



Appeal Decision

Site visit made on 7 March 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2022

Appeal Ref: APP/J0405/W/21/3283775

Orchard Cottage, Whales Lane, Marsh Gibbon OX27 0HB

- 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 Ms K Sykes against the decision of Buckinghamshire Council.
 - The application Ref 21/02169/APP, dated 21 May 2021, was refused by notice dated 4 August 2021.
 - The development proposed is a granny annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is noted that the application form refers to extensions to the existing dwelling. From reviewing the plans, I concur with the Council that no such extensions are shown on the plans. I have therefore taken the description of development from the Council's decision notice as this more accurately describes the proposed development.
3. Since the Council refused planning permission it has adopted The Vale of Aylesbury Local Plan (September 2021) (VALP). Policies GP11, GP35, GP51 and GP53 of the Aylesbury Vale District Local Plan which are referenced in the Council's decision have, been replaced by Policies BE1 and BE2 of the VALP and are no longer part of the Development Plan. These policies were referenced in the Council's reason for refusal, and they have made reference to the LP in their statement of case which the appellant has had the opportunity to comment.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the area, including whether it would preserve the setting of nearby Grade II Listed Buildings and the Marsh Gibbon Conservation Area (CA).

Reasons

5. The appeal site is an area of land to the rear of dwellings along the West Edge road and to the side of the carport associated with Orchard Cottage. Orchard Cottage fronts on to the junction between West Edge road and Whales Lane and is located near to the north east of the appeal site. The area is characterised by two-storey buildings, mainly residential in use. There is much variation in the design of buildings which have been developed over time, albeit there is a general consistency in that buildings are finished in limestone and

red brick. Outbuildings are generally single storey in nature and are located close to their host dwelling. The site is currently an open area of land including a small greenhouse. Its relatively undeveloped nature gives it a rural characteristic which contributes to the character and appearance of the area and setting of nearby heritage assets.

6. The proposed development would be located adjacent to the Marsh Gibbon CA. The CA covers the historic parts of the village in three separate parcels and 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 combined with its rural setting contribute positively to the significance of the CA.
7. The Grade II Listed West Edge and The Old Manse are located to the north and north west of the appeal site. Both buildings are from the 17th century-18th century. West Edge is a former L-Plan house that has since been subdivided into two dwellings along with more modern additions. The Old Manse is small house with whitewashed plaster under a thatched roof with some later more modern additions made. The special interest and significance of these listed buildings is informed by their architectural detailing but also by their setting within the CA.
8. The appeal site currently provides part of the open and undeveloped backdrop to the listed buildings, and as a result, forms a key part of their setting which contributes to their special interest and significance. The land immediately to the rear of The Old Manse has since been developed with the addition of housing and outbuildings, adding to a sense of enclosure of the listed buildings. The appeal site, being undeveloped, provides an important the historic agricultural setting of the buildings, therefore positively contributing to their setting and significance.
9. The proposed development, due to the distance between it and Orchard Cottage, would appear divorced from its host dwelling. Whilst there are limited views into the site, it would nonetheless be visible in short glimpses from Whales Lane and from the public right of way to the south. Its location in a separate parcel of land, to the rear of existing built development would appear as the encroachment of built development into the open countryside. As a result, it would further erode the rural and undeveloped backdrop that contributes to the special interest and significance of the listed buildings.
10. As noted above the open rural land surrounding Marsh Gibbon contributes positively to the significance of the CA. The proposed development would introduce built form into one of these open spaces, as such whilst there are limited views into the site, the presence of built development in an area of open land would erode the rural setting of the CA. As such the proposed development would adversely affect the setting of the CA.
11. Given the above, I find that the proposal would fail to preserve the special interest of the listed buildings and their significance, as well as the character and appearance of the CA. .
12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving the building or its setting, to which I attach great

weight. Furthermore, Section 72(1) of the Act requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I attached considerable importance and weight.

13. The harm that would arise would be localised and therefore the impact on the setting of the nearby listed buildings and CA as a whole would be less than substantial within the meaning of paragraph 202 of the National Planning Policy Framework (the Framework).
14. The appellant has suggested that the proposal would provide independent living accommodation for a member of their family. Whilst the proposed development would provide independent living accommodation this would be a private benefit rather than a public benefit. The proposed development would result in some economic benefits in terms of the supply of materials and local jobs; however, these would only be temporary during the construction period. As such, the public benefits of the scheme are limited and would be insufficient to outweigh the harm I have identified to the setting of the nearby Listed Buildings and to the character or appearance of the CA.
15. In light of the above, I conclude that the proposal would fail to preserve the setting of nearby Grade II listed buildings and the character or appearance of the CA. As such, it would conflict with Policies BE1 and BE2 of the VALP and Policies MG1 and MG2 of the Marsh Gibbon Neighbourhood Development Plan (2014) that seeks, among other things, to ensure that development contributes to heritage values, local distinctiveness, and the vernacular character of the area. As a result, the proposal would not be in accordance with the development plan when read as a whole. It would also fail to accord with the conservation requirements of paragraph 197 of the Framework.

Conclusion

16. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR