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## Appeal Decision

Site visit made on 25 January 2022

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

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**Appeal Ref: APP/D3125/W/21/3281624**

**Access Track, Land to north of Beaconsfield Farm, Great Tew, Oxfordshire OX7 4JR**

- 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 N Clarry against the decision of West Oxfordshire District Council.
  - The application Ref 20/03020/FUL, dated 3 November 2020, was refused by notice dated 25 February 2021.
  - The development proposed is to regularise the use of the access track and amend the construction and landscaping details.
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### Decision

1. The appeal is dismissed.

### Background

2. There is a complex planning history concerning the appeal site following the construction of an access track between Beaconsfield Farm and Ledwell Road. Planning permission<sup>1</sup> was subsequently obtained for an agricultural access track subject to conditions. However, more recently and notably since the Council made its decision on the appeal proposal, another permission<sup>2</sup> has been granted to vary the conditions on the original permission.
3. The most recent permission effectively allows for the retention of the existing hardcore surface dressing, post and rail fencing and hedgerow on the southern section of the track. It also includes a condition to implement the submitted landscaping scheme<sup>3</sup> which requires the resurfacing of the northern section of the track with a drought resistant seeded soil mix to a depth of 50mm. There would be no hedgerow or post and rail fencing along the eastern side of the northern section. At my site visit I observed that some soil had been added to the surface of the northern section, and that although the eastern hedgerow remained, the post and rail fencing along this section had been removed.
4. The appeal proposal is a separate full planning application relating to the access track, whereby the appellant seeks to regularise it and clarify that it would serve all traffic to Beaconsfield Farm. It proposes to strip back the existing hardcore surface and provide two concrete 'tramlines' with a central grass strip which would extend to a width of approximately 3.6m. In addition,

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<sup>1</sup> Planning reference 18/02236/FUL

<sup>2</sup> Planning reference 21/03357/S73 dated 15 November 2021

<sup>3</sup> Plan 1649 L 6 D

an automated security gate and turning head are positioned approximately halfway along its length. Landscaping details are also included to show groups of trees on both sides of the track, and the retention of the hedgerow to the east of the track. It also shows the timber post and rail fence to the east of the northern portion of the trackway as removed.

### **Main Issue**

5. The main issue is the effect of the proposal on the character and appearance of the area, including the proposed use of the access by non-agricultural vehicles, having particular regard to the impact on the significance of designated heritage assets.

### **Reasons**

6. The appeal site concerns a linear route of over a kilometre in length in a broadly north/south alignment. The northern section is fairly close to field boundaries, whereas the southern section bisects two fields. The presence of limited built form, proximity of agricultural land, parkland, woodland and hedgerows results in a strong countryside character to the area. My observations are consistent with the inclusion of the area within the semi-enclosed limestone wolds sub-area of the Ironstone Valleys and Ridges character area in the West Oxfordshire Landscape Assessment produced in 1998 (WOLA). The WOLA describes the character areas' complex landform and patchwork landscape pattern stating it to possess a very attractive and unspoilt rural character with few detracting influences<sup>4</sup>. This was consistent with my general observations.
7. There is also a concentration of designated heritage assets near to the appeal site. There are a group of six Grade II listed buildings<sup>5</sup> at Beaconsfield Farm just to the south of the appeal site. These mostly stone built structures dating from the 18<sup>th</sup> and 19<sup>th</sup> centuries include the farmhouse and associated historic agricultural buildings broadly arranged around a yard. Their significance is derived from a combination of factors including their historic and evidential value and surviving historic fabric. Added importance is derived from their group value which allows an appreciation of the past agricultural use. The appeal site is situated on agricultural land connected with the farm and therefore, contributes towards the rural setting and historic function of the listed buildings. I am mindful of my statutory duty to have special regard to the desirability of preserving listed buildings or their setting<sup>6</sup>.
8. In addition, part of the Great Tew, Grade II Registered Park and Garden lies to the north of the site on the opposite side of Ledwell Road. According to the official list entry, the landscape park originated in the 17<sup>th</sup> century, was attached to an early 18<sup>th</sup> century country house and has informal pleasure grounds and a series of 17<sup>th</sup> century walled gardens. It possesses significance due to its considerable evidential, historic and aesthetic value.
9. The wider setting of the parkland is rural and predominantly agricultural, the presence of which generally enhances its significance. The appeal site forms

