

**Applicant:** Williamscot Estate

**Proposal:** Regularising historic internal and external works to the East Wing of Williamscot House - refer to supplementary sheet for details

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Cllr Ken Attack  
Cllr George Reynolds  
Cllr Douglas Webb

**Reason for Referral:** Member call-in request – Councillor Attack

**Expiry Date:** 28 November 2017      **Committee Date:** 26 October 2017

**Recommendation:** Approve

---

## 1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to East Wing at Williamscot house, a late sixteenth century building situated within Williamscot, a settlement to the north east of Banbury. The site is accessed from a private driveway which has two access points from Cropredy Lane and further along the road at 'Williamscot Road' (to the North West).
- 1.2. The house itself has historically been divided into two wings (East and West), with a latter addition to the west of the property being known as the Georgian Wing. The East and West Wings of Williamscot House are Grade II\* Listed and there are a number of Grade II Listed Buildings in close proximity, including the Georgian Wing; Orangery And Attached Wall Approximately 5 Metres West Of Williamscot House; Stable Range Approximately 25 Metres North West Williamscot House; and the Old School House. The site is also located within the designated Williamscot Conservation Area.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The planning history for the site is long and complicated. At some point between 1969 and 2014 a number of alterations were carried out to the listed building without Listed Building consent. It is noted that the majority of these alterations were latterly included on plans for other listed building consent applications (which were approved), but no consent was specifically sought for these works.
- 2.2. This application seeks to regularise the historic works to the Listed Building. Given the long and complicated history of the application site, it is difficult to identify which of these works require consent (and which have previously received it). Nevertheless, a schedule of works has been produced which, to the best of our knowledge, identifies these items.
- 2.3. The schedule of works has been produced jointly for the East and West Wings (pages 14 to 23 are not relevant in this instance as they solely refer to the West Wing). Particular items of note are the creation of a new corridor adjacent to the first floor master bedroom (with the creation of an en suite); and an access through the

existing wall to the bathroom. It is noted that a number of other alterations have been made to the plan form of the building, including a ground floor WC being inserted in the hallway between the front door and the downstairs second kitchen.

- 2.4. A concurrent Listed Building consent application has been submitted for the West Wing, application reference 17/01034/LB.
- 2.5. Both the current application and the concurrent East Wing application (17/02025/LB) were before Members at the previous meeting of the Planning Committee. Members are reminded that, following the receipt of the Conservation Officer's comments (as well as a technical issue with the East Wing applications), the recommendation was amended to defer both applications. Consideration has now been given to the Conservation Officer's comments and the following sections have been updated accordingly.

### 3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
LB.B.9/69	Subdivision of property into 3 dwellings	Application Permitted
LB.B.25/72	New External Steps	Application Permitted
LB.B.28/72	Convert West Wing into self-contained dwellinghouse	Application Permitted
B.827/72	Convert 18th century wing into a self-contained dwelling	Application Permitted
12/01085/LB	Single storey extension	Application Permitted
12/01086/F	Single storey extension	Application Permitted
13/01142/LB	Internal alterations to reinstate East and West wings as 1 dwelling.	Application Permitted
13/00343/DISC	Clearance of conditions 5 & 6 of 13/01142/LB	Application Permitted
17/01034/LB	Regularising historic internal and external works to the West Wing of Williamscot House - refer to supplementary sheet for details	Pending Decision
17/01424/CLUE	Certificate of Lawfulness of Existing Use. The West Wing is a self-contained dwelling with its own entrance, kitchen and bathrooms. In the future it may be either sold together with the East Wing to make a "granny flat", or a large single dwelling, or	Application Permitted

sold separately on its own. For the foreseeable future we wish to rent the West Wing to tenants.

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No pre-application discussions have taken place with regard to this proposal.

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is 02.11.2017.
- 5.2. Whilst no comments were received at the time of writing this report it is noted 1 representation had been made in respect of an identical application for the East Wing which was previously withdrawn (application 17/01033/LB refers). Given that there has been no material change in the nature of the application, these comments have been taken into account in the assessment of this application.
- 5.3. The comments raised by third parties are summarised as follows:
- The neighbouring occupiers objected the application (and the concurrent West Wing application) as they consider harm has been caused to the historic fabric of the listed building and no clear and convincing justification has been provided. It is noted that they also produced a heritage statement regarding the proposed works concluding that the majority of them should be refused consent.
- 5.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

#### **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

##### WARDINGTON PARISH COUNCIL

- 6.2. Wardington Parish Council raises no objections to the proposals.

##### STATUTORY CONSULTEES

- 6.3. Historic England originally advised that it did not wish to comment on the application and that advice should be sought from Cherwell District Council's conservation specialists. However, following on from the amount of neighbour and political interest in this application (and given the complicated planning history of the site), Historic England was requested to provide comments.
- 6.4. Historic England carried out a joint site visit with CDC Planning and Conservation Officers on 18/09/2017 and has provided the following written response, which concludes:

*Historic England supports the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 17 and 132. In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In our opinion granting this application would be consistent with paying special regard to the desirability of preserving the listed building.*

#### **NON-STATUTORY CONSULTATION**

- 6.5. The Conservation Officer was involved in the assessment of the application and the investigations into the status of the works. Their formal comments are a joint response to the East Wing and West Wing applications. A summary of their response is provided below:
- 6.6. The Conservation Officer recommends that the application is refused on the basis of two aspects of work:
- The ground floor cloakroom (East Wing).
  - The new opening and en-suite bathroom at first floor (East Wing).
- 6.7. They further recommend that the applicants engage in pre-application discussions to discuss how the above can be rectified.

#### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

##### **CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)**

- ESD15 - The Character of the Built and Historic Environment

##### **CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)**

- C18 – Proposals affecting a listed building
- C28 – Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
  - The Setting of Heritage Assets: Historic England Good Practice (2015)

## 8. APPRAISAL

- 8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).
- 8.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 129 of the NPPF states that: *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.*
- 8.4. Paragraph 132 of the NPPF states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.5. When dealing with an application for listed building consent it is imperative to understand the significance of the building. In this instance, the significance of the building lies within evidential value retained in the walls, floors, and roof structure of the building. The exterior of the building is also considered to contribute towards the significance of the building, being of architectural value.
- 8.6. This part of the building has undergone a great deal of change in the later 20th century and it is likely that the West Wing took its current form in 1969 when Williamscoth House was subdivided (and the consented plans were not implemented fully or accurately). As a result, many of the internal works in the East Wing do not benefit from listed building consent, despite the fact that the building has probably been in this state for approximately 50 years.
- 8.7. Historic England has advised that:

*The unauthorised works, while different to those consented, have in my opinion only meaningfully harmed the significance of the building in one respect: a doorway has been cut through primary fabric at first floor level to provide direct access from the landing to the bathroom. However, as the harm is purely to the evidential value of the building through loss of early fabric and this harm would not in any way be rectified or ameliorated by blocking this opening, there is no sound reason for refusing retrospective consent. Another issue is that the partitions forming at WC out of the passage linking the front door to the kitchen at ground floor level do separate off one light of a three light mullioned window. However, as this is not visible externally and the room in question is not of particular significance in itself I think that it would be reasonable to conclude that the level of harm is very low and could be justified (as is required by paragraph 132 of the NPPF) in the context of producing a workable plan for modern living. Requiring the applicant to restore other aspects of the house to its supposed form in 1969 (which*

*it probably never took) would not aid the preservation of, or enhance, the significance of the building in any way.*

- 8.8. The Conservation Officer has raised objections to two main elements in the East Wing (relating to the insertion of a ground floor WC; and the knocking through of the first floor corridor into the bathroom and the creation of an en suite. As previously identified, the significance of the building lies in the evidential data that can be obtained from understanding how the building can be built. The two elements of the scheme (as stated above), are less than ideal and harm to the buildings significance has been caused by this development. However, having regard to Historic England's comments, it is considered that this significance has been lost and in this instance, there would be no public benefit in refusing consent for these historic works. Whilst the Conservation Officer has objected to the proposal, having regard to HE's comments and taking the proposal as a whole, limited harm has been caused to the historic significance which would not warrant a refusal in this instance.
- 8.9. Whilst it is noted that the neighbours objected to the previous application for the East Wing works (including submitting their own Heritage Statement), it is considered that these comments did not appropriately assess the significance of the building. Historic England (in respect of the concurrent West Wing application) advises that this heritage statement makes, *'the error of assuming that the entire plan form as shown in 1969 contributed to the significance of the building ... this is not the case'*.
- 8.10. Having regard to all of the above mentioned comments, it is considered that the proposals have not detrimentally affected the significance of the building (which lies in the evidential value retained in the walls, floors and ceilings) and that the proposals therefore accord with Saved Policies C18 and C28 of the CLP 1996, Policy ESD15 of the CLP 2031 (Part 1), and Government guidance contained within the Framework.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. In conclusion, the proposed works are not considered to be demonstrably harmful to the historical significance of the listed building. It is therefore considered that the proposal complies with Saved Policies C18 and C28 of the Cherwell Local Plan 1996; Policy ESD15 of the Cherwell Local Plan 2011-2031; and Government guidance contained within the National Planning Policy Framework.

## **10. RECOMMENDATION**

That consent is granted, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement; 'History of East and West wings of Williamscoth House since 1969'; site location plan 'SP4745NE'; 'Ground Floor Plan'; 'First Floor Plan'; 'Second Floor Plan'; and 'Williamscoth House Schedule of Works Version 5' (with the exception of pages 14 to 23).

Reason – For the avoidance of doubt, to ensure that the development is carried

out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Coyne

TEL: 01295 221652