



Appeal Decisions

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 A

Ref: APP/N0410/W/20/3254962

Farmhouse, 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/19/0128/FA, dated 21 December 2018, was refused by notice dated 5 June 2020.
 - The development proposed is described as "partial demolition of curtilage wall and reinstatement of vehicular access".
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Appeal B

Ref: APP/N0410/Y/20/3254967

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Radiate Global International Ltd against the decision of Buckinghamshire Council - South Bucks Area
 - The application Ref PL/19/0129/HB, dated 21 December 2018, was refused by notice dated 5 June 2020.
 - The works proposed are described as "partial demolition of curtilage wall and reinstatement of vehicular access".
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the alteration of curtilage wall, followed by replacement of existing vehicular access gate, provision of additional vehicular access gate and two pedestrian access gates at Farmhouse, Denham Court Farm, Village Road, Denham UB9 5BG in accordance with the terms of the application, PL/19/0128/FA, dated 21 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 093/A/S 100 Rev A, 093/A/SK 500 Rev D, 093/A/SK501 Rev D.

- 3) Prior to any above ground works, details of the external finishes of the development hereby permitted, including details of the re-use of materials, along with details of type, texture, colour, manufacturer information of any new materials, together with the bond to be used for brickwork, shall be submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details.
- 4) The vehicular access hereby permitted shall not be used until that part of the development has been fully completed in accordance with the approved plans.

Appeal B

2. The appeal is allowed and listed building consent is granted for the alteration of curtilage wall, followed by replacement of existing vehicular access gate and provision of additional vehicular access gate at Farmhouse, Denham Court Farm, Village Road, Denham UB9 5BG in accordance with the terms of the application Ref PL/19/0129/HB, dated 21 December 2018 and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) Prior to any above ground works, details of the external finishes of the works hereby permitted, including details of the re-use of materials, along with details of type, texture, colour, manufacturer information of any new materials, together with the bond to be used for brickwork, shall be submitted to and approved in writing by the local planning authority. The works shall take place in accordance with the approved details.

Procedural matters

3. I undertook this site visit at the same time as those relating to a number of other appeals¹ concerning other buildings at Denham Court Farm. These other appeals are the subject of separate decision letters.
4. 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 current local planning authority for the area. The policies of the development plan continue following the re-organisation.
5. During the consideration of the proposal amended plans were submitted to the Council and it made its decision based on those amended plans. I, too, will use them in my decision.
6. The applications drawings include the provision of two personnel gates in the fence along the eastern boundary of the site. The Council included reference to these on its decision notices and has noted that there are no objections to them. This decision letter will therefore concentrate on the issues relating to the proposed vehicular access to Village Road, although I will refer to the pedestrian access proposals later. The fence on the eastern boundary is clearly modern.

¹ APP/N0410/W/20/3251702, /Y/20/3251703, /W/20/351704, /Y/20/3251706 & /W/20/3251707

7. I have some concerns about the description of development and works in terms of the term 'reinstatement' and the phrase 'partial demolition'. The former is not an act of development or works and the formation of an opening in the wall is better described as an alteration rather than partial demolition. I have proceeded on that basis and reflected this in my formal decisions above. As the provision of the pedestrian accesses into a modern fence would not require listed building consent I have not needed to refer to them in that decision.
8. Although the Council's reason for refusal only relates to the effects on the setting of Denham Court Farmhouse, the wall in question has to be treated as part of Denham Court Farmhouse, as it is within the curtilage of the farmhouse, forms part of the land, and has done so since before 1 July 1948. The wall also forms part of the setting of 'Denham Court Farmhouse Barn to South East of Farmhouse' (known as 'The Granary') and Denham Court Farmhouse Barn, both Grade II listed buildings in their own rights at the Denham Court Farm complex.
9. Under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Listed Buildings Act) I am required to give special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72(1) of the same Act, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of any conservation area.

Background and Main Issues

10. The site lies in the Green Belt and the parties agree that the proposal would represent an engineering operation. As it would preserve the openness and not conflict with the purposes of the Green Belt, they consider that it would represent not inappropriate development in the Green Belt. I have no reason to disagree with this.
11. Planning permission and listed building consent have previously been granted for the construction of a vehicular access in this location as part of permissions to convert Denham Court Farmhouse Barn and The Granary. This would have had different form to that proposed in these appeals but represents a fall-back position which I will consider below.
12. In both appeals, the main issues are the effect of the alterations proposed on the special architectural and historic interest of the listed building, on the setting of listed buildings on the site, and on the character and appearance of the Denham Conservation Area.

Reasons

Listed buildings

13. 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

14. 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.
15. The front boundary wall is in two sections either side of the current gated vehicular access and is set at the rear of a grass verge. It is constructed from brick with a brick coping in a slightly darker colour and is approximately 2.5 m high around the existing gates, although the section where the access is proposed is slightly lower. There are brick buttresses on the outside of the wall along its length. The current vehicular access to the Denham Court Farm complex is through a metal double gate which allows views into the courtyard.
16. The proposal is to create a new access to the northwest of the existing entrance. This would be set slightly back from the back of the verge at an angle. The gap would be 3 m wide, filled with double timber gates which would be in the same curved shape as the main gates.
17. The construction of the access would result in the loss of historic fabric from the wall which forms part of the history of building at the site and this would be harmful. That there was an access in this location in the past, does not mean that a reinstatement is necessarily appropriate, since the way that places change over time is part of their history, and that history should be respected. However, as the majority of the wall would remain unaffected this harm would be limited and represent, in the terms of the Framework, less than substantial harm to the significance of the heritage asset. However, this harm should be given considerable importance and weight.
18. Because of the size of the gap for the access, it should be possible to predominantly re-use the materials removed to construct the new wall. This would help ensure the loss of historic material is kept to a minimum, although new bricks would be required to construct the new piers to support the gates and resolve any shortfall.
19. The Council's main concern relates to the style and height of the gates and that it would need to be set further into the site to allow for modern highway standards for sight lines. It therefore considers that this would result in harm to the significance of the Denham Court Farmhouse.
20. The proposed opening would be significantly smaller than the existing main entrance to the (former) farmyard and would be sub-ordinate to that entrance. The solid nature of the gates and lower height would show the appropriate hierarchy from the grander metal entrance gates.
21. The provision of the re-located wall, the gates and entrance would all have a small effect on the significance of Denham Court Farmhouse as they would harmfully encroach upon the space around the building. This would represent less than substantial harm. That being the case, paragraph 196 of the Framework states that this harm should be weighed against the public benefits of the proposal. No such public benefits have been put forward.
22. The wall in proximity to The Granary would not be affected and the proposed vehicular access would be located sufficiently far away so that it would not

have any effects on the setting of that building. Consequently, the setting and thus significance of this listed building would be preserved, as would the setting of the Denham Court Farm Barn at the rear of the site due to the intervening courtyard and vegetation.

23. Notwithstanding this, the proposal would be harmful to the wall as part of the listed building that is Denham Court Farmhouse and to its setting. Consequently, it would be contrary to Policy C6 of the South Bucks Local Plan in that it would harm the character and appearance of a listed building and its features of architectural and historic interest.

Conservation Area

24. 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 of the Denham Court farm complex for the conservation area in this appeal relates to the clear reference of the agricultural history from the building forms and its location in one corner of the conservation area.
25. In this regard, the loss of historic fabric and harmful effect on setting of the Denham Court Farmhouse would harm the character and appearance of the Conservation Area as a whole. As such the proposals would be contrary to Policy C1 of the South Bucks Local Plan which requires these aspects to be preserved and special attention and great weight should be given to this.

Other considerations

26. As noted above, planning permission and listed building consent have been granted for an access in the same location although the details have not been agreed. The condition relating to this requires significant visibility splays along the edge of the carriageway to be provided. The Highway Authority has indicated that no such sight lines are required for the current proposal due to the low level of traffic.
27. The construction of an access in this location could therefore take place, and would have a greater effect and harm, particular through the provision of the sight lines, to the wall as part of the listed Denham Court Farmhouse. If these current appeals were to be dismissed, then I consider that there is a real prospect of that alternative access being implemented and I give that substantial weight.
28. The gate proposals here are acceptable, and I consider that the prospect of the fall-back taking place is such that it represents sufficient reason to allow these appeals since the level of harm to the curtilage listed wall and to Denham Court Farmhouse and its significance would be greater in the previously agreed proposals than that here proposed. This material consideration is sufficient to indicate a decision contrary to the terms of the development plan and the policies in the Framework.

Other matter

29. As noted above, the appeals also include proposals for two personnel gates in the fence along the western boundary. These are acceptable and, because of the modern nature of the fence, would not affect the setting or significance of The Granary, which would be preserved.

Conditions

30. I have considered the conditions put forward by the Council against the requirements of the PPG and the Framework. In addition to the standard timescale conditions, I have imposed a condition in each case relating to the materials. I have imposed a condition specifying the relevant drawings for the planning permission as this provides certainty; such a condition would not comply with the Listed Building Act as that consent only permits the authorised works.
31. In respect of the planning permission the Council has requested a condition requiring the vehicular access to be constructed in accordance with particular standards. This would effectively duplicate other legislation. However, a condition requiring the works to be completed prior to first use is necessary in the interests of highway safety. The Council requested standard should be secured under the complementary legislation.
32. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

33. For the reasons given above I conclude that the appeals should succeed.

RJ Jackson

INSPECTOR