



## Appeal Decision

Site visit made on 27 November 2018

by **David Wyborn BSc(Hons), MPhil, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 January 2019

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**Appeal Ref: APP/Q3115/W/18/3206667**

**Land to the rear of White Horse Mews, Cornmarket, Thame, Oxfordshire OX9 2FH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Elton of Granger Estates Ltd against the decision of South Oxfordshire District Council.
  - The application Ref P18/S0720/FUL, dated 28 February 2018, was refused by notice dated 9 May 2018.
  - The development proposed is erection of single storey dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The revised National Planning Policy Framework (the Framework) published on 24 July 2018 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment on the revised Framework during the appeal process.

### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Thame Conservation Area and the setting of statutorily listed buildings at 11 (the Black Horse Hotel), 12, 13, 14, and 16 Cornmarket.

### Reasons

4. The site lies within the Thame Conservation Area (the Conservation Area). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The Conservation Area covers an extensive area of the town centre including some surrounding green open spaces. From my observations and the commentary in the appeal submissions, the significance of the Conservation Area lies with its combination of historic and vernacular buildings, street pattern, boundary treatments and open spaces that have developed over many

- centuries. Around the Cornmarket area there are vernacular and listed buildings that frame the main street and have narrow plots of land that project back from the built frontage. These narrow plots are indications of original burgage plots and a significant component of the historic pattern of this part of the town.
6. The appeal site lies within part of a long narrow section of land to the rear of 12 Cornmarket, a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess.
  7. The significance of this listed building at No 12 is derived from its age, traditional design and materials, said to date from the 18<sup>th</sup> Century, and the way that the built form generally steps back within, what the main parties agree, is a burgage plot. This plot, possibly dating from the 12<sup>th</sup> Century, extends back to the open space now located within the central section of the plot. No 12 adjoins other listed buildings along the frontage of the street. These, at Nos 11, 13, 14 and 16, also have the remnants of the long, narrow sites which are characteristics of the original burgage plot layout although the boundaries have been eroded by past changes.
  8. The importance of burgage plots in Thame is reflected in a Policy CON10 of the South Oxfordshire Local Plan 2011 (adopted 2006) (the Local Plan). This policy states that the burgage plots to the rear of the principal streets will generally be protected from amalgamation and from development which by its nature would detract from their historic interest, amenity and nature conservation value. The supporting text explains that the burgage plots are among the principal historic assets of the town. The text goes on to indicate that a major and increasingly common threat to the town's burgage plots are proposals to erect new dwellings to their rear.
  9. The appeal site is an overgrown, generally level area of land. It is bounded by fences and an important wall, as identified on the Conservation Area Plan, forming part of the broadly western side boundary. There is a curtilage listed building, converted to a dwelling, adjoining the appeal site. The end of the historical plot has been developed with a further property facing Southern Road.
  10. The dwellings that form White Horse Mews, immediately to the rear of No 12 itself, are extensive and do not appear as a subservient element to the rear of the listed building. On adjoining sites there are also some other large buildings that project back into their rear areas from the main frontage buildings and they influence the character of this rear land. Nevertheless the buildings behind the frontage buildings do generally taper down in height and scale, and then merge into a generally more open, undeveloped areas of land that reflect the historical form of the burgage plots. The appeal site retains its open form and its location, within this rear, generally undeveloped area, contributes to the character and appearance of the Conservation Area and the overall setting of the listed building.
  11. The appeal proposal would be a substantial, virtually flat roofed single storey building. While designed to be contemporary in form and materials, it would not, to my mind, successfully reference or respect aspects of the local

characteristic built form in either design or massing. While the building may follow the grain of the plot and not affect the boundaries, its substantial form and appearance would be at odds with the historically open character of this area of land. The development would undermine how the burgage plot is understood and the ability to appreciate the historic plot layout. In this way, this would harm the relationship to, and the setting of, the principal listed building at No 12. The result of the development would be to detract from the importance of this part of the burgage plot as a historical feature and thereby its contribution to the character of the Conservation Area.

12. While the very shallow slope of the roof of the appeal dwelling seeks to minimise the loss of openness and provide a step down from adjoining development, the top section of the building would still be visible above the site boundaries.
13. In particular, I noted that the appeal building, when viewed from Rooks Lane, would be apparent in views between some of the bungalows above the fence line. The long, horizontal form of the top section of the proposed building would be publicly visible and would be incongruous with the appearance of development in the wider area. In this way it would not integrate successfully with the street scene and it would appear as a discordant addition from sections of Rooks Lane, harming the character and appearance of the Conservation Area. I note that the appellant believes that the impact on the Conservation Area from this and other views would be largely neutral, however based on my findings I do not agree.
14. I noted at my site visit the unkempt appearance of the appeal site and that it is already subdivided from the other parts of the plot by a fence. Nevertheless, the land still retains a generally open form and this contribution to the character of the area would be undermined by the appeal development. As the proposed development would not affect the plot characteristics of Nos 11, 13, 14 and 16 Cornmarket the setting of these listed building and their significance would not be adversely affected.
15. I have also had regard to the appeal decision<sup>1</sup> in 2013 which dismissed a proposal for 3 dwellings. However, the present proposal is a materially different scheme that seeks to overcome the issues raised in the previous appeal. Therefore, while I have had regard to this earlier appeal decision, I have determined this appeal on its particular merits.
16. The harm that would arise from the appeal development to the character and appearance of the Conservation Area would be localised and therefore the impact on the Conservation Area as a whole would be less than substantial. I find that the harm to the setting of the listed building (No 12) is also less than substantial in this case because of the scale and separation of the proposed dwelling from this listed building.
17. In weighing the public benefits of the proposal against the harm identified, the appellant highlights that the site is in an accessible location within the town and that the building would be sustainable both in construction and in subsequent occupation, including with high levels of insulation. However, these relate to the mitigation of impacts arising from the development and are therefore neutral in the overall planning balance. It is also argued that the site

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<sup>1</sup> APP/Q3115/A/12/2187728

is overgrown and unused which would be remedied by the appeal development, although this could equally be remedied by appropriate site maintenance and this does not therefore weigh significantly in favour of the proposal.

Furthermore, the appellant contends that this is the last undeveloped section of the plot and it would be developed sensitively, although for the reasons stated previously I have found that the proposal would detract from the historical interest of the site and this matter does not therefore weigh in favour of the proposal.

18. At the time of the initial appeal submissions the appellant made the case that the Council could not show a 5 year housing land supply. The Council has indicated that it can now demonstrate a supply in excess of 5 years and this is now not disputed by the appellant. Subsequent to the Written Ministerial Statement (WMS) on Housing Land Supply in Oxfordshire in September 2018 a 3 year supply is now satisfactory in this respect. Nevertheless, the construction of the appeal dwelling would provide a small addition to the supply of housing in a location close to the town centre with its services and facilities. There would be benefits to the local economy during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in respect of construction would only be for a limited time.
19. As such, the public benefits of the appeal scheme are of no more than limited weight. The Framework requires great weight to be given to the conservation of designated heritage assets, notwithstanding that I have found that the harm arising from the proposal would be less than substantial. As a consequence, the public benefits arising from the development would not outweigh the harm I have identified.
20. Accordingly, my conclusion is that the proposal would harm the significance of the Conservation Area and that of the listed building. The character or appearance of the Conservation Area would not be preserved or enhanced, and the setting of the listed building (No 12) would not be preserved. Consequently, the proposal would be contrary to Policies CON5, CON7, CON10, H4, G2 and D1 of the Local Plan, Policies CSEN3 and CSQ3 of the South Oxfordshire Core Strategy (adopted 2012), Policies H5, ESDQ16, ESDQ20 and ESDQ26 of the Thame Neighbourhood Plan and the Framework which seek, amongst other things, to ensure that the design and scale of new development is in sympathy with the established character of an area.

## **Conclusion**

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Wyborn*

INSPECTOR