



Appeal Decision

Site visit made on 10 March 2020

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2020

Appeal Ref: APP/D3125/C/19/3240102

The barn edged in blue and referred to in this Enforcement Notice as “the building”, located on land at Dove House, Pound Lane, Cassington, Oxon OX29 4BN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Matthew Walls against an enforcement notice issued by West Oxfordshire District Council.
 - The enforcement notice was issued on 20 September 2019.
 - The breach of planning control as alleged in the notice is without planning permission:-
 - i) the construction of two front porch extensions;
 - ii) the construction of two rear dormer extensions;
 - iii) raising of the eaves and ridge.
 - The requirements of the notice are:
 - (i) Remove the porch extensions;
 - (ii) Remove the dormer windows on the rear elevation of the building;
 - (iii) Reinstatement of the building to its former architectural form as shown on the 'Survey of Barns drawing' ref ST56/1 and ST56/2 attached to this Enforcement Notice.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is:
 - corrected by deleting the existing first and third requirements, under section 5 (what you are required to do), and replacing them with the following:
 - i) Remove the two front porch extensions;
 - iii) Lower the eaves and ridge height to the levels shown on the drawing ref: ST56/1 and ST56/2 attached to this Enforcement Notice
2. Subject to these corrections, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

3. Whilst the address in the banner heading above appears very long, it is taken from the enforcement notice, and I am required to replicate this as shown without discretion.
4. The appeal was originally made by Mr and Mrs Matthew Walls. However, since the Council have confirmed that the fee for ground (a) and the deemed planning application was paid by Mr Matthew Walls, this appeal is proceeding in his name only. As such, the appeal by Mrs Matthew Walls (appeal ref: APP/D3125/C/19/3241391) has lapsed and no further action is required for this other appeal.
5. The Council have not been consistent with their description of the former barn in so far as it has been referred to as both a "curtilage listed building" and as a "non-designated heritage asset" in their appeal statement. However, there is no reference to this building being a curtilage listed building in either the enforcement notice or the officer's report recommending enforcement action, and there is insufficient evidence before me to demonstrate that this is a curtilage listed building. I have therefore not determined the appeal on the basis of it being a "curtilage listed building". Whilst the former barn has not been identified as a non-designated heritage asset within the Conservation Area Character Appraisal for Cassington (CACAC), the West Oxfordshire Design Guide Supplementary Planning Document, 2016 (Design SPD) highlights the importance of these traditional agricultural buildings as a conspicuous and precious feature of the settlements and landscapes of West Oxfordshire. Since the former barn is a traditional former agricultural building, and is of architectural and historic interest, as highlighted below, I consider the building is a non-designated heritage asset.
6. The notice has been issued with respect to the physical alterations that have been undertaken and does not affect the use of the building in terms of what has been alleged or in what the notice requires.
7. The requirements of the notice, under section 5 (What you are required to do) is poorly worded, in so far as these should precisely match the allegation. The first allegation refers to "The construction of two front porches", whereas, the first requirement states "Remove the porch extensions". It should therefore state "Remove the two front porch extensions". Furthermore, the third allegation refers to "raising of the eaves and ridge", whereas the third requirement states "reinstate the building to its former architectural form as shown on the 'Survey of Barns drawing' ref ST56/1 and ST56/2 attached to this Enforcement Notice". Again, the third requirement should more closely reflect the third allegation, rather than requiring the reinstatement of the 'whole' building to its former agricultural form. For instance, there may be other features shown on the drawing which were not in existence prior to the current unauthorised development. Therefore, the third allegation should state "lower the eaves and ridge height to the levels shown on the drawing ref: ST56/1 and ST56/2 attached to this Enforcement Notice". My understanding of the notice is not affected by these minor errors, and nothing within the appellants' submissions indicates to me that it has been misunderstood by them as a result. Therefore, I consider that a correction is necessary which can be achieved by using my powers under s176(1)(a) of the Act without causing injustice.

Ground (a) appeal and the Deemed Planning Application

Main Issues

8. The main issues are:

- The effect of the unauthorised development on the character and appearance of the former barn, a non-designated heritage asset;
- Whether the unauthorised development preserves the setting of the nearby Grade II listed buildings at Dove House and the Dovecote; and
- Whether the unauthorised development preserves or enhances the character or appearance of the Cassington Conservation Area (CCA).

Reasons

Character and appearance of the former barn building

9. The appeal site comprises a detached traditional former barn within the relatively large plot of Reynolds Farm, located within the CCA. Reynolds Farm comprises Dove House, a C16 or C17 Grade II listed building containing a number of former agricultural outbuildings within its grounds. There is also a C17 grade II listed stone built dovecote within the grounds.
10. Paragraph 184 of the National Planning Policy Framework, 2019 (Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 197 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Furthermore, Policy EH9 of the West Oxfordshire District Council Local Plan 2031, adopted 2018 (LP) states that significant weight will also be given to the local and regional value of non-designated heritage assets, including non-listed vernacular buildings (such as traditional agricultural buildings). The Design SPD states that if the agricultural character is likely to be substantially eroded or lost altogether – particularly if the building is Listed – then conversion may not be acceptable in principle.
11. The significance of the former barn mainly stems from its architectural and historic interest. The evidence submitted indicates that the former barn was a simple barn structure of linear form, with a gable ended low lying roof. The traditional materials of the barn made of Limestone rubble compliments the historic surrounding buildings of Reynolds farmhouse, which include Dove House and the Dovecote, as well as other buildings within the CCA.
12. With regards to the historic interest, the Council states that the historic use of the relatively small historic barn would have reflected the agricultural use of the land, perhaps as an orchard (as indicated on the historic maps submitted), in order to provide food for those living at the vicarage (Dove House) or as part of a wider agricultural use of land. The former barn (prior to the current unauthorised works) therefore provided an insight into the history of buildings on the appeal site and helped illustrate how the former agricultural site interacted functionally, close the centre of village. This combined with the

traditional architectural features outlined above make a positive contribution to the significance of the non-designated heritage asset.

13. I appreciate that the red tiles used on the newly raised roof are similar to those used on Dove House and that the timber boarding used in the gable ends matches the gable ends on the other former barn building which has recently been converted to residential use. I also note that the two front porches have been constructed in materials to match the former barn. Nonetheless, the double porch with their front gables dominate the frontage of the former barn and detract substantially from its characteristic simple linear form, which contributes to the historic value of the building. Furthermore, this harm is accentuated by the prominence of the development where the building is visible from the adjacent churchyard of the Grade I listed Church of St. Peter.
14. Additionally, the position of the two rear timber clad dormer windows located close together towards the centre of the roof have an awkward appearance and in combination with the raised roof of the barn, alter the traditional form and appearance of the roof. In addition to frontage of the building being highly prominent in public views, the rear of the building is also visible in public views from the metal access gates on the A40. Whilst the appellant states that the development is viewed against the backdrop of the modern C21 extension at Dove House, the extended roof of the former barn is taller than the extension at Dove House and is therefore much more prominent in views from the A40.
15. Therefore, the unauthorised development with the two front porches, the raised eaves and ridgeline of the roof and two rear dormer windows compromises unacceptably the architectural integrity of the former barn creating a building with a more domestic/residential appearance, out of keeping with its former agricultural character.
16. I therefore conclude that the unauthorised development results in harmful changes to the character and appearance of the former barn, a non-designated heritage asset. This is contrary to Policies EH9, EH12 and OS2 of the LP. These policies require, amongst other things, that when considering proposals that affect the significance of non-designated heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss; and the significance of the heritage asset. These policies also state that developments will not normally be permitted which would obscure or compromise the form or character of the original building; and that all development should be of a proportionate and appropriate scale to its context.
17. Furthermore, the development is contrary to the guidance contained within the Design SPD, which amongst other things, states that no alteration should be made to the pitch of the roof; unbroken roof slopes should be retained; and that dormer windows and porches are primarily residential features and should be avoided.
18. The unauthorised development is also contrary to the aims and objectives of the Framework, which seek to conserve heritage assets in a manner appropriate to their significance.

Setting of the nearby Grade II listed buildings at Dove House and the Dovecote

19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), requires the decision maker, in considering whether to grant

- planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
20. Paragraph 193 of the Framework 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 (and the more important the asset, the greater the weight should be). Paragraph 194 of the Framework states 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. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
 21. The former barn is situated close proximity to a number of Grade II listed buildings at Dove House and the Dovecote. The significance of these nearby buildings in heritage terms mainly stems from their architectural and historic interest. For Dove House (*Reynolds Farmhouse*) the listing description explains that this is a substantial late vernacular C16 or C17 house and altered and extended in the later C19 and circa 1900 with a north-east wing and porch and associated internal alterations. The property has recently been extended with a C21 single storey extension. The core of the house is built in limestone rubble with freestone quoins and is patched or replaced in brick. The upper floor of the south gable wall is rebuilt in brick and rendered, with the entire roof being rebuilt and clad in red concrete tiles. The circa 1900 wing is built in red brick in Flemish bond, and at a later date cement rendered and has tiled roofs. The historic interest of the building relates to it being a substantial post-medieval house built on a large medieval moated site close to the village centre and church.
 22. Approximately 30m northwest of Dove House¹, is the C17 Dovecote, made of coursed limestone rubble, built on a square plan with a pyramidal stone slate roof. The building comprises C20 timber double doors and small openings beneath eaves.
 23. Given that the former barn building is located in close proximity to these adjacent Grade II listed buildings, and these buildings are also highly visible from the adjacent churchyard of the attractive Grade I listed Church of St. Peter's, the former barn building forms important part of the setting to these listed buildings.
 24. Prior to the current unauthorised development, the pre-existing former barn building with its characteristic simple linear form, modest scale, and low lying roof would have had a limited effect on the setting of these adjacent buildings and would have appeared as a traditional agricultural barn in keeping with the historic agricultural context of the site. Consequently, the pre-existing former barn helped to illustrate the site's historical use as a farmhouse and therefore made an important contribution to the setting and significance of these adjacent Grade II listed buildings on Reynolds Farm.
 25. However, the alterations and extensions carried out to the physical envelope of the building, as outlined above, have cumulatively altered the buildings character from an agricultural one, to a more domestic/residential character

¹ Taken from the listing description for Reynolds Farm, Dovecote.

and appearance. This has diluted the contribution the appeal building makes to the setting of grade II listed Dove House and Dovecote when viewed from the appeal site and adjacent churchyard. Therefore, the works carried out have had a negative effect on the setting of these Grade II listed buildings and harm to their significance.

26. Therefore, I conclude that the unauthorised development does not preserve the setting of the Grade II listed buildings at Dove House and the Dovecote and results in harm to their significance. Therefore, the development does not accord policies EH9, EH11, OS2 and OS4 of LP. Amongst other things, these policies seek to protect the special architectural or historic interest and setting of listed buildings. They also require that new development respect the historic, architectural character of the locality, and where possible, enhance the character and quality of the surroundings, and be of a proportionate and appropriate scale to its context. The development is also contrary to the Design SPD, as set out above in the first main issue.
27. The development also conflicts with the relevant requirement of the Framework which seeks to conserve and enhance the historic environment. Finally, the development does not preserve the setting of the listed building as required by Section 66(1) of the Act, but instead is harmful. This carries considerable weight and importance to my decision.

Cassington Conservation Area (CCA)

28. The site lies within the CCA. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
29. The CACAC, explains that Cassington had an almost exclusively agricultural economy until well into the C20, and that it retains this rural character today. It also explains that the buildings are typically vernacular and are characterised by their small scale, simple form and detailing, and traditional materials which includes local pale limestone, which is generally employed in coursed rubble form. The Proposals for Preservation & Enhancement Cassington (PPEC) adds that traditional but often unlisted buildings are vital components of the character of Conservation Areas, and that seemingly small but inappropriate alterations to these buildings can easily damage the appearance of the wider area. Therefore, prior to the current unauthorised works, the pre-existing former barn with its simple linear form, constructed of traditional materials and of historic interest, made a positive contribution to the character and appearance of the CCA.
30. The PPEC further states that the conversion of redundant historic buildings should respect the original character of the building and its setting, and any historical features of interest should be retained. Furthermore, it explains that new extensions must be well designed and must be sympathetic to the established character of the area, and that special care must be taken to ensure that views into and out of the Conservation Area, as well as views within the Conservation Area, are not harmed.
31. As set out above, the unauthorised development, diminishes unacceptably the integrity of the former barn, leading to material harm to its character and appearance. I have also found that works carried out have altered character of the building from an agricultural one to a more domestic/residential character

