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## Appeal Decision

Site visit made on 9 October 2019

**by Martin Chandler BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 October 2019**

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**Appeal Ref: APP/K0425/W/19/3232417**

**Bockmer House, Bockmer Lane, Medmenham SL7 2HL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Gary Ashworth against the decision of Wycombe District Council.
  - The application Ref 19/05468/VCDN, dated 26 February 2019, was refused by notice dated 26 April 2019.
  - The application sought planning permission for a development described as 'Householder application for the construction of detached barn to be used for stabling and storage' without complying with a condition attached to planning permission Ref 18/07005/FUL, dated 12 November 2018.
  - The condition in dispute is No 4 which states that: *Within two months of the new barn being completed the two buildings/stables as shown on plan number 1115.01 rev.A received 22.10.2018 shall be fully removed from the site and the land replanted as lawn.*
  - The reason given for the condition is: *To ensure the openness of the countryside.*
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### Decision

1. The appeal is allowed and planning permission is granted for a development described as 'Householder application for the construction of detached barn to be used for stabling and storage' at Bockmer House, Bockmer Lane, Medmenham SL7 2HL in accordance with the application Ref 19/05468/VCDN dated 20 February 2019, without compliance with condition number 4 previously imposed on planning permission Ref 18/07005/FUL dated 12 November 2018 and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 5 years from the date of this decision.
  - 2) The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 1115.01/A; 1115.02/B; unless the Local Planning Authority otherwise first agrees in writing.
  - 3) The development hereby permitted shall be finished in accordance with section 5 (materials) of the application form and the plans hereby approved 1115.01/A; 1115.02/B. No other materials shall be used unless the Local Planning Authority otherwise first agrees in writing.

## **Main Issue**

2. The main issue is whether the condition is necessary, having regard to the openness of the countryside and the setting of Bockmer House, a Grade II listed building.

## **Reasons**

3. The appeal site consists of a large and dominant detached listed building currently in use as a dwellinghouse. The house is set in space but to the north of the property there is a cluster of outbuildings consisting of greenhouses, a large red brick structure and 2 stable buildings. It is these stable buildings that condition 4 seeks the removal of.
4. Other than the large red brick building, the outbuildings are single storey in height. They are small in scale and have space between them as well as between the listed house. In this respect, the outbuildings do not appear cramped and do not harm the openness of the countryside or affect the setting of the listed building.
5. The proposed barn would be located to the west of the complex of outbuildings. There would be a generous space between the proposed barn and the other buildings that occupy the site. Due to this space, the proposed barn would not be experienced as an enlargement of this cluster of buildings. Instead, it would be located towards the western boundary of the site with space between it and the buildings that the condition would seek to remove. Consequently, I am satisfied that the retention of the stables would not result in a cramped or dominant cluster of buildings.
6. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty. Accordingly, great weight should be given to conserving its landscape and scenic beauty. In addition, 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 the setting of a listed building, special regard shall be had to the desirability of preserving its setting. Although the Council have provided figures which demonstrate that the overall footprint of the outbuildings would be greater than the existing dwelling, for the reasons identified above, I am satisfied that the proposal would accord with these statutory requirements.
7. Accordingly, having regard to the openness of the countryside and the setting of Bockmer House, I conclude that the condition is not necessary. The proposal would therefore accord with Policies CP9, DM20, DM35, DM36 and DM44 of the Wycombe District Local Plan (2019). Taken together, these seek amongst other things, development which conserves the natural and historic environment, and improves and respects the character and appearance of the surrounding area.

## **Conditions and Conclusion**

8. Conditions are still necessary in relation to the time limit for the commencement of development, and to confirm the approved drawing numbers and proposed materials. The wording of these conditions has not been challenged by the appellant and consequently, I have left them unaltered.
9. The Council have also suggested an additional condition be attached that relates to the use of the stables. However, no compelling evidence has been

provided to attach this condition and therefore I have no reason to consider that it is necessary. Consequently, I have not imposed it.

10. For the reasons identified above, the appeal is allowed. Planning permission 18/07005/FUL is therefore varied accordingly.

*Martin Chandler*

INSPECTOR