



Appeal Decision

Site visit made on 2 February 2021

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/N0410/W/20/3251702

Granary, Denham Court Farm, Village Road, Denham UB9 5BG

- 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 Radiate Global International Ltd against the decision of Buckinghamshire Council - South Bucks Area
 - The application Ref PL/19/0127/FA, dated 21 December 2018, was refused by notice dated 9 April 2020.
 - The development proposed is conversion of garage to provide habitable accommodation.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I undertook this site visit at the same time as those relating to a number of other appeals¹ concerning this and other buildings at Denham Court Farm. These other appeals are the subject of separate decision letters.
3. In April 2020 local government was re-organised in this area. Although the application was made to South Bucks District Council the decision was made by Buckinghamshire Council. When I refer to "the Council" I am referring to Buckinghamshire Council as the local planning authority for the area. The policies of the development plan continue following the re-organisation.
4. During the consideration of the application amended plans were submitted to the Council adding windows in the front elevation and rear roof plane. The Council made its decision based on those plans and I, too, will use them.
5. The Council refused the application for three reasons. The first related to the fact that the application had been submitted with householder application forms. The Council asserted that this meant that the proposal does not meet the relevant criteria for assessment as specified within the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 (as amended). However, it seems to me that this issue relates to whether the Council should or should not have validated the application rather than the planning merits of the proposal. The application having been registered by the Council, and as the Council does not allege that it had insufficient information to allow it to determine the

¹ APP/N0410/Y/20/3251703, /W/20/351704, /Y/20/3251706, /W/20/3251707, /W/20/3254962 & /Y/20/3254967

application through the use of the incorrect form, the appeal now falls to be considered on its planning merits.

6. The name of the building on the listing description for the building to the south of the appeal building is "Denham Court Farmhouse Barn to South East of Farmhouse" but is identified as "The Granary". I will use this latter title for simplicity.

Main Issue

7. Although the site lies in the Green Belt it is agreed between the parties that the proposal would represent not inappropriate development on the basis that the proposal would represent the re-use of a building of permanent and substantial construction which would preserve the openness of and would not conflict with the purposes of the Green Belt. I have no reason to disagree on this point.
8. The main issues are:
 - the effect on The Granary and the settings of Denham Court Farmhouse Barn, and Denham Farmhouse, all Grade II listed buildings, and on the Denham Conservation Area; and
 - the effect on the living conditions of the occupiers of The Dairy, which forms part of Denham Court Farmhouse Barn, in respect of privacy.

Reasons

Heritage matters

9. The appeal building is of modern construction, having been built at the same time as the conversion of The Granary and The Denham Court Farmhouse Barn. It is located immediately to the north of The Granary and is physically attached to it. It consists of six bays, the end two designated as 'workshops' with the remainder as 'garages'. It has very much a subservient relationship to those listed buildings, both in size and through the simple and uncluttered form of the west elevation with its large vehicle doors reminiscent of a cart shed or other small-scale agricultural building.
10. The proposal is to convert the six bays to habitable accommodation. The two most southerly as accommodation associated with The Granary. Of the remaining four, the two on the ends are denoted for 'maid accommodation' and the middle two would be a kitchen and a storage/utility room. Externally, four windows would be inserted into the existing side hung double timber garage doors and the rooflights reconfigured in the rear roof plane so there would be a single window for each of the four proposed rooms.
11. As the proposal relates to listed buildings and their settings and is in a Conservation Area, I have had special regard to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
12. The National Planning Policy Framework (the Framework) defines the significance of a heritage asset as the value of a heritage asset to this and future generations because of its heritage interest. The national Planning Practice Guidance (the PPG) also notes² that 'significance' derives not only from a heritage asset's physical presence, but also from its setting.

² Reference ID: 18a-006-20190723

13. Paragraph 193 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. It is also emphasised that the more important the asset, the greater the weight should be. Paragraph 194 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
14. The Granary dates from the seventeenth century and is a timber framed weather boarded structure. For the purposes of this appeal its significance relates to its simple external form and, although not listed for its Group Value, how it makes a positive contribution to the wider farm complex, being the (former) farmyard and buildings around it, taken together with its clear historic agricultural character.
15. The Denham Court Farmhouse Barn dates from the seventeenth and eighteenth centuries and again is a timber framed weather boarded building; it is located on the northeastern side of the farm complex. This building is listed for, amongst other matters, its Group Value, and while it has been converted into three dwellings, its significance for this appeal also relates to its simple external form and its contribution to the farm complex. The significance for this appeal of Denham Court Farmhouse on the eastern side of the courtyard is its form as part of the overall farm complex. The Granary, The Denham Court Farmhouse Barn and Denham Court Farmhouse are all designated heritage assets.
16. The appeal site lies at the eastern end of the conservation area which extends to include the main village to the north, with Denham Court and Denham Place 'bookending' the village. The significance for this appeal of the conservation area relates to the wider village form, and how the Denham Court farm complex provides that bookend.
17. The reconfiguration of the windows in the rear roof plane would have no effect on the setting of, and thus the significance of, any of the listed buildings, as they would reflect existing windows in other buildings on the overall site. Therefore, in respect of this element of the proposal, The Granary and the settings of The Denham Court Farmhouse Barn and their significances as listed buildings would be preserved.
18. However, the introduction of the four small windows to the front would not relate well to the form of the building as part of the overall composition of the farmyard. The addition of four domestic in form windows in the substantial timber doors would result in visual clutter and change the character of the building making it more domestic. This would harmfully alter the relationship to both The Granary and The Denham Court Farmhouse Barn. Although a smaller building the proposal would change the hierarchy between the three buildings so that the importance of the two listed buildings would be diluted, as the appeal building would have more import than at present. This would harm The Granary as a listed building and the setting of The Denham Court Farmhouse Barn and result, in the terms of the Framework, in less than substantial harm to their significances as designated heritage assets. This should be given considerable importance and weight. Due to the intervening landscaping and distance to Denham Court Farmhouse the setting of this listed building would be preserved.

19. In relation to the effect on the character and appearance of the conservation area, which must be considered as a whole, the harm to one listed building and to the setting of another identified above would harm the contribution of the overall Denham Court farm complex makes to the Conservation Area. This means that consequently the character and appearance of the conservation area would not be preserved harming its significance. This, in the terms of the Framework, would represent less than substantial harm, although should still be given considerable importance and weight.
20. There being less than substantial harm to the significance of The Granary, the setting and significance of The Denham Court Farmhouse Barn and to the character and appearance and thus significance of the Conservation Area paragraph 196 of the Framework states that this harm should be weighed against the public benefits of the proposal. None here are identified.
21. Consequently, while the proposal would preserve the setting of Denham Court Farmhouse, it would fail to preserve The Granary, the setting of The Denham Court Farmhouse Barn and the character and appearance of the Conservation Area. As such it would be contrary to Policies EP3, C1 and C6 of the South Bucks District Local Plan and Policy CP8 of the South Bucks Core Strategy which require development to be compatible with the character of the site and adjoining development and that proposal should not detract from the setting of a listed building and preserve or enhance the character and appearance of a conservation area.

Living conditions

22. The Denham Court Farmhouse Barn has been converted into three dwellings. The most easterly of these is known as The Dairy and is located a short distance to the north of the appeal property. In the south elevation of The Dairy are bi-fold doors at ground level and a large window above. The area between it and the appeal building is open, and due to the proximity of the building to the site boundaries this area provides the largest open amenity space, or garden, for the occupiers of The Dairy.
23. The north elevation of the appeal building has a door and a casement window within it. These would provide the principal natural light source for the occupier.
24. The use of the end workshop as habitable accommodation would lead to harmful overlooking between the two buildings and into the private garden. Any proposed occupier would also need to pass through the private garden to gain access to their living accommodation. Both would be harmful to the living conditions for the occupiers of The Dairy through a loss of privacy.
25. The appellant points out that all the properties are now in a single ownership with the implication that all the buildings would be occupied together and thus any effects would be within that single occupation. However, ownership of itself would not change the planning status of the buildings. The Denham Court Farmhouse Barn was granted permission as three separate dwellings and The Granary as a fourth. There is nothing to prevent each unit being occupied individually, for example by being separately rented out. Consequently, the fact of ownership does not alter the harm I have identified.

26. That being the case the proposal would be harmful to the living conditions of the occupiers of The Dairy. Consequently, the proposal would be contrary to Policies EP3 and H12 of the South Bucks Local Plan which require development not to adversely affect the amenities of nearby properties. It would also be contrary to paragraph 127 of the Framework which indicates planning decisions should create places with a high standard of amenity for existing and future users.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR