



Appeal Decision

Site visit made on 8 February 2022

by Tom Gilbert-Wooldridge BA MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/J0405/D/21/3284133

The Orchard, Castle Street, Marsh Gibbon OX27 0HJ

- 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 Stephen Beebe against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/00935/APP, dated 7 March 2021, was refused by notice dated 12 July 2021.
 - The development proposed was described on the application form as “planning application for a traditional garage with storage space above. The Orchard has no garaging or sheds and this garage will be used to store garden equipment, bikes, tools and ladders as well as providing garaging and an electric charging point for a car”.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage with storage space above and external staircase at The Orchard, Castle Street, Marsh Gibbon OX27 0HJ in accordance with the terms of the application, Ref 21/00935/APP, dated 7 March 2021, 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: Location Plan_19_03_21_v2, Site Plan Drawing 30_01_21v1, Drawing Garage_060621v1 and Drawing Garage_060621_2_v1.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing Garage_060621v1.
 - 4) The garage hereby permitted shall not be used or occupied for any purpose other than as ancillary to the residential use of the property currently known as The Orchard and the building shall not be leased in connection with a business or commercial enterprise.

Procedural Matters

2. The description of the development used in the formal decision above is taken from the Council’s decision notice. The appeal form description refers to a double garage with storage space above and electric charging point. However, the plans do not show the location of the charging point but instead show an external staircase. Therefore, the Council’s description is preferred.
3. The Council’s decision notice refers to the effect on two adjacent listed buildings. However, it is obvious from the officer’s report that the two buildings in question are the Grade II listed building known as Box Farmhouse and a

historic building known as Box Barn. The barn is not listed in its own right but is located to the south of the farmhouse and appears to fall within the land associated with the farmhouse. Therefore, in the absence of any evidence to the contrary, the barn is within the curtilage of a listed building and so is to be treated as part of the listed building for planning purposes. The barn's relevance lies less in its own merits but in the contribution it makes to the special interest of the listed building.

4. The Council adopted the Vale of Aylesbury Local Plan 2013-2033 (VALP) in September 2021 which replaced Policies GP35 and GP53 of the former Local Plan amongst other things. The decision notice referred to Policies BE1 and BE2 of the emerging VALP. Both main parties have provided me with copies of these two policies from the adopted plan and I have not been made aware of any significant changes to them prior to adoption.

Main Issue

5. The main issue is the effect of the development on the setting of the Grade II listed building known as Box Farmhouse and the character and appearance of Marsh Gibbon Conservation Area.

Reasons

6. The appeal site comprises a new dwelling known as The Orchard and its garden, as well as the access onto Castle Street. The Orchard is a large two storey building clad in weatherboarding with a plain clay tile roof. To the north is another new dwelling called Larch Barn of a similar size and design. The dwellings lie to the east of Box Farmhouse and Box Barn.
7. The listed Box Farmhouse dates from the 17th century with 18th century extensions. It is a large two storey property with coursed rubble stone walls and a thatched roof. The special interest and significance of the listed building is informed by its architectural detailing but also by its history as an agricultural dwelling. Box Barn is a historic stone barn that contributes to the special interest and significance of the listed building.
8. It is evident from the appellant's location plan and the aerial photograph in his appeal statement that Box Farmhouse and Box Barn were previously the only structures on a large plot of land to the south of Castle Street. The plan and photograph also indicate that land further south and east was an open field. It is likely that this open and undeveloped backdrop formed a key part of the listed building's setting and contributed to its special interest and significance.
9. However, the large plot of land has now been subdivided into smaller parcels. In addition to the separate dwellings of The Orchard and Larch Barn, Box Barn is now being converted into a separate dwelling. Box Farmhouse has a large rear garden demarcated by a new wall and fencing. The garden contains two large outbuildings on one side that appear to be used for storage and/or car parking.
10. The Council's design objective for the construction of The Orchard and Larch Barn and the conversion of Box Barn has been to retain an agricultural character and cohesive farmstead. The barn-like appearance of the new dwellings assists with this objective, but they still appear as separate properties with large windows and doors, boundary fencing, gardens, and driveways.

11. Moreover, the nearest part of the field to the south and east is now under construction for a development of up to 10 dwellings and a local shop with an access road from Castle Street. At my site visit, a number of new two storey dwellings were visible from the appeal site and the rear garden of Box Farmhouse, along with a large double or triple garage.
12. Therefore, the setting of the listed building and its curtilage structure Box Barn has altered from an open and undeveloped agricultural backdrop to a much more residential layout, notwithstanding that the design and materials used in all of the new buildings are of high quality and sympathetic to the listed building. The appeal site falls squarely within this setting and in its current form does not detract from the special interest or significance of the listed building or detract from Box Barn as a curtilage structure.
13. Marsh Gibbon Conservation Area covers the historic parts of the village in three separate parcels. Its character and appearance is informed by a range of historic stone and brick properties with tile, slate or thatched roofs. The architectural vernacular is strongly rural and there are prominent buildings such as the church and public house. The above features contribute positively to the conservation area's significance.
14. The appeal site lies on the eastern edge of the middle parcel of the conservation area. While it previously formed part of the open and undeveloped land associated with Box Farmhouse, it is now part of a more residential character and appearance on this side of Castle Street. The Orchard can be seen from the road, but it is sited behind Larch Barn and Box Farmhouse and so is less prominent in the street scene. Therefore, the site in its current form has an acceptable effect on the character and appearance and significance of the conservation area.
15. The proposed garage would be large with a sizeable gable roof. However, it would not be as tall or wide as The Orchard, Larch Barn or Box Farmhouse and would be tucked away towards the north-east corner of the site to ensure subservience. It would be constructed from a timber frame with weatherboarding and plain red clay tiles to match The Orchard. It would have a domestic appearance but similar to existing garages and other outbuildings in the immediate vicinity. It would provide storage space for vehicles and other household items and help to reduce external clutter.
16. Whilst it would be seen from and within the context of Box Farmhouse and Box Barn, due to the current and recently changed setting the garage would blend into its surroundings and not cause harm to the significance and special interest of the listed building. The garage would also be largely hidden from view along Castle Street and its size and design would not harm the character and appearance or significance of the conservation area.
17. In conclusion, the development would have an acceptable effect on the setting of the listed building at Box Farmhouse and the character and appearance of Marsh Gibbon Conservation Area. Therefore, it would accord with VALP Policies BE1 and BE2 which, amongst other things, seek to conserve heritage assets in a manner appropriate to their significance, with new development that respects and complements the physical characteristics of the site and its surroundings and the local distinctive and vernacular character of the locality. The development would also accord with Policy MG1 of the Marsh Gibbon Neighbourhood Plan 2014 which requires proposals in the conservation area to

be in harmony with existing buildings and the street scene with appropriate scale, massing, proportions, and materials.

18. The development would sustain the significance of heritage assets and avoid harm as advocated by Chapter 16 of the National Planning Policy Framework. It would also meet the statutory duties in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which seek respectively to preserve the setting of listed buildings and preserve or enhance the character or appearance of conservation areas.

Conditions

19. Conditions setting a time limit for the commencement of the development and specifying the approved plans are necessary for clarity and compliance. A condition requiring the external materials to be in accordance with the specified approved plan is necessary to preserve the significance of the listed building and conservation area. A condition requiring the garage to be used for ancillary residential purposes is necessary to maintain the character of the area.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR