



Appeal Decision

Site visit made on 30 June 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert (Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/Q3115/W/20/3250971

Glebe Barn, Wheatfield House, Wheatfield, Oxon OX9 7EW

- 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 Mr & Mrs Peter Sparkes against the decision of South Oxfordshire District Council.
 - The application Ref P19/S3154/FUL, dated 15 October 2019, was refused by notice dated 8 January 2020.
 - The development proposed is to replace a collapsed barn for ancillary accommodation and the conversion of 2 cowsheds to ancillary accommodation.
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Decision

1. The decision is dismissed.

Procedural Matters

2. The appellants' views were requested regarding the effect of the proposal on the setting of nearby listed buildings. A Unilateral Undertaking (UU) dated 5 August 2020 covenanted that the new building shall only be used in connection with and ancillary to the occupation of Wheatfield House, and shall at no time be severed and occupied as a separate independent unit. The application description referred to previous approvals but this has been omitted from that above as it describes the purpose of the proposal rather than its nature.

Main Issues

3. The main issues are (a) whether a new dwelling would be acceptable in this location, having regard to local and national planning policy for housing, and (b) the setting of listed buildings.

Reasons

Location of housing

4. The appeal site comprises Wheatfield House, a Grade II listed building, and various buildings including two cowsheds. Between the cowsheds and the house, there is an area of rough ground where a barn used to exist. Beyond this, there are two small scale dwellings at Gardeners Cottage and Glebe Cottage, both Grade II listed. Glebe Cottage is listed for its group value. This building group is surrounded by fields/paddocks and woodland.
5. Permitted works on the former barn began in September 2017, with the barn being braced prior to boarding being removed. An "exo-skeleton" was to be

- crafted to bear the weight of the frame, so that new foundations, a plinth and new timbers could be introduced. However, the barn collapsed.
6. The proposed accommodation is intended to be for elderly relatives and if not, staff/older children. The accommodation would be two bedroomed, with garden areas and adjacent underground parking, between it and the house, shared. The UU covenants ancillary use with the house. However, the accommodation would be over two floors comprising extensive floorspace, a large number of rooms and facilities. It would be self-contained in nature and detached from the main house. Consequently, there would be a lack of strong functional relationship between it and the use of Wheatfield House as the main residence.
 7. Therefore, the proposal would amount to a separate dwelling by reason of the accommodation's extensive size, form and siting, and the Council would not be able to resist any lifting of the use restriction. Given this, a use restriction on the new building could not directly relate to the development and thus, the obligation would fail a test detailed within paragraph 56 of the National Planning Policy Framework (the Framework). The obligation would not weigh in favour of the proposal.
 8. The South Oxfordshire Core Strategy (CS) 2012 strategy is to focus development in towns and villages. The explanatory text states that this is to increase social and economic linkages between communities and reduce the need to travel. CS policy CSS1 states that outside of these settlements, development needs to relate to very specific needs, such as those of agriculture or enhancement of the environment. No such needs have been put forward here. Under Policy CSR1, the allowing of allocations, infill and rural exception development under different categories of villages is set out. The villages under these categories are identified within an appendix to the plan and this area would not fall within any those listed. Outside of these identified villages, no type of development, as out above, is permitted under this policy. Policy H4 of the Oxfordshire Local Plan 2011(LP) permits dwellings within towns and villages. It does not define a village, but the appeal site and its surroundings would not fall within a village because they comprise a small cluster of dwellings in the countryside.
 9. Accordingly, the proposal would be conflict with policies CSS1 and CSR1 of the CS. LP Policies H4 and H13 are not relevant because they relate specifically to development in villages only and for the erection of ancillary buildings.

Setting of listed buildings

10. CS Policy CSR1 also requires local character and distinctiveness to be protected. CS Policy CSEN3 requires heritage assets to be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place whilst LP Policy CON5 states that proposals that adversely affect the setting of listed buildings will be refused.
11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

12. Wheatfield House is a tall, substantial sized and imposing house with attractive architectural detailing. Its glass window sashes stand out with those on the first floor incorporating attractive painted wood architrave surrounds which gives it an attractive 'Queen Anne' style of architecture to its frontage. The building originates from early eighteenth century and further rebuilding and enlargement took place in 1823. A twentieth century porch with Romanesque columns marks the front entrance.
13. The house did lie physically and functionally at the heart of a rural agricultural estate which was for many years run from it. Within a Heritage Statement, a title map of 1840 includes a Rectory house (Wheatfield House), orchard, garden and unnamed 'premises' including the barn as part of the Parish glebe land (income from which supported the living of the rector). The barn, neighbouring buildings and the two cottages were part of the functioning of the estate providing accommodation for machinery, livestock and estate workers.
14. The former barn was early eighteenth century with its construction probably associated with a parish Rector at that time and was rebuilt in the twentieth century. It was timber framed, clad in stained weather board and had a roof with gablets at either end. The Council considered it to be curtilage listed and based on all the evidence, its architectural and historic qualities, would have positively contributed to the setting of the listed buildings in the past.
15. The estate has long ago been severed from Wheatfield House and the barn was not used for its original purpose before its collapse. Wheatfield House has a detached swimming pool building, a basement car parking area, two storey extension and its curtilage has a formal brick and flint boundary wall around it. Much of the agrarian character and appearance has been lost as a result of increased domestic use. Nevertheless, the context surrounding the main house remains of landscaped areas and fields/paddocks and the house retains a significant mansion type presence with subordinate buildings in a rural area.
16. The replacement barn would provide a reference to a lost building with links to Wheatfield House and the cottages. The dwelling would be clad in oak timber feather edged timber boarding which would give it a rustic quality. However, the new dwelling would be notably different to the original barn. It would have extensive glazed areas serving the rooms especially on the ground floor. There would be a first floor in part resulting from a slightly higher roof eaves compared to the original barn. Additionally, there would be an increased sized addition with higher mono-pitched roof to the rear. As a result, there would be an overly domesticated and dominant visual quality competing for attention with Wheatfield House. Such an adverse effect would be evident in views from the road and from the neighbouring countryside. Consequently, the setting of this listed building would not be preserved or enhanced but detrimentally affected.
17. There would be significant distance between the cottages and the new dwelling to prevent any effect on their setting. The cowshed building conversion would have a large area of glazed openings to a study and would be closer to the road. However, this building along with the smaller cowshed building are of modern construction, single storey scale and would be used for ancillary/incidental uses. As such, they would not affect the setting of the Glebe Cottage and Gardeners Cottage as listed buildings.

18. For all the reasons indicated, the development would harm the setting of Wheatfield House as a listed building. Accordingly, the proposal would conflict with Policies CSR1 and CSEN3 of the CS, and Policy CON5 of the LP.

Other matters

19. Paragraph 193 of the Framework makes clear, 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. In accordance with paragraph 196 of the Framework, the type of harm identified above would be less than substantial in respect of Wheatfield House and it is necessary that this identified harm is weighed against the public benefits of the proposal.
20. The proposal would boost housing supply and when occupied by the appellant's relatives, it would provide accommodation for elderly people, needed under planning policy. Residents would help to enhance the vitality of rural communities. It would make more effective use of land, although it has not been demonstrated that the site is a previously developed site due to its former agricultural use. Occupation of the accommodation by family members or staff would reduce the need to travel. Permission could enhance the likelihood of people willing to investing in Wheatfield House to ensure its long-term conservation. However, the benefits would be diminished by reason of the proposal being for a single dwelling and there is no evidence that permission would result in future beneficial conservation works to the house. The benefits have to be weighed against the adverse impact on the significance of the listed building which considerable importance and weight is required to be attached. Thus, the harm to the significance of the heritage asset would outweigh the scheme's benefits.
21. Great efforts were made to protect and preserve the original barn and the scheme could have proceeded to completion if the barn had not come down. The proposal would be of identical size and appearance to that permitted previously, which would have amounted to a rebuild on account of the nature of the works previously referred to. Such material considerations weigh in favour but taking into account the evidence submitted with this proposal, including that on the significance of the heritage assets, there would be overriding harm to the setting of a listed building. Timbers from the original barn could be incorporated into the new building but even if they formed a significant portion, little of the heritage asset would remain due to the barn's collapse and the listed building setting and settlement strategy objections would remain.
22. The Framework states the development of isolated homes in the countryside should be avoided unless one of the five listed circumstances applies. In this location, the cluster of dwellings would be too small to form a village or settlement and they would be physically separate and remote from any settlement.
23. At Manor Farm in Wilstone, new building proposals were found not to affect the settings of listed buildings whilst at Greenland Farm in Hever, Kent, the harm arising from rebuilding works was found to be acceptable in the Green Belt. The Manor Farm Inspector found that the permitted conversion works amounted to rebuilding works and that the new buildings would be constructed the same or very similar to the permitted scheme. However, the Inspector

stated that permission reflected that buildings of similar form and design had existed on the site which is not the case here. At Greenland Farm, the setting of a listed building was not an issue before the Inspector. Therefore, there are material differences between these appeals and that before me.

24. There is a permitted replacement dwelling at Highwood House in Greenfield where it is indicated no dwelling existed due to a fire. Nevertheless, the officer's report maintained that the site benefitted from an extant planning permission for an identical scheme. The report clearly identified this as a key consideration in granting planning permission. Furthermore, there were no heritage asset considerations in this determination and there are material differences between this proposal and that before me. In any case, every proposal has to be considered on its particular planning merits.
25. The CS just postdates the first publication of the Framework and the subsequent Local Development Framework documents never materialised. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework, paragraph 213, and the identified conflicted LP and CS Policies remain important for the reasons indicated.
26. The emerging South Oxfordshire Local Plan 2011-2034 (LP34) is proceeding through public examination and adoption soon after. LP34 Housing Policies would indicate that development would not be acceptable in this location because it is not within a village. It has not been demonstrated that the weight to be attached to the CS and LP policy conflicts should be reduced or that the direction of travel of this emerging plan would encourage development in this type of location.

Conclusion

27. There would be conflict with the CS and LP settlement and heritage asset policies, and the development plan taken as a whole. There are no other considerations to outweigh that finding. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR