



Appeal Decisions

Site visit made on 2 May 2023

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal A Ref: APP/Q3115/W/22/3301866

Three Horseshoes, Chinnor Road, Towersey, OX9 3QY

- 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 Punch Partnerships (PML) Limited against the decision of South Oxfordshire District Council.
 - The application Ref P20/S3379/FUL, dated 10 September 2020, was refused by notice dated 25 January 2022.
 - The development proposed is Conversion of outbuilding to a dwelling utilising existing access, with associated landscaping and parking.
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Appeal B Ref: APP/Q3115/Y/22/3301867

Three Horseshoes, Chinnor Road, Towersey, THAME, OX9 3QY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Punch Partnerships (PML) Limited against the decision of South Oxfordshire District Council.
 - The application Ref P21/S2504/LB, dated 14 May 2021, was refused by notice dated 25 January 2022.
 - The works proposed are Change of Use of existing outbuilding (Sui Generis) to provide one dwelling (Use Class C3) utilising existing access, with associated landscaping and parking.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed and listed building consent is refused.

Preliminary Matters

3. Interested parties have raised a concern in relation to light within the proposed dwelling. Having reviewed the evidence I have concluded that this should be included in my main issues. As this evidence was available to the appellant, I see no reason why this should be prejudicial.
4. The heritage statement indicates that the Three Horseshoes is a non-designated heritage asset. However, it does not appear to be referred to in the Council's evidence, and there is no evidence before me of local listing. As such, I have given this no weight.
5. In order to avoid duplication I have dealt with the appeals together where appropriate.

Main Issues

6. The main issues are:

- Whether the proposals would preserve the Grade II listed barn and outbuilding or any features of special architectural or historic interest which they possess, and whether the development would preserve or enhance the character or appearance of the Towersey Conservation Area (TCA) (Appeals A and B);
- The effect of the proposals on the living conditions of future occupiers with particular regard to light, overlooking, and noise and disturbance (Appeal A); and,
- Whether the proposals would accord with local policies and national guidance with regard to community facilities (Appeal A).

Reasons

Heritage Assets- Appeals A and B

7. The origins of Towersey can be traced to the 11th century Eie Manor, which was subsumed into the overlordship of Richard de Tours in the 13th century. In the 14th century some lands were donated to the Cistercian Thame Abbey, whose abbot resided at the manor, now known as Grange Farm.
8. Apart from the church, most of the historic buildings within Towersey appear to date from the 16th, 17th and 18th centuries. The 1830 Ordnance Survey (OS) map shows a cluster of buildings centred on the crossroads and the church. The late 19th century OS maps show the detail of burgage plots associated with individual buildings and identify the Three Horseshoes (public house) on Chinnor Road, south of the central crossroads. The map regression demonstrates that Towersey's underlying building pattern remained largely unchanged until the late 20th century when residential infill began to line the main road frontages.
9. The footprint of the public house, and the associated barn and outbuilding are clearly identifiable on the OS maps from 1881. The open space at the front of the plot, and that now comprises the beer garden, has remained undeveloped.
10. The maps suggest that Towersey was a small settlement with an agrarian economy until the late 20th century. Notwithstanding the prominence of later residential infill, the predominance of period buildings, often built in a vernacular style, the narrow roads, lack of footways and the informal building pattern with mature vegetation, ensures that Towersey retains a distinctive and rural character.
11. The barn has a simple form with a rectangular footprint and pitched slate roof. It dates from the early 18th century, and is a rare surviving example of a witchert barn, likely to have been used as a threshing barn. Its attached outbuilding is likely to have been built slightly later and used as a cattle or cart shed.
12. The barn is a single space, with a high boarded ceiling at the level of the handcut beams, and slit ventilation openings on two levels on its long elevations. It has been cement rendered both internally and externally, above a random rubble stone plinth. What appears to be the opening for a former

cart door on the eastern elevation is filled with shiplap timber and a single leaf pedestrian door, and there is an opposing pedestrian door on the western elevation.

13. The outbuilding has blank witchert elevations on its southern and eastern elevations, and timber framed waney edge weatherboarding and doors on its northern face. Internally it has a king-post roof post with raking struts and ridge, but most of the roof is machine cut timber. The outbuilding is divided in half by wooden planks attached to the tie beam.
14. The public house is not listed and is likely to have originated as a late 17th century farmhouse, becoming a public house by 1847. Its two-storey front elevation is constructed from blue-grey brick with red brick detailing, and has a front facing cross gable which appears to be a later addition, as well as a lean-to single-storey front porch.
15. The barn and outbuilding are of architectural interest as examples of local vernacular building, and also have communal and associative value as the original venue for the Towersey Folk Festival which grew to become one of the largest in the country.
16. The map regression does not indicate that the listed buildings and the public house were necessarily part of the same land holding. Nonetheless as a group, they reflect Towersey's early agrarian economy and village evolution.
17. I conclude that the significance of the barn and outbuilding is derived from their intact historic fabric and evidential value with regard to vernacular styles and construction, as well as aesthetic and associative value.
18. The site lies within the TCA, which is characterised by a town centre plan typical of a medieval market settlement, focussed on the church and the burgage plots to the north and south. There is no Council appraisal for the TCA but I see no reason to disagree with the assessment area set out in the heritage statement. I conclude that the significance of the TCA lies in its mix of period buildings demonstrating a range of building materials and styles, its underlying building pattern which reflects the original medieval layout, and the presence of former buildings which underlines the settlement's historic reliance on agriculture and which make a positive contribution to Towersey's overall character.

Proposals and effects

19. Externally the proposals would retain the barn's distinctive simple and functional elevations, with the addition only of narrow glazed panels to the side of the entrance door on its western elevation and a larger area of glazing adjacent to the entrance in the former cart door opening. The concrete render would be removed and replaced with breathable plaster. The interior space would remain one large open plan living space, with a section of the floor raised to accommodate damp proofing.
20. A connection between the barn and outbuilding would require the removal of a section of witchert wall. The outbuilding's northern elevation would have two sets of full height windows, and its simple plan form would be altered to accommodate two bedrooms and a bathroom.

21. There would be harm arising from the loss of historic fabric where the barn and the outbuilding would connect through the barn's wall, and the introduction of new glazing. There would also be harm to the outbuilding arising from the loss of its plan form and the relocation of the timber plank partition, as well as the introduction of new window openings.
22. When viewed at close range the barn and outbuilding would have a clear residential function. However, their overall form and bulk would remain unchanged, as would their spatial relationship with the public house and their aesthetic contribution to the wider TCA.
23. Nonetheless, the loss of historic fabric and plan form would diminish their significance and amount to less than substantial harm.
24. The building's utilitarian character and appearance would also be eroded, particularly as the small front garden would clearly identify residential use. This would have an adverse effect on the character and appearance of the TCA and also amount to less than substantial harm. However, in relation to the buildings and the TCA, this harm would be at the lower end of that category of harm.

Heritage balance

25. The proposals would fail to preserve or enhance the barn and outbuilding, and would also fail to preserve or enhance the character or appearance of the TCA. There would therefore be conflict with LP Policies ENV6, ENV7 and ENV8 which taken together, are concerned with the safeguarding of heritage assets.
26. However, Paragraph 202 of the National Planning Policy Framework (the Framework) states that where a development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
27. The proposal would result in one additional dwelling, which would make a minor addition to local housing windfall supply. Whilst I accept that there is nothing before me to indicate that the Council is unable to demonstrate sufficient housing land supply, the Framework does not require upper limits to be set. Moreover, the removal of concrete based render and its replacement with more sympathetic materials would benefit the buildings' long term future. I also acknowledge that the barn and outbuilding require a maintenance commitment which might be better served in the longer term by an alternative use. I conclude that the less than substantial harm to the TCA and the listed buildings would be outweighed by the provision of one dwelling and the securing of resources for future maintenance.
28. Moreover, LP Policies ENV7 and ENV8 allow for the balancing of harm against public benefits or to identify public benefits, in line with Paragraph 202 of the Framework. LP Policy ENV6 is slightly more restrictive than the Framework with regard to the balance of public benefits where there is less than substantial harm. Consequently, and in line with Paragraph 219 of the Framework which states that the weight given to policies which predate and which are inconsistent with the Framework should be given weight according to their degree of consistency, I give the conflict with this policy less than full weight.

29. As such, on balance I conclude that the public benefits would outweigh the less than substantial harm identified above.
30. LP Policy STRAT1 sets out a spatial strategy and allows for limited housing in smaller and other villages. There is nothing before me to indicate that there would be conflict with this policy with regard to the heritage assets.

Living conditions – Appeal A

31. The proposals would retain the barn as a single storey open plan living space with kitchen. The slit openings would remain and the only additional light into this area would be narrow glazed panels on each side of the door to the rear garden and additional glazed panels beside the door into the front garden.
32. At my visit the barn needed artificial light. Given the size of the open plan living space and the distance of the living and kitchen areas from the entrance doors and associated glazed panels it seems highly unlikely that the proposed additional glazing would provide sufficient illumination for the kitchen or living areas. There is nothing before me to indicate otherwise.
33. The dwelling and its front garden would directly abut the public house's car park, and would be sited between two distinct areas of parking. The layout and extent of the proposed front garden appears to be constrained by the need to allow vehicle access to the rear of the site. The route of delivery vehicles for the public house is not shown on the drawings but the location of tanks in the garden, with double gate access from the car park, suggests that at least some servicing of the public house requires access to the rear of the car park and would therefore have to pass the barn and outbuilding.
34. Moreover, the pedestrian route between the public house and the beer garden for customers would pass alongside the dwelling's garden. This could lead to overlooking of the front garden and bedrooms. The plan shows a 0.9m post and rail fence along the front garden's boundary and the statement notes that a native hedgerow would be planted along this boundary. However, although a strip of about 1 metre wide is shown for the hedge, it seems unlikely that a native hedge would be allowed to grow to sufficient height and width in this context to provide a buffer between this front garden and the car park. In any case a native hedgerow would also appear wholly incongruous.
35. Although not shown on the plans, I accept that planting could provide screening between the beer garden and the dwelling's extended rear garden and would be appropriate in that context. Nonetheless, this does not alter my reasoning that the front garden and bedrooms would be subject to overlooking and therefore a loss of privacy.
36. The appellant has submitted a noise survey carried out over a 48 hour weekend period in May 2022. It is suggested by the Council's consultant that evening temperatures on those days were not necessarily conducive to significant use of the beer garden, and there is no information before me that indicates the number of customers in the garden during the period of the survey.
37. Section 7.7.3.2 of BS8233¹ states that for amenity spaces such as gardens and patios, it is desirable that anonymised external noise levels do not exceed 50dB

¹ BS8233:2014 Guidance on sound insulation and noise reduction for buildings

L_{Aeq} , with an upper guideline of 55dB L_{Aeq} in noisier environments. As this is a semi-rural setting I conclude that 50dB L_{Aeq} should be the threshold.

38. The raw survey data shows that maximum noise levels regularly exceeded 50 dB throughout the survey period. This is reflected in the graphs showing L_{Aeq} and $L_{A \max 5 \text{ minute}}$ values. At times the maximum noise received reaches around 90 dB. Whilst I acknowledge that raw data does not necessarily translate into L_{Aeq} values, the survey does show that peak noise levels are far higher than is considered desirable for external amenity areas. Moreover, this would not be anonymised noise but would be the intermittent and unpredictable noise from deliveries, vehicle manoeuvring, laughing and shouting, and children playing. This is generally considered to be more annoying to receptors than constant or predictable and anonymised noise levels. Noise from the car park and the beer garden would also continue into the late evening for five days a week.
39. The noise survey sets out that mitigation would comprise siting noise sensitive rooms away from the beer garden, thermal massing, robust glazing and trickle vents. However, it seems unreasonable to expect future occupiers not to be able to have windows open on a warm day or in the evening, or to enjoy being outside in their own garden. Moreover, the bedrooms would be adjacent to the car park which would itself be the source of late night vehicle movements, and early morning deliveries.
40. I appreciate that the mass of the barn is likely to act as a sound barrier, but as noted above, this does not alter my reasoning that it cannot be presumed that future occupiers, living in a distinctly rural setting, would not wish to open windows or use their garden. I conclude that the proposals would be very likely to cause high levels of noise and disturbance.
41. I acknowledge that there are other gardens nearby. However, this dwelling would intrude directly into the public house's plot, which is not the case for other dwellings nearby.
42. The proposals would have a significant and adverse effect on the living conditions of future occupiers. This would be contrary to LP Policies ENV11 and DES6 which taken together seek to safeguard future occupiers with regard to residential amenity, as well as Paragraph 130 of the Framework which requires development to have a high standard of amenity for future users.

Community facility – Appeal A

43. The barn and outbuilding have been used as function rooms for the pub and the village for some time. However, the evidence indicates that their use is ancillary and complementary to the public house. As such I see no reason to disagree with the appellant that the use of those buildings is at the discretion of the appellant and/or the public house's tenant. I acknowledge that there is likely to be business synergy with the public house but it is up to the landlord and/or the tenants to decide the extent to which the barn and outbuilding should continue to be available as part of the public house's offering.
44. Moreover, there is a village hall nearby. The fact that the village hall does not have a beer garden or parking does not alter my reasoning that the barn and outbuilding are primarily ancillary to the public house. It is also the case that the committee report states that the Council's Head of Corporate Services

concluded that 'the existing and historic uses of public house and 'The Barn' are not in their own right non-ancillary uses of the asset ... sufficient in either quantum or scale to justify a listing and / or appraisal of pub and barn as an Asset of Community Value, in accordance with section 88 of the Localism Act 2011.

45. The Council has referred to the loss of employment land in its reasoning. However, whilst I appreciate that the use of the function room might occasionally require casual staff, this does not alter my reasoning that the barn and outbuilding are complementary to the public house business. As such, I find no conflict with LP Policy EMP3 which is concerned with the retention of employment land.
46. Accordingly, there would be no conflict with LP Policy CF1 or LP Policy EMP3, or national guidance, with regard to the loss of an essential community facility. The Council has also cited LP Policy STRAT1. This weighs neither for nor against the appeal with regard to the community facility.

Conclusion

47. Although I have found that the public benefits arising from the conversion of the barn and outbuilding to a dwelling would outweigh the less than substantial harm to the heritage assets, there would be harm to the living conditions of future occupiers. As such, the development would fail to accord with the local development plan and national guidance, and there are no material considerations of such weight to lead me to conclude otherwise.
48. Appeal A is dismissed. Appeal B is dismissed, and listed building consent is refused.

A Edgington

INSPECTOR