



Appeal Decision

Site visit made on 19 November 2019

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Ref: APP/Q3115/W/19/3230720

Annexe, Crowsley Park Farm, Crowsley, Henley-On-Thames, RG9 4JN

- 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 Phillimore Successors Settlement against the decision of South Oxfordshire District Council.
 - The application Ref P18/S2377/FUL, dated 10 July 2018, was refused by notice dated 12 December 2018.
 - The development proposed is described as 'Retrospective application for planning permission and listed building consent for the retention of Crowsley Park Farmhouse Annexe as an independent residential dwelling and for associated alterations to the building.'
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Decision

1. The appeal is allowed and planning permission is granted for the use of a building as an independent residential dwelling and for associated alterations to the building at the Annexe, Crowsley Park Farm, Crowsley, Henley-On-Thames, RG9 4JN, in accordance with the terms of the application, Ref P18/S2377/FUL, dated 10 July 2018 and the plans submitted with it.

Application for costs

2. An application for costs was made by Phillimore Successors Settlement against the decision of South Oxfordshire District Council which is the subject of a separate decision.

Procedural matters

3. I have noted that the development has already been completed and that listed building consent has already been granted. The wording in the formal decision for the description of the development has therefore been amended to reflect that.

Main Issues

4. The main issues in this case are:-
 - whether the proposed development would preserve the setting of the Grade II listed building known as Crowsley Park Farm (listed as Crowsley Park Farmhouse);
 - the effect of the proposed development on the living conditions of the neighbouring occupiers with regard to noise.

Reasons

Listed building

5. In considering proposals for planning permission, the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
6. The development plan includes policies CSEN3 in the South Oxfordshire Core Strategy (CS) (adopted 2012) and policies CON4 and CON5 in the South Oxfordshire Local Plan (LP) (adopted 2006) which seek to protect listed buildings and their settings and broadly reflect the statutory duty. Their objectives accord broadly with the Framework although they fail to acknowledge the need to weigh any less than substantial harm against the public benefits of the proposal as sought in the Framework.
7. The property is a Grade II listed building in the small rural hamlet of Crowsley, in the Chilterns Area of Outstanding Natural Beauty. Although the listing description refers to it dating probably from the late C17th, the appellants' heritage statement says that the main farmhouse has been dated back to the medieval era with the east wing dating back to the 14th or 15th century with the property having been extended further in the early to mid-17th century. Although the listed building has been altered and extended in the later C20th, it retains its historic character. Its evidential and aesthetic significance derives from its age and example as medieval cruck house and from its timber frame construction. It has walls of brick infill and a hipped and catslide tiled roof.
8. It has a historic association with the C18th manor house of Crowsley Park, located further to the north of the site. The wider estate of Crowsley Park was eventually divided in the C20th with a neighbouring dwelling at Crowsley Grange in use as a separate dwelling, the cessation of the farming business at Crowsley Park and the conversion in the 1990's of barn and stable buildings to the north to a separate dwelling (now Harvest House) which is separated from the appeal site by a high, solid timber fence. Thus, the physical, functional and visual relationship between those buildings and the farmhouse has been greatly eroded despite the removal of some previous modern structures. As a result, some of the historic interest and the setting of the listed farmhouse has been diminished.
9. The building which is the subject of this appeal is a single storey, detached outbuilding, sited to the front of the farmhouse. Although not mentioned in the listing description, it is shown on maps dating from 1879 together with other buildings that were in the wider farmstead and a third party has referred to its

former use as a cart shed. It has a substantial timber frame with dark coloured external weather boarding and a hipped roof of slate. The Council considers that it is within the curtilage of the designated heritage. The appellants' heritage statement accepts that it has a clear visual and historic relationship to the earlier farmhouse. From what I have seen I would agree and it makes a significant contribution to the setting of the farmhouse.

10. Permission and listed building consent were granted in 2014 for the refurbishment of the outbuilding as a car port/garage, external store and games room. The building was subsequently converted into a separate dwelling prior to obtaining planning permission or listed building consent but listed building consent has since been granted for the works which accompanied this proposal.
11. It is clear then that the building had already lost its original function as an agricultural outbuilding long before the residential conversion and therefore its functional relationship to the farmhouse has already been diminished. The site has an acceptable level of provision for parking and turning within the existing driveway and for garden space and the proposed residential use as a small two bedroom dwelling does not, therefore, result in an unacceptable level of activity and does not significantly worsen the already eroded functional relationship.
12. The appeal building is seen clearly in the same context as the farmhouse and the low open timber fence which separates the rear garden of the outbuilding from the front garden of the farmhouse maintains an open, visual connection. I have noted the concerns of neighbouring residents regarding the need for additional outbuildings for storage or ancillary purposes for both this dwelling and the farmhouse but those would require permission and or listed building consent and would therefore be subject to control by the Council.
13. I saw that the conversion has retained the existing form of the building with some minor alterations which have not introduced any overly domestic features and new openings in the elevations and roof slope have been kept to a minimum. As such, the alterations have retained the building's agricultural character and have been carried out in a sensitive manner, which the Council must have found acceptable in granting listed building consent.
14. The Council has not clearly explained how the proposed development has resulted in the physical and functional separation of the outbuilding from the farmhouse and I have found otherwise. I conclude, therefore, that the proposal has preserved the setting of the listed building, in accordance with the Council's policies referred to above and paragraph 193 of the Framework and it fulfils the statutory duty. As I have found that no harm has been caused, there is no need for me to consider whether or not there are any public benefits as required by the Framework.

Noise

15. The Council's LP policies E8, EP2 and D4 seek to protect neighbouring occupiers from any adverse effects from development in terms of amenity, including noise and the Framework has similar objectives. Although the annexe has windows and doors facing towards the solid timber boundary fence between the site and the nearest property, Harvest House, it is sited some distance from that property which also has a number of small trees along its boundary. Whilst the current occupiers of that property have said they have no objection

to the proposal, I have considered its impact regardless because those occupiers could change at some point in the future. From what I saw at my visit and on the basis of the Council's aerial photograph, the main habitable rooms in that very large property appear to be located within an L-shaped block furthest from the boundary, at least 24m from the annexe and mostly facing onto an inner courtyard which forms the main part of its outside amenity space. Those rooms are separated from the boundary by outbuildings which are closer to the appeal site. However, those appear to contain ancillary accommodation and do not have habitable room windows directly facing the site either. Given the relationship between the properties, I am satisfied that no undue noise would be experienced by neighbouring occupiers.

16. I have noted concerns from other neighbouring occupiers about the noise from car movements along the long, single track, private drive which also serves Crowsley Grange and Crowsley Park Farm Cottage and a barn, from the lane and across the parking area in front of the annexe which has a surface of heavy shingle. However, the parking area is sited a sufficient distance from neighbouring properties and is separated from them by generous gardens and boundary fences or hedges. Whilst I noted the tranquillity of the area during my visit and the number of vehicle movements might be greater than it was prior to the conversion, the number generated by a small, two bedroom dwelling is not likely to be significant increase. I agree with the Council's planning officer's assessment that this is a very typical occurrence for dwellings in a rural area and is a momentary noise generation. Therefore, the noise generated by the proposal would not be significant.
17. I conclude then that the proposal would not cause adverse effects to the living conditions of neighbouring occupiers and would accord with the Council's LP policies and the Framework in this respect.

Other matters

18. Whilst the Council has not objected to any other matters, I have noted the concerns of local residents in regard to the use of the access and the impact on the lane and parking provision for the farmhouse. On the basis of my site visit, I agree with the planning officer's assessment that the use of the existing access to the new dwelling is not inadequate or dangerous. The parking provision for the annexe is also acceptable and allows for at least two spaces. Adequate parking provision for the farmhouse has also been retained. I am therefore satisfied that the proposal has not resulted in a danger to highway safety or the loss of parking provision.

Conditions

19. The conditions suggested by the Council have been considered against the tests of the Framework and the advice provided by the Planning Practice Guidance (PPG). I find that the standard commencement condition and a condition requiring that the development is carried out in accordance with the approved plans are unnecessary because the development has already been completed. The other suggested conditions for the withdrawal of permitted development rights are unnecessary in the circumstances of this case because the building remains part of the listing, by reason of having been in existence since before 1948 and having been within the curtilage of the farmhouse at the time of its listing in 1985. As such, listed building consent would be required for any extensions that might otherwise be permitted development. For

buildings etc incidental to the enjoyment of the dwelling house and wall, fences etc, permission would be needed.

Conclusion

20. For the reasons given above, I conclude that the proposed development preserves the setting of the listed building. It accords with the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeal otherwise. The appeal should be allowed.

Sarah Colebourne

Inspector