



Appeal Decision

Hearing held on 12 July 2022

Site visit made on 11 and 12 July 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/V3120/W/21/3276503

The Dovecote, Home Farm, Buckland, Faringdon SN7 8RG

- 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 Norman and Alison Armitage against the decision of Vale of White Horse District Council.
 - The application Ref P20/V1730/FUL, dated 2 July 2020, was refused by notice dated 16 December 2020.
 - The development proposed is change of use from Sui Generis (holiday dwelling) to C3 Residential. No physical works to the building will be undertaken.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Prior to the Hearing I identified that advertisement of the application had been incorrectly carried out, as the Press and Site Notices referred to Consent to Display an Advertisement (affecting setting of LB). I subsequently instructed the Council to readminister the consultation, but no responses were received.
3. At the Hearing, the Council confirmed all the drawings submitted with the appeal were as determined for the application, including a site layout and section through the building showing a proposed French drain.
4. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). The Council referred to the revised Framework in its Statement of Case, but the appellants' case was compiled before this. The appellants were therefore invited to comment on the implications revisions to the Framework may have for the appeal, to which I have had regard.

Main Issue

5. The main issue is whether the proposal would preserve the listed building, 'Home Farm Dovecote', and any features of special historic interest that it possesses, including its setting; and, having regard to this or consideration of the optimum viable use of the building, whether the proposal is consistent with local and national planning policies relating to housing in rural areas.

Reasons

6. Core Policy 4 of the Part 1 Local Plan¹ (P1LP) is part of the Council's Core Strategy and states *development in open countryside will not be appropriate*

¹ Local Plan 2031 Part 1 – Strategic Sites and Policies (Adopted December 2016).

unless specifically supported by other relevant policies as set out in the Development Plan or national policy. I am referred to P1LP Core Policy 39, which states *the Council will work with [amongst others] landowners...to ensure that vacant historic buildings are appropriately re-used as soon as possible to prevent deterioration of condition.* The main parties agree the appeal site is isolated and Framework paragraph states *development of isolated homes in the countryside should be avoided unless one or more of several criteria are met.* I am referred to the first part of criterion (b), for circumstances where development represents the optimum viable use of a heritage asset; and criterion (c), for re-use redundant or disused buildings that enhances its immediate setting.

7. Policy 39 also refers to the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and Development Policies 36 and 38 of the Part 2 Local Plan² (P2LP), refer to heritage assets in general terms and listed buildings.

Special Interest and Setting

8. The appeal concerns a Grade II* listed former dovecote, that was built for Sir Robert Throckmorton of Buckland House in 1755-7. The listing description states this was possibly by John Wood the younger, the architect of Buckland House, or Richard Woods, who landscaped its grounds. However, the Heritage Assessment (HA) for 2017 applications³ for the building suggests it could also have been designed by John Sanderson, architect of Pusey House and its Grade II listed dovecote. This was built before Home Farm Dovecote and is said to be of similar appearance but with dormers. The Dovecote was therefore clearly designed by an individual of some standing.
9. The Dovecote was built to an octagonal plan in a gothic style, with each side being of equal standard incorporating a pointed blind arch and alternating blind quatrefoils and loops, except where altered. A doorway is also inset on the northeast side, with a chamfered brick arch. The walls are constructed of squared and coursed limestone with ashlar quoins and rusticated dressings to the eaves, plinth, and storey level. The roof is hipped with stone tiles and an octagonal lantern with arcaded sides and a further stone tile roof with a ball finial. It is here where access was provided for birds.
10. The Dovecote is also of interest given it is not a universally common type of building, as its original intention would have been to provide the household with tender meat of young pigeons. Indeed, it is noted on the 1914 Ordnance Survey as a Pigeoncote and contains c.1100 L-shaped nesting boxes in an ornate chequerboard arrangement, each with a brick ledge.
11. The Dovecote was firstly approved for office use, but it is the later 2017 applications for holiday use that resulted in its current appearance, as a freestanding double mezzanine floor and spiral staircase were added, along with an openable window in one quatrefoil and two further windows, a motorised roof vent and a replacement door. The accommodation contains a kitchen, bedroom, double shower room and sauna, and living space. Outside, a small boiler housing was allowed in a grass bank to provide hot water and heating. The roof was also repaired prior to these works as part of the conversion of buildings at Home Farm.

² Local Plan 2031 Part 2 – Detailed Policies and Additional Sites (Adopted October 2019).

³ Planning References: P17-V0433-FUL & P17-V0434-LB.

12. The works carried out to implement the holiday use are largely reversible, but it is evident they have affected the ability to appreciate the spatial qualities and aesthetic of the building's interior, including the magnitude of the extent of nesting boxes encircling the central potence accessing them.
13. As far as it is relevant to the appeal before me, I find the special interest of the listed building to be found in its architectural and historic interest as a former dovecote, designed by a notable individual. Historic England suggest the architectural detailing is unusually refined for a dovecote and ensures it is striking and sophisticated. It is therefore a historic symbol of the previous wealth of Buckland House and highly detailed for such a building.
14. The listed building also draws further interest from its rural setting, which enhances its architectural qualities. It was clearly designed to stand alone and be seen, but mature planting limits visibility of the building from distance. Nevertheless, the public bridleway alongside means it remains a prominent building in its immediate surroundings. It can also be appreciated from within its large, grassed plot, enclosed by mature planting.
15. The Dovecote is opposite unlisted former farm buildings at Home Farm that were relatively recently subdivided to form dwellings. Landscaping and domestic paraphernalia have been added within their grounds and, despite the former providing a vista from the properties to the Dovecote, the proximity of the buildings to the Dovecote means these changes have had a harmful effect on its setting. The gravelled parking area to the south of the building has also altered the setting of the listed building but has a limited effect.

Effect of the Proposal on the Dovecote and its Setting

16. Lighting within historic assets can be less than modern standards, but it is often the nature or extent of openings that contributes to their interest. How outlook and light may be experienced within such buildings therefore varies.
17. The existing accommodation in the Dovecote is naturally lit by its glazed internal door at ground floor and the windows in some of the quatrefoils and roof, but correspondence between the main parties, appended to the appellants' Statement of Case, confirms lights are needed inside the building. Feedback on the holiday use also identified that the glazed door reduced privacy inside the building due to its proximity to the bridleway, which may affect its use.
18. Existing accommodation within the Dovecote may therefore be acceptable on a short-term basis for holidays, particularly as guests could be out and about during stays. Furthermore, while the appellants indicate it would be acceptable to them, future occupiers may have different aspirations. The quality of outlook from and extent of natural light able to penetrate the building is likely to be debilitating to the health and wellbeing of permanent occupants.
19. The Council's concerns in respect of the above matters are therefore not just generalised fears, but realistic and specific concerns regarding the permanent use of the building as a dwelling. Notwithstanding the statutory requirements of primary legislation, allowing this appeal would make it more difficult for the Council to resist future applications to alter the building to address these and other domestic requirements and fixings to fabric.

20. A new beech hedge would be planted at a 14-metre radius from the building to screen it from other areas of the site and it is proposed the area within would be generally kept free of any chattels, with some temporary use permitted. These aspects would be controlled by the appellants' Unilateral Undertaking, which would include a landscape management plan.
21. There were no restrictions to domestic paraphernalia being utilised in association with the holiday use. However, given the transient nature of occupiers it is less likely they would be inclined or need paraphernalia associated with permanent residential occupation, such as washing lines, seating and play equipment, and formal planted garden areas.
22. I share the view of the Inspector for the appeal at Gainfield Farm in Buckland⁴ that it would be unreasonable to prevent future occupiers from utilising chattels of this nature or introducing domestic planting. However, they would patently be consequences of the proposal that would domesticate the appearance and character of land surrounding the Dovecote, so would not enhance its setting. Moreover, the radial hedge would be an arbitrary feature that would only serve to further isolate the building in its context. The space is also indistinguishable from a lot of its curtilage, as the building is visible therein further north. Rather than mitigate against the harm to the rural setting of the Dovecote likely from its permanent domestication, the radial hedge would add to it.
23. The appellants propose to reduce the height of roadside hedges either side of the Dovecote to a height of 1.25 metres and there would be a fence and gates adjacent the bridleway and access to the carpark. The parking area would also be grassed over and demarcated by post and wire enclosures, painted to match the building. The former would increase openness to Beech Lane and thereby improve visibility from it of the building, while greater informality to the carpark would reduce its prominence.
24. The accommodation within the building falls marginally short of that required by national space standards⁵ for a one-bedroom home, but it only occupies part of the space within the building, so it does not feel cramped therein. There is also a large, covered store situated within a planted area northeast of the dovecote and the boiler room includes additional storage space for gardening equipment. On this basis, there would therefore be sufficient justification for the Council to resist future proposals to extend the building or construct additional ancillary buildings within its curtilage, as it has done previously.
25. Due to natural build-up of land surrounding the building, the internal floor level is below the ground level outside. During winter months and periods of heavy rainfall the building therefore experiences water penetration. The proposed French drain around the building and rerouting of the pedestrian access from the bridleway to be taken from the carpark to the doorway would help to reduce damp and moisture within the building. These would be modest interventions that would not be harmful to the building's fabric or setting.
26. I am also mindful damp could be reduced by ventilation from existing openings and removal of the concrete inner lining at the base of the building. The latter point being advice to the appellants provided by the Listed Property Owners'

⁴ Appeal Reference: APP/V3120/W/20/3244773.

⁵ Technical housing standards – nationally described space standard (March 2015).

Club, which they indicated would be carried out. Any problems associated with encroachment by birds are also not likely to be difficult to resolve.

27. I appreciate the building could be at greater risk of deterioration if it is left unused, including from damage by natural causes or vandalism. Nevertheless, in both the letter supporting the application and the Agent's Statement of Case, the appellants accept it is structurally sound and no immediate investment or undertaking of works is required, other than for the French drain and some modernisation. The Application Form also indicates since the building ceased to be used as a holiday let in 2016, it has been secure, regularly visited and maintained by the appellants in good faith and used for their enjoyment. This is often the case for listed buildings and the appellants have clearly invested time and money into the building, which runs counter to the argument the building would not be maintained, including regarding incremental use of underfloor heating that would be required to ensure it does not deteriorate.
28. The proposal would inevitably lead to occupation of the building by one set of individuals on a permanent basis rather than by groups that do not know the building and may cause damage to it. However, this could have been rectified relatively simply through greater information provided in a manual for the building and/or communication with guests.
29. The scheme at Chilswell Farm, Boars Hill, referred to a more conventional stone agricultural building and not a dovecote. The implications of its alteration from holiday to residential use are therefore unlikely to be comparable with the appeal scheme.

Rural Housing and the Optimum Viable Use

30. The appellants' focus of alternative use for the building is directed at residential use in the context of their assessment under Framework paragraph 80c, upon which I have reached a different conclusion. Consideration of alternative uses is therefore necessary to demonstrate the proposal would be the optimum viable use (OVU) of the appeal building to meet Framework paragraph 80b and outweigh the identified harms that could be caused to the special interest of the building and its setting. I address this latter point in my assessment of the public benefits below.
31. The OVU does not necessarily need to be the most economically viable option available, but it must ensure on going conservation of the building. At the Hearing, the appellants confirmed certain types of individuals are required to take on listed buildings, as they need to have an interest in their preservation. However, the absence of marketing of other uses suppresses the ability to determine whether other likeminded individuals may wish to take on the building with a different use in mind. Moreover, while I have no reason to dispute the professional advice provided to the appellants by two industry experts that the holiday use of the building is not financially viable, the appellants accepted when marketing was carried out for a holiday let, they did not want to sell the property and wanted to see more of it. It is also unclear why repairs to the fabric of the building could not be financed and undertaken at an appropriate time with other suitable uses.
32. The building was approved as a home office for one of the barns at Home Farm but this was not implemented, and there is no substantive evidence before me, either way, to demonstrate such ancillary use would be a realistic possibility or

appropriate alternative use to sustain the building, including through communication with owners of the properties.

