The Planning Inspectorate

Appeal Decision

Site Visit made on 18 February 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/K0425/D/20/3261742
Muzwell Farm, Moor Common, Lane End HP14 3HX

- 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 Messrs Anderson, Ruddock and Azima against the decision of Buckinghamshire Council.
- The application Ref 20/06193/FUL, dated 15 May 2020, was refused by notice dated 15 September 2020.
- The development proposed is the excavation of bank with retaining wall to extend existing garage serving Muzwell Farmhouse; West and South Barns.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refused permission on the grounds that the scheme would have an adverse effect on local character. The site is in a rural location in the Chilterns Area of Outstanding Natural Beauty (CAONB) and close to the grade II listed Muzwell Farmhouse. As such, effects in terms of character have the potential to relate to character generally, the landscape and the setting of the listed building. I have approached the appeal with that in mind, conscious of the legislative requirements upon me in those regards (section 85 of the Countryside and Rights of Way Act 2000 as amended and section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended).

3. The appellants state that the appeal site is within domestic curtilage and that it has been treated as such for some considerable time. However, there is no substantive evidence before me in that regard; for example, a certificate of lawful development attesting to that use. Moreover whether or not land falls within a residential curtilage is a separate matter to effects on character and appearance; not all development within domestic curtilages is acceptable in planning terms.

Main Issues

4. Following on from the first paragraph under procedural matters, I have assessed the scheme based on its effect on character and appearance.

Reasons

5. The existing garage is located in a small attractive enclave of three dwellings arranged in a small courtyard in the countryside. The rural location of the appeal site and the quality and form of its buildings contribute to a cohesive

and distinctive development. The proposal seeks to extend the garage which serves Muzwell Farmhouse, West Barn and South Barn into the grass bank that sits to its rear. To the east of the appeal site is Jake's Barn which I am advised has secured planning permission for residential development.

6. The grass bank to the rear of the garage is part of a larger area that for the most part is physically separated from the rest of the appeal site. It does not have an overtly domestic appearance and has a character distinctly different to the rest of the site. Although narrow it provides a buffer between the more domestic areas of the site and the neighbouring property.

7. The garage is a simple and well-proportioned building which through its design, form and materials respects the farmstead character of the appeal site. The proposed extension would, as a result of its scale, significantly and disproportionately increase its size. Moreover, the side elevations would sit level with and above the existing eaves of the garage resulting in an awkward visual relationship. This would be exacerbated by the form of the proposed roof and the point at which it would meet the host roof plane. Although the green roof is intended to help subsume the proposed extension into the grass bank, it would be punctuated by a number of rooflights and its general shape and scale would be clearly discernible. The proposed extension therefore would have an incongruous and unsympathetic appearance.

8. Paragraph 172 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in, among other areas, Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The proposed extension would result in an unsympathetic form of development encroaching into the grass bank and although this area is not particularly prominent in landscape views from surrounding vantage points the proposal would adversely affect the landscape value of the site and the CANOB. I note the appellants comments regarding paragraph 131 of the Framework, however, there is nothing in the design of the proposal which I consider to be innovative or outstanding that would lead me to afford it great weight.

9. Paragraph 190 of the Framework indicates that the significance of heritage assets may be affected by development affecting its setting. The appeal site and Muzwell Farmhouse are in close proximity to one another and seen in conjunction. Historically, before subdivision of a more extensive holding I understand that the appeal site was connected to Muzwell Farm. In that context there is no dispute that the appeal site is part of the setting of Muzwell Farm, i.e. the surroundings in which the farmhouse is experienced.

10. Notwithstanding the Council's decision notice, I note that their heritage officer is of the view that the proposal would not unacceptably affect the setting of the listed building. However, I have reasoned above that the existing garage is part of its setting and the bank is different in character to the area immediately around the farmhouse. In that context, given my reasoning regarding the implications of the proposal, I cannot other than find that there would be some adverse effect on the setting of the listed building (which originated in a formerly more rural context). I acknowledge that harm would be limited and would be less than substantial for the purposes of paragraph 196 of the Framework and as such needs to be weighed against the public benefits of the proposal.

11. While the proposal would provide additional garaging and storage space for the dwellings this is principally a private benefit. Moreover, there is no substantive evidence before me to indicate that the proposal is required to remedy any existing issues at the appeal site that could be considered a public benefit; for example, the removal of areas of open storage.

12. I conclude that the proposal would cause harm to character and appearance of the host building and the locality. There would be conflict with Policies CP9, DM35 and DM36 of the Wycombe District Local Plan Adopted August 2019 (LP). Collectively, these require, amongst other things, that development respects the character and appearance of the surrounding area. There would also be conflict with Policy DM30 of the LP which requires, amongst other things, development to conserve, and where possible enhance, the natural beauty of the Chilterns AONB. The proposal would also conflict with LP Policies CP11 and DM31 which collectively require development to conserve and, where possible, enhance the historic environment; and Section 16 of the Framework relating to the historic environment. There would also be conflict with the guidance set out in the Householder Planning and Design Guidance Supplementary Planning Document Adopted 2020, which provides guidance as to how development may integrate sensitively with its surroundings, and the Chilterns Buildings Design Guide which states that new development must be designed to respond to the character of the surrounding area.

Other Matters

13. The Council's pre-application advice suggests considering an open carport with loft storage. No such scheme is before me and in any case a detached carport is not directly comparable to the appeal proposal, an open carport suggesting a more lightweight structure with potentially more limited intervention than is proposed here. Moreover, the Planning Policy Guidance[1] states that pre-application advice provided by the local planning authority cannot pre-empt the democratic decision making process or a particular outcome, in the event that a formal planning application is made.

14. The appellants suggest that the additional storage that would result from the proposal would obviate the need for Class E outbuildings. This appears to be a reference to permitted development rights pursuant to Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, there is no indication before me that any other outbuildings are actively being proposed, or as to whether permitted development rights are intact.

15. These matters do not represent a compelling fall-back position. I therefore afford them limited weight and I consider that they do not outweigh the harm that I have identified.

Conclusion

16. For the reasons given above, and having regard to the development plan as a whole and all other matters referred to by the appellants in support of the proposal, I conclude that the appeal should be dismissed.

[1] Paragraph: 011 Reference ID:20-011-20140306.

Scott Britnell

INSPECTOR