



1 WILCOTE RIDING, FINSTOCK, OXFORDSHIRE

HERITAGE REPORT
MAY 2023

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Worlledge Associates

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WORLLEDGE ASSOCIATES



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

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

INTRODUCTION



The intelligent management of change is a key principle necessary to sustain the historic environment for present and future generations to enjoy. Historic England and successive government agencies have published policy and advice that extend our understanding of the historic environment and develop our competency in making decisions about how to manage it.

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

The National Planning Policy Framework 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 Report has been prepared to explore the development potential of extending and adapting a range of former stables at 1 Wilcote Riding within the Finstock Conservation Area, to residential use. It includes a brief history of the village and of the site and its development.

An assessment is provided of the heritage significance of the site and its contribution to the Conservation Area, before considering options for potential development, having regard to the requirement that any development must preserve or enhance the character and appearance of the conservation area.

BRIEF HISTORY OF THE PARISH OF FINSTOCK



Extract from Jeffrey's map of Oxfordshire 1766-67 showing Charlbury, Blandford Park, later Cornbury Park, Finstock to the south, Fawler to the east and Wychwood Forest to the west

Until the end of the 19th century Finstock formed part of the large and ancient parish of Charlbury, with which it shares a common history, which is documented in detail in, in *A History of the County of Oxford: Volume 10, Banbury Hundred, 'Parishes: Charlbury'*, Ed. Alan Crossley (London, 1972), pp. 127-157. It lies to the south of Charlbury.

Finstock lies south-west of the River Evenlode between the 400 ft. and 500 ft. contours close to the southern edge of the ancient parish of Charlbury on the Witney-Charlbury road.

While evidence indicates Charlbury was settled fairly early in the Anglo-Saxon period, Finstock – a place frequented by woodpeckers,

was settled later. While once a very wooded area, Finstock wood was seriously reduced before 1230 to supply timber for building at Oxford castle, and there was considerable assarting - converting woodland into agricultural land, in the Middle Ages.

Charlbury, Fawler, and Finstock are known to have been part of a great episcopal estate by the 11th century. It passed in the late 11th century from the Bishop of Lincoln to Eynsham Abbey which held it until the Reformation, and thereafter it was held by St. John's College, Oxford, and its lessees, notably the Lee family of Ditchley; later the dukes of Marlborough, who purchased the nearby Cornbury Park in 1751. (VCH)



Extract from Davis map of Oxfordshire 1793-4 and Andrew Bryant's map of Oxfordshire 1823 showing the Turnpike Roads in pink

The road from Charlbury to Finstock over Fawler bridge was referred to in 1298 as Stonyway. At the end of the 18th century the roads were improved by the making of the turnpike from Witney to join the Banbury Chipping Norton turnpike at Great Tew; the turnpike passed along the line of Stonyway through Charlbury and Finstock. The roads were turnpiked between 1798 and 1800.

The opening of a branch of the Great Western Railway from Oxford to Worcester in 1853 with a station at Charlbury, and much later a halt at Finstock, close to Fawler bridge, gave the townships excellent communications with both Oxford and London.

In the 16th and 17th centuries there was a considerable rise in

population in Finstock. In 1584 there were 23 copyholders, by 1607 there were 40, and by 1630 there were 54. As the total rental for the hamlet remained more or less the same from 1584 to 1630, it seems likely that as the number of holdings grew their individual sizes decreased. (VCH)

The hamlet was populated chiefly by small farmers and labourers, and in 1665, apart from one man assessed on 7 hearths [...] the 13 people assessed for tax and the 2 discharged by poverty were assessed on three hearths or fewer. Finstock's population rose from 326 in 1801 to 534 in 1841, and fell again to 431 by 1911. In 1961 the population was 467. (VCH)

THE SETTLEMENT



Extract from six-inch OS map showing Finstock at turn of the 20th century with the railway to the north-east, Holy Trinity Church along the northern road, the school on the road running south to the Plough Inn and road running west to Gadding Well

The Victoria Country History provides the following description of Finstock.

Finstock lies south-west of the River Evenlode between the 400 ft. and 500 ft. contours close to the southern edge of the ancient parish of Charlbury on the Witney-Charlbury road. The houses are scattered in and along the perimeter of a large triangle formed by that road and two others, School Road which runs southward to the Plough Inn, and a lane running westwards from the Plough to rejoin the Witney-Charlbury road near Gadding Well.

The surviving older buildings are concentrated at four main points on the triangle; one group on the main road around the 19th-century church, one at the northern end of School Road around

the Green (or Cross), dominated by Manor Farm and the Crown Inn, one around what appears to have been another triangular green in front of the Plough Inn, and a fourth towards the western end of the lane to Gadding Well.

Some small stone villas and a number of labourers' cottages, many of them in terraced rows, were built in the 19th century. The focus of the hamlet was changed to some extent by the building of the 19th-century church and vicarage on the Witney-Charlbury road.

Other 19th-century buildings were the National School (1860) and the Wesleyan chapel and school (1840, 1902).



Early 20th century post card of Finstock



Satellite image showing the amount of 20th century development, most of it post 1960

The character of the hamlet has been changed in the 20th century by extensive building: on the west side of School Road is a large council estate, and in the 1960s numerous houses and bungalows were built at the southern end of School Road, the western end of the lane to Gadding Well, and in spaces between the older houses. The surviving inns, the 'Crown' and the 'Plough', were first mentioned in 1788 but

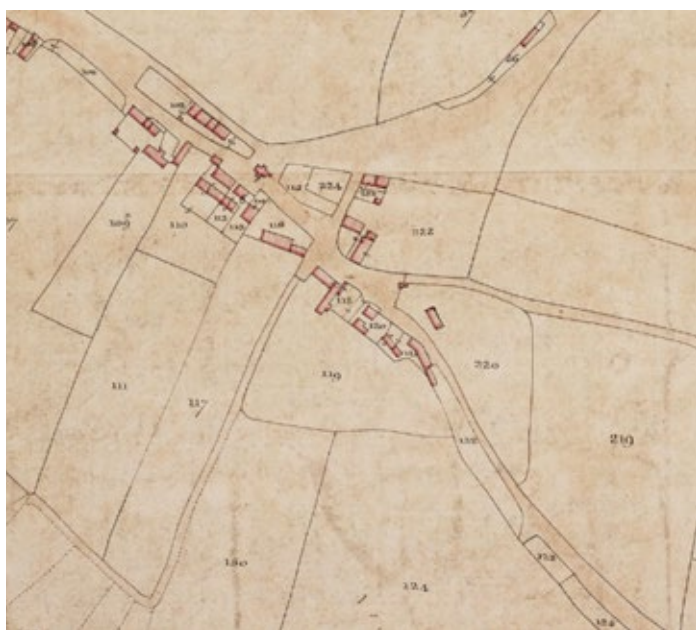
were probably the two licensed in Finstock in 1780; the 'Plough' bears the date 1772.

In 1991 Finstock was designated a Conservation Area under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

HISTORY AND EVOLUTION OF 1 WILCOTE RIDING



Extract from David Map 1793-4 and c1811 pre-OS map showing cluster of development around the green at the south-eastern corner of the settlement



Extract from Tithe Award Map for parish of Charlbury, settlement of Finstock 1847 showing the southern edge of the settlement and portion 120 on the south side of Wilcote Riding

The site lies south Wilcote Riding, immediately to the east of The Plough Inn, on the south-eastern edge of the settlement of Finstock.

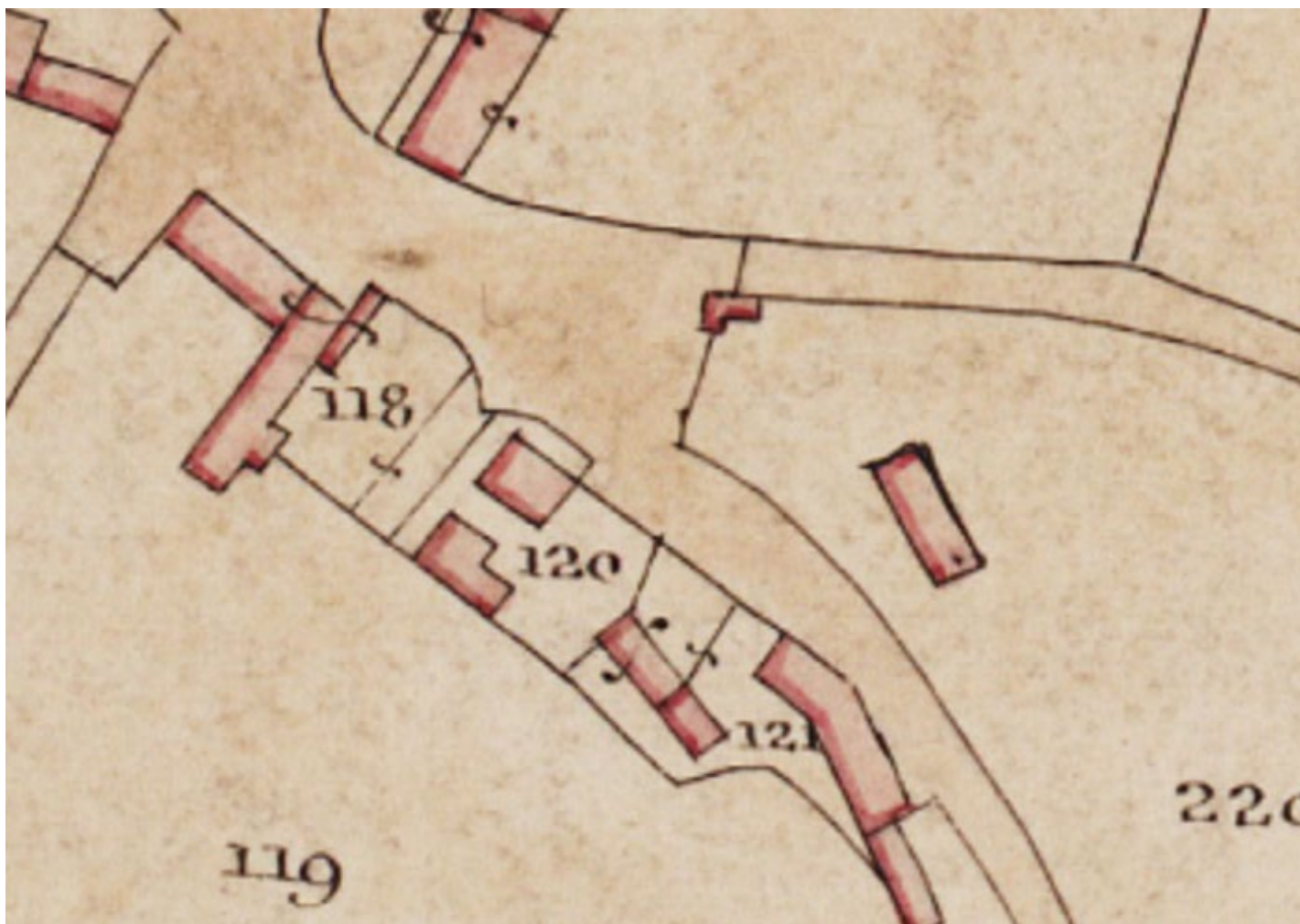
Late 18th and early 19th century maps show buildings clustered around the green at the south-eastern end of the village, and as noted above the Plough is dated to 1772.

The first detailed map of the site is from the Tithe Award Map of 1847, which shows the site as portion 120, lying the south-east of The Plough Inn, portion 118.

The schedule to the Tithe Award shows that portion 120 was owned

by an Alfred Ecles (Eeles), and occupied by a Joseph Guy. He also owned and occupied The Plough Inn, portion 118 and the field to the south, portion 119. The census shows he occupied The Plough in 1851 and 1861, transferring the licence in 1870.

The census shows that Joseph Guy, who gave his occupation as Agricultural Labourer, and his family, comprising his wife, two daughters and three sons occupied the cottage, shed and yard, (portion 120) in 1851. The family still occupied the cottage in 1861, with his wife and a daughter employed in glove making. At this date this part of Finstock was known as 'The Bottom'. The family still lived at the premises in the 1871 census.



Extract from 1847 Tithe Award map showing the layout of portion 120. The building to the north has a foot print larger than the cottage

The 1881 census shows that the cottage, shed and yard was occupied by a George Baylis (24) who gave his occupation as general labourers and his wife Matilda (22) gloverness and a daughter.

The 1891, 1901 and 1911 census show George Baylis and his family living at the cottage. In 1895 the cottage formed part of a number of lots, owned by a Thomas Dore, which were sold.

The Oxford Journal on 11 May 1895 advertised six lots for sale, by auction, in Finstock and Fawler. On 29 May 1895 the Oxfordshire Weekly News carried report of the auction - Lot 4 - four stone-built and slated copyhold cottages let to Messrs. G Bayliss and Charles Pratley at an annual rent of £9 was sold to a Reuben Tidmarsh for £122. The next lot was an enclosure of arable land well-stocked with fruit trees and about an acre in extent which was let to a C Dore, was also purchased by Reuben Tidmarsh for £76.

In the absence of an auction sales plan it is unclear exactly which lots were purchased by Reuben Tidmarsh in 1895, but it clearly included the orchard, the cottages to the west, and the cottage to the south, noted in the 1881, 1891 as occupied by a G Baylis.

The 1910 District Valuation shows that the cottage had by that date

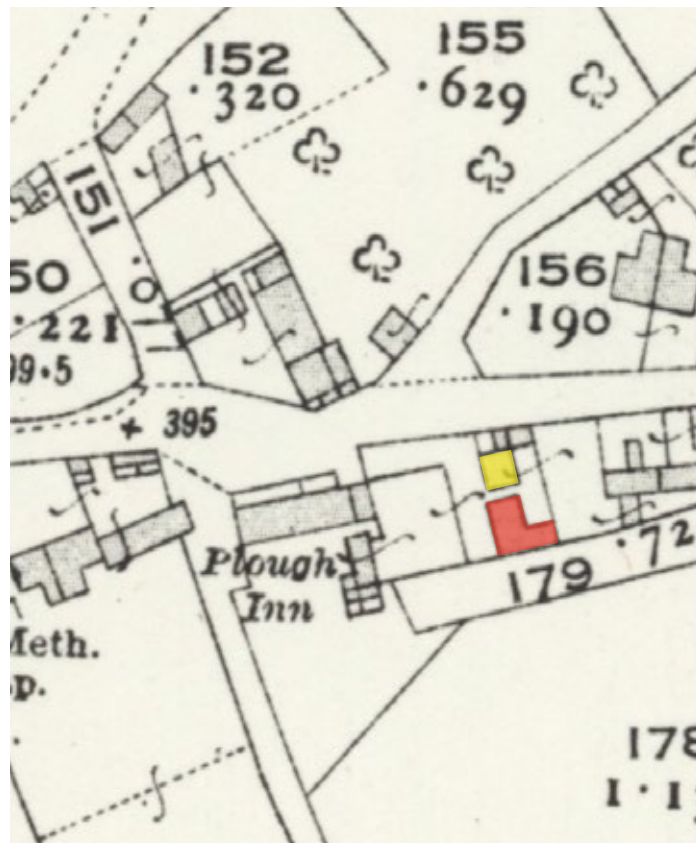
been sold by Reuben Tidmarsh to George Baylis, who was still occupying the property at the time of the 1939 census, dying at the property in 1946, with his wife Matilda dying at the property in 1955. Members of the Baylis family still occupy the house.

EVOLUTION OF THE SITE

The 1847 Tithe Award Map shows an L-shaped cottage set to the south of the property with a shed to the north side facing onto the road. The outbuilding to the north appears to have a larger footprint than the buildings shown on later maps, suggesting the current former stable range may post-date 1847.

The District Valuation Plan, based on the 25-inch 1898 OS map shows the site boundaries expanded to the roadside and extending west towards The Plough Inn. It was stated by the current owner of the property that his grandfather, George Bayliss, rebuilt the cottage, and also built the pair of cottages to the north.

The 1919 25-inch OS map does show a different footprint to the cottage, with a more pronounced L-shape. An inspection of the cottage, however, suggests the south-eastern range is earlier than the western range.



Extract from District Valuation Plan, based on the 1898 OS map as the scale of 25-inch to one, showing portion 71, and the 1919 revision showing a different footprint for the cottage (red). The shed (yellow) has two additions to the northeast side, and what appears to be an enclosure

Subsequently, a building was added to at the northern end, abutting onto the road, which appears to have incorporated the earlier fabric. It is worth noting from the post card photograph (page 8 of this report) that the northern end extension does not yet appear to have been built.

The current occupier of the cottage advised that both were used as stables. The maps suggest the southern stable range post-dates 1847 but clearly in place by 1898, with the northern stable post-dating 1919.

DESCRIPTION OF SITE



View from the east showing what is likely to be an earlier range, shown on the 1847 Tithe, with steeper pitched roof, timber heads to windows set hard against the southern boundary, with later range to the west and modern lean-to addition



View from the west of the later 19th century wing with shallower pitched roof and brick detailing to the window heads, similar to the cottages opposite rebuilt c1895-8

1 Wilcote Riding lies immediately south of The Plough Public House, on a site rising to the south along Wilcote Riding and also to the west. The house sits on the western boundary of the site with the two joined outbuildings, former stables, stepping down to the road.

The L-shaped house is constructed of local stone with brick end

stacks, under a plain tiled roof. It appears to be of two dates of construction, with an earlier portion with a steeper pitch roof and timber window heads to the southern boundary, and a later wing with a shallower pitch and brick details to the window heads to the west. It has a modern single-storey lean-to addition to the eastern side.



View of 1 Wilcote Riding from the west with The Plough in the foreground, with the gabled roof of the two-storey house beyond, and the two former stables, one with a rusty metal roof, the second with a silver metal roof, stepping down to the road



View of 1 Wilcote Riding from the north-west showing the end (north) gable of the house and the two former stables stepping down to the road

The former stables comprise two gabled roof buildings, both constructed in local stone under corrugated metal sheeting roofs. The one closest to the house has four walls with a door to the western side and a window opening in the north wall. It has a floor providing accommodation to the upper level.

The building onto the road comprises a later extension, incorporating the northern wall of the existing stable. It has a lean-to wing to the

eastern end running along the road side, and a door to the gable providing access to the first floor. There is a access door to the western side. The roof framing is modern.

There is evidence that this building formerly comprised low walls enclosing a small yard, which was then subsequently built up to form a second stable.



View of the two former stables. The one nearest the house slightly higher with a slacker pitch under a rusty corrugated iron roof is the earlier range. The stable to the roadside has a slighter steeper pitched roof, also in corrugated iron and is the later building, possibly early 20th century. Notice the clear straight joint between the two. The lean-to to the rear appears to have been built above an existing boundary wall to the road. Door to gable access a hay loft to the stable



Detail of the gable to the road. The lower courses of stone suggest an existing boundary wall to the road above which the second stable has been constructed



View showing detail of the changes in stone work between the lower and upper levels of the north wall



View of the former stables from the east looking along Wilcote Riding to The Plough PH beyond



View of the stable range from the east showing the two ranges and the lean-to

INTERIOR

Southern Stable



View of the ground floor of the southern (earlier) former stable showing timber floor structure with ladder to first floor



The roof structure is modern and basic



The stone on edge flooring confirms a stable use



The north wall of the earlier range includes a former window opening, confirming the road-side range is a later addition

Northern Stable



View looking east of the first floor structure



Roof structure to the northern stable building – modern timber ridge and single purlins



Roadside gable showing the access door

The roof structures to both stable ranges are 20th century and any evidence of an earlier structure has gone. It may have been that the northern stables was always roofed in corrugated iron and the southern range perhaps treated the same way when the later range was constructed.

HERITAGE SIGNIFICANCE



Extract from Finstock Conservation Area Appraisal map (undated) showing The Plough Public House (dark green) as a listed building and 1 Wilcote Riding to the east (red) as locally listed

Significance is defined by the National Planning Policy Framework (Feb 2019) 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’.

Placing the asset in its historical context and describing its characteristics and appearance is an important component of the evidence gathering exercise. This both informs our understanding of a site’s significance and the contribution of its setting to this significance.

As Historic England explains in ‘Conservation Principles’ (2008), understanding how a place has evolved and how different phases add to or detract from its significance is a part of that exercise. Heritage

significance can be defined as using Evidential, Historical, Aesthetic and Communal Values.

1 Wilcote Riding is not included in the National Heritage List for England, and nor due to its relatively late date of construction, (early and late 19th century for the cottage – mid 19th and post 1919 for the former stables) considered that would it meet the criteria for entry. It does lie within the Finstock Conservation Area, and in the Finstock Conservation Area Appraisal, it and the former stable ranges are identified as a locally listed building.

The property exhibits phases of change that evidence the changing needs of its owners and changes within the village. It holds no rarity value and is modest in its architectural detailing. Its construction details helps place the age of the building and the use of stone and brick detailing contribute to understanding the local traditional vernacular.

CONTRIBUTION TO FINSTOCK CONSERVATION AREA



The evidence suggests the house dates from two periods, with a pre-1847 range, but likely late 18th century, to the south-east with a late 19th replacement wing to the west.

Both house ranges are constructed of local stone, with the earlier wing having a steeper pitch roof and timber heads to the windows, and the later range a shallower pitch roof and brick detailing to the window and door heads. The roofs are machine made plain clay tiles. The earlier range retains traditional windows while the later range has modern replacement windows.

Due to its vernacular form and materials the house makes a visual contribution to the Conservation Area. The census shows that members of the Baylis family have occupied the house and site since at least 1881, until 2023, and were responsible for the late 19th

century wing, and certainly the post 1919 northern stable range, providing a strong local historical connection to Finstock.

The former stable ranges, through their form and construction in local stone, and relationship to the house contribute to the vernacular character and agricultural roots of the village. The scale of the house, its 'additive' qualities and relationship to other buildings and spaces help it to form a seamless part of the village's physical layout and structure, contributing a point of interest in long views up and down the street.

The traditional physical and visual relationship of the former stables to the house provides historical evidence of the long-term occupation and use of the site in relation to dominant agricultural character of the village.

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.

The site lies within the Finstock Conservation Area and accordingly, is subject to the provisions of national policies set out in the National Planning Policy Framework (July 2021), 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 Advice Note 3 – The Setting of Heritage Assets, December 2017 (GPA3)
- Historic England Advice Note 2 – Making Changes to Heritage Assets
- Conservation Principles, Policies and Guidance (2008)

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

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

The site is also subject to Local Planning Policies set out in the West Oxfordshire Local Plan 2031.

These policies, guidelines and advice are set out in Appendix 1.

OPPORTUNITIES

The stables are redundant and in poor condition. Without an active use there will be no incentive to invest in their repair and maintenance. The new owner wishes to explore potential options for a more active re-use of the buildings.

The West Oxfordshire Local Plan 2031 - Adopted September 2018, specifically discusses the issue of the re-use of non-residential buildings at 6.45 through to 6.52 (pp. 77-78) The following extracts are considered relevant to considering the future of these former stables which, together with the house, have been identified in the Conservation Area Appraisal as locally listed, and contributing to the historical and architectural character of Finstock.

Re-use of non-residential buildings

6.45 Many non-residential buildings throughout West Oxfordshire are built in the vernacular style (using local building styles and materials) and a high proportion of these are former agricultural buildings. **These traditional buildings are a key part of the character and history of West Oxfordshire and many are listed for their architectural or historic interest.** Due to modern agricultural practices, many agricultural buildings have become redundant and it is recognised that the best way to secure the upkeep of such buildings and their contribution to the character of the area is to keep them in active use. Re-using these buildings reduces the need for new building and creates the opportunity to provide unobtrusive economic activities, community facilities and housing.

6.46 In accordance with the overall strategy, **conversion of existing buildings to residential use is more appropriate within our service centres and villages with services and facilities.**

6.48 Suitable buildings for re-use will **be of substantial and permanent construction** and the Council may require structural surveys to demonstrate that buildings are capable of conversion.

6.51 **The impacts resulting from the re-use of non- residential**

buildings will need to be weighed alongside the contribution of the building(s) to the character of the area and the potential local economic and social benefits that may result from re-use.

6.52 If the principle of conversion is accepted, it is important that detailed proposals respect or improve the original character of the building. The condition of the building and the methods of construction should be understood before significant works of repair or alteration are undertaken. Loss of historic fabric should be minimised, features of historical or architectural significance should be retained and repairs should be carried out using appropriate materials.

In relation to 6.46 Finstock is identified in Table 4.b Settlement Hierarchy (p. 30) as a village. In relation to housing development within villages 4.22 states 'Beyond the rural service centres, some development will be supported in the villages but this will be limited to that which respects the village character and local distinctiveness and would help maintain the vitality of the local community.'

Having regard to:

- The former stables being identified as locally listed in the Finstock Conservation Area Appraisal;
- The assessment in this report that they make a visual and historical contribution to Finstock;
- Their redundancy as stables;
- Their permanent construction in stone
- The policy settings with the West Oxfordshire Local Plan 2031;

It is considered that there is an 'in principle' support for considering their sympathetic adaptive re-use for residential purposes.

APPENDIX 1: NATIONAL AND LOCAL HERITAGE POLICIES, GUIDANCE AND ADVICE

The site lies within the Finstock 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), the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

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

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'

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

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

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

THE PLANNING PRACTICE GUIDANCE (PPG)

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

'In determining whether works to a listed building (or its setting) constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development

that is to be assessed.'

The NPPF explains in paragraphs 201 and 202 the differences between 'substantial' harm and 'less than substantial' harm, advising that any harm should be justified by the public benefit of a proposal.

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

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

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

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

They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. It explains that public benefits can include heritage benefits, such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use for a heritage asset.

HISTORIC ENGLAND 'CONSERVATION PRINCIPLES' (2008)

Works of alteration, extension, or demolition need not involve any harmful impact and may be necessary to ensure a building has a viable future. Historic England explains its approach to managing the historic environment and how we experience places stating in '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.

S72 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

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