33. In light of the above, despite residential use probably being able to attract better borrowing power, there is insufficient evidence before me to be able to conclude that it would be the OVU of the Dovecote and I have found above that it would not be consistent with its conservation.
34. Although travelling is likely to be implicit with many listed buildings situated outside of villages in the countryside, in considering the OVU, permanent residential use of the Dovecote is likely to result in greater reliance on services and facilities than one would expect to require on holiday. This would mean additional journeys are made to access, amongst other things, employment, retail, leisure, and healthcare on a more regular basis. Permanent residential accommodation at the site would therefore not amount to an appropriate form of development in the countryside.

Public Benefits

35. The statutory duty in Section 66(1) of the Act is a matter of considerable importance and weight, as are the aims of paragraphs 197, 199 and 200 of the Framework.
36. Despite my findings in relation to some aspects of the proposal, it is likely to lead to harm to the special interest and setting of the Grade II* listed building. In my view the harm that I have identified equates to less than substantial harm to the significance of this designated heritage asset. In such circumstances, Framework paragraph 202 identifies this harm should be weighed against the public benefits of proposals, including, where appropriate, securing the optimum viable use of listed buildings.
37. The French drain, proposed to reduce the penetration of moisture and, thereby, damp within the building, could be carried out in isolation of the wider proposal. For this reason, I afford this limited weight as a heritage benefit.
38. While some elements of the landscaping scheme would better reveal the listed building within its setting, including lowering of hedges and the parking layout, others would be harmful. Hence, the positive aspects would only constitute heritage benefits of limited weight.
39. The Council can demonstrate the five years of deliverable housing land required by the Framework, but I am conscious this does not represent a ceiling on new housing building. Further housing would also boost the supply of housing as supported by the Framework, but the proposal would only provide a single dwellinghouse and this would only amount to a benefit of limited weight.
40. I have had regard to the appellants' request to consider a personal permission for the proposal, whereby the listed building would revert back to its current use when the appellants are no longer able to occupy it, but this would not mitigate the harms that could be caused to the listed building and its setting.
41. I have also found there to be insufficient evidence before me to demonstrate the proposed permanent residential use of the listed building would amount to its optimum viable use. Thus, this would not equate to a public benefit.

42. Taking the above together, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the stated public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.

Conclusion on the Main Issue

43. In light of the above, I conclude that the proposal would fail to preserve the special interest of the Grade II* listed Home Farm Dovecote, including its setting. There is also insufficient evidence before me to demonstrate it would be the optimum viable use of the listed building and, accordingly, it would not be consistent with local and national planning policies relating to housing in rural areas. Hence, it would fail to satisfy the requirements of the Act; Framework paragraphs 80, 197, 199 and 200; and conflicts with the Council's Spatial Strategy and heritage aims set out in P1LP Core Policies 4, 37, and 39, and P2LP Development Policies 36 and 38.

Other Matters

44. The proposal is to change the occupation of the appeal property from a holiday let to a permanent residential dwelling. Natural England has recently updated the conservation status of the River Lambourn SAC but, prior to the Hearing, the Council provided guidance it has produced regarding nutrient neutrality and the site does not fall within the nutrient catchment of the River Lambourn SAC. It is therefore not necessary for me to consider this matter further.

Planning Balance

45. The development plan includes the P1LP and P2LP. While these both predate the current Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to the policies according to their consistency with it.
46. There is no specific balancing exercise in relation to heritage harms contained in P1LP Core Policy 39 and P2LP Development Policies 36 and 38, but reference is made to national guidance and the Act. They are also generally consistent with the heritage aims of the Framework. P1LP Core Policy 4 also addresses development in the countryside in the proportionate way advocated by the Framework, so is also generally consistent with it.
47. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets, each of which I have afforded limited weight.
48. The proposal would not result in harm to the living conditions of existing occupiers of neighbouring properties or to highway safety, so these would neither weigh in favour nor against the proposal, as absences of harm.
49. In terms of harm, the proposal would not comply with development plan policy in respect of harm to the special interest of the Grade II* listed building, including its setting; and policies relating to housing in rural areas. Due to the consistency of the policies with the Framework, I afford considerable weight to the conflict of the proposal with the abovementioned policies.
50. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the

adverse impacts of the proposal are matters of great weight against the grant of planning permission that outweigh