer. In the 1871 census he is living in the village, listed as a retired miller.

In 1871 a James Hemmings (29) is running Alvescot Mill. It appears he was running a reasonably successful business as in 1881 he is a miller employing 2 men. He is living at the Mill with his wife and four children and employing a domestic servant.

In the 1891 census a James Packer (39) is the miller. The following year, however, he is noted as leaving Alvescot Mill. The Faringdon Advertiser and Vale of White Horse Gazette carried a notice of a sale at the mill of '20 head of shorthorn cattle, Nag Horse, 3 Colts, Pigs, Poultry, Implements and the Mill Utensils and Fittings'.



Extract from the 1910 District Valuation Map, based on 1898 25-inch OS map showing portion 29, which included the mill, 9.094a field to the north (72), and two fields to the west fronting onto Mill Lane, 3.719a (79) and 0.864a (89) and a house 0.533a (6).

In the 1901 census there is no mill referred to in Mill Lane, Alvescot, but two properties are listed as unoccupied, suggesting the mill and an adjoining cottage were vacant.

The Victoria County History records that in 1904 the mill is sold to an Alfred Akers. In 1910 the District Valuation survey undertaken under the 1910 Finance Act lists Alfred Akers as the owner and occupier of Alvescot Mill. The holding (portion 29) is listed as a Mill and Land comprising 14 acres 1 rood 4 perches. There is also a separate house and garden on the south side of Mill Lane.

In the 1911 census Alfred Akers is listed as living in Alvescot. He lists his occupation as surveyor and accountant. Living in an adjoining property is a Lewis John Collier (60) who describes himself as a miller at Alvescot Mill, suggesting it was still operating at this date.

In 1939 Miss Edith Winifred Akers is living at Alvescot Mill. The house along the lane is occupied by a Mr. Aubrey T Honour who lists his occupation as farmer dairy and arable. It is unclear if Mr Honour was farming the land owned by the Akers family, or property elsewhere.



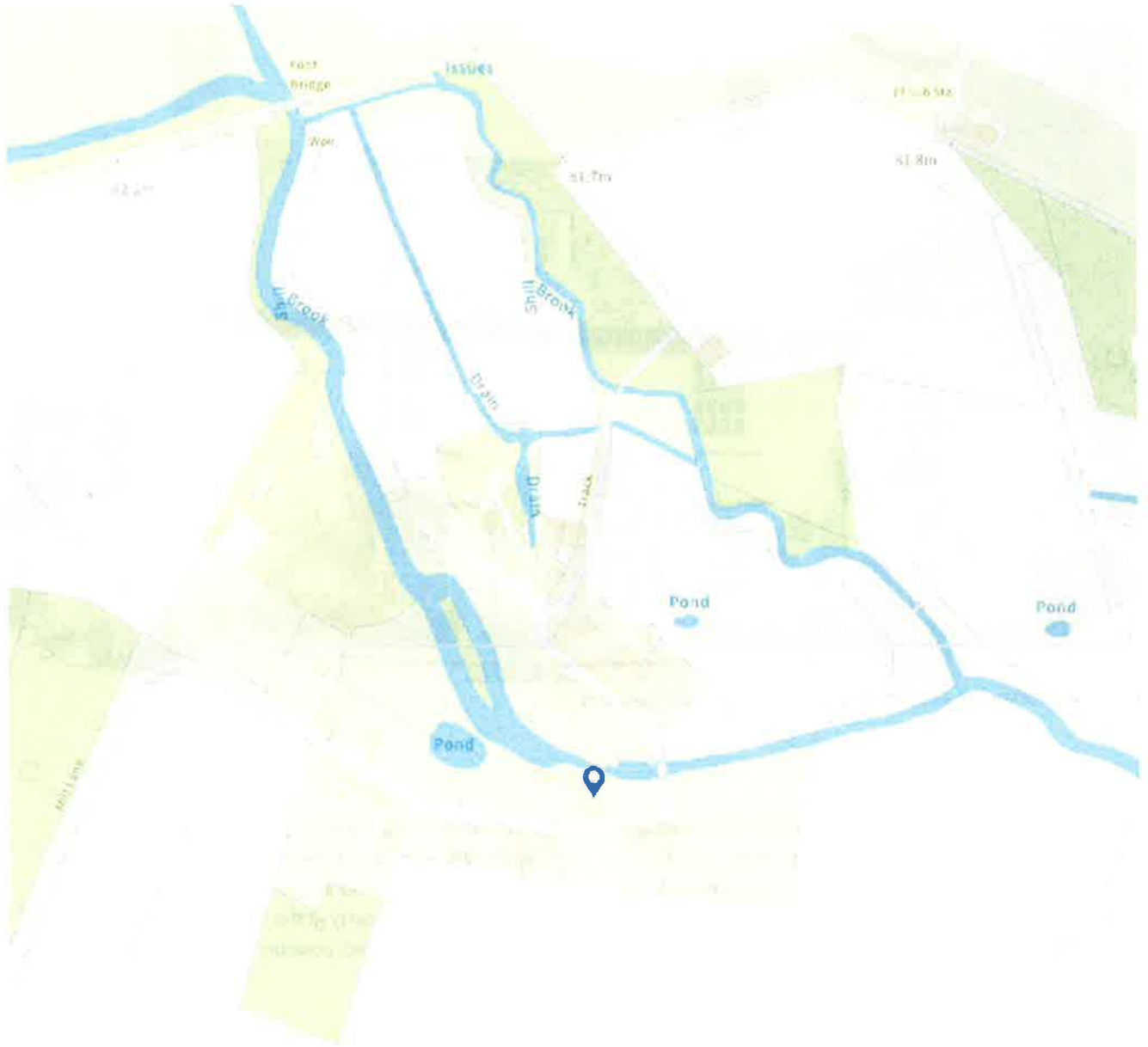
View of Alvescot Mill House from Country Life advertisement 18 October 1973

In 1948 Edith Winifred Akers died at Alvescot Mill, leaving an estate worth £24,244 to Lawrence Brown Akers' farmer, a brother. While records indicate Lawrence Brown Akers did once farm locally, possibly the mill lands, when he died in 1951, he lived in Somerset.

On 18 October 1973, Country Life advertised for auction Alvescot Mill, a 'stone-built house, cottage and mill in 2½ acres with Mill Pool'. This suggests the agricultural land that was with the property at the time of the 1910 District Valuation, had been sold, possibly following the death of Miss Akers in 1948.



CURRENT SITE LAYOUT



### FARM USE LAND NORTH OF THE MILL

It is currently unclear if the farming use of the field north of Alvescot Mill continued, but a 1:10560-scale plan revised to 1959, shows some buildings on the southern part of the site, with the mill marked as disused. A 1961 aerial image clearly shows these buildings, which appear to be for housing livestock.

From a West Oxford District Council Planning file, a copy of the title showed that the land was sold by a Thomas Frederick Arnold to a Harold Alan Jenkinson in 1995 and purchased by the current owner on 22 August 2001.



Extract from 1:10,560-scale map revised to 1959 showing Mill (Dis) with the field to the north, owned by Alfred Akers in 1910 with two buildings suggesting an agricultural use.



Extract from 1961 aerial image of Alvescot Mill and the land to the north (Picture Oxon ref: POX0450572)

#### PLANNING HISTORY

YEAR	REFERENCE	DEVELOPMENT	DECISION
2010	0/0994/P/FP	Change of use of land to animal rescue and educational centre (retrospective).	Withdrawn
2011	11/0167/P/FP	Change of use of land from solely agricultural to agricultural and animal sanctuary, (retrospective)	Personal conditional approval
2011	11/1563/P/FP	Siting of caravan as agricultural dwelling (retrospective) and erection of portakabin.	Withdrawn
2011	11/1883/P/FP	Siting of a mobile home to provide mess facilities and other ancillary works including the erection of a fence, in association with the animal sanctuary and overnight care of animals for a maximum of 24 nights in any calendar year, erection of a portable cabin to house toilet and wash basin facilities (part retrospective)	Personal conditional approval
2018	18/00157/FUL	The siting of a Wooden Structure (Retrospective) to replace mobile home.	Withdrawn
2018	18/02091/FUL	Siting of a wooden structure (to replace existing mobile home and portable wash cabin) to provide reception, mess room and educational facilities for visiting groups. (Part Retrospective).	Personal conditional approval



## DESCRIPTION



Looking from the access of Time Out Farm towards the site of Alvescot Mill, the Mill is just out of view to the right of the image.

Time Out Farm is used as a small hobby farm and animal sanctuary. To the north a small woodland opens out to larger paddocks demarcated by temporary fencing. To the south there are a mixture of temporary and permanent buildings, the largest being mid twentieth century Dutch barns. To the southeast corner of the farm is the current access over a

mid-twentieth century concrete and steel bridge. Beyond this bridge is Alvescot Mill, listed grade II, disused outbuildings have been built up and replaced which form visual screening between the Mill and the Farm alongside the established mature tree line.



Looking east from the bank of the brook with The Retreat towards smaller paddocks and buildings of Time Out Farm.



Looking west across the larger paddocks towards Brize Norton airfield

The centre of the farm is divided up into small paddocks and has a series of small young trees and bushes within it. The

west is an open meadow which runs to the treed boundary with Brize Norton airfield.





Concrete and steel agricultural bridge at the north of Time Out Farm



Looking back from the woodland that marks the northern boundary over one of the mid twentieth century bridges to the paddocks of Time Out Farm

To the south of the farm the Shill Brook separates the farmland from The Retreat to the southwest and the Alvescot Mill to the

southeast. There is a mill island which separates the lawns to the west of the mill and the farm.





The mill island with mill race from the brook viewed from the northeast boundary of The Retreat.

## ALVESCOT CONSERVATION AREA



View over the brook from the southern boundary of Time Out Farm towards the paddock of The Retreat

West Oxfordshire District Council have prepared a conservation area appraisal for Alvescot which begins with an introduction describing the spread-out nature of the settlement enclosed by farmland.

The appraisal identifies designated and non-designated heritage assets within the village as well as significant views and the varied landscape characters of areas within the settlement.

The north of the village around Mill Lane is not described at great depth but the appraisal does highlight that there is a single designated heritage asset 'Alvescot Mill', at some distance from the settlement, and no non-designated heritage assets or important views. The area of Mill Lane is described

as providing a 'shady incised nature' which contributes to an 'intimate and secretive character'. It is acknowledged that Mill Lane does provide these qualities, but this does not satisfactorily assess the character of the land at 'The Retreat', or the contribution it makes to the special character of the Conservation Area.

The land is open and bounded to the north by the Shill Brook, which forms the mill race down to Alvescot Mill. There are a few mature trees on the bank of the brook with sporadic younger trees, the other boundaries of the land are comprised of mainly dense mature tree planting with some glimpsed views over the lawns of Alvescot Mill through gaps to the east.





View from within the conservation area out to the north, mature trees in the foreground marking the boundary with the brook and obscuring the mill island beyond

The land is flat and has a connection with the brook and farmland to its north. To the northwest corner of the land and upper edge of the conservation area is a concrete and steel footbridge which connects the land directly to the farmland beyond, one of many on the land of Time Out Farm built during the mid-twentieth century associated with the agricultural language of the farm and Brize Norton Airfield beyond.

Unlike the more sheltered and secluded Mill Lane the site is open forming an open boundary with Time Out Farm and contributing to the setting of this part of the conservation area as a green space connected to the wider agricultural landscape.



## SUMMARY OF HERITAGE POLICIES 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.

Lees Rest is included in the National Heritage List for England, grade II. Accordingly, it is subject to the provisions of national policies set out in the NPPF 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)
- Good Practice Note 3 – The Setting of Heritage Assets, 2017 (GPA3)
- Historic England Advice Note 2 – Making Changes to Heritage Assets, 2016 (HEAN2)
- 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 land lies within the Alvescot Conservation Area, and within the vicinity of Alvescot Mill, a grade II listed building. Accordingly, the Heritage Policies in the West Oxfordshire District Council Local Plan 2031 are relevant.

The National and Local Heritage Policies, Guidelines and Advice are set out in Appendix 2.



## PROPOSAL



Looking back towards the conservation area boundary from Time Out Farm at the location of the proposed bridge.



One of the examples of existing functional mid-twentieth century bridges dotted around Time Out Farm

The proposals are discussed at length in the design and access statement (JWS 2023) which accompanies this application and so will only briefly be discussed here. They

can be summarised as the construction of a bridge over the brook to create vehicle access between Time Out Farm and Alvescot.

## PREVIOUS APPLICATION

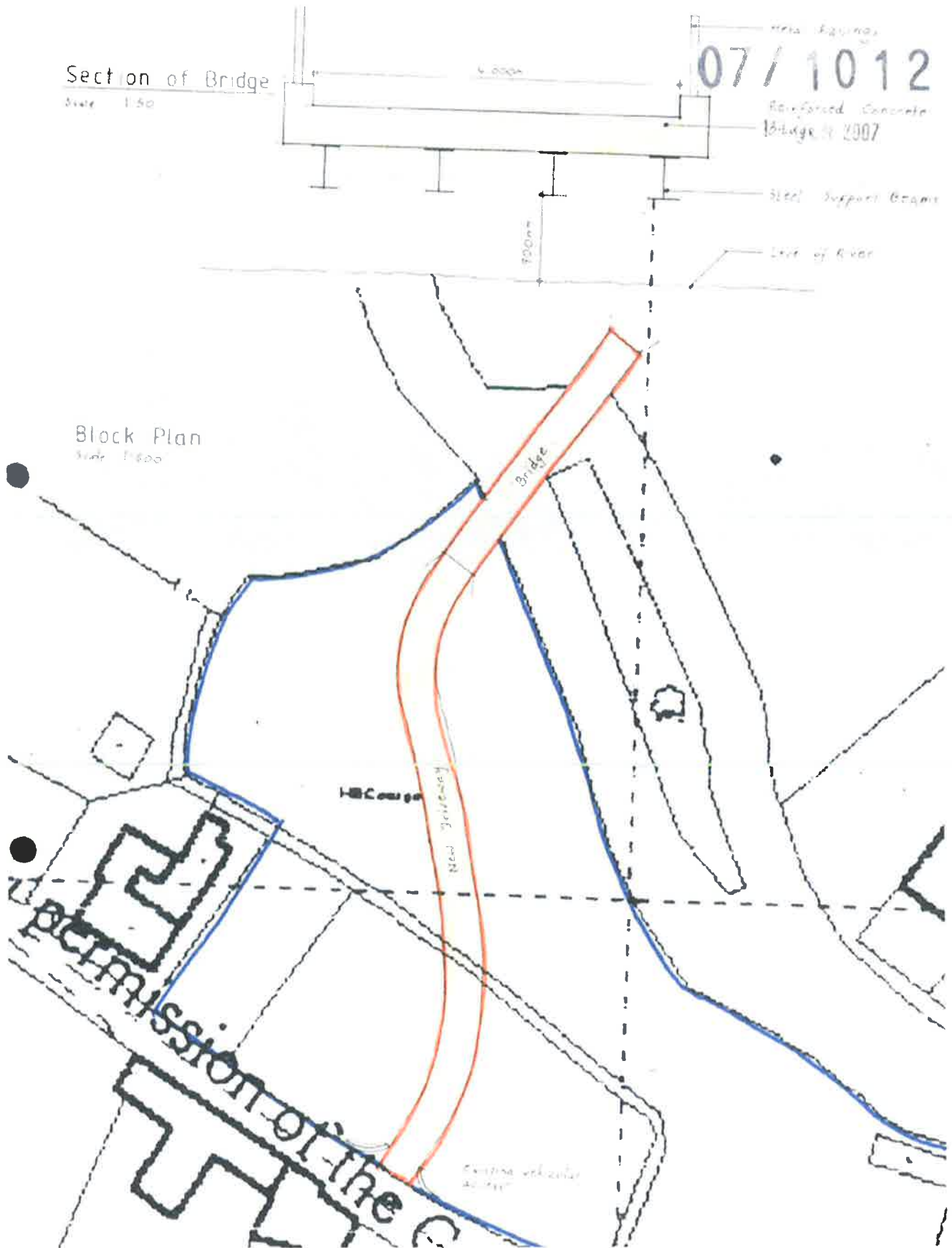


An application was previously made for the construction of a bridge in 2007 to connect Mill Cottage with the land at Time Out Farm prior to the separation of ownership. This application was approved at appeal.

As shown by the plans submitted with the appeal the bridge was longer, crossing a wider point of the brook, and closer to the listed Mill Cottage.

The inspector discussed the impact of the bridge on the conservation area, describing how this was minimised through the bridge's scale and by utilising existing tree cover. The inspector also commented that the construction of a bridge in this location did not alter the character of the rural open spaces at the edge of the Conservation Area.





The plans approved at appeal showing a larger bridge further east than the current proposals.

## IMPACT ASSESSMENT



The proposals alleviate the requirement for large farming equipment to travel over the current bridge shared with, and adjacent to Mill Cottage, this in turn reduces and impact that these vehicles may have on Mill Cottage.

The bridge is sited to the west of Mill Cottage and beyond the mill island that originally split the mill race and brook. The location has been selected so as to ensure there the bridge is not within the setting of the Mill Cottage.

The bridge is constructed in a similar architectural language to the existing twentieth-century bridges that surround Time Out Farm, one of low concrete construction, simple and functional in design, and close to the brook water level. The exceptions to this language are the timber guardrails included within the proposed designs, a requirement of modern building regulations, which have been designed so as to reflect their functional nature and to minimise the visual weight of their structure.

The height of the proposed bridge is determined by modern considerations which raise the height of the base to be above that of the existing earlier bridges, and above the height of the existing river bank. The variation between the bridge height and that of the paddock is mitigated by the creation of a ramp from the existing access to The Retreat. The gradient of this ramp has been kept to a minimum which minimises its impact on the spatial qualities of the paddock, maintaining an open character of the paddock with a simple agricultural track running through it. The track has been routed to curve gently on approach to the bridge within The Retreat, both so as to minimise any perceived separation of the paddock space and to mitigate levels.

As established, the edge of the Alvescot Conservation Area at the boundary of The Retreat has a character of paddocks and functional small-scale agricultural use, the proposals have been drawn so as to integrate with this character, drawing from existing bridges in the area and keeping design detail as simple and pared back as possible.



## CONCLUSION



The change of use of Mill Cottage from one connected with the use of the surrounding landscape to one of a residential dwelling has introduced issues with the existing bridge connection between Alvescot and Time Out Farm. The existing requirement of large agricultural vehicles using the bridge as their primary access, passing close to Mill Cottage causes difficulty which the proposed bridge alleviates.

This northern edge of the Alvescot Conservation area is defined by the bank of the brook with open paddock space and isolated pockets of buildings within the boundary. The proposed bridge continues a language of functional connection between the edge of the conservation area and the wider agricultural landscape, reading as part of the group of twentieth-century bridges in the area, through its low-lying

and functional architecture.

The proposed bridge is not visible from, or within the curtilage of, Mill Cottage and has no impact on its heritage significance or setting. Though visible from the setting of the Alvescot Conservation Area the bridge's scale and design are not at odds with the existing character of this part, tree screening and the treatment of the path further mitigate any potential impact.

In summary, the proposals provide a much-needed access point for Time Out Farm which relieves pressure from the existing access adjacent to Mill Cottage and does so without affecting either the heritage significance of the listed building or the special character of the Alvescot Conservation Area.



## APPENDIX 1: ENTRY IN THE NATIONAL HERITAGE LIST FOR ENGLAND

Heritage Category: Listed Building

Grade: II

List Entry Number: 1367639

Date first listed: 20-Feb-1987

List Entry Name: ALVESCOT MILL

Statutory Address 1: ALVESCOT MILL, MILL LANE

County: Oxfordshire

District: West Oxfordshire (District Authority)

Parish: Alvescot

SP2604-2704 ALVESCOT MILL LANE 9/17 Alvescot Mill  
20/02/87 II Water mill and mill-house. House is probably early C18 in origin with late C18-early C19 and C20 alterations. Attached mill building is mid-late C18 with extension over mill stream dated 1845. Coursed limestone rubble with stone slate roofs, the house with brick chimneys to gable ends. House is of 2 storeys and an attic, and 2 bays. Front has C18-C19 4-pane boxed sashes with wooden lintels, central hipped roof dormer with 2-light barred wooden casement, and large C20

bay window with similar casements and hipped roof replacing former central entry. Globe fire insurance plaque to centre below eaves. Present entry in C20 2-storey lobby extension of roughcast brick with flat roof, set back to left. Gable ends have single lights either side of chimney, all blocked except to attic storey. To rear are catslide extensions and C18-C19 link wing to mill building. Mill is of 2 storeys and loft, and approximately 3 bays. East side has irregular single lights with wooden glazing bars and lintels, stable-type door to left, and semi-circular dressed stone arch of 1845 over mill stream to right. Large C19 single-storey lean-to extension to centre. Rear of mill, and far gable, has leaded and wooden casements, those to extension with stone arches. Mill wheel is missing but much other machinery is retained, including main shaft and gear wheels, 2 mill stones, hoppers, bins and wooden scales. Mill occupies a medieval site, mentioned in the Hundred Rolls of 1279, and is documented as property of the Tanner family between 1665 and 1881. Attached cottage, formerly boiler room, is not of special architectural interest.

## APPENDIX 2: NATIONAL AND LOCAL HERITAGE POLICIES, GUIDANCE AND ADVICE

Wootton Place and attached wall and stable are included in the National Heritage List for England, grade II, and lies within the Wootton Conservation Area, and accordingly is a 'heritage asset'. The following policies, guidelines, and advice are relevant.

### 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) in Feb 2019, 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.'

### 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 196 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 several 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.

### WEST OXFORDSHIRE LOCAL PLAN 2031

The following heritage policies in the West Oxfordshire Local Plan 2031 are relevant.

#### POLICY EH9: HISTORIC ENVIRONMENT

All development proposals should conserve and/or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment, including the significance of the District's heritage assets, in a manner appropriate to their historic character and significance and in a viable use that is consistent with their conservation, in accordance with national legislation, policy and guidance for the historic environment. In determining applications, great weight and importance will be given to conserving and/or enhancing the significance of designated heritage assets, including:

- the outstanding universal values for which Blenheim Palace and Park is inscribed as a World Heritage Site (WHS), as guided by its WHS Management Plan (see also Policy EW9);
  - the special architectural and historic interest of Listed Buildings, with regard to their character, fabric and their settings;
  - the special architectural and historic interest, character and/or appearance of the District's Conservation Areas and their settings, including the contribution their surroundings make to their physical, visual and historic significance;
  - the special archaeological and historic interest of nationally important monuments (whether Scheduled or not), both with regard to their fabric and their settings;
  - the special cultural, architectural and historic interest of Registered Parks and Gardens, including the contribution their surroundings make to their physical, visual and historical significance.
- Significant weight will also be given to the local and regional value of non-designated heritage assets, including non-listed vernacular buildings (such as traditional agricultural buildings, chapels and mills), together with archaeological monuments that make a significant contribution to the District's historic environment.
- All applications which affect, or have the potential to affect, heritage assets will be expected to:
- a) use appropriate expertise to describe the significance of the assets, their setting and historic landscape context of the application site, at a level of detail proportionate to the historic significance of the asset or area, using recognised methodologies and, if necessary, original survey. This shall be sufficient to understand the potential impact of the proposal on the asset's historic, architectural and archaeological features, significance and character;
  - b) demonstrate that the proposal would, in order of preference:
    - avoid adverse impacts on the significance of the asset(s) (including those arising from changes to their settings) and, wherever possible, enhance or better reveal the significance of the asset(s);
    - minimise any unavoidable and justified (by the public benefits that would accrue from the proposed development – see below) adverse impacts and mitigate those impacts in a manner proportionate to the significance of the asset(s) and the nature and level of the impact, investigate and record changes to or loss of physical fabric, features, objects or other remains and make the results publicly available.

c) demonstrate that any new development that would result in the unavoidable and justified loss of all or part of a heritage asset would proceed within a reasonable and agreed timetable that makes allowance for all necessary safeguarding and recording of fabric and other remains, including contingencies for unexpected discoveries.

### DESIGNATED ASSETS

Proposals which would harm the significance of a designated asset will not be approved, unless there is a clear and convincing justification in the form of substantive tangible public benefits that clearly and convincingly outweigh the harm, using the balancing principles set out in national policy and guidance.

### NON-DESIGNATED HERITAGE ASSETS

When considering proposals that affect, directly or indirectly, the significance of non-designated heritage assets, a balanced judgement will be made having regard to:

- the scale of any harm or loss;
- the significance of the heritage asset; and
- the public benefits of the development. If it is determined through the relevant evidence that currently non-designated buildings, structures, historic landscapes or archaeology are of national significance, those elements of this policy for designated heritage assets will apply.

### RECORD AND ADVANCE UNDERSTANDING

Where development that would result in substantial harm to or loss of the significance of a heritage asset is permitted, developers will be required to record and advance understanding of the significance of that asset, in a manner appropriate to the nature of the asset, its importance and the impact, and publish that evidence and make it publicly accessible. \*

\*(For the avoidance of doubt, the ability to mitigate loss of significance through investigation and recording will not contribute to the balancing judgement of whether such a loss is justifiable under this policy.)

### POLICY EH10: CONSERVATION AREAS

Proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting, specifically provided that:

- the location, form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic or architectural interest, character and appearance of the Conservation Area;
- the development conserves or enhances the setting of the Conservation Area and is not detrimental to views within, into or out of the Area;
- the proposals are sympathetic to the original curtilage and pattern of development and to important green spaces, such as paddocks, greens and gardens, and other gaps or spaces between buildings and the historic street pattern which make a positive contribution to the character in the Conservation Area;
- the wider social and environmental effects generated by the development are compatible with the existing character and appearance of the Conservation Area; and
- there would be no loss of, or harm to, any feature that makes a positive contribution to the special interest, character or appearance of the Conservation Area, unless the development would make an equal or greater contribution.

Applications for the demolition of a building in a Conservation Area will only be permitted where it has been demonstrated that:

- the building detracts from or does not make a positive contribution to the special interest, character or appearance of the Conservation Area; or
- the building is of no historic or architectural interest or is wholly beyond repair and is not capable of beneficial use; and
- any proposed replacement building makes an equal or greater contribution to the special interest, character or appearance of the Conservation Area.

Wherever possible the sympathetic restoration and re-use of buildings that make a positive contribution to the special interest, character and appearance of a Conservation Area will be encouraged, thereby preventing harm through the cumulative loss of features which are an asset to the Conservation Area.

#### **POLICY EH11: LISTED BUILDINGS**

Proposals for additions or alterations to, or change of use of, a Listed Building (including partial demolition) or for development within the curtilage of, or affecting the setting of, a Listed Building, will be permitted where it can be shown to:

- conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting;
- respect the building's historic curtilage or context or its value within a group and/or its setting, including its historic landscape or townscape context; and
- retain the special interest that justifies its designation through appropriate design that is sympathetic both to the Listed Building and its setting and that of any adjacent heritage assets in terms of siting, size, scale, height, alignment, materials and finishes (including colour and texture), design and form.