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<sup>5</sup> Beaconsfield Farmhouse; Beaconsfield Farmhouse Garden Wall to south; Beaconsfield Farmhouse Barn Range approximately 50m to south west; Beaconsfield Farmhouse Granary Range approximately 40m to west; Beaconsfield Farmhouse Stable Range approximately 20m to west and Beaconsfield Farmhouse Sheltershed and Cottage Range approximately 50m to south west.

<sup>6</sup> Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

part of that context. The contrast between the formalised parkland landscape with mature tree specimens enclosed by stone boundary walling and the open agricultural fields to the south can be readily appreciated from Ledwell Road. I observed a gated entrance into the park from Ledwell Road directly opposite the appeal site, although the historic maps suggest that this is a relatively recent development.

10. Finally, Beaconsfield Farm is on the site of a Roman villa, which is recognised as a Scheduled Monument of national importance. The archaeological information provided indicates that the land to the north of the monument, which includes the appeal site, contains cropmarks potentially reflecting a prehistoric or Roman field system. As such, it is likely to contain archaeological information regarding the rural context of the Roman villa and therefore, contributes towards its archaeological significance. Hence, the appeal site forms part of the setting of the monument.
11. I have already outlined the nature of the proposals as part of the explanatory background and there is no dispute between the parties that consent for an agricultural access track exists at the appeal site. The proposal would be of a similar length and alignment to the approved scheme. Therefore, it is appropriate to focus on the areas of difference between the proposed and approved schemes, and what impact they would have on the character and appearance of the area and settings of the designated heritage assets outlined.
12. Relative to the most recently approved scheme, there are three aspects of the appeal proposal that would have an adverse effect on the settings of designated heritage assets. As a consequence, the proposal before me would be less sympathetic to their significance. Firstly, even allowing for weathering, the use of concrete tramlines would result in a greater impression of formality and permanence than both the low-key appearance of a planted hardcore surface along the northern section of the track and the retained unmade hardcore surface along the southern section.
13. Secondly, the introduction of a security gate and turning area along the length of the track would further markedly add to development in such a rural setting. Finally, the hedgerow along the eastern side of the northern section would definitively separate the access track from the adjacent field thereby encroaching more obviously into the historic field pattern<sup>7</sup>. Together these features would give the access track an appearance and status commensurate with a primary access to Beaconsfield Farm. The resulting visual impression would signal a broadly equivalent status to the existing historic access from Tracey Lane<sup>8</sup>.
14. I accept that, notwithstanding the description of development in the consented scheme referring to an agricultural access track, there is no restriction imposed on the nature or number of vehicles traversing the approved route to Beaconsfield Farm. However, the approved irregular surfacing, with the northern section planted, once weathered over time, would be likely to deter smaller or domestic vehicles from using it, especially given the existing access via Tracey Lane. Hence, the proposed concrete surfacing would be likely to facilitate more frequent usage. My view

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<sup>7</sup> Historic maps, Appendix 1b, Council's Appeal Statement

<sup>8</sup> Evident in OS extract maps Figs. 8-17, Archaeological Desk-based Assessment prepared by Oxford Archaeology, dated May 2018

- on this is reinforced by the reference to the use of concrete being more practical than the approved grassed-over hardcore to allow for cars as well as heavy farm vehicles<sup>9</sup>.
15. These combined factors would result in a more obtrusive physical feature, that would encourage more frequent usage than the approved scheme. This would harmfully detract from the informal rural qualities of the local area and negatively impact on the agrarian surroundings in which the group of listed buildings and registered park are experienced.
  16. Planning Practice Guidance advises that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting<sup>10</sup>. Nevertheless, in this case there is a public right of way to the south of the appeal site from which views of the listed group as well as part of the access track would be apparent. Moreover, given the proximity of the northern section to Great Tew Park, the harmful impact on its setting would be clearly apparent from Ledwell Road and obvious to those using the access into the park directly opposite. This would exacerbate the degree of harm arising. For similar reasons the harm identified would increase the detracting influences on the attractive and unspoilt rural character described in the WOLA.
  17. However, I accept that the proposal would incorporate a construction methodology designed to prevent any further damage to archaeology. Moreover, there is little intervisibility between the appeal site and the Scheduled Monument, particularly as there are no upstanding remains associated with it. Therefore, the relationship between this designated heritage asset and its context is best appreciated with the aid of interpretive media. The proposals would not materially alter this situation. On that basis, the proposals would not harm the archaeological significance of the Scheduled Monument. This is reinforced by the comments of the County Archaeologist<sup>11</sup>, which given her expertise attracts considerable weight.
  18. Nevertheless, this would not negate the harm I have found to the settings of the listed buildings at Beaconsfield Farm and Great Tew Park and Garden. I am not persuaded that the use of conditions could fully surmount my concerns. However, given the relatively modest differences relative to the consented scheme, the resultant harm in this case would be less than substantial in nature.
  19. Paragraph 202 of the National Planning Policy Framework advises that in such circumstances the harm should be weighed against the public benefits of the proposal. The development would be likely to encourage most vehicular traffic to Beaconsfield Farm to access it from Ledwell Road, thereby avoiding the use of Tracey Lane. In turn, this may reduce conflict with other traffic using Tracey Lane which is generally single carriageway. However, the consented scheme already provides a suitable route for larger slow moving agricultural vehicles, which pose most risk of conflict with other traffic on Tracey Lane and in any event, it is not shown that there is presently a highway safety problem with the use of Tracey Lane. Furthermore, the appellant suggests that the additional use of the track by vehicles unconnected to the running of the agricultural business

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<sup>9</sup> Landscape Statement prepared by Portus and Whitton, dated August 2020

<sup>10</sup> Paragraph:013 Reference ID:18a-013-20190723

<sup>11</sup> Dated 10.12.20, Appendix 4, Appellant's Appeal Statement of Case

would be quite limited<sup>12</sup>. Consequently, the advantages to the travelling public from likely changes to highway use as a result of the proposals would be limited, and therefore, attract a commensurate amount of weight.

20. The proposals include measures for tree planting and the retention of a hedgerow that would positively contribute to biodiversity. Given the modest scale of the proposal, this attracts limited weight as a public benefit.
21. Although less than substantial, mindful of the statutory duty and national policy<sup>13</sup>, the harm to the significance of designated heritage assets attracts great weight. This weighting is reiterated in policy EH9 of the West Oxfordshire Local Plan 2031, September 2018 (LP) which seeks to safeguard the district's historic environment. Therefore, the limited public benefits identified would not clearly and convincingly outweigh the harm to the settings of the group of listed buildings and registered park.
22. As already alluded to, based on the evidence presented, there is no mechanism contained in the existing approvals whereby domestic traffic connected with Beaconsfield Farmhouse could be prevented from using the access track if they chose to do so. Nevertheless, this would not amount to sufficient justification for the harmful physical measures proposed.
23. Accordingly, I find that the proposal would cause additional unjustified harm to the settings of a group of six listed buildings and registered park and garden over and above the access track already approved. Furthermore, it would result in harm to the rural character and appearance of the area. Therefore, the proposal would conflict with policies OS2, EH2 and EH9 of the LP. Amongst other matters, policy OS2 sets out general principles relevant to all development which includes seeking to conserve and enhance the natural, historic and built environment and as far as is reasonably possible protecting or enhancing the local landscape. Policy EH2 generally seeks to conserve and enhance the landscape character of the district. Finally, policy EH9 stipulates that proposals which would harm the significance of a designated heritage 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.

## **Conclusion**

24. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise<sup>14</sup>. Based on the information before me, there are no other considerations that would justify determining the proposal other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Helen O'Connor*

Inspector

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<sup>12</sup> Paragraph 7.4, Appellant's Appeal Statement of Case

<sup>13</sup> Paragraph 199 National Planning Policy Framework

<sup>14</sup> Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.