

Heritage Addendum

**Land west of A4074, to the northwest of Nuneham
Courtenay, South Oxfordshire**

On behalf of RES Ltd

Date: October 2024 | Pegasus Ref: P21-2947

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1. Introduction

- 1.1. This Heritage Addendum has been prepared to provide further consideration of the proposed solar scheme at land west of the A4074, Nuneham Courtenay (Planning ref: P24/S1336/FUL) in relation to certain heritage assets following the receipt of consultation responses from a number of parties.
- 1.2. With regards to the Nuneham Registered Park and Garden and listed buildings within, we consider that the assessment contained within the Heritage Baseline and ES Chapter in regard to these assets is robust and sufficient to enable a decision-maker to balance the harms identified against the significant public benefits of the renewable energy scheme. We stand by our conclusions on this matter. We note there have been a number of consultation responses relating to this asset and potential harm arising from the Scheme on the significance of this asset. Further assessment or review of assessment within the areas of alleged sensitivity within Nuneham RPG requires access to be granted as not all of the RPG is publicly accessible. This has not been possible within the timeframe of this Addendum. Comments on this asset which do not rely on additional site visits have been addressed where possible.
- 1.3. This document is a supplement to the original Heritage Baseline and ES Chapter. Historic background information and detailed discussion of significance and the contribution made by setting of relevant heritage assets can be found within these original documents. Relevant information is reproduced here, but these documents should be read together.

2. Consultation Comments

2.1. Consultation responses have been received from a number of stakeholders and consultees. Responses including elements relating to heritage were received from:

- Oxford Preservation Trust (19th June 2024 & 16th September 2024);
- Historic England (20th June 2024);
- Oxfordshire Architectural and Historic Society (4th June 2024);
- The Gardens Trust (5th June 2024);
- Georgian Group (21st June 2024);
- Oxfordshire South Heritage Officer (19th June 2024);
- Nuneham Courtenay Parish Council (5th July 2024 & 16th September 2024);
- Oxfordshire County Council Archaeologist (25th June 2024).

2.2. A number of comments were made on a variety of matters within these responses. These can generally be grouped into the following:

- Under-estimation of harm to Nuneham Grade I Registered Park and Garden (RPG);
- No assessment of Nuneham Courtenay Conservation Area;
- Disagreement with Pegasus assessment of the level of harm to grade II* listed All Saints Church, Nuneham RPG and Nuneham Conservation Area;
- Disagreement over level of harm to Grade II Lower Farm Barn Range;
- Disagreement over significance of the archaeology within the northern portion of the Site and the mitigation strategy.

Response to General Comments

2.3. A number of non-specific comments were made with regard to policy, the NPPF, levels of harm etc. These are addressed here.

2.4. A number of the consultation responses cited the NPPF requirement for ‘*clear and convincing justification*’ when harm or loss of significance is found to a designated heritage asset. It is noted that the Courts (*Pugh*¹) have held that where the decision-maker works through the sequence for assessing proposals which are found to cause harm to heritage assets in the context of Paragraphs 205–208 of the NPPF and finds that any harm to

¹ Pugh v SoS for Communities and Local Government [2015] EWHC 3 (Admin).

significance is outweighed by public benefits, then the clear and convincing justification referred to at Paragraph 206 of the NPPF is in place.

- 2.5. The Oxfordshire Architectural and Historic Society in their response of 4th June 2024 state the scheme would cause ‘*substantial damage to the setting of a number of listed buildings including Lower and Upper Farm, the approach to the planned village of Nuneham Courtenay and the views from All Saints’ Church within the Grade I listed park.*’ Upper Farm is not a listed building. The response does not articulate how “*substantial damage*” would be caused to setting and it is noted that setting is not a separate element in and of itself. It is how the setting contributes to the significance of the assets that matters. This is the basis on which the assessment presented in the heritage statement was made.
- 2.6. The responses from the Gardens Trust of 5th June 2024 and the Oxford Preservation Trust of 19th June 2024 allege substantial harm to the RPG. It is reiterated, there will be no physical impacts to the RPG. The Scheme would not block, remove or in any way impede any key view outwards. The main built and designed landscape elements within the park will not experience any physical impacts from the Scheme. Harm is acknowledged to this asset through changes to its setting which contribute to significance which is reported as less than substantial at the lower end of the scale. As set out in Planning Practice Guidance para O18:
- “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.”***
- 2.7. More recently, the issue of substantial harm has been considered in the High Court in the London Historic Parks and Gardens v SoSHCLG [202] EWHC 829 (Admin) case. Within this, Mrs Justice Thornton considered the approach of an Inspector when considering the issue of substantial harm and the tests to be applied and whether he had applied the correct tests. At para 37 of that judgment the Judge found that no issue could be taken with the Inspector stating that the test is a high test and at paragraph 46 that the Inspector formulated his own test – the serious degree of harm to the asset’s significance. The Judge found this approach unimpeachable.
- 2.8. At paras 52 and 53 of the judgment, the Judge sets out that the tests of Bedford and PPG are essentially applying the same key test in that the important consideration is that the adverse impact must seriously affect a key element of special architectural or historic interest (or why the asset was designated).
- 2.9. Thus the test to be applied for substantial harm can be considered to be an adverse impact such that causes a serious degree of harm to the asset’s significance. This is a high test. The proposed Scheme does not approach this level of harm to the RPG (or any other asset).
- 2.10. The consultation response from Historic England (20th June 2024) and the Heritage Officer (19th June 2024) noted that a glint and glare assessment should be undertaken in particular in relation to the grade II* listed Church of All Saints within Nuneham RPG. Pager Power, the



glint and glare consultants for this Scheme have prepared a Supplementary Statement² as part of the submission of Addendum material which sets out that significant impacts from glint and glare to observers from the Church of All Saints.

² Pager Power 2024., *Supplementary Statement on All Saints Church.*

3. Nuneham Courtney Conservation Area

- 3.1. The main comments regarding this asset were the lack of assessment and then setting out there would be harm arising to the planned 18th-century layout of the settlement.
- 3.2. None of the consultation comments make reference to the text at paragraph 6.12 of the submitted Heritage Technical Baseline (Appendix 8.1) which clearly sets out the rationale behind the exclusion of the Conservation Area from further assessment. It was not considered that the approach to the Conservation Area along the A4074 southwards made a contribution to the special interest of the Conservation Area, which is formed by the historic buildings and open spaces between.
- 3.3. Pegasus stand by this conclusion. However, in order to address the comments made within the consultation responses, an assessment has been made of the Conservation Area, its significance and the contribution made by setting.
- 3.4. The Nuneham Courtenay Conservation Area (see plate 4 below) was designated on 11th December 1984. It appears from the boundary set out on the mapping from the South Oxfordshire Council website that the boundary of Conservation Area has remained static since designation. Conservation Areas are designated for their special archaeological and historic interest, the character and appearance of which it is desirable to preserve.
- 3.5. It is noted there is no statutory duty to have special regard to the desirability of preserving the setting of Conservation Areas in the same way as Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires for listed buildings, however the consideration of setting in terms of contribution to significance is a requirement of national and local policy.
- 3.6. There is no Conservation Area Appraisal document for this area however there is a Legal Agreement³ which within it sets out the national importance of the Nuneham Courtenay Conservation Area:
- The architectural integrity of the settlement – the uniformity of the buildings including the colour of their paintwork and architectural detailing;
 - The linear form of the village;
 - Open spaces between the pairs of cottages;
 - Simple, low paling fences and open spaces between them; and
 - The relationship of the village to the park from which the original community was displaced.

³ https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2022/11/Nuneham-Courtenay-Legal-Agreement_Redacted.pdf A
Guide to the Planning Legal Agreement Nuneham Courtenay

- 3.7. The importance is also formed by the completeness of the settlements as a displaced village and the rarity as a surviving example of planned village. It is noted that although the Conservation Area boundary includes the entirety of the RPG, this mainly seems to be because of the historical connection to the settlement.

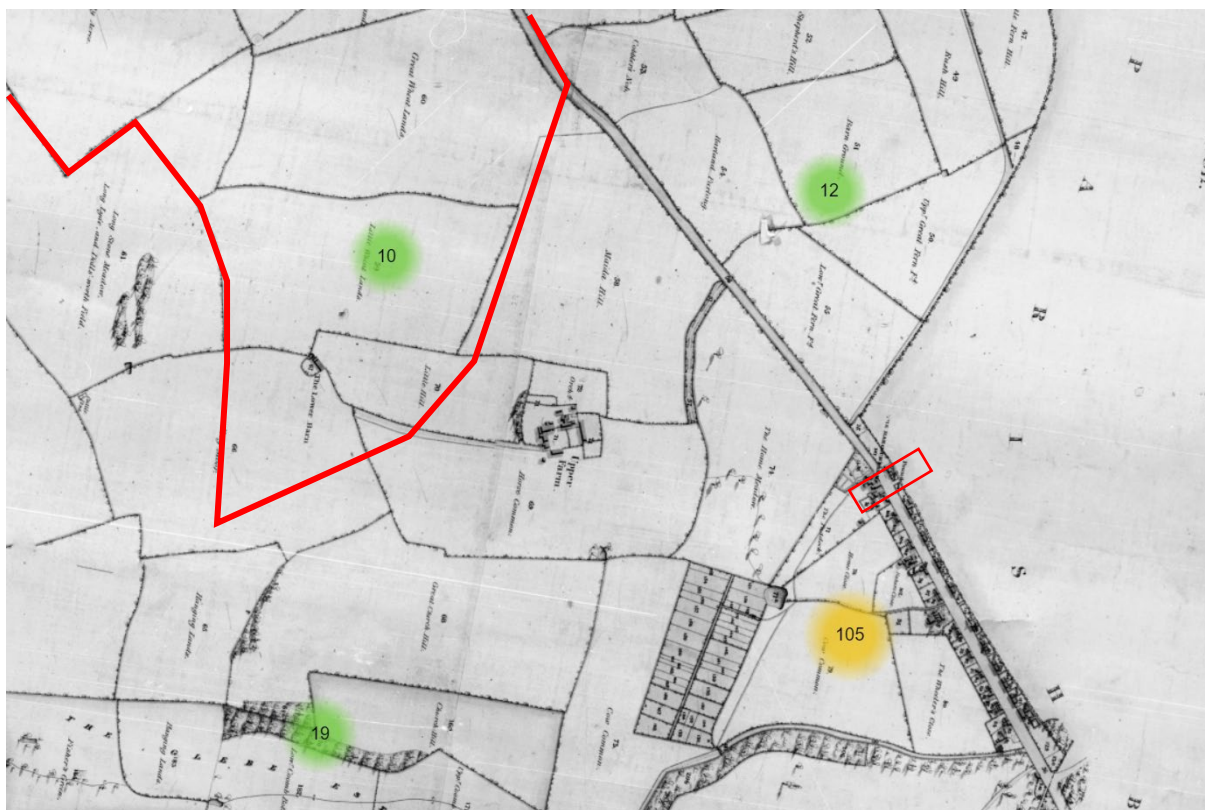


Plate 11838 Nuneham Courtenay tithe map with the site boundary in red, red box indicates northern edge of built form (© thegenealogist.com) (numbers on this map correspond to numbers of tithe apportionment records)

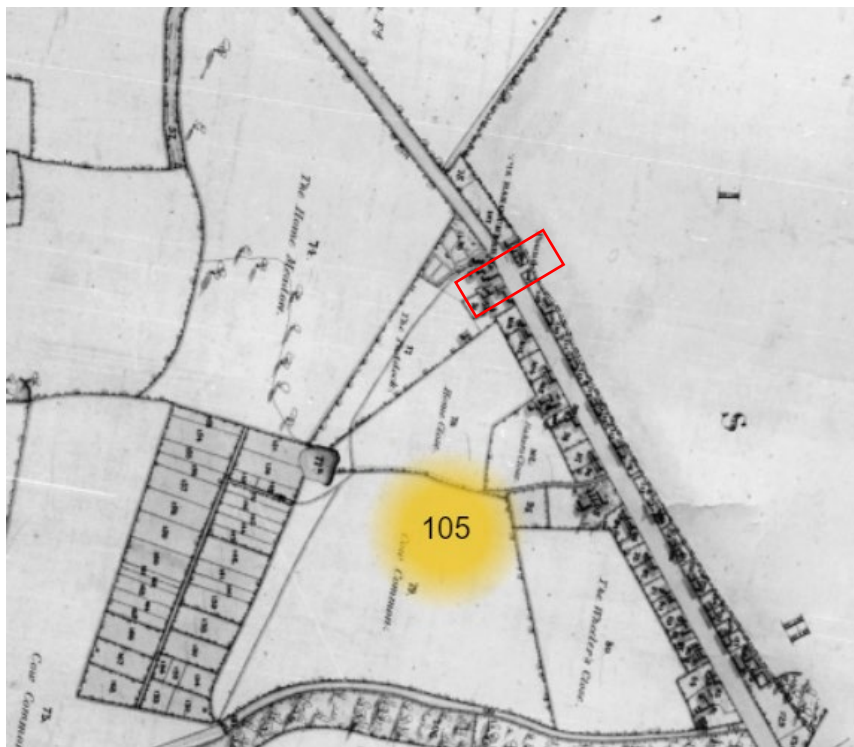


Plate 2 Close up of the settlement of Nuneham Courtenay as of 1838 red box indicates northern edge of built form. Also note the land parcel which forms the northern boundary of the Conservation Area is not yet present on this mapping and is a later addition (© thegenealogist.com)



Plate 3 Northern edge of the Conservation Area – note the modern built form extending north from the Conservation Area on the northern side of the A4074 and the car-park on the southern side – between the Site and the Conservation Area historic core.

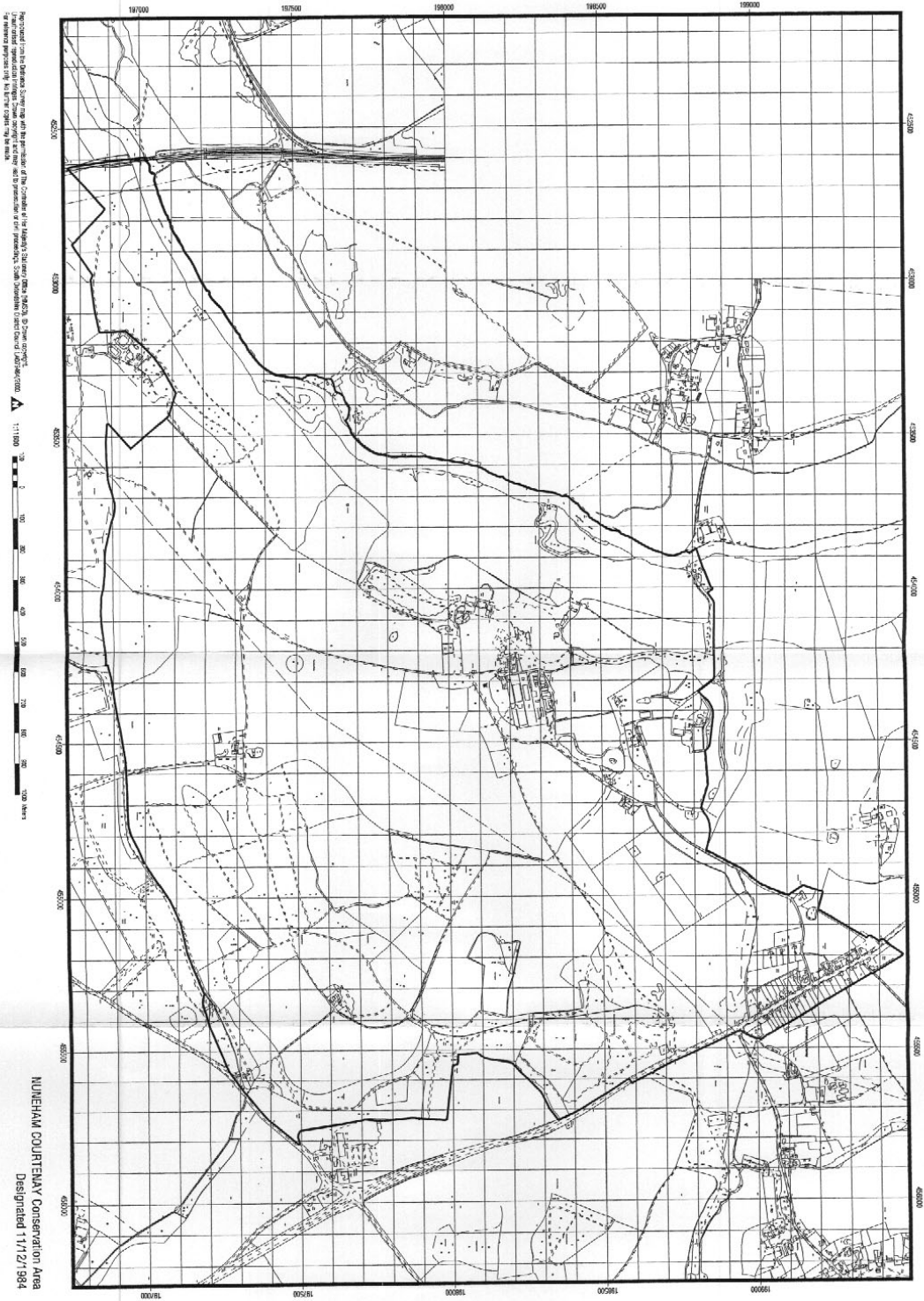


Plate 4 Nuneham Courtenay Conservation Area boundary



- 3.8. The setting of the Conservation Area contributes to this significance, but this is clearly less than that made by the built form and open spaces within the Conservation Area boundary. The setting is limited due to the scale, but it is considered that the immediate surrounding landscape and open fields to the east reinforce the linear layout of the settlement. In terms of views there are limited views out of the settlement. Views north from within the settlement are limited by the rising ground and views south are similarly blocked by vegetation. The strong, linear form of the village and the building line being so close to the carriageway means that there is very enclosed feeling with few glimpses beyond to the east and west. There are footpaths leading west from the rear plots into the parkland of Nuneham which offer longer distance views to the rear of the built form but further along these paths to the west, these views of the settlement diminish.
- 3.9. It is worth noting that the settlement of Nuneham Courtenay is no longer part of the Nuneham estate. It was sold off by the Harcourt family in 1948 to the University of Oxford who themselves began to sell off individual plots in the 1970s. Therefore, whilst there is a strong and obvious historic connection between the settlement and estate, this is no longer current.
- 3.10. The proposed Site was once part of the wider Nuneham estate – along with large swathes of land in this area. The land within the Site was not farmed by anyone within the settlement (as shown on the 1838 tithe map). The land within the Site no longer forms part of the wider Nuneham estate and therefore this historic link is no longer extant. It is considered that any contribution the Site makes to the significance of this asset is derived from an historic association. Any visibility of the Site is within the bounds of the RPG rather than from within the historic built core of the linear settlement.
- 3.11. The settlement of Nuneham Courtenay has an unusual history, emerging fully formed over a short period of time. Its origins arose out of the necessity to rehome the residents of the original medieval settlement of Newnham (as it was called) which was located to the west. The 1st Earl Harcourt had built his new Palladian mansion at Nuneham after purchasing the estate and to accompany this, the Earl, a member of the Dilettanti Society, wanted to create a classical landscape which showcased his love of classical architecture picked up on his travels on the Grand Tour. However, the medieval settlement of Newnham lay in his way. To resolve this, the Earl constructed an entirely new village, utilising the already existing Oxford to Henley turnpike road as the spine, approximately 1.5km to the east of the existing settlement. The village was built swiftly, all in one phase in 1760–61 and included an inn called the Harcourt Arms. The village was renamed from Newnham to be Nuneham Courtenay and the Earl's seat became known as Nuneham Park.
- 3.12. The village was a very deliberately planned layout with 18 symmetrical pairs of cottages which had generous gardens to the side and rear. It has a classical formality which seems to indicate that the Earl perhaps had a hand in the design – or it could be the case that the existing turnpike offered the ideal location and framework for the settlement. The thoughts of the residents on this move are not well-documented however there is a famous story of a resident named Babs Wyatt who had refused to move from her property and so was allowed to remain until her death when her cottage was finally demolished. The majority of the buildings within the Conservation Area are grade II listed, all being original cottages of the planned estate.
- 3.13. The Nuneham Courtenay Legal Agreement describes the history and development of the settlement and states:

“Architectural emphasis was provided at both entrances to the village by position of larger and grander buildings on both sides of the road. The two at the Oxford end were placed at right angles to the road and effectively screened the village from view.” (my own emphasis).

- 3.14. It is the case then that the built form of the settlement was not designed to have an extensive approach or approach which signalled the presence of the built form. The start of the built form was marked with emphasis, but this emphasis was one of marking the start of built form rather than welcoming a traveller along the road from a long distance north that the village approached. The intention appeared to be to screen the village in views from the north in contrast to the southern approach from Henley which has taller buildings set parallel to the road, and therefore not closing off this approach in the same way as the northern end.
- 3.15. Due to the topography, when travelling south towards Nuneham Courtenay along the A4074, there is no awareness at all of the settlement or the wider RPG when travelling south in the area adjacent to the proposed Scheme. It is also noted that panels will be pulled back by some distance from the eastern edge of the Scheme, with hedgerows along the edge to further screen views. This will result in a user of that road not being aware that there is a solar scheme in that location.
- 3.16. I would note there is no pedestrian access along the A4074 beyond the extent of the car-park at the northern edge – including along the edge of the Scheme. The A4074 is a fast-moving road and therefore it is the case that the only users of the road entering the settlement from the north would be car users or cyclists, travelling at speed with views which would be changing all the time.
- 3.17. When travelling south, by the time any built form of Nuneham comes into view, the proposed Scheme is well behind the viewer. It is also the case that the first experience of built form when entering Nuneham is the car park of the disused Harcourt Arms, later a restaurant and new built form at Yew Tree Courtyard both of which are in the Conservation Area and form a modern buffer to that northern edge on arrival.
- 3.18. The current entrance into the parkland of Nuneham is located within the village. Historically the entrance was located at the southern end of the village. As set out above, there is no experience at all of the Scheme for some distance to the north of the village and therefore the experience of entering the registered parkland will remain as it is today – that is via the planned village.
- 3.19. The elements of the national importance as set out in the Nuneham legal agreement would not experience any change from the proposed Scheme. The ability to understand the connection with the estate, the origins and striking layout of the settlement will not experience change. There will be no experience of the Scheme and the historic core of the settlement in any of the same views and if travelling south towards the village, there would be no time at which the proposed Scheme would be present within a wider arc of view with the settlement given the topography and the distance between the southern Site boundary and the northern boundary of the Conservation Area.
- 3.20. Therefore, it is the case that the significance of the Nuneham Courtenay Conservation Area will not experience harm from the proposed Scheme.



4. Nuneham Registered Park and Garden

- 4.1. The Grade I Registered Park and Garden (RPG) of Nuneham is privately owned and access has not been possible within the timeframe of the preparation of this Addendum. As such, further requested viewpoints and photography have, unfortunately not been able to be collected. However, further information or comment is made here on the consultation remarks where this is possible.
- 4.2. It is noted although Historic England required further information, they agreed with the conclusion of less than substantial harm to the significance of this asset.
- 4.3. The consultation response of the Georgian Group (21st June 2024) made a number of references to the ES Chapter 8 Cultural Heritage Assessment of the RPG, however this has misunderstood the assessment. They state that at para 8.4.17 of the ES, the '*primacy of the view from the Grade II* listed All Saints church towards Oxford...*' is asserted. This is not the case. It is acknowledged that this is a key view within the estate, however nowhere is it asserted that this is the key view from the estate. The discussion of this view in the context of the assessment of the wider RPG, not the Church. This is subject to its own assessment from paragraph 8.4.20 onwards which reports a higher level of harm – less than substantial at low end. The Georgian Group do not reference this in their response. It is, therefore wholly appropriate for the view from the church to be acknowledged as a key view but recognised that this is one key view of many within, through, out of and into the RPG. The Georgian Group have made the error of assessing the effect on one single element of an asset that contributes to significance rather than assessing the effect on the asset as a whole.
- 4.4. Similarly, the consultation response from the Gardens Trust (5th June 2024) insinuates that the view towards Oxford, distant, to the north, is the key, defining view of the parkland. It is accepted and acknowledged consistently within the ES that the views northwards towards Oxford are key views – with the view from All Saints Church being a key one of these, given the building was sited to take advantage of the elevated position. The ES does not seek to downplay this key view, but rather seeks to make it clear that this is not the only key view within this landscape. There are a number of other views which are of equal, if not greater importance (the view from the Thames being a particular example), which will not experience any change whatsoever from the proposed Scheme.
- 4.5. A number of the consultation responses have referenced the Farington view in the Boydell text of 1793, a *view of Nuneham towards Oxford*. There are a number of questions or comments to make on the inclusion of this image – which is included to provide evidence of the importance of a view north from the park boundary. Firstly, the extent to which that engraving replicated the reality of that view when painted ; that is how much was a romanticised, idealised version of reality painted to conform to expectations of the benefactor/reader/viewer (and to sell the book); secondly whether that view is still available from that location and the third issue with this is whether the proposed Scheme would appear within this hypothetical view even if it were a reflection of reality and still available. It is noted that there are a number of sketches and landscapes of Nuneham Park by Joseph Farington undertaken as part of the publication *An History of the River Thames Vol I 1794* by John and Josiah Boydell. The view of Nuneham towards Oxford is only one within this sequence which also includes *Nuneham from the Wood, Abingdon from Nuneham Park and Carfax and Abingdon from Whiteheads Oak*. The proposed Scheme would not be visible in any of these other images.

- 4.6. Nuneham has indeed been the subject of a number of artists throughout its lifetime. Paul Sandby in particular was a good friend of the 1st Earl Harcourt and became practically the painter in residence for the Earl in the 1760s and painted a number of views and prospects of the parkland. Another well-known painter of this landscape was J. M. W Turner. In the sketches of Nuneham Courteny made by J. M. W Turner in 1787 and 1789, both are of the house of Nuneham from the Thames. Turner made two sketches, one likely a copy of an earlier Paul Sandby oil painting of Nuneham Harcourt seen from Lock Cottages. None of these views show the view north towards Oxford from any point within the parkland. Of the numerous painters and paintings of Nuneham, there are a small number which feature views north but there are a greater number that feature views within the parkland, views towards the house and views out to different locations such as towards Abingdon to the west.
- 4.7. It is the case that the proposed Scheme would appear in the view north from the plateau in front of the Church of All Saints. The proposed Scheme would not block this view or render it redundant in informing the viewer of the location of Oxford beyond, or the topographical situation. The key elements of the view from the parkland northwards – that is the distant glimpses of Oxford (such as any of the historic elements are still visible) and the ability to appreciate the sweeping lower lying ground adjacent to the meander of the Thames will not experience any change from the proposed Scheme. There will be a change in this view introduced by the solar development, however this is a view which is already occupied with pylons and modern infrastructure and a modern field pattern with large modern buildings in the view in the distance. It is not, as alleged in the Gardens Trust response of 5th June 2024, an *undeveloped, bucolic setting*. The change will reduce the view of agricultural fields, and will slightly reduce the ability to appreciate this wider landscape.
- 4.8. However, as stated above, the assessment of harm to the significance of this asset is based on the asset as a whole. The assessment of the RPG does not boil down to the assessment of the harm to one identified view. The significance of this asset is not derived in its entirety from one view from one area of the asset. The ES clearly sets out that the Screened Zone of Theoretical Visibility (SZTV) indicates that the Scheme will not be visible from the majority of the asset and this includes from other key views which have been the subject of numerous paintings and sketches. In particular, the view from the main house, the focal point and centrepiece of the designated landscape look west and will not be altered by the proposed Scheme. The views from the terrace outside the house west, across the Thames Valley will not include the proposed Scheme. The views from the Thames, looking towards the house and the views within the grounds within the gardens would not contain the proposed Scheme. It can be said, therefore, that the majority of key views from this asset will not experience any change from the proposed Scheme and, as reported, the key elements of the key view in which the Scheme will be present, will not be altered.
- 4.9. The Heritage Officer in their 19th June 2024 response sets out that the ES argues that the Scheme would impact on one key view only and somehow downplays harm as a result, They state: *'By contrast, I would suggest that aside from the house, the church is such a key focal point of the design of the parkland, that the level of importance this view carries is fairly high, and that the harm to significance should be considered proportionately higher. Both the church and the gardens were primarily created in the pursuit of beauty and the proposed development impedes those aims.'* The Officer goes on to suggest the level of less than substantial harm should be at the higher end of the scale.

- 4.10. Pegasus do not disagree that the church was a focal point of the design or that it was primarily built as garden ornament with the church function rather an incidental point. However, it is argued that the views of the Church, such as those painted by Sandby, are all of the church in the landscape – the church as focal point. To elevate this view to a significance such that it results in a level of harm at the higher end of less than substantial, when this is a temporary change to a view already containing modern features, and which will not block the intended terminus of the view (Oxford skyline) is to overstate this level of harm. This also, as stated, does not take into account the significance of the RPG as a whole.
- 4.11. There is nothing to suggest that in consideration of the parkland as a whole, this view was any more important than any other. There are no paintings, etching, aquatints or engravings known to this author at this time of the view from the church (see below in the section of Church of All Saints). It is certainly the case that the view north was one to be enjoyed – hence the portico on the northern side of the church, however this does not elevate this view over and above any other within the parkland which had the same intention, such as the view from the house, the view from the Whitehead Oak, the view from the river etc.
- 4.12. It is for this reason that a finding of less than substantial harm at the lower end of the scale has been reported. Pegasus and the Heritage officer are of the same conclusions that there would be less than substantial harm – we differ on the where on that scale the harm would sit. Any harm is to be weighed by the decision-maker in the planning balance.

5. Grade II* Church of All Saints

- 5.1. Consultation comments were received from the Heritage Officer (19th June 2024) with regards to this asset specifically, disagreeing with the level of harm set out in the ES, though not suggesting a different level of harm within their response.
- 5.2. The focus of the comments is in regard to the view north from the church. The Heritage Officer suggests that: *'The assessment fails to understand the importance of this view and how it informed both the placement of the grade II* building, its architectural design, and its unusual function as both a place of worship and as a place of leisure from which to enjoy the view.'*
- 5.3. Pegasus refute this, noting that the view from the church is identified at paragraph 6.74 of Heritage Technical Baseline Appendix 8.1 as forming part of the setting which contributes to significance and at 8.4.22 – 8.4.24 of the ES Chapter 8 the importance of this view and the siting of the church is discussed, forming the basis of the assessment of harm. The importance of this view was of course taken into account as harm was found to this asset, less than substantial at the low end. No other elements of the setting of this asset would experience harm and the physical fabric of the building would not be affected by the Scheme. Therefore if this view was not considered to be of importance to significance, the appearance of the Scheme within it would not cause any harm to significance.
- 5.4. Pegasus stand by the conclusions in our assessment. In order to address the comments made by the Heritage Officer, further narrative is set out below with regards to the church and that particular view.
- 5.5. This church was built primarily as a garden ornament. It was a replacement of the original Gothic church of All Saints which stood on or very near to the location of the current building. There is a large Yew tree northwest of the current church which may indicate the location at least of the churchyard of this former church building. Following the removal of the medieval village of Newnham 1.5km east to become Nuneham Courtenay, the 1st Earl turned his attention to the medieval church of All Saints which was now entirely isolated. In keeping with his classical taste, the Earl wanted a building in the classical style to match the Italianate landscape he had created and so employed his friend James 'Athenian' Stuart, to assist him in the design of the church, or rather, a garden temple. Stuart was a proponent of Greek classical architecture and with his friend Nicholas Revett, designed a number of churches and buildings in this period for landed gentry. The hand of Stuart can be seen also in the Temple of Flora in the flower garden and in the interior of the house.
- 5.6. The church was built on the rising ground once occupied by the medieval church. The new classical temple had its entrance on the western side framed by a classical porch, but the northern elevation had a portico with Ionic columns and seating from which the view across to the skyline of Oxford can be obtained and which was clearly intended. It is also the case that this north portico was designed to be viewed from the north, looking back up the sloping ground towards the church. From this aspect, the building would have all the appearance of a classical temple with no indication that this was a church for Christian worship. This was likely the Earl's intention and given the Sandby paintings of this asset, all of them highlight the classical elements – the Ionic columns, the portico, the classical porch and the dome – which was also visible from other points within the grounds.

- 5.7. There are numerous portraits, engravings and sketches which are views of this building. Paul Sandby painted three known images of the Church, *The Church in the Landscape* which shows a view looking southeast from the lower grass slopes which fall away from the northern elevation of the Church and its portico; *Surprise vista of Church from the Terrace Walk* which shows an 'unexpected' view of the church from the terrace walk with front portico which highlighted the garden ornament appearance of the building and then a view *The Church Porch as a garden ornament* which shows a view only of the classical porch in a clearing when viewed from the house which divorce this element from the church and makes it appear similar to the Temple of Flora in the flower garden, as a standalone garden ornament. None of these views show the view to Oxford from the north portico. There are no known images by Sandby or any other painter of this landscape of the view north from the north portico.
- 5.8. It is the case that Horace Walpole described this building as '*the principal feature in one of the most beautiful landscapes in the world*' however it is the case that this quote describes views of the building within its landscape. It is also noted that Walpole wrote a number of complimentary comments about Nuneham and appears to have been taken with the entirety of Nuneham, in particular the flower garden. In a letter to Lord Nuneham in 1777 he rhapsodised: "*You know my admiration and envy are your garden...The Flora Nunehamica is the height of my ambition.*" The proposed Scheme cannot be seen from the flower garden.
- 5.9. It is not disputed that the north portico was a place from which views could be had and enjoyed of the skyline of Oxford in the far distance and the appreciation of the valley floor sweeping away below. It is the case that trees are being removed by the present owner, however it is unknown whether this is a restoration of a more historic layout. Lancelot Brown was brought in by the 2nd Earl to re-landscape large areas of the garden, but this appears to have been concentrated on the area to the west of the house, sweeping down to the river, beyond the haha. For example, it was within the designs of Lancelot Brown that Carfax Conduit was added to the landscape as a Gothic ruin. Pegasus would note that the Joseph Farington paintings and the description of the walk around Nuneham contained within the publication *An History of the River Thames Vol I 1794* by John and Josiah Boydell (some images reproduced by consultees) were undertaken after the changes to the landscape by Lancelot Brown. None of the views within this text are from the church looking north.
- 5.10. Pegasus stand by the conclusion of less than substantial harm at the low end of the scale to the significance of this asset arising from the temporary change in the ability to understand the wider landscape and change in view from agricultural to energy generation for a portion of this view. The ability to appreciate the skyline of Oxford, such as it is, will be retained. The ability to understand the topography, the sweep of the landscape down to the river valley will be retained.

6. Archaeology & Scheduled Monuments

- 6.1. Historic England agreed with the conclusions of the ES with regards to the level of harm to the Scheduled Monument (SM) of Romano-British pottery site (1471867) (via changes in setting) to be less than substantial harm at the low-medium end of the scale.
- 6.2. It is noted that Historic England discuss the results of the trial trenching and the identification of archaeology possibly related to the Scheduled Monument, however they are clear in identifying these as non-designated and defer to the Council Archaeologist.
- 6.3. The South Oxfordshire Archaeologist has objected to the Scheme.
- 6.4. One of the reasons for the objection relates to the assessment of the grid connection and impacts to the Scheduled Monument – Pegasus would note that Historic England did not comment upon or disagree with the conclusions of the grid connection assessment within their response – save to highlight the requirements for pre-application discussions with regards to any Scheduled Monument Consent application required.
- 6.5. The grid connection was assessed at section 8.5 of the ES Chapter and concluded with regards to harm to the SM that this would be less than substantial at the moderate level of the scale – not significant in EIA terms. The consultation response questions how this conclusion was reached stating '*...no previous evaluation to fully clarify the underlying archaeological resource present has been undertaken to inform this conclusion and the acceptability of any proposed mitigation by record.*' Pegasus would dispute this. Firstly, the location of the grid-connection is immediately north of the proposed Site boundary and in an area which has been subject to geophysical survey in the 1990s, the results of which were analysed and formed part of the Historic England Research Report of 2020 on this site. In addition, the extensive trial trenching to inform the application was undertaken directly south of this asset. Trends in the geophysical survey can be predicted to continue into the footprint of the grid connection works and given the archaeology found here, it is likely that archaeology of a similar type and nature would be located within the footprint.
- 6.6. Paragraph 200 of NPPF does not require that every part of a Site must be subject to archaeological fieldwork prior to an application being submitted. The requirement is that the information is sufficient to understand the potential impact of the proposal on the significance of the feature. It is well understood that the footprint is likely to contain some archaeology of a similar nature to that found immediately south and in the geophysical survey results which surround the Site. It is also understood that the proposed grid connection will impact on a very small portion of the asset and therefore the conclusions of harm within the ES is reasonable and robust.
- 6.7. The South Oxfordshire Archaeologist makes a number of comments regarding the archaeology identified within the northern portion of the Site and states they are of the opinion these '*should be regarded as therefore being of equivalent national significance*'. Historic England did not come to this conclusion in their response. The Technical Baseline Appendix 8.1 sets out clearly at paragraphs 5.58 – 5.68 why this is not the case. The Archaeology Officer states that our reasoning for this is based on previous scheduling decisions that do not consider the results of recent evaluation. The reasoning is based in a thorough review of the evidence utilised by Historic England to define the scheduled area in 2020 when the asset was designated. I will not repeat the arguments here for brevity, suffice to say that the conclusions of the Historic England 2020 Research Report stated: '*In*



general the magnetic response in this area is much more subdued compared to the greater intensity of activity mapped to the north.' The evaluation proved this to be true.

- 6.8. Comments regarding use of no-dig foundations in the northern extent of the Site, the extent of these can be discussed further to identify areas where these would be best utilised.

7. Lower Farmhouse & Barn

- 7.1. The South Oxfordshire Heritage Officer agreed (19th June 2024) with the conclusion of the ES that the Grade II listed Lower Farmhouse would experience less than substantial harm arising from the Scheme during construction, operation and decommissioning. It is noted that the mentions of the Public Right of Way with regards to approach to the farmhouse are of little relevance to the significance of the asset. It was a farmhouse and is now a private residence. The ability of the public to view this asset is not an element which contributes to its significance. This is a matter of amenity and not heritage. It is also noted that once within the Site, you cannot view the buildings of Lower Farm due to the height of the hedgerows.
- 7.2. They did not agree with the conclusion that there would be no harm to the grade II listed Lower Farmhouse Barn Range and disagreed with the assessment of the setting and contribution to significance stating the conversion to residential use the former use remains legible and the agricultural setting remains relevant.
- 7.3. Pegasus stand by their assessment of this asset. As a range of barns, these were subservient buildings, built to serve a specific purpose within the farmstead. This function is no longer extant and the relationship between the farmhouse and barns has become one of parity. The significance of this asset is formed primarily through its built fabric which provides the architectural and historic interest. This will not experience any change from the proposed Scheme. The setting of the barn range is the farmstead and the farmhouse. Whilst the surrounding land (including the northern portion of the Site) may once have been farmed by these buildings, this is no longer the case.
- 7.4. The change in character of the Site for a temporary period from agricultural to energy generation is not a change which will harm the ability to understand the former function of the buildings (the Heritage Officer states their former use is legible even after conversion), the understanding of the layout of the buildings or any intrinsic architectural interest held in their fabric. The location from which the asset can be best appreciated is the farmstead. This will not experience any change from the proposed Scheme. In the wider surroundings, the buildings will still be understood in an agricultural context as the fields surrounding the asset will not experience any change from the proposed Scheme.
- 7.5. It is noted that there is an error in the Heritage Technical Baseline Appendix 8.1 at para 6.84 and 6.101 which suggests that land within the Site was never part of the landholdings of the Lower Farm farmstead. This is incorrect as set out at paragraph 6.88. This correction does not alter any of the conclusions of the assessment.

8. Conclusion

- 8.1. Historic England did not object to the application. Concerns were raised, but no formal objection.
- 8.2. It is reiterated that this Scheme is temporary. All identified harm to significance through setting will be fully reversible after the operational period.
- 8.3. Any harm identified to heritage assets within the assessment must be weighed in the planning balance.
- 8.4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning 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.". Key is the use of the terms 'special regard' and 'desirability'.
- 8.5. As clarified by the Court of Appeal (Mordue⁴), where the principles of the NPPF (specifically that of Paragraph 208) are applied, this is in keeping with the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires 'special regard' to be paid to 'desirability of preserving the architectural and historic interest of a Listed Building, including any contribution made by its 'setting'.
- 8.6. Where harm is found to a designated heritage asset, the Palmer⁵ case sets out that: *"Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused."*

⁴ Jones v Mordue [2015] EWCA Civ 1243

⁵ Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061. Paragraph 34.

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