



Appeal Decision

Site visit made on 22 November 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/J0405/W/22/3301361

**Agricultural Building To The North of Crabs Grove, Whitchurch,
Buckinghamshire HP22 4JF**

- 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 Mrs Sarah Hollands against the decision of Buckinghamshire Council.
 - The application Ref 21/03966/APP, dated 7 October 2021, was refused by notice dated 24 December 2021.
 - The development proposed is the conversion of a traditional agricultural building to a residential dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mrs Sarah Hollands against Buckinghamshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site address in the header is taken from the Council's decision notice. With the post code, it more accurately identifies the location of the site than the details provided on the application and the appeal forms. However, I have taken the spelling of the word "Crabs" from the road signs near to the site as it seems it has been spelt incorrectly on the application and appeal forms and the Council's decision notice.
4. With the appeal, the appellant has provided a structural investigation report that was not with the Council at the time it determined the planning application. This report describes the condition of the subject buildings and the works that would be required to allow the proposed conversion. The report does not fundamentally change the appeal scheme and the Council has had an opportunity to comment on it as part of the appeal process. No injustice or prejudice would be caused by taking the report into account in my assessment.
5. Also, a detailed site plan has been provided as part of the appeal. This annotates an access from Crabs Grove to the appeal site. I have noted this plan and refer to it in my consideration of the first main issue.

Main Issues

6. The main issues are (i) whether the development would be served by a suitable and safe pedestrian access, (ii) its effect on the character and appearance of

the area, including whether it would preserve or enhance the character or appearance of Whitchurch Conservation Area (the CA), and (iii) whether the proposal would accord with criteria set out in policy C1 of the Vale of Aylesbury Local Plan 2021 (LP).

Reasons

Pedestrian access

7. The agricultural buildings subject of the proposed development lie behind residences that face onto Crabs Grove. The appeal site also includes a strip of land that stretches to the north of the buildings and then turns eastwards to meet up with the A413 road. Planning permission has been granted for a track to be constructed along this strip of land, although on my visit I saw no signs that construction works have commenced. In any event, the appellant's planning application supporting statement confirms the access off the A413 would be utilised for the proposed development.
8. The access track would meet the A413 where there are grass verges but no roadside pavements. As such, it is likely that pedestrians coming to and from the proposed development using this access would need to walk on the road to avoid muddy and uneven surfaces as well as roadside vegetation. My visit can only provide a snapshot in time but I saw that the A413 was busy and traffic was fast moving. Due to the lack of roadside pavements and the amount and speed of traffic, the A413 access would be highly unsafe for pedestrian use. Furthermore, the access track would provide a circuitous route from the proposed dwelling to the nearest facilities in Whitchurch. The unsafe nature and length of the route would discourage walking to and from the development.
9. A route to the appeal site exists as a grassed and gated strip of land between 3 and 4 Crabs Grove. This route is shown on the detailed site plan but it is outside the limits of the appeal site as defined by a red line on the appeal drawings. Moreover, while the submissions indicate the appellant has a right of way over the access route, the correspondence submitted from local residents as well as the road name signs indicate that Crabs Grove itself is a private drive. There is no evidence that shows any rights of entry exist for the appellant in respect of Crabs Grove.
10. The Planning Practice Guidance states that an application site should be clearly edged in red on a location plan. Also, it says the application site should include all land necessary to carry out the proposed development, including land required for access to the site from a public highway¹. The only route from a public highway to the proposed dwelling within the defined application site is from the A413.
11. In summary, the evidence fails to show that the occupiers of the proposed dwelling would have a legal right to walk between the site and Oving Road via Crabs Grove. In any event, this route falls outside the application site and it is not shown as being fully in the ownership of the appellant. In such circumstances, it would be unreasonable to impose a planning condition that secures and retains a pedestrian access from Oving Road through Crabs Grove to the proposed development. Therefore, I give little weight to the appellant's

¹Planning practice guidance, Making an application. Paragraph: 024 Reference ID: 14-024-20140306, revision date 06 03 2014

suggestion that there would be a safe and direct route for pedestrians to and from the dwelling via Crabs Grove.

12. For these reasons, I conclude the development would not be served by a suitable and safe pedestrian access. In these regards, it would not accord with LP policy T1. Amongst other things, this looks to encourage the greater use of sustainable forms of transport and to improve the safety of all road users.

Character and appearance

13. The subject buildings form a L-shaped footprint. Within the angle is an open sided structure that covers the yard area and which would be demolished as part of the appeal scheme. The buildings and the immediate surroundings are overgrown and unkempt. The rear gardens of residences on Crabs Grove lies immediately to the south with fields and mature trees to the north.
14. There is a degree of intervisibility between the site and the adjoining residences, but otherwise it is not easily seen. The plot lies in an Area of Attractive Landscape and the views of fields provide a rural feel to the locality. However, the site makes no significant contribution to the visual qualities of the area due to its untidy appearance and general lack of visibility.
15. The proposed demolition of the yard cover as well as the conversion works and re-use of the buildings would lead to an enhancement in the appearance of the appeal site. Moreover, the proposal would retain significant elements of the buildings' architecture so that a sense of their agricultural origins would remain. The development would introduce residential activities, light from windows and domestic paraphernalia but these would not be out of character given the adjoining dwellings. Any harm to the visual qualities of the area due to the proposed garden and parking areas would be localised and would be offset by the enhancements to the appearance of the site through its re-use.
16. The CA includes a large part of Whitchurch and some of the surrounding countryside. It gains its significance from the range of attractive buildings and general environment that is quintessential of a rural village. The main part of the site including the subject buildings lies in the CA. However, it makes no meaningful positive contribution to the CA's significance due to its poor condition and as it is not easily seen. The development would improve the appearance of the site and the proposed conversion would be sympathetic to the agricultural form of the buildings to be retained. As such, the proposal would lead to an enhancement of the visual qualities and significance of the CA, although this would not be easily appreciated as it would be away from public vantage points.
17. For these reasons, I conclude the development would not harm the character and appearance of the area. Indeed, it would lead to an enhancement to the character and appearance of part of the CA. In these respects, the development would accord with LP policies S1, S3, BE1, BE2 and NE4. Amongst other things, these look to ensure development has regard to local character and avoids harm to the significance of heritage assets.

LP policy C1

18. Policy C1 is supportive of the re-use of rural buildings subject to various criteria. These require that conversion works do not involve major reconstruction or significant extension and that the redundant and disused

status of the building be demonstrated. Also, the proposed re-use should enhance the immediate setting of the building.

19. The aforementioned structural investigation report identifies some areas of the buildings that would or might need repair or replacement. The Council do not dispute any of the report's conclusions but instead argue it contains no significant information on the level of works involved in the conversion. The report includes ambiguous comments on the structural soundness of parts of the building and whether repairs would be needed. However, even when taking a worse case scenario, I am satisfied the report shows the building is mainly of permanent and substantial construction. Most of the building would be retained and the conversion would not involve major reconstruction or enlargement.
20. Moreover, on my visit I saw that the buildings were disused. Also, their unkempt condition indicates they have not been used for some time. The limited size and traditional style and form of the buildings means that they are unlikely to be suitable for most modern day agricultural practices. I am advised that the planning application for the access track indicates the buildings could be used for agriculture. Even so, I consider this would be improbable and so it is reasonable to class the buildings as redundant.
21. I have already found that the proposal would lead to an enhancement to the setting of the buildings to be retained. The Council raise no concerns that the proposal would fail to comply with any other criteria and so, for the reasons given, I conclude the development would accord with LP policy C1.

Other Matters and Planning Balance

22. Emergence surveys have shown the subject buildings do not contain bat roosts and so the development would not cause risk of harm to protected species. Acceptability in these regards is a neutral factor in my assessment.
23. The proposal would create a new dwelling close to a village with a range of facilities that could be used by occupants. However, only a single new dwelling would be provided and the Council claim it can demonstrate in excess of 5 years' supply of housing land as required under the National Planning Policy Framework. As such, the benefit in these regards attracts modest weight.
24. Also, the proposal would lead to enhancements in the appearance of the site, its immediate setting and part of the CA. The benefit in these regards attracts modest weight given the localised visual effect of the development.
25. The harm identified in respect of the first main issue means the proposal would not accord with the development plan when read as a whole. This conflict with policy attracts significant weight and it is the overriding factor. The benefits of the scheme are insufficient to justify granting planning permission contrary to the development plan.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR