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The Dower House, Chastleton, Oxfordshire

Heritage Impact Assessment

For C. Braybrooke



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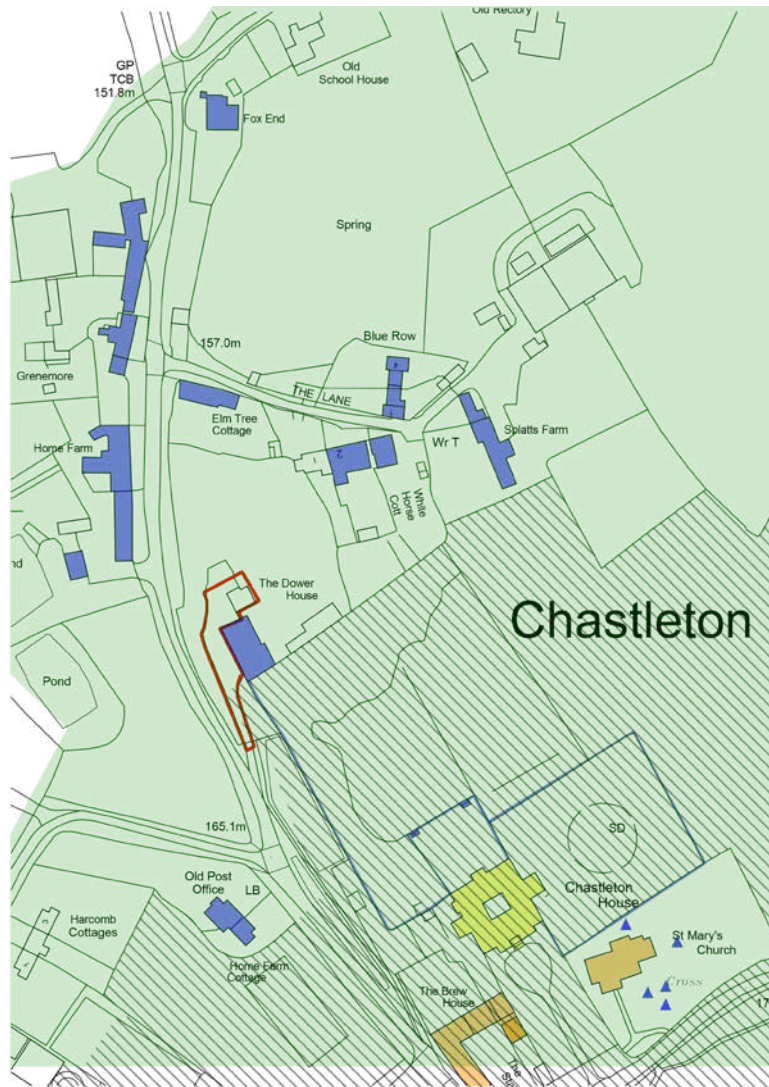
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- Grade I listed building
- Grade II* listed building
- Grade II listed building
- Chastleton Conservation Area
- Chastleton House registered park and garden
- Development site boundary, with access

The Dower House Library heritage constraints map

1.0 Summary of Heritage Impact Assessment

1.1 Introduction and Methodology

Donald Insall Associates were commissioned by Catriona Braybrooke to assist her in developing proposals for a new garden store/ library to replace an existing garden store/ garage adjacent to the Dower House, Chastleton. This document is to be read in conjunction with the planning application submitted as part of these proposals. It satisfies the requirement for a Heritage Impact Assessment to be submitted as part of this application.

This assessment has been prepared in accordance with the requirement of the National Planning Policy Framework (2023), paragraph 200, which asks that applicants 'describe the significance of any heritage assets affected' by proposals for change. This assessment takes account of the guidance provided by Historic England in 'Statements of Heritage Significance: Analysing Significance in Heritage Assets. Historic England Advice Note 12' (2029); IEMA, IHBC and ClfA: 'Principles of Cultural Heritage Impact Assessment in the UK' (2021).

The investigation has comprised historical research, using both archival and secondary material and consulting the relevant Historic Environment Record (HER), and a site inspection. An illustrated history of the site and building, with sources of reference and bibliography, is in Section 2; the site survey findings are in Section 3. The investigation has established the significance of the site and the existing garage, which is set out in Section 4 and summarised below.

The specific constraints for this building are summarised below. This report has been drafted to inform the design of proposals, by Donald Insall Associates. Section 5 provides a justification of the scheme according to the relevant legislation, planning policy and guidance.

1.2 The Building, its Legal Status and Policy Context

The Dower House, Chastleton is a Grade II-listed building located in the Chastleton Conservation Area in the District of West Oxfordshire. The Dower House is adjacent to, and in the setting of, the Grade II* Registered Park and Garden (RPAG) of Chastleton House, itself a Grade I listed building. Alterations to a listed building generally require listed building consent; development in conservation areas or within the setting of a listed building or conservation area requires local authorities to assess the implications of proposals on built heritage.

The statutory list description of the listed building is included in Appendix I and a summary of guidance on the Chastleton Conservation Area provided by the local planning authority is in Appendix II, along with extracts from the relevant legislation and planning policy documents.

Full relevant extracts of relevant law, policy and guidance for change in the historic environment are contained in Appendix II of this report. In summary, the relevant legal and policy backgrounds is as follows.

1.2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Sections 16, 66 and 72 of the Act impose statutory duties upon local planning authorities with the aim to protect the special interest of a listed building or conservation area.

1.2.2 The Local Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the Site comprises the West Oxfordshire Local Plan 2011-2031.

The West Oxfordshire Local Plan 2041 in draft is also a material consideration.

The West Oxfordshire Local Plan 2011-2031 has policies that set out stipulations for development affecting the historic environment, and these require that 'all development proposals should conserve and/ or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment [...] 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'.

1.2.3 The National Planning Policy Framework (2023)

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework (2023) will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). At the heart of the Framework is ‘a presumption in favour of sustainable development’ and there are also specific policies relating to the historic environment.

The Framework requires that proposals for change give ‘great weight’ to the conservation of heritage assets (paragraph 205), that harm to the significance of heritage assets requires ‘clear and convincing justification’ (206), and that such harm is outweighed by public benefits. Harm is to be categorised as substantial (207) or less than substantial (208).

The Framework requires local planning authorities to look for positive opportunities for new development within conservation areas and within the setting of heritage assets. Proposals that preserve positive elements or enhance/ better reveal their significance, are required to be treated favourably (212).

1.3 Summary Assessment of Significance

The Dower House is significant as a 17th century building which was altered an extended in the later 17th century and the 19th century. Its relationship and proximity to the Grade I listed Chastleton House, and the Grade II* listed RPAG for Chastleton House increases this significance. It also has significance in terms of its positive contribution to the Chastleton Conservation Area. As a Cotswold vernacular building from the 17th century, its front elevation, including 5 centre arched door openings, stone mullion windows with label moulds and Stonesfield slate roof, are all significant. The parallel rear range, added in the mid-late 19th century is of much less significance and is much less architecturally interesting. Photographs from the late 19th and early 20th centuries demonstrate that there was an attached building to the north, clad in timber and thatched, presumably a cart shed, which was demolished at some point after World War II.

The current garage/ garden store was constructed in the early 1950s by previous owners, and designed to look like a much older building, with wany-edged timber cladding, a diamond leaded light window and a Stonesfield roof. Internally its provenance is clear: modern blockwork, modern softwood rafters and plasterboard, all sitting on a modern concrete base. It is of no significance.

1.4 Summary of Proposals and Justification

It is proposed to demolish an existing garage and garden store which was constructed in the early 1950s. Externally the building has been designed to look as though it is of some age, and an historic diamond leaded-light window has been reused. The truth of the age of the building has been established by talking to previous owners who constructed it and by looking at its construction (it is built on a concrete slab floor and internally all details and construction is modern: blockwork, modern rafters and plasterboard), and corroborated by historic maps and photos.

The loss of this modern building would have no deleterious impact on the setting of the listed building.

The proposed new building would be set further back from the building line that the current one, and would be thatched, replicating an earlier thatched building in this location.

The impact of the proposed new building on the setting of the listed building would be a very positive one.

2.0 Historical Background

2.1 The Development of Chastleton

Chastleton lies among the Cotswold hills, near Moreton-in-the-Marsh and Chipping Norton. The parish was enclosed in 1596, creating a series of farmsteads instead of the former open fields system.¹ The manor was owned by the Catesby family, but their ownership ended with the execution of Robert Catesby (d.1605) for his involvement in the Gunpowder Plot.² Their medieval house stood in the east gardens.³ Subsequently, the manor was acquired by lawyer Walter Jones (d.1632), who built the current Chastleton House 1607-1612.⁴ By 1676, the adult population was estimated to be around 83.⁵ The height of village growth was 1801, with a population of 250 in 42 houses. However, this died away to 149 in 36 houses by 1901.⁶

The manor passed through the Jones family, although this was often through indirect succession after 1828. In 1874, it was inherited by Mary Whitmore-Jones (c.1823-1915). However, by the 1880s, she had passed the management of the estate to her nephew Thomas Whitmore Harris (later Whitmore-Jones). Thomas married Irene Dickins, in 1900, and they moved to the

village.⁷ In the 1910 Lloyd George survey, T W Jones is listed as both owner and occupier of 'Manor Cottage' (now the Dower House).⁸

The Whitmore-Jones family left Chastleton in 1955.⁹ Chastleton House was sold to the National Heritage Memorial Fund in 1991.¹⁰ It subsequently passed to the National Trust, who opened it to the public in 1996.¹¹

2.2 The Development of the Dower House

2.2.1 17th-century farmhouse

The Dower House appears to be a 17th century farmhouse, built at the period following the enclosure of Chastleton, in 1596, and the creation of multiple farmsteads. The Victoria County History lists it as being one of several other 17th-century, three-unit farmhouses of this period, along with Elm Tree Cottage, Grenemore, Hill Farm, and Home Farm.¹² Nicholas Worlledge's former heritage assessment has suggested that the Manor House was built by

Walter Jones after Chastleton House in 1632.¹³ However, a revisitation of the source evidence does not confirm this.¹⁴

2.2.2 1842 Tithe map

The first mapping evidence of the building is on the 1842 tithe map [Plate 2.1]. On the map and in the accompanying tithe apportionment it is shown and listed as being subdivided into four cottages, with a shed or barn attached to the north end. These are occupied by four separate households.¹⁵ By 1872, the shed or barn to the north appears to have been replaced with a shallower plan that extends further towards the north boundary of the plot [Plate 2.2].

1 Victoria County History, 'Introduction: Landscape, Settlement, and Buildings', in *VCH Oxfordshire Texts in Progress: Chastleton* (Feb 2024), p. 1.

2 'Introduction', p. 1.

3 'Introduction', p. 12.

4 'Introduction', p. 1.

5 Whiteman (ed.), *Compton Census*, p. 422.

6 'Introduction', p. 1.

7 *Oxfordshire Weekly News*, 19 Sept 1900, p. 8.

8 1910 District Valuation (OHC)

9 West Oxfordshire District Council, *Conservation Area Character Appraisal: Chastleton*, p. 2.

10 Ibid.

11 Ibid.

12 'Introduction', p. 13.

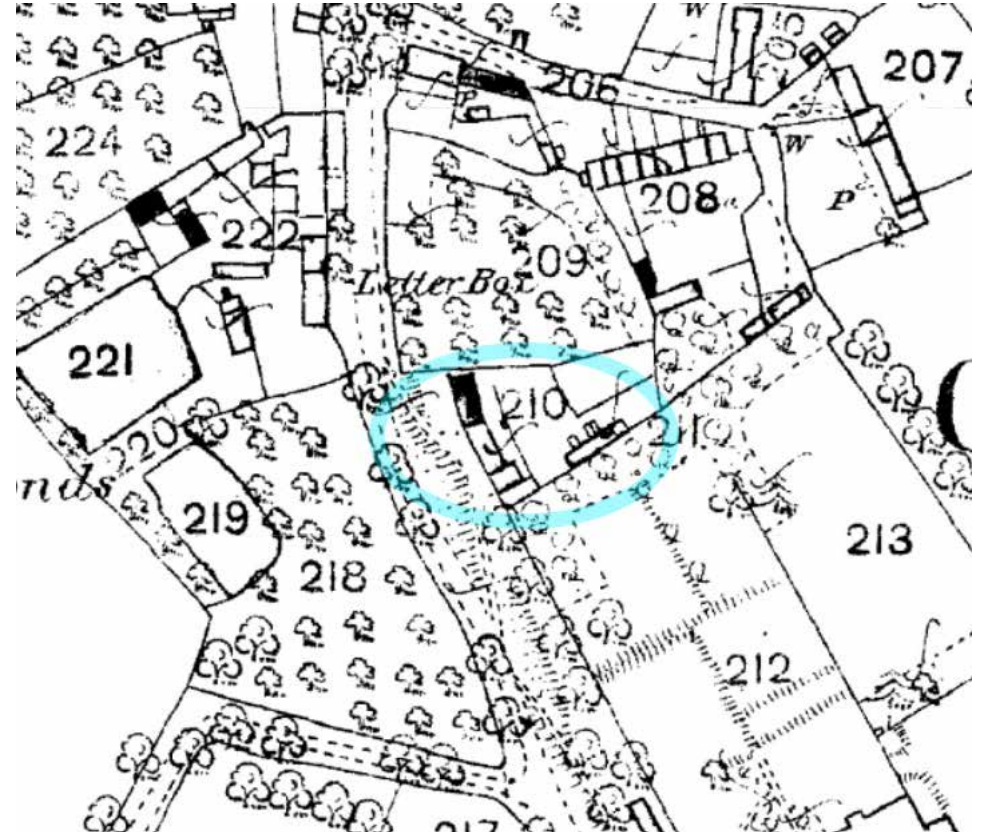
13 Nicholas Worlledge, 'Heritage Assessment: Outbuilding to the Dower House Chastleton' (Nov 2012), p. 2.

14 *Trans. of the Bristol and Gloucestershire Archaeological Society* vol. 16 (1891-92), p. 38; *Trans. of the Bristol and Gloucestershire Archaeological Society* vol. 7 (1881-82), p. 21.

15 Chastleton tithe apportionment records



2.1 1842 tithe maps for Chastleton, showing the building marked as '188' (OHC)



2.2 1872 OS map 1st edition 25 inch, showing large barn or shed adjoining orth side of building (OHC)

2.2.3 Late-19th and early 20th century occupation by the Whitmore-Jones family

The National Trust claim that the then aunt-nephew owners of the Chastleton estate – Mary and Thomas – vacated the house in 1897 to lease it to wealthy tenants.¹⁶ Meanwhile, they moved into a property in the village. The VCH suggests that name ‘Dower House’ is probably fanciful, perhaps originating in the 1890s when Mary Whitmore-Jones briefly lived there.¹⁷ It is known that Mary went on to live with her nephew-in-law Gustavus Sneyd in the Rectory, so her occupancy appears to have been restricted to the period between 1897 and Thomas’ marriage to Irene in 1900.¹⁸

By 1910, the building was known as ‘Manor Cottage’, with Thomas Whitmore-Jones listed as owner-occupier.¹⁹ It is described as having a ‘timber and thatched shed’ in the garden. Photographs from this period (c.1910-40) survive, showing the timber clad barn/shed attached to the north of the house, with its thatched roof, a pair of double doors and windows on the west front, and a chimney rising from the west side [Plate 2.3]. In these photographs, the building is labelled ‘Manor House’. The shed/barn to north survived at least until the 1919 survey for the ordnance survey map [Plate 2.4].



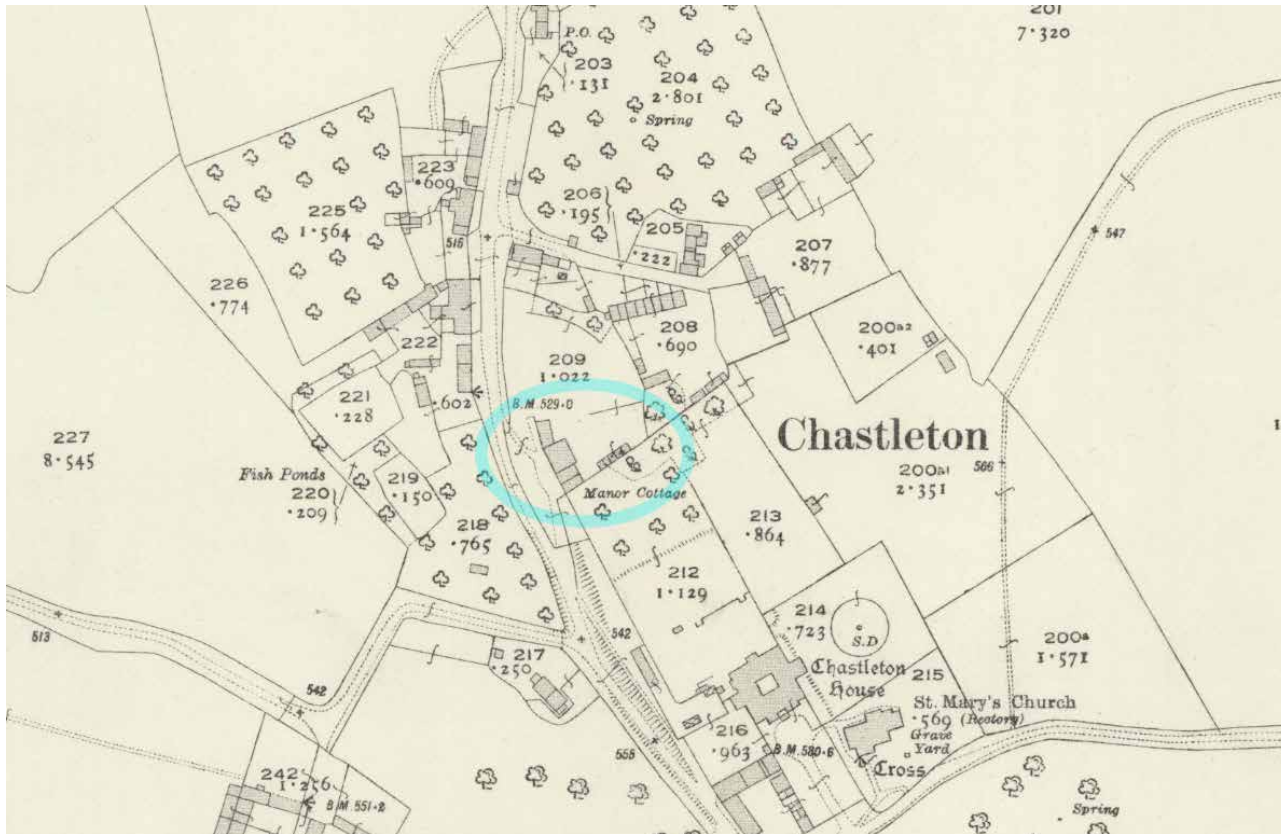
2.3 c.1910-1940 photograph of the building, showing the timber-clad, thatched barn or shed to the left (Packer, OHC, POX0190068)

16 National Trust, 'A timeline of Chastleton's residents', <https://www.nationaltrust.org.uk/visit/oxfordshire-buckinghamshire-berkshire/chastleton/the-history-of-chastleton-house>

17 'Introduction', p. 13.

18 'Religious History', in *VCH Oxfordshire Texts in Progress: Chastleton* - (Feb 2024), p. 13.

19 OS Map for Oxfordshire XIII.8, 1:25 (Revised: 1919, Published: 1921)



2.4 1919 surveyed map showing the north shed or barn still in situ (Oxfordshire XIII.8; Rev-1919, Publ-1921)

2.2.4 Mid-20th-century changes to north barn/shed

By the time Spoke's photographed the house in 1957 for Historic England, the building was labelled Manor Cottage or Little House.²⁰ The barn/shed to the north had been replaced with a garage set further back from the road. This can also be seen in plan on a 1961 aerial photograph [Plate 2.5]. The house was added to the National Heritage List for England as 'White Gates' in 1957.²¹ However, by 1989 it was known as the Dower House.²² At some time in the 1980s, modern stone garden walls were constructed to divide and terrace the gardens.²³



2.5 1961 aerial map showing new north garage set back from the west front of the house (OHC, POX0451726)

20 Historic England Archives, P Spokes for England's Places, 4788_079, [https://historicengland.org.uk/images-books/photos/englands-places/card/320693?bc=4%7c5&i=1&place=Chastleton%2c+OXFORDSHIRE+\(Parish\)&searchtype=englandsplaces&terms=chastleton&wm=1&q=9567](https://historicengland.org.uk/images-books/photos/englands-places/card/320693?bc=4%7c5&i=1&place=Chastleton%2c+OXFORDSHIRE+(Parish)&searchtype=englandsplaces&terms=chastleton&wm=1&q=9567)

21 NHLE, no. 1198124.

22 NHLE, no. 1198124.

23 Pers. Comms

2.3 Relevant Planning History

2012 12/1707/P/FP

Removal of existing stores and erection of new outbuilding to form studio (amendments to planning permission 12/1142/p/fp and 12/1143/p/lb to include demolition of the whole building and oil store, revise the garden elevation and change the internal arrangement of the new studio).
Consent granted 2 Jan 2013

2012 12/1708/P/LB

Alterations to demolish part of existing store and erection of outbuilding to form studio, cloakroom and log store (amendments to planning permission 12/1142/p/fp and 12/1143/p/lb to include demolition of the whole building including the oil tank store, revision of garden elevation and changes to the internal layout of the new studio).
Consent granted 2 Jan 2013

2012 12/1142/P/FP

Removal of existing store and erection of outbuilding to form studio, cloakroom and log store.
Consent granted 11 Sept 2012

2012 12/1143/P/LB

Alterations to demolish part of existing store and erection of outbuilding to form studio, cloakroom and log store.
Consent granted 11 Sept 2012

2000 W2000/0721

Internal and external alterations to include re-roofing, reconstructed dormer windows, replacement rooflights, new windows, new kitchen door with boarded shutter and new canopy fitted over new front door.
Approved 6 June 2000

2000 W2000/0719

Formation of a new stone framed, fixed light window in existing south east gable.
Approved 6 June 2000

2.4 Sources and Bibliography

Archives

Census Records
Tithe apportionment records and maps
Lloyd George District Valuation survey
National Heritage List for England (Historic England)
Historic England Red boxes
Historic England Aerial photographs
National Library for Scotland Maps
British Newspaper Archives

West Oxfordshire Planning Archives

Building Case File
Redevelopment Drawings

Published Sources

Trans. of the Bristol and Gloucestershire Archaeological Society, vol. 7 (1881-82)
Trans. of the Bristol and Gloucestershire Archaeological Society, vol. 16 (1891-92)
Victoria County History, 'Introduction: Landscape, Settlement, and Buildings', in *VCH Oxfordshire Texts in Progress: Chastleton* (Feb 2024)
Victoria County History, 'Religious History', in *VCH Oxfordshire Texts in Progress: Chastleton* (Feb 2024)

Unpublished Sources

National Trust, 'A timeline of Chastleton's residents', <https://www.nationaltrust.org.uk/visit/oxfordshire-buckinghamshire-berkshire/chastleton/the-history-of-chastleton-house>
Nicholas Worlledge, 'Heritage Assessment: Outbuilding to the Dower House Chastleton' (Nov 2012)

3.0 Site Survey Descriptions

3.1 The Setting of the Building and the Conservation Area Context

The Dower House is a typical Cotswold vernacular building from the mid-17th century. It was extended rearwards in the mid-19th century and the garden elevation is not as convincing; the window proportions are not correct and it has a later 'Gothick' style staircase window. To the south lies Chastleton House, and the RPAG for the house abuts the Dower House on its south side.

3.2 The Building

The garage/ garden store is clad in wany-edged timber, with a Stonesfield roof laid to diminishing courses, with a diamond-lead glass window **[Plates 3.1-3.7]**. It was deliberately designed to appear as a historic building. However, it was constructed in the 1950s on a base/ slab of concrete. Internally the building has 1980s blockwork and plasterboard, with modern softwood rafters, flush doors etc., along with all the visible components of the building **[Plate 3.8-3.17]**.

Adjoining stone garden walls were constructed in the 1980s.



3.1 North elevation of Dower House, with garage to left (DIA)



3.2 Garage in context of Dower House, looking south-east (DIA)



3.3 West elevation of the garage (DIA)



3.4 North elevation of the garage (DIA)



3.5 East elevation of garage (DIA)



3.6 Garage in context of Dower House, looking south-west (DIA)



3.7 South elevation of garage (DIA)



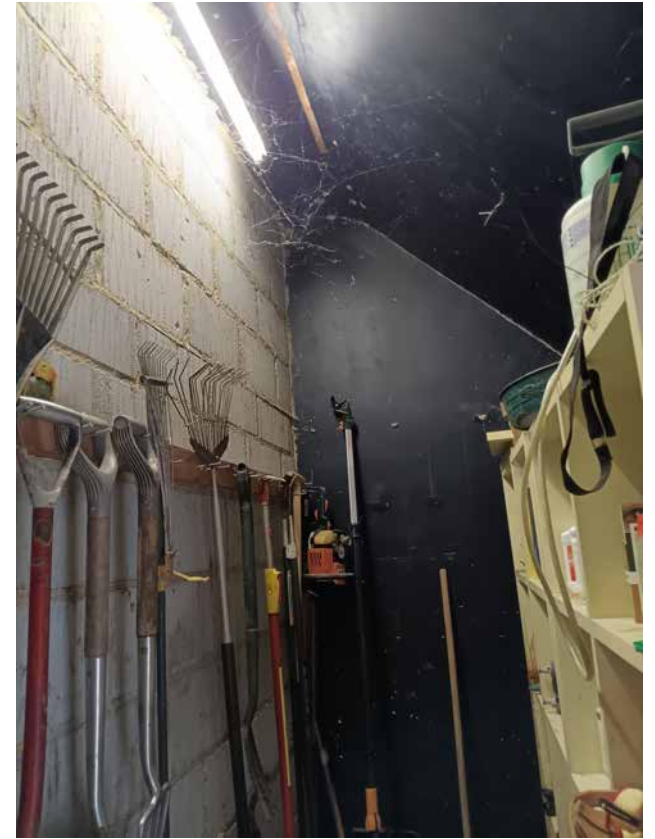
3.8 Detail of modern broken panes and deteriorated weatherboarding (DIA)



3.9 Detail of modern door (DIA)



3.10 Detail of modern internal finishes in garage (DIA)



3.11 Detail of modern finishes, including blockwork wall in garage (DIA)



3.12 Detail of blockwork chimney stack of boiler in garage (DIA)



3.13 Detail of 1980s garden wall, with opening (DIA)



3.14 Detail of deteriorated weatherboarding and post (DIA)



3.15 Detail of failing rainwater goods on garage roof (DIA)



3.16 *Detail of perished ceiling and roof in garage (DIA)*



3.17 *Detail of rotten weatherboarding (DIA)*

4.0 Assessment of Significance

4.1 Introduction

The purpose of this section is to provide an assessment of significance of The Dower House, Chastleton so that the proposals for a new garden store/ library located to its north are fully informed as to its significance and so that the effect of the proposals on that significance can be evaluated.

This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as:

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological (potential to yield evidence about the past), architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.

4.2 Assessment of Significance

The Dower House is highly significant as a Grade II listed 17th century Cotswold vernacular house, set in an extensive garden in the centre of the village. The conservation area is also significant as an example of an early modern isolated Cotswold farming community, with Chastleton House at its centre. Views in and around the conservation area, as set out in the conservation area appraisal are also significant.

The existing garage/ garden store and garden walls have no heritage significance.

5.0 Commentary on the Proposals

5.1 Description of the Proposals and their Impact on the Listed Building and Conservation Area

The proposals for a new garden store/ library are outlined in the drawings and Design and Access Statement by Donald Insall Associates.

The current building is in poor condition and requires considerable investment to make it weathertight. There is a large hole in the roof and the concrete base is deteriorating. Whilst designed as a garage, it is not large enough to accommodate a modern car, and the concrete ramp is too steep, and the concrete has broken up. The current owners do not need a garage or such a large garden store. However, they are in need of a library to store their extensive collection of books, as well as a smaller garden storage area for gardening equipment; the building also houses the boiler for the main house.

The proposals aim to improve the setting of the listed building by moving the new building further away from the 17th century part of the listed building. The new building would be closer to the less significant 19th century extension to the main 17th century house.

The new building would be slightly larger in terms of footprint than the existing, but would be less visible from the front elevation. It would be a contemporary interpretation of a traditional vernacular thatched building, drawing inspiration from the lost thatched building which was formerly attached to the listed building.

Some of the garden walls would be demolished to allow the repositioning of the building. These walls are all modern, and none appear on any of the historic maps. They were installed as part of the parterre garden to the east of the house in the 1980s by the previous owners.

The design of the new building has been very carefully considered to ensure that it is of commensurate quality with the original house, and that it is a clearly contemporary structure but inspired by the traditional vernacular of the village and wider conservation area. The building is rigorous yet simple, and designed to allow views of the garden.

5.2 Justification of the Proposals and Conclusion

The heritage significance of the building and the conservation area have been the starting point for these proposals. The current building has no significance or interest, and whilst the proposed new building has the potential to have an impact on the contribution made to the significance of the listed building through its setting, it has been very carefully designed to ensure that any impacts are entirely positive. The building has been moved further back, to allow the listed building more prominence. The design of the building has been very carefully considered and uses timber cladding and thatch in a sensitive yet contemporary way which should serve as a model for modern vernacular architecture.

The proposals have been a wholly positive impact on the setting of the listed building and the character and appearance of the conservation area. The proposals would sustain the significance of the listed building in accordance with paragraph 203 of the National Planning Policy Framework.

Moreover, it is considered that the proposed works would preserve the special architectural and historic interest of the listed buildings and the character and appearance of the conservation area, in accordance with the statutory duties set out in Sections 16, 66 and 72(l) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would also accord with the policies concerning built heritage in the local plan and would ensure the beneficial long-term and optimum viable use of the building as a residence.

Appendix I - Statutory List Description

The Dower House

Heritage Category: Listed Building

Grade: II

List Entry Number: 1198124

Date first listed: 26-Aug-1957

Date of most recent amendment: 14-May-1989

List Entry Name: THE DOWER HOUSE

Statutory Address 1: THE DOWER HOUSE

House. Early C17 with later additions and alterations. Roughly coursed marlstone and limestone rubble; stone slate roofs with coped verges to left gable end of main range. 2 storeys and attic to main range, one storey and attic to lower range to right. Main range in 3 bays, 3-light mullion windows with dripstone, ovolo-moulded to first floor and chamfered to ground floor; central C20 ledged door. Gabled dormers in middle of roof slope to left and right and integral ashlar end stacks, right with moulded drips tone and capping, left rebuilt above dripstone in late C20. Range to right has 3-light chamfered mullion window to left and one to right of chamfered 4-centred doorway with C20 glazed door to right of centre. Two 2-light leaded gabled eaves dormers. Integral ashlar end stack to right and ridge stack to left of centre, both with moulded dripstones and capping. Apparently C19 parallel gabled range to rear of main range and gabled ranges at right-angles to rear of lower range. Interior. Inspection not possible at time of resurvey (August 1987) but likely to be of interest. [2463]

Chastleton Park and Garden

Heritage Category: Park and Garden

Grade: II*

List Entry Number: 1001090

Date first listed: 31-May-1984

A C17 formal gentry garden surrounding an early C17 country house, with landscape park.

HISTORIC DEVELOPMENT

The Catesby family owned Chastleton House during the C16, it being in the possession of Robert Catesby by the end of the century. Catesby was murdered in 1605, following his conspiracy in the Gunpowder Plot, and around this time the property was bought by Walter Jones and the house demolished. In its place Jones built the present house, probably between 1607 and 1612, and is likely to have constructed the rectangular, walled garden compartments at this time or a little later. These compartments conform closely with Gervase Markham's prescription for garden layout in his *The English Husbandman* of 1613 (Inskip and Jenkins 1994). It is possible that the circular hedged feature in the Best Garden was laid out at this time, although subsequently it must have been replanted several times. The family was actively Royalist during the Civil War (at which time the Joneses were severely penalised financially, from which the family never fully recovered), celebrating the Restoration by planting two oak trees, and remaining Jacobite during much of the C18. Descendants of the Jones family continued in ownership until 1991 when the property was vested in the National Trust; it is now (1997) open to the public after six years of repair and restoration.

DESCRIPTION

LOCATION, AREA, BOUNDARIES, LANDFORM, SETTING Chastleton House lies within the village of Chastleton, adjacent to the north Oxfordshire border with Gloucestershire, 7km north-west of Chipping Norton. The c 15ha site is bounded largely by agricultural land, with the village of Chastleton and its associated fishponds to the north, Peasewell Wood to the south, and the village church at the centre of the site, 40m south-east of the House, enclosed by its own stone walls. The church tower was rebuilt in the late C17 in a style which echoes the two staircase towers of the House. The estate lies on the side of a gently undulating, north-facing hillside, with panoramic rural views to the north and east across the distant valley.

ENTRANCES AND APPROACHES The main approaches utilise the village street, either from the village to the north, skirting the west and south boundaries of the gardens, or from the east, converging on the early C17 stone gateway (listed grade II*) standing at the south boundary of the forecourt, opposite the south park. The gateway, with iron gates beneath a round-headed archway surmounted by small finials at the corners and centre, is aligned on the centre of the south front of the House. It is flanked by stone walls which return north at both ends to enclose a forecourt 25m wide and 50m long, bounded to the north by the House itself. A short, straight drive from the gateway, flanked by lawns, runs towards the House, opening out into a circular carriage sweep with a flight of stone steps leading up to the south face of the House. The door to the porch is offset to the west at the top of the steps, at right angles within the adjacent projecting bay and invisible

from the approach, thus achieving the traditional entrance to a great hall at the screens end within the rigid symmetry of the facade. A doorway in the west forecourt wall gives access to the stable court, which is also entered at the south end from the village street through double gates in a stone wall. It is thought (Marshall 1997) that in the C17 the forecourt contained a raised terrace in the northern third, with a central flight of steps leading up from the lower, southern level, and paths leading from here towards the church and stable yard, and possibly side paths running north/south along the full length of the forecourt.

PRINCIPAL BUILDING Chastleton House (1607-12, possibly Robert Smythson, listed grade I) lies at the centre of formal garden compartments. It is a square, stone House of three storeys and an attic, with projecting bays, two prominent stair towers and a small central courtyard, the whole of which has altered little since the C17. Its three main fronts, none of which contain obvious doorways, directly overlook the entrance forecourt and the south park to the south; the Best Garden and the north park to the east, with rolling countryside beyond this; and to the north lawns, with the village and further long views north beyond. The east front contains the most prestigious apartments, overlooking the Best Garden whose layout is seen to best advantage from above. The upper rooms of the stair towers, on the east and west fronts, may have been used as rooftop banqueting houses, particularly that on the east front with its panoramic views over the Best Garden and the countryside beyond.

The two-storey service ranges lie south of the House, with a stone stable range and brewhouse (early C17, listed grade II*) forming the west and north sides respectively of the stable yard, the remainder being formed by stone walls and a coach house to the east against the west wall of the forecourt.

GARDENS AND PLEASURE GROUNDS The gardens are divided by stone walls (early C17, listed grade II) into several square or rectangular compartments. The Best Garden, on the east front, is reached from the House by a door facing south-east, at the top of a flight of semicircular steps set in the angle between the central projecting stair tower and the main elevation. The steps give access onto a grass terrace which runs along this front, flanking the projecting stair tower. The remainder of the almost square Best Garden lies at a lower level; laid largely to lawn, it is surrounded on the other three sides by stone walls, with an iron clairvoie (probably early C18) flanked by two C18 stone gate piers with ball finials at the centre of the east wall. This device allows views over the north park, the Boscobel Oak and the distant countryside. The Best Garden is dominated by a circular clipped yew hedge, with four axial openings aligned with the surrounding walls, enclosing a further circle of twenty-four box topiary specimens, most with little recognisable shape.

The Best Garden was located at the 'upper', east end of the House, entered from the Great Parlour and overlooked by the Great Chamber. Access was only possible from the House, or at one time, from a doorway in the shared churchyard wall, forming a hortus conclusus, or enclosed garden. The central circular feature is possibly a survival of the C17, albeit

replanted, probably in 1713 by Anne Jones, again in 1833 by Dorothy Whitmore-Jones, when the hedge was planted with laurel, and again c 1900 with yew. Late C19 and C20 photographs (National Trust) show the ornate shapes the specimens were then clipped to, including a cake-stand, cat, teapot, ship in full sail, peacock and crown, together with a riot of rose arbours, espalier fruit trees and herbaceous borders, all now (1997) gone.

A gateway (late C19) at the north-west corner of the Best Garden leads into the North Lawn area, immediately reaching a small, level lawn lying adjacent to the north front of the House. The lawn's north boundary is marked by a stone retaining wall (early C20), with, at both ends, a flight of stone steps with square piers and ball finials leading down to a further level lawn. West of these two lawns is a further lawn, adjacent to the stone west boundary wall. The north boundary is separated from these descending terraces by a c 1900 wilderness garden with mature evergreen shrubs, and a recently restored path winding through it. Much of this area seems to have been levelled and terraced in the 1860s when Walter Whitmore-Jones formulated the rules of English croquet here in 1865, parts having previously been used as kitchen gardens.

PARK The small park is divided into two sections: to the north-east and south of the House and gardens. Both sections are laid to pasture, and contain scattered, mature trees, including, in the north-east park, the Boscobel Oak, said to have been grown by John and Dorothy Whitmore-Jones in 1852 from an acorn from the Royal Oak of Boscobel. In the south

park an avenue of mature limes connects the north and south boundaries, giving access from Chastleton to the nearby village of Adlestrop to the south. A square, stone dovecote (dated 1762, listed grade II*) stands 130m south-east of the House, with a roof consisting of four gables and a wooden cupola supported on four open arches at ground level. The park was gradually added to the Chastleton House estate during the C18 and C19, that parkland which lies to the south, including the dovecote, having formerly been part of the setting for a substantial house demolished in the 1840s.

KITCHEN GARDEN The kitchen garden lies to the north of the House, in the angle formed between the North Lawn and the Best Garden. Surrounded by stone walls built by John Henry Whitmore-Jones in 1849, and entered from the south wall, it is largely laid to lawn, with a gateway in the east wall giving access to a further, disused (1997) walled garden situated within the north park 100m north of the House.

A further enclosed space lies below the west front of the House. This is subdivided by a tall, clipped yew hedge running parallel with the east wall, returning west from the centre of the House and again to the south-east, continuing above and along the boundary. This area acted as a base court at the 'lower', west end of the House and served to link the domestic offices of the House with the brew house and stable range, until in the early C20 it was planted with yew hedges and laid out as a rose garden.

REFERENCES

Country Life, 45 (25 January 1919), pp 90-6 N Pevsner and J Sherwood, *The Buildings of England: Oxfordshire* (1974), pp 531-3 R Strong, *The Renaissance Garden in England* (1979), pp 12, 122, fig 74 Chastleton House Conservation Plan 7, (Inskip and Jenkins, 2nd draft 1994) Evidence from the Archaeological Excavations at Chastleton House, (Gary Marshall 1997) Chastleton House, guidebook, (National Trust 1997)

Maps A Bryant, *Map of the County of Oxford* ..., surveyed 1823

OS 6" to 1 mile: 1st edition published 1881-2
2nd edition published 1901 OS 25" to 1 mile: 1st edition published 1880

Description written: December 1997 Amended: April 1999 Register Inspector: SR Edited: January 2000

Appendix II - Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 16, 66 and 72(l) of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

[...] in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Similarly, section 66 of the above Act states that:

In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Similarly, section 72(l) of the above Act states that:

[...] 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 a conservation area.

Local Policy

Chastleton: Conservation Area Character Appraisal (1995)

Architectural character and quality of buildings
The village buildings of Chastleton are generally small in scale and vernacular in form, materials and detailing. Several date from the early 17th century and most (like Chastleton House itself) have survived largely unaltered. Simple gabled roofs with stone slates laid to graduated courses predominate. Less abundant are the rounded forms of long straw thatched roofs. Unusually, Chastleton House is roofed in Westmorland slates.

Although generally of humble vernacular character, Chastleton's buildings are lifted by the quality of their construction and detailing - the latter enriched by elements drawn from a more formal and refined architectural vocabulary. Stone mullion windows with leaded lights and moulded dripstones; segmental arches; ashlar quoins; coped verges and ashlar stacks with moulded cappings, can all be found.

Chastleton's walling stone reflects the settlement's location astride the boundary between the red-brown lias (ironstone) and the grey oolitic limestone. These stones are often indiscriminately mixed in the same building or, more unusually, deployed in an ordered

pattern. [...] Elsewhere, although random stone walling exists, dressed coursed stone is generally dominant, especially on important elevations to village buildings

Chastleton: Proposals for Preservation & Enhancement

Architectural character and quality of buildings
Aside from Chastleton House, the houses and cottages of the village are largely vernacular in type, small in scale and of simple plan form. Gabled roofs with stone slates laid to graduated courses are typical (though long straw thatch can also be found). The walling materials are distinctive, comprising both grey oolitic limestone and red-brown ironstone. These stones may be mixed randomly, or deployed in ordered schemes; used as random rubble, or in courses of dressed stone. Ashlar cut stone is also unusually abundant.

Although essentially vernacular, the village buildings are characterised by the unusually high quality of their construction and architectural detailing. Stone mullion windows with leaded lights and moulded dripstones; segmental arches; coped verges; ashlar quoins and ashlar stacks with moulded dripstones all feature.

Characteristic building materials in Chastleton:

Roofs

- Stone slate;
- Thatch, long straw or combed wheat reed, with a plain flush wrapover ridge with spar work at the ridges, eaves and verges;
- Welsh slate.

Walls

- Oolitic and Lias limestone rubble in a variety of bed widths and sizes;
- Ashlar limestone dressings;
- Oolitic limestone rubble field and boundary walls, in a variety of bed widths;
- Red 'Oxford' brick.

Alterations and extensions

Buildings may need altering or enlarging from time to time to meet the evolving needs of successive owners. However, many existing buildings in Chastleton have a scale and character worthy of retention. Whilst the Council recognises that many buildings have the potential to provide additional space, this should not involve damage to the special character of the Conservation Area.

Listed Building Consent is required for any work that will affect the character or appearance of a Listed Building or structure, either externally or internally, regardless of that building's grade. Demolition, extensions, and internal or external alterations all require Listed Building Consent. The administration of Listed Building Consent is the responsibility of the District Council, and applications for Listed Building Consent should be made on forms available from the Planning Service.

Apart from general planning and highway considerations, it is expected that in all cases the basic size of the existing property will be respected and that alterations and extensions will take into account the scale and character of the original form.

Within the Conservation Area extensions will not be allowed to fill private gardens or create sub-standard living conditions. Similarly, extensions which lead to a loss of daylight to neighbouring dwellings or create problems of loss of privacy will not be supported.

All development activity should be sustainable, with the aim of preserving energy and resources and reducing pollution. Factors such as building orientation, re-use of materials, insulation, solar shading, water conservation and innovative heating and power generation systems can all help to further these aims.

West Oxfordshire Local Plan 2011-2031

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.

POLICY EH13: Historic landscape character

In determining applications that affect the historic character of the landscape or townscape, particular attention will be paid to the following:

- the age, distinctiveness, rarity, sensitivity and capacity of the particular historic landscape or townscape characteristics affected
- the extent to which key historic features resonant of the area's character, such as hedgerows, watercourses and woodland, will be retained or replicated
- the degree to which the form and layout of the development will respect and build on the pre-existing historic character (including e.g. street and building layouts)
- the degree to which the form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic character of its surroundings.

POLICY EH12: Traditional Buildings

In determining applications that involve the conversion, extension or alteration of traditional buildings, proposals will not normally be permitted where this would:

- extensively alter the existing structure or remove features of interest;
- include extensions or alterations which would obscure or compromise the form or character of the original building

POLICY EH16: Non-designated heritage assets

When considering proposals that would affect, directly or indirectly, non-listed buildings, non-scheduled, non-nationally important archaeological remains or non-Registered Historic Parks and Gardens, as such assets are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss. A balanced judgement will be made having regard to this presumption, the significance of the heritage asset, the scale of any harm or loss, and the benefits of the development. Proposals will be assessed using the principles set out for listed buildings, scheduled monuments and Registered Historic Parks and Gardens in Policies EH11, EH15 and EH14.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (December 2023). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.

At paragraph 8, the document expands on this as follows:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and

pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

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

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 203 of the NPPF identifies the following criteria in relation to this:

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

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 205 the framework states the following:

...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.

The Framework goes on to state at paragraph 206 that:

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. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed*

buildings, grade I and II registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 207 of the NPPF states that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use

With regard to 'less than substantial harm' to the significance of a designated heritage asset, paragraph 208 of the NPPF states the following;

208. 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 Framework requires local planning authorities to look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 212 states that:

... Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Concerning conservation areas and world heritage sites it states, in paragraph 213, that:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

Paragraph 2: What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 211)

Paragraph 6: What is "significance"?

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **archaeological interest:** As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- **historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled

monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

Paragraph 7: Why is 'significance' important in decision-taking?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity,

and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other

than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on

addressing substantial and less than substantial harm is set out in paragraphs 205-208 of the National Planning Policy Framework.

Paragraph 18: How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 205-208) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building 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 harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms 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). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 206).

Paragraph 20: What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and 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, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- 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 of a heritage asset in support of its long term conservation

Other Relevant Policy Documents

Historic England: Historic Environment Good Practice Advice in Planning (December 2017)

Historic England: Conservation Principles and Assessment (2008)

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