which has harmed the setting and significance of the nearby Grade II listed Dove House and Dovecote. Furthermore, the unauthorised development is visible in public views from within the CCA, when viewed from the adjacent churchyard of the Church of St Peter, and from outside the CCA when viewed from the A40. Consequently, the unauthorised development also fails to preserve or enhance the character or appearance of the CCA and leads to harm to its significance.

32. I therefore conclude that the unauthorised development fails to preserve or enhance the character and appearance of the CCA contrary to the requirements of the Act. The development is also contrary to policy EH10 and OS2 of the LP. These policies, amongst other things, state that proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting and that all development should form a logical complement to the existing scale and pattern of development and/or the character of the area. The development also conflicts with the relevant requirement of the Framework which seeks to conserve and enhance the historic environment. This all carries considerable weight and importance to my decision.

Other matters

33. In support of their appeal the appellant refers to a recent planning permission and listed building consent approval² for the conversion of another former barn to two residential units within the grounds of Dove House. I was able to view this development during my site visit, and it is clear that that conversion included relatively minimal changes to the external envelope of the building, whereas the current unauthorised development includes two new porches, new dormer windows and the raising of the roof of the building. As such I do not consider that this permission provides support for the current unauthorised development.
34. The appellant refers to an earlier 1988 planning permission³ for the conversion of the former barn to a residential use. However, no substantive evidence has been provided to demonstrate that this earlier permission has been implemented before the permission expired. Furthermore, the enforcement notice relates to the external changes carried out to the envelope of the former barn building and not the use. As such, whether or not that scheme was implemented, does not alter my view on the current unauthorised development, set out above.
35. The appellant also refers to other examples of developments in the area which they consider provide support for the current unauthorised development including the extensions to the residential property at Dove House. However, given that they relate to other buildings/residential properties rather than a former barn, the circumstances of those developments are not directly comparable to the current development before me. In any event, I am required to assess the development on its own merits.

² Council ref: 19/01391/FUL and 19/01392/LBC approved 19 August 2019.

³ Council ref: 2082/88 approved on 23 August 1988.

36. Whilst the site is located within the Oxford Green Belt, the Council's officers report/appeal statement does not raise any objection with regards to harm to Green Belt, and I find no reason to disagree with this professional opinion.
37. As outlined above, the appeal site is situated in relatively close proximity to the early C12 Grade I listed Church of St. Peter. However, given the separation distance of the unauthorised works from the church, and given that the former barn building is built on lower land than the church, I am satisfied that the unauthorised development does not harm the setting of this Grade I listed church.
38. The appellant also refers to the initial advice he received from the Council's Officers. However, this is not a matter for me to consider under this appeal under ground a) and does not alter my opinion set out above.
39. The appellant has emphasised the benefits of re-using an existing building and the provision of additional housing due to the unauthorised development. I am dealing with operational developments as alleged on the notice and not the use of the building. However, even if the development enables those dwellings, this makes a small but positive contribution towards boosting the supply of housing in the area and as such is of limited weight.

Overall balance

40. The development results in harmful changes to the non-designated heritage asset which is the building itself but of more weight in my decision is the less than substantial harm caused to the designated heritage assets, those being the CCA and the setting of nearby Grade II listed buildings at Dove House and the Dovecote. Paragraph 196 of the Framework sets out that such harm should be weighed against the public benefits of the development including, where appropriate, securing its optimum viable use. Taking account of the lack of harm with respect to the above other matters and the limited weight I can give the benefits of reusing the existing building and to housing supply in the area, the harms identified above to the character and appearance of the building, the CA and setting of the Grade II listed buildings are such that each would not be outweighed by the benefits.

Conclusion

41. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice, with corrections, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR