
Appeal Decisions

Hearing held on 16 & 17 June 2021

Site visit made on 17 June 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal A Ref: APP/X0415/W/20/3254067

Holmer Green Farm, Penfold Lane, Holmer Green HP15 6XW

- 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 Ian Watson, Holmer Green Farm Ltd, against the decision of Chiltern District Council.
 - The application Ref CH/2018/0463/FA, dated 13 March 2018, was refused by notice dated 13 March 2020.
 - The development proposed is the demolition of two modern agricultural buildings, demolition of the cow-shed canopy, and demolition of the rear extension to the farmhouse. Renovation and extension of the farmhouse, including alterations to its rear wall. Conversion of the barns and cow-shed to form three dwellings.
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Appeal B Ref: APP/X0415/Y/20/3254066

Holmer Green Farm, Penfold Lane, Holmer Green HP15 6XW

- 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 Mr Ian Watson, Holmer Green Farm Ltd, against the decision of Chiltern District Council.
 - The application Ref CH/2018/0464/HB, dated 13 March 2018, was refused by notice dated 13 March 2020.
 - The works proposed are the demolition of two modern agricultural buildings, demolition of the cow-shed canopy, and demolition of the rear extension to the farmhouse. Renovation and extension of the farmhouse, including alterations to its rear wall. Conversion of the barns and cow-shed to form three dwellings.
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Decisions

Appeal A Ref: APP/X0415/W/20/3254067

1. The appeal is dismissed.

Appeal B Ref: APP/X0415/Y/20/3254066

2. The appeal is dismissed.

Preliminary Matters

3. As the proposals concern listed buildings, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. Amended descriptions of the proposed development and works, encompassing demolition and more precise descriptions of the new work, in the banner
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headings above, were agreed by both parties during the Hearing. As the amended descriptions reflect, albeit in greater detail, the works and development considered by the Council, no prejudice would arise to any interests by determining the appeals on that basis.

5. The National Planning Policy Framework (the Framework) was revised after the Hearing closed. Both parties were given the opportunity to comment on any implications for the appeals.
6. The Chiltern District Local Plan (LP) is almost 24 years old. The objective of LP policy LB1, which protects listed buildings, is broadly consistent with the Framework. However, its requirement in part (iv) for regard to be had to whether works would bring substantial planning benefits for the community is more prescriptive than the public benefits tests in the Framework, and its more nuanced measures of harm. This limits the weight I can accord it.
7. As set out above, there are two appeals on this site. To avoid duplication, I have dealt with the two appeals together, except where otherwise indicated.

Main Issues

8. While the appeal site lies in the Green Belt and in the Chilterns Area of Outstanding Natural Beauty (AONB), the Council raised no objections to the proposed development in these regards. It also accepts the change of use of the agricultural buildings to dwellings. I have no reason to disagree with its conclusions. A grade II listed building, Penfold Cottage, stands on the other side of Kingstreet Lane which runs between the appeal site and the Cottage. Accordingly, the main issues are:
 - whether the proposals would preserve the grade II listed buildings on the appeal site and any of the features of special architectural or historic interest that they possess; and,
 - the effect of the proposals on the setting of Penfold Cottage.

Reasons

The significance of the listed buildings on the appeal site

9. The appeal site contains a farmhouse dating from the C17 or earlier, with C18, C19 and C20 alterations. Attached to it at one end, and forming the principal enclosing side of the farmyard is a small, C17 barn, substantially altered in the C18. Joining onto this barn at a right angle, and enclosing a second side of the yard, stands a long, mid-C18 barn. Within the curtilage of the farmhouse and standing opposite the long barn, and forming the third side of the yard enclosure, is a C19 cart shed. The buildings appear long disused and derelict, with varying degrees of weathertightness.
10. The farmhouse: This contains C17 timber framing with lath and plaster walls internally. Smoke-blackened timbers have become exposed in the roof at the west end, suggesting the farmhouse may have developed from an open hall house. The north elevation retains brick infills laid between the timbers, while the south elevation has been re-fronted under various hands, in brick, perhaps

in the C17 or C18. Notably, the north wall of the eastern bay at ground floor retains a timber frame with timbers thought to date from the C16, with evidence of wattle and daub infills. At first floor level, the timber frame in the north wall of the same bay shows historic smoke blackening to the timber as well as unused mortice holes. The lean-to at the west end, concealing the exposed timber frame with brick infills at the west end of the farmhouse appears to have been built later, incorporating reused timbers, perhaps from a previous structure or from other farm buildings.

11. As well as showing how farm workers lived in the past, the farmhouse has historic significance illustrating how central it has been to the development of the farmstead since at least the C17, and how its alterations have accommodated the farm's successful adaptation to the economic and demographic pressures of the time. Its form, domestic scale, internal arrangement, and vernacular construction retain special historic and architectural interest.
12. The small barn: As well as the historic interest in this C17 barn, substantially altered in the C18, and its position directly beside the farmhouse, indicating the possible success of the early development of the farm, the hand-worked craftsmanship of its construction reflecting the agricultural vernacular, most notably the timber frame structure, significant for its queen post roof trusses together with surviving braces, purlins, and rafters, retains both architectural and historic interest. The hayloft and the door locations in opposite walls suggests it may have been a threshing barn at one time.
13. The long barn: This is a large, mid C18 hay barn of six bays. Its size and the evidence of two cart porches previously standing to one side with openings on its opposite side suggest it was a threshing barn supporting a prosperous farm. As well as the historic interest from its function and fabric, the ordering of the bays, the copious volumes delineated by queen post trusses and the hand craftsmanship of the joinery give the barn considerable architectural significance.
14. The cart shed: The C19 timber trusses of this building bear on one long side onto a continuous wall and on the opposite open side, onto timber posts which in turn, sit on straddle stones, suggesting there may have been a raised floor at one time. Together with the use of local flint and brick for the walls, and the clay-tiled roof, the building has both historic and architectural special interest.
15. Individually, each building has special historic and architectural interest, as summarised above. However, as well as their individual historic and architectural significance, the buildings, as a group of surviving agricultural buildings, have a collective, historic significance demonstrating the form and layout of a farmstead which has developed from the C17. Their position facing towards the Lane, with the setting behind them of open arable fields and distant woodland, indicates the agricultural technology, the social construction and the architectural aspirations of the people who lived here and who worked this land successfully over at least four centuries.

The effect of the proposals on the significance of the listed buildings

16. The farmhouse, alterations: The Council does not object to the demolition of the post-war extension and front porch, nor to the incorporation of the lean-to at the free end of the farmhouse. The replacement chimney stack, replacement windows, and new rooflights, I heard, are similarly uncontroversial. These elements, together with the repairs, replacement of unsympathetic materials, repointing, and replacement fireplaces would contribute to the building's conservation.
17. I understand the misgivings of the Council about the concealment of the timber framing presently exposed in the farmhouse walls internally, because of the intended, thermal upgrading of the external walls. However, the areas concerned are very limited, and were previously concealed when the farmhouse was last occupied, only recently exposed during opening-up work. Moreover, the framing in the internal walls, presently covered by modern finishes, would be revealed by the proposals. In these circumstances, the significance of the building would not be harmed by the thermal upgrade of the walls. The improvement of the thermal performance would have a long-term benefit to the conservation of the building as a dwelling.
18. The proposals include a first-floor connection between the existing building and the proposed rear extension. This necessitates the removal of part of a timber beam in the external wall of the main section of the building, hidden within the roof space of the post-war extension. The Council objects vehemently to the loss of this historic fabric.
19. The timber which would be removed, part of a beam which has historic smoke blackening, would amount to the width of a door opening. While the appellant maintains the degree of harm from the removal of the section of timber beam amounts to no more than less than substantial harm, the Council considers that if that part of the building is confirmed as being part of an earlier, mediaeval structure, then the degree of harm would be substantial.
20. The appellant accepts that the timber beam may date back to the C16, but contends that the present arrangement relates to an C18 rebuild, pointing to unoccupied mortice slots in the beam and only a single brace at one end rather than at both ends, concluding that it was probably reused from an earlier house on the site, or taken from elsewhere. The Council, on the other hand, considers that the farmhouse may be of mediaeval origin, the smoke blackening of the roof timbers suggesting that the timber was original structure, once part of an open hall here, which had been floored over.
21. In the absence of measured drawings of the structure and fabric of the building it is not possible to conclude definitively on the status of the beam. Nonetheless, to remove a section of this beam, whether it be an C18 reuse of a C16 timber, or whether it is standing original structure from the C16 or earlier, the loss would compromise the historic structural integrity of the beam as it stands, its continuity with the adjacent structural elements, which arrangement

- has special historic interest, as well as removing crucial evidence of a part of the building the origin of which is uncertain.
22. I acknowledge that even minor works have the potential to cause substantial harm. However, an important consideration given in the Planning Practice Guidance¹ of the test for whether harm is substantial is whether the adverse impact of the proposal would seriously affect a key element of special interest. While the adverse impact on the beam, whether original or recovered, whether C17, C16 or earlier, would be serious, the beam itself is not a key element of the special historic interest of the building. Rather, it is one small part of the much greater structure of the building, which, as a whole structure, is a key element of the special historic interest of the building. The harm, therefore, would not be substantial.
23. This element of the proposals would nonetheless cause less than substantial harm to the historic significance of the listed building, in which circumstance the Framework, in paragraph 199 says, irrespective of whether that harm be substantial or less than substantial, that great weight should be given to the asset's conservation. More significantly, the beam is part of the historic structure of the building, which is a feature of its special historic interest. This alteration would not preserve that feature to the desirability of the preservation of which I am required to have special regard.
24. The farmhouse, extension: The low height of the eaves of the farmhouse gives it a demure stature. The fine texture of the elevation from its small openings, timberwork, the brick infill sections of its walls, and the clay tiles of its roof, particularly at the rear, and the visible, incremental, twists and turns of its development, lends the farmhouse a humble scale, and a utilitarian, rural character betraying its genius loci.
25. The extent of the footprint, the floor area, and the volume of the proposed extension would, in a single move, overpower the delicate balance between the building's historical incremental development and its special architectural character. Because of its width, only marginally less than the deepest section of the farmhouse, and being greater than the depth of the bay from which it would spring, combined with its depth which would be greater than the depth of the house, together with its 2-storey height, the stature of the proposed extension would relegate the listed building visually to little more than an interesting background element of the new whole.
26. Against the more steeply pitched roofs of the building, the pitch of the roof of the proposed extension would appear artificially shallow, stooping to land below the ridge of the existing building. The eaves of the farmhouse make a strong, almost continuous height reference, the ground to eaves relationship of the walls being a key element of the building's scale. The eaves of the proposed extension, being above those of the existing building, would reverse the

¹ Planning Practice Guidance, paragraph 018: Reference ID: 18a-018-20190723

present hierarchy of roofs where the house rather than the extensions to it, has the greater prominence.

27. I have noted the appellant's point that the extension is necessary to make the farmhouse viable as a family home, as well as its contribution to the viability of the whole development at this site. However, there is no evidence to demonstrate that a more sensitive extension could not maintain the assumed returns, or that the proposals would be unviable, or the use cease without it. This does not amount to the clear and convincing justification for harm to a designated heritage asset as envisaged by the Framework in paragraph 200.
28. I appreciate the efforts that have been made to restrain the number of openings in the extension and to manage head heights at first floor by the single, small dormer. I have taken into account the present C20 rear extension, however, its short depth and single storey height limits its impact. Notwithstanding this, because of its size, the extension would be an insensitive addition that would diminish substantially the significance of the listed building and its special architectural and historic interest. In the language of the Framework, this would amount to less than substantial harm.
29. The farmhouse, conclusion: I have identified two causes of harm to the significance of the farmhouse; internally, the removal of part of a historic wall frame, and externally, the rear extension. Because of these two elements, the proposals would preserve neither the special historic nor the architectural interest of the listed building. Though the degree of harm to the significance of the listed building would, in each instance and in aggregate, amount to less than substantial harm, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met. I give this harm, and the conflict with the objective of LP policy LB1, considerable importance and weight in the planning balance of these appeals. Indeed, paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. I return to this in the balance below.
30. The barns: Though the architecturally distinctive single volume of the long barn would be shortened to form two dwellings, the truncated sections would have their former wagon porches, presently occupied by steel doors and various, unsympathetic infills, reinstated into single volumes with their adjoining bays, almost a form of spatial compensation. The small barn is presently functionally connected to the long barn at the right-angle turn, a condition which would be retained.
31. The few, new window and door openings would retain the solid character of the roofs and walls of the barns. They would be generally set between existing timber studs which would avoid the loss of historic timber and constrain the size of the openings. Two windows would require part of a single stud to be removed. While the stud's function would be lost, this is one of very few similar stud conflicts in the whole scheme. The stud would be concealed behind

- new finishes. Moreover the windows are necessary for escape as part of the sensitive spatial strategy which would retain the character of open space in the building, the arrangement of which is part of the building's significance.
32. Two studs, already rotten to 1m above ground, would be cut back to around 2m above ground to accommodate an external door opening in the new dwelling in the long barn. An already-cut post to a top rail over a non-original opening between the two barns would also be trimmed and the back boards refixed to the opening above. The loss of historic fabric, as a proportion of the whole building would be very limited.
33. Despite the new roof insulation, necessary to make the space habitable, the rafters and purlins would remain partially visible within the space. In the walls the new insulated finishes would conceal the secondary timber studs, but retain as partially exposed, the primary posts. This would conserve the historic fabric while retaining something of the buildings' present architectural character.
34. The distinctive roof trusses would remain exposed and new, independent first floors formed within the space, conflict with the trusses being avoided by the stairs and ladders giving access to the first floor. The existing sole plate, laid directly onto the ground, would be conserved above a new brickwork plinth, with external ground levels reduced and the new breathable slab set in. Together with the repair of the hayloft floor and its retention as a storage platform, removal of blockwork and metal sheets, the repairs and reinstatement of wall-boarding and clay roof tiles would be sensitive to the significance of the buildings.
35. The cart shed: There is no objection from the Council to the demolition of the C20 canopy, which is falling down, the removal of which would better reveal the historic structure of the building behind.
36. In terms of alterations, most new windows proposed would reuse the existing wall openings. The two windows for bedrooms, and the two rooflights for the kitchen and bathroom would cause the loss of some historic clay roof tiles and wall material. However, the amount of material is not so great, and its significance is not so high, either individually or in the context of the whole building, that the historic integrity of the building would be undermined, or any significant evidential value lost.
37. Moreover, for the building to continue as proposed, the bedrooms should have outlook and a degree of privacy such as by the windows proposed, which could not be achieved by their location in the opposite wall. Furthermore, the natural ventilation of these rooms may avoid the openings and service routing often required for mechanical ventilation. The ability to naturally purge ventilate may also assist the dispersal of moisture-laden air more effectively than mechanical ventilation, particularly relevant here given the amount of retained timber.

38. The internal door opening to be formed in the wall between the shelter and the space once used for donkeys would result in the loss of some flint infill walling and some plain brickwork. However, its position would avoid the distinctive brick pier and the brick features above, and the overall loss would be a small proportion of the entire wall.
39. The dry lining of the external walls would not obscure wall finishes which contribute to the significance of the building, and the ventilated void above the roof insulation, leaving the timber trusses, part of the rafters, and the purlins, exposed, would ensure the architectural character of the roof remains visible.
40. The proposed floor slab, which would be vapour permeable, and the reprofiling of the ground beside the long, west wall, together with a new soil drain, would change the nature of the floor and resolve a technical problem, but these alterations would not undermine the significance of the building and are necessary to make it habitable. Planning conditions could control the details of these alterations, as well as any underpinning required, and the sensitivity of repairs and making good.
41. The design concept to layout the rooms as a series of linear cells along the length of the building, with an added loggia formed around the retained timber posts is a delightful approach, sensitive to the characteristic form and historic use of this building. The posts of the loggia would align with the historic posts. Views of the single historic post which would remain outside the building envelope would be obscured by a marginal degree by the external post of the loggia, but I see no harm from this to the significance of the building.
42. Entry is a critically important part of dwelling. This suggestion of a porch, which is defined by the oversailing roof and the external post supporting it, is a discrete way to form an entry to the dwelling. It allows the eaves of the loggia to be read as a single element, which gives the long form and low eaves of the building, which is part of its special architectural character, to read as the most prominent element, without the fussiness of a roof manoeuvre, or the distraction of an emphasis in the clerestory below.
43. Barns and cart shed, conclusion: Insofar as the agricultural use of these buildings would be lost, there would be some harm to their historic significance. As part of the alterations, relatively small elements of historic fabric, in very few instances, would be lost, or, even if used in repairs, displaced. This too would diminish, albeit to a very limited degree, the historic significance of these buildings. The loss of the single volume in the long barn, despite the replaced cart porches, would also diminish its architectural significance. Altogether, the degree of harm to the significance of both barns and to the cart shed would be, in each case, very much less than substantial. Nonetheless, as above, I give these harms, and the conflict with the objective of LP policy LB1, considerable importance and weight in the planning balance of these appeals.
44. Landscape setting: The demolition of the large, modern agricultural buildings standing so close to the listed barns would free their setting of significant, detracting elements. The removal of the blockwork wall and the leylandii trees

would reveal the listed buildings in public views. The replacement landscape scheme would retain the activity of the courtyard while avoiding clutter in the central space. Boundaries would be generally defined by low-level planting and hedges, retaining a generally open spatial character, with additional parking relegated to the rear of the site. These landscape improvements would be a substantial benefit to the setting of the listed buildings. There would be no conflict with LP policy LB2 which protects the setting of listed buildings.

The effect of the proposals on the setting of Penfold Cottage

45. This grade II listed, late C15 building stands around 30m from the listed barns on this site. Its large plot is separated from Holmer Green Farm by Kingstreet Lane and the trees which line its length. Though there is no direct visual connection between Penfold Cottage and the historic buildings on the appeal site, the demolition of the modern agricultural buildings presently standing between Kingstreet Lane and the listed barns on this site would return the prominence of the open landscape in the wider setting of Penfold Cottage.
46. The setting of Penfold Cottage, to the desirability of the preservation of which I am required to have special regard, and which is protected by LP policy LB2, would therefore be improved, by a small spatial measure, as a result of the proposals. There would be no conflict with the Local Plan, nor with the Framework, which in paragraph 200, identifies the potential for harm to the significance of a heritage asset including from development within its setting.

Public Benefits

47. Paragraph 202 of the Framework anticipates that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. I have already identified above some of the numerous, heritage benefits of the proposals in each of the buildings which are agreed in common ground. To these must be added the improvement to their setting, both from demolition of nondescript modern buildings, and from the proposed, sensitive landscape scheme. The setting of the nearby listed building, Penfold Cottage would also be improved by the demolitions in these proposals.
48. The principal heritage benefit would be the conservation of the buildings following the extensive repairs, improvements, and the sensitive adaptation work to accommodate the change of use of the barns and cart shed. The buildings are long redundant, decaying, and at risk of vandalism. The new and restored residential uses would secure their long-term conservation.
49. There is strong support from local residents for the proposals which, as well as securing what is now the optimal viable use for the agricultural buildings, would provide the social benefit of three, well-planned, additional dwellings in a district which has a shortfall of supply, in a sustainable location, with the future occupiers bolstering the demand for local services and facilities. Securing the site for a new use would also reduce the risk of antisocial behaviour and crime, which the derelict site has endured for many years.

50. The local environment would be uplifted by the conservation of the buildings, as well as their new use. The openness of the Green belt would be increased, and as already described, a sensitive landscape setting provided to the buildings, which stand in an AONB.
51. Occupation of the development would bring economic benefits too from the spending of future occupiers in the local area as well as from its construction which would stimulate employment, the commissioning of services, and the retention of building craft skills.

Balance

52. Barns and Cart Shed: The proposals would secure the repairs necessary to ensure these derelict buildings' weathertightness and stability, and they would bring a reassuring degree of certainty for their future and long-term conservation. Moreover, the design of the new work in these buildings is generally sympathetic to and restorative of their special architectural interest, and the alterations necessary to secure the new use would be sensitive to their special historic interest.
53. More significantly, the alterations would enable the buildings to be put to a new, optimum viable use which would be consistent with their conservation, the desirability of which, the Framework says, account should be taken. In the absence of continued, agricultural use, the certainty, sensitivity, and enduring nature of the proposed use would help to conserve these buildings. The securing of these buildings' conservation and the removal of the C20 temporary works and patch repairs, much of which would be visible from the Lane, would be very significant heritage benefits. These heritage benefits, together with the other public benefits, would most decisively outweigh the considerable importance and weight of the less than substantial harm identified to both of the barns and to the cart shed.
54. Farmhouse: Though the farmhouse already has a residential use, the proposals would bring its standard of accommodation into the C21, which would help secure its future. The heritage benefits to this building, in terms of the sympathetic repairs, restorations, modernisation and the sensitive new work would be significant. I recognise too that save for the two elements of harm identified, the approach here, as in the rest of the proposals, has demonstrably been an expert-led, conservation-minded, light-touch one, which would lead to an otherwise commendably sensitive and well-designed example of place-making in a historic environment.
55. However, the heritage benefits and the other numerous, public benefits in the proposals, including the benefits across the whole scheme, would not outweigh the less than substantial harm to the significance of the listed farmhouse, to which I attribute considerable importance and weight, and to the conservation of which the Framework indicates great weight should be given.

Other Matters

56. I am not convinced that a Level 4 record² is necessary to understand the significance of all the buildings and the effect of the proposals on that. I acknowledge that the appellant's information may not have arrived in a single package, but read together, the statements, drawings, and the information revealed by the opening-up works amount to a level of detail between level 2 and level 3. Together with the site inspection I made, the level of detail in the information was, save for the farmhouse as noted below, proportionate to the assets' significance, as required by the Framework in paragraph 194, and more than sufficient for me to reach my conclusions on these proposals.
57. I appreciate the Council's point about the archaeological interest in the farmhouse, with regard to the status and origins of the timber framing. Because of the proposed alteration to the frame at first floor, and only because that particular, single alteration would have such bearing on the historic significance of the building, a focused archaeological investigation of the frame was warranted, especially so given the incremental development of the farmhouse as part of a successful farmstead.
58. Notwithstanding this, because of the nature of the proposals for the farmhouse, the lack of a detailed archaeological assessment and field evaluation on this single aspect was not a determinative issue, and has not prevented me from reaching a definitive conclusion on their effects on the significance of the building.
59. I have noted the housing land supply position agreed in the statement of common ground. In accordance with paragraph 11 d) of the Framework, the tilted balance may come into play. However, designated heritage assets are protected by policies in the Framework. In applying its policies concerning designated heritage assets, I have found clear reason for refusing the development. Accordingly, in appeal 'A' the tilted balance does not apply, and the Framework is not a material consideration in this context to indicate a decision other than in accordance with the development plan.

Conclusion

60. I conclude that though the proposals would preserve the grade II listed barns, and the cart shed, and their features of special interest, they would diminish the historic significance of the grade II listed farmhouse and fail to preserve its special architectural and historic interest. They would fail to satisfy the requirements of the Act, as well as paragraph 197 of the Framework, and the objective of LP policy LB1. For these reasons, and having regard to all other matters raised, the appeals are dismissed.

Patrick Whelan

INSPECTOR

² Understanding Historic Buildings; A Guide to Good Recording Practice, Historic England, May 2016

Appearances

FOR THE APPELLANT:

Mrs Hazel Izod BA(Hons) MSc

Mrs Naomi Puliston BA(Hons) MSc MRTPI

Mr Declan Carroll BSc(Hons) MSc IHBC

Mr Simon Redman BA (Hons) BArch RIBA

Mr Ian Watson

Planning consultant, Sworders

Planning consultant, Sworders

Heritage consultant, Turley

Architect, Cowper Griffith Architects

Holmer Green Farm Ltd, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Emma Showan BA Hons MSc MRTPI

Mrs Julia Foster IHBC MRTPI

Senior Planning Officer,

Buckinghamshire Council

Heritage Case Officer,

Buckinghamshire Council

Late evidence

1. Drawing 110 revP12 Farmhouse conversion drawings
2. Information sheet on wattle and daub, Lara Band, Weald and Downland Open Air Museum, 2004
3. LPA's suggested conditions 1 and 2