



Appeal Decision

Site visit made on 3 November 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/J0405/W/22/3294702

Land at Wootton Lane, Westlington HP17 8UR

- 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 R Gregory against the decision of Buckinghamshire Council (North Area -Aylesbury).
 - The application Ref 21/02972/APP, dated 19 July 2021, was refused by notice dated 15th September 2021.
 - The development proposed is the demolition of Wychert Barn and the erection of a replacement building to be used as a dwelling house, access, parking and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of Wychert Barn and the erection of a replacement building to be used as a dwelling house, access, parking and associated landscaping at Land at Wootton Lane, Westlington HP17 8UR in accordance with the terms of the application, Ref 21/02972/APP, dated 19 July 2021, subject to the following conditions on the attached schedule A.

Procedural Matters

2. Since the Council's refusal of the planning application, the Vale of Aylesbury Local Plan (VALP) 2013- 2033 has replaced the Aylesbury Vale District Local Plan 2004. Consequently, Policies BE1, BE2 and NE4 of the VALP are now relevant.
3. Since the Council's decision, the appellant has submitted revised site and location plans. The plans show the planting of a native species hedge alongside the end of a proposed car parking area and shed. The change does not constitute development and does not materially change the nature of the proposal. As such, these revised plans have been accepted for consideration under this appeal.

Application for costs

4. An application for costs was made by Mr R Gregory against Buckinghamshire Council (North Area -Aylesbury). This application is the subject of a separate Decision.

Main Issues

5. The main issues are whether (a) the proposal would preserve or enhance the character or appearance of the Dinton, Westlington, Upton and Gibraltar Conservation Area, having regard to a non-designated heritage asset, and (b) the character and appearance of the area.

Reasons

Character and appearance, heritage assets

6. The appeal site comprises a wychert barn, a 'Building of Local Note' within the Dinton, Westlington, Upton and Gibraltar Conservation Area Appraisal (CAA) 2008, and a non-designated heritage asset (NDHA). The barn also lies within the outer edge of the Conservation Area (CA). The surrounding countryside comprises fields/paddocks, hedgerows and copses. A public footpath runs past the barn in the neighbouring field.
7. Within the CA, the small villages of Dinton, Westlington, Upton and Gibraltar are closely located to one another and separated and surrounded by fields/paddocks. There are many older, varied and traditionally designed buildings within landscaped plots, which reflect the historical evolution and the rural nature of the villages. The CAA details Westlington as containing a large proportion of 17th century properties set along four short streets which form a distinctive crossroads around a green. At the appeal site end of Wootton Lane, dwellings abut the road on one side within the CA and the barn provides a focus at the end of this road. These architectural and historic qualities are of importance, significance and special interest to the CA.
8. Under the CAA, the barn is indicated to be a small storage building, single storey in form, with colour washed wychert walls, and a small shallow pitched roof. Wychert is a rammed earth construction material typical to this area of Buckinghamshire. The appellant's Heritage Appeal Statement (HAS)¹ details the barn first appearing on a late 19th century map, although it is believed to be older than this. The building has evidential and historic value and importance due to its use of traditional building techniques, its longevity and its use previously for agriculture. It is indicated to be the last remaining building within CA to reflect agricultural use. Although diminutive in size and design, it is a noticeable feature at the end of the road.
9. However, modern interventions have considerably diminished the importance, value and significance of this NDHA. Significant parts of the former wychert walls have been replaced with concrete block work, many of the roof timbers have been replaced, and the opening with a metal gate is modern given the concrete lintel above. There is little of the original windows or door joinery remaining, and corrugated metal sheeting forms the exterior roof.
10. Paragraph 196 of the National Planning Policy Framework (the Framework) states where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should be taken into account in any decision. The owner has owned the building since 2015 and has sought residential use for the site for some time, evident from pre-application discussions with the Council, and a previous refused planning application. Based on the appellant's latest 2019 Structural Report and findings of my site

¹ Heritage Appeal Statement, HCUK Group, February 2022.

visit, it is evident that the wychert walls are currently severely cracked, with substantial gaps between them and the more recent concrete block work, and the roof timbers are also seriously deteriorated. Much of the building is also covered by vegetation.

11. However, the modern interventions to the barn have substantially reduced the heritage significance of the NDHA, and there is no evidence that they were carried out by the appellant. Furthermore, the poor condition of the barn has been evident since at least the appellant's Structural Note in 2018. This note indicated the weather seal of the roof had been compromised for a number of years and the structural elements of the building have been significantly affected by the weather. It also indicated the vertical alignment of both block work and wychert walls would fail the 'plumb' limits of building regulations, with these walls in poor condition.
12. The Council maintains that the building has significantly deteriorated during the appellant's ownership of the appeal property and has been deliberately neglected. Nevertheless, the 2018 Construction Note demonstrates the construction state of the building has been poor since at least 2018 and photographs taken in 2017 are not sufficiently detailed to contradict the appellant's evidence. The more detailed nature of the appellant's evidence is more compelling and given this, it has not been proven that the current deteriorated state of the NDHA is significantly different to that in 2018. Therefore, without evidence on how far the NDHA has deteriorated, it is not possible to take into account deliberate neglect as a material consideration, even if it was considered to have occurred.
13. For all these reasons, the modern interventions, and the building's deteriorated state result in the NDHA having a limited level of significance. Albeit in a limited way, it makes a positive contribution to the character and appearance of the CA taken as a whole.
14. In terms of wider character and appearance, the appeal site lies within the 'low hills and ridges' landscape character area of the Council's Landscape Character Assessment which has shallow ridges and dispersed settlements, and farming land as key qualities. Fields, hedgerows and dispersed trees predominate and for all these reasons, the countryside an attractive intrinsic rural character and beauty.

Proposals

15. A replacement single storey dwelling, with a flat roofed single storey addition behind and connecting glazed link, would replace the original barn. Its walls would be constructed with plain lime render on a cobblestone plinth with a metal standing seamed roof, whilst the addition would have metal standing seam walls and a green roof. The new building would have an entrance door and a small high level window facing neighbouring properties across a shared accessway (outside of the site) and would have four full height openings facing a field on the other side of the building. Car parking behind the building would be accessed by the accessway, and there would be a small garden where there would also a shed.
16. The contemporary design would be in keeping within the CA because the height, footprint and frontage design of the main part of the dwelling would reflect that of the former historic building. The gabled elevation facing down

Wootton Lane towards the green would largely replicate the former building and thus would remain a focal building within the CA. Its barn like appearance and character would reflect its agricultural and countryside surroundings. The addition's low key contemporary materials and finishes would be subservient and attractive. The plot would be pleasantly landscaped with new hedging to the rear around the garden and car parking area. For all these reasons, the development would make a greater positive contribution to the CA than the existing barn and would enhance the character and appearance of the CA in accordance with the requirement of s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. The demolition of the NDHA would result in a loss of significance, albeit limited, and paragraph 203 of the Framework requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset, and this shall be considered within the Heritage and Planning Balance.
18. In relation to the wider character and appearance of the area, the extended dwelling would be greater in depth than the original barn and there would be openings facing onto the neighbouring field and countryside beyond. There is a hedgerow within this field offering low level screening. This hedgerow is not intended to be removed but there is no guarantee that this hedgerow would remain as there can be any number of the reasons why landscaping can disappear, such as disease, weather damage or accidental damage.
19. Nevertheless, the dwelling would be single storey and would be seen against the backdrop of existing higher storey dwellings within the village. The addition would appear a subservient feature given its reduced depth and lower height compared to the main barn-like part of the dwelling. As part of the proposal, there would be additional landscaping improving the verdant context of the development. For all these reasons, the development would not harm the character and appearance of the countryside.

Other matters

20. Paragraph 197 of the Framework indicates that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The appellant's agricultural statement is undertaken by a relative but significant weight is attached to it given its detailed commentary on the impracticality of agricultural usage for the barn, including for crops, livestock and machinery/storage.
21. The Council's heritage statement refers to the desirability of non-intrusive uses, such as a workshop, garage, studio etc. However, even for these uses, that have less significant building construction demands and requirements compared to residential, rebuilding of the NDHA would be required because of the poor structural condition of the barn resulting in the loss of its remaining significance. In this regard, the structural condition of the barn would indicate necessary demolition for agricultural uses, as evidenced in the 2019 Conditions Survey and Structural Report.
22. A small two bedroom dwelling would not generate significant vehicular movements or noise and disturbance. By reason of its single storey nature, there would be no significant loss of privacy, light or outlook to neighbouring properties. There would be limited intervisibility between openings, including a

doorway, on the new dwelling with those on the nearest dwelling on the other side of the shared accessway.

23. The development would incorporate adequate vehicular parking for the size of dwelling and vehicles would be able to turn within the boundaries of the site and a shared accessway. There are neighbouring dwellings that make use of the accessway of restricted width but any vehicular use of it by more than one property at the same time would be infrequent given the small number of properties involved. Furthermore, any such occurrence would be an inconvenience rather than an issue of highway safety given the slow speed of traffic. There are no safety objections from the highway authority. There is no evidence that the development would impede access of agricultural vehicles in the vicinity, including into the nearby field.

Heritage and Planning Balance

24. The development would enhance the character and appearance of the CA. There would be a limited loss of significance and harm from the demolition of the NDHA. The proposal would result in a dwelling boosting housing supply, and the additional landscaping would provide visual interest. The design of the new dwelling would be attractive reflecting the architectural qualities of the former barn and would respect its countryside context. There would be economic benefits through the construction of the dwelling and financial spend of new residents on the local economy. The Council has a positive 5 year housing land supply and so the boost to housing supply would be very small. Nevertheless, cumulatively, these benefits outweigh the limited harm arising from the loss of the NDHA and its significance. There would be no harm to the intrinsic character and beauty of the countryside.
25. For all these reasons, the proposal would comply with Policies BE1, BE2 and NE4 of the VALP, which collectively and amongst other matters, indicate that the significance of a NDHA should be properly considered, weighing up the direct and indirect impacts upon the asset and its setting, a presumption in favour of retaining heritage assets wherever practical, harm should be weighed against the benefits of the development and individual character and distinctiveness of the landscape character areas must be recognised. The proposal would comply with the development plan, taken as a whole, and there are no material considerations that indicate that the decision should be taken otherwise than in accordance with it.

Conditions

26. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance. A condition requiring the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt. In the interests of the character and appearance of the area, conditions are necessary to require the implementation of acceptable materials, landscaping and vegetation protection. Given the location of the site within the CA, a condition withdrawing permitted development rights is clearly justified.
27. The appellant's bat roost assessment (BRA) indicated a very low likelihood of bats using the barn and no evidence of bats. The BRA recommended no

further surveys but its validity period of 2 years is expiring. However, the condition of the barn leading to the BRA's conclusions are no different now and therefore, no further survey work would be necessary. Nevertheless, the developer would still need to abide by legal duties in respect of bats, outside of planning regulatory regime, in the form of the Wildlife and Countryside Act 1981. In the interests of biodiversity, a condition requiring the erection of a bat box is necessary.

Conclusion

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

Jonathon Parsons

INSPECTOR

Schedule A

- 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: L01A, P01B and P02.
- 3) No development shall take place until samples of all external facing materials, including link glazing, have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include species, density and size of stock.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development, whichever is the sooner. The approved tree and hedgerow protection measures shall be implemented prior to the commencement of construction works and retained for the duration of such works. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of the dwelling nor any garage, buildings, structures or means of enclosure shall be erected or carried out within the curtilage of the dwelling the subject of this permission, other than those expressly authorised by this permission.
- 7) The development shall proceed in accordance with the Preliminary bat roost assessment report (Swift Ecology 26th August 2021) and approved site plan, drawing number P01B, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.
- 8) Before any demolition work takes place, a Level 2 historic building record of the Wychert Barn is to be carried out in accordance with guidance from Historic England "Understanding Historic Buildings: A Guide to Good Recording Practice". This is to be submitted to and approved by the local planning authority before development commences.