



Appeal Decision

Site Visit made on 1 September 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2021

Appeal Ref: APP/J0405/W/21/3275090

Glebe Cottage, School Lane, Dinton, HP17 8UZ

- 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 Paul Roads against the decision of Buckinghamshire Council.
 - The application Ref 20/02802/APP, dated 8 July 2020, was refused by notice dated 16 November 2020.
 - The development proposed is addition of a slate roof and conversion of a farm building to two dwelling houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal do not reflect any concerns over harm to heritage assets. Nonetheless, the appeal site lies within a conservation area and I have a statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
3. The Vale of Aylesbury Local Plan was adopted by the Council in September 2021, replacing the Aylesbury Vale District Local Plan 2004. The appellant was invited to comment on the adopted plan.
4. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.

Main Issues

5. The main issues are:
 - Whether the appeal proposal would preserve or enhance the character or appearance of the Dinton, Westlington, Upton and Gibraltar Conservation Area, including the effect on trees and hedgerows,
 - The effect on the living conditions of neighbouring and future occupiers,
 - Whether the building is of permanent and substantial construction suitable for conversion; and,
 - Whether the appeal site accords with relevant local policies regarding the location of new residential development.

Reasons

Conservation Area

6. The appeal site falls within the Dinton, Westlington, Upton and Gibraltar Conservation Area (the CA), which covers those settlements and their

surroundings. The Council's Conservation Area Appraisal (the Appraisal) notes that the settlements have largely expanded along the historic paths and trackways between the settlements, which allows the identification of the historic plan of the villages. The settlements are surrounded by agricultural land with views across the countryside creating a feeling of green and open space along most of the main streets. Specific to the appeal site, the Appraisal identifies the area as an important farm complex set apart from the historic core of the CA. The historic plot boundaries have been retained, with evidence of historic field systems. I see no reason to disagree with this and find that the historic agricultural use of the building contributes to the significance of the CA.

7. The development would result in the loss of trees adjacent to the building. No details have been provided of the species, age or condition of these trees, but the closest trees are mature and contribute to both the character and the appearance of the site and the wider CA, with the Appraisal noting that the CA is generally heavily planted, and that in the Pasture Farm and Wallace Farm identity area the tall trees create a strong sense of enclosure.
8. There is an extensive spread of trees in the wider area, much of which falls within the appellant's control. However, the loss of any mature trees would still result in harm. While replacement planting could be introduced in the vicinity of the site this would take a significant period to become established and make a comparable contribution to the existing. In the absence of evidence to suggest that the existing trees are of poor condition this would not be an acceptable substitute. The loss of trees would result in harm both to the character and to the appearance of the CA. Given that the impact would be localised to the immediate surroundings of the appeal site, this would amount to less than substantial harm.
9. The appeal building would be significantly altered, including a replacement dual-pitched slate roof. However, the overall appearance of the building would retain the simple form and mix of external materials. The slate roof would not be uncharacteristic of agricultural buildings, and the proposed openings would not result in an overly domestic appearance to the building. The alterations would therefore preserve both the character and the appearance of the CA.
10. Nonetheless, the appeal proposal would overall fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with the requirements of Policies BE1 and NE8 of the Vale of Aylesbury Local Plan (the LP) which collectively state that all development should seek to conserve heritage assets in a manner appropriate to their significance and requires that where trees within or adjacent to a site could be affected by development a full tree survey and arboricultural impact assessment will be required as part of the application.

Living conditions

11. The living area and one bedroom in each proposed house would face the Coach House across an open courtyard. The Coach House has several windows and doors facing onto the courtyard, and while some are set at right angles to the appeal building, the relatively short distance between elevations would result in a significant degree of overlooking between the houses. This would cause a loss of privacy to occupiers of the Coach House and provide a low level of privacy to the occupiers of the proposed houses.
12. The appellant has suggested that landscaping could be provided within the courtyard to reduce any overlooking. However, the courtyard is shared with the

Coach House, and it is not clear how any landscaping could be introduced that would provide effective screening without restricting its usability.

13. The movement of vehicles in the courtyard associated with the Coach House may cause some disturbance to the occupiers of the proposed houses. However, the number of vehicle movements associated with a single dwelling is not likely to be high. The extent of disturbance is therefore not likely to be so significant that it would result in unacceptable harm to the future occupiers.
14. Overall, because of the overlooking between the Coach House and the proposed houses, the proposed development would result in unacceptable living conditions for existing and future occupiers. This would be contrary to Policy BE3 of the LP, which requires that development not unreasonably harm any aspect of the amenity of existing residents and would not achieve a satisfactory level of amenity for future residents.

Whether suitable for conversion

15. Policy C1 of the LP endorses the re-use of buildings in the countryside subject to certain criteria. These include that the building be of permanent and substantial construction, and that the conversion should not involve major reconstruction.
16. The Structural Report provided with the appeal concludes that the building is generally stable. However, it also notes that the building requires repairs in places, and that the existing internal walls are providing lateral stability to support the structure. The Council's Structural Engineer suggests that less than half of the building as existing would be retained through the conversion works, in particular noting that the walls and frame would require significant work, with some of the frame poles found to be rotten.
17. The appeal proposal would wholly replace the existing roof, and the eaves level of the rear of the building would be raised to match that at the front. In addition, the internal walls would be totally replaced. The proposed slate roof would be significantly heavier than the existing corrugated metal roof, and it is not clear how well the existing frame would be able to support this additional weight. Given that some of the frame poles would need to be replaced, the total extent of works required is likely to amount to major reconstruction.
18. The building is therefore not of permanent and substantial construction suitable for conversion, so the proposed development would conflict with the requirements of Policy C1 of the LP noted above.

Location

19. Policies S2 and D4 of the LP collectively direct new housing principally towards the larger settlements in the district. They do also allow for some development in smaller villages where, amongst other criteria, it is located within the existing developed footprint of the village or is substantially enclosed by existing built development.
20. Dinton has a distinct core, but development extends along School Lane. I consider that this forms part of the developed footprint of the village, although the appeal building is in a backland location that does not fall within that footprint and nor is it substantially enclosed by existing built development. The appeal site is within walking distance of the village school and church, but there are otherwise limited services or facilities to serve the day-to-day needs of occupiers within the wider village. Future occupiers would therefore be

reliant on travelling beyond the village, and for convenience would be likely to rely on private vehicles to meet their day-to-day needs.

21. My attention has been drawn to permissions granted for residential development in the parish, although only limited details of each case has been provided. The sites referred to were generally closer to public transport or services than the appeal site. The cited permission at Chestnut Farm also involved a building of permanent construction, which this appeal does not. These decisions therefore carry limited weight in the determination of this appeal.
22. The appeal proposal therefore fails to accord with relevant local policies S2 and D4 of the LP with regards to the location of new residential development.

Planning Balance

23. The development would result in the creation of two new dwellings, supporting the Government's objective of significantly boosting the supply of homes. There is no suggestion that the Council has a shortfall in its supply of deliverable housing land, but this does not diminish the value of new housing.
24. The development would result in less than substantial harm to both the character and the appearance of the CA through the loss of trees, although not because of the alterations to the building. The National Planning Policy Framework (the Framework) states that great weight must be given to the conservation of designated heritage assets irrespective of whether any potential harm amounts to less than substantial harm to their significance. The Framework further states that this harm should be weighed against the public benefits of the proposal.
25. In addition, the appeal proposal would also result in harm to the living conditions of existing and future occupiers, as well as there being further conflict with the development plan arising due to the extent of works required and the location of the appeal site.
26. The benefits arising from the creation of two new houses are acknowledged, but in this instance they would not outweigh the heritage harm and other harm that would result from the appeal proposal. Accordingly, there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with the development plan.

Other Matters

27. The prior approval procedure allows for the residential conversion of agricultural and other buildings without an assessment of whether they are sustainably located. However, as this appeal seeks planning permission it is assessed against the relevant policies, which include criteria related to location.

Conclusion

28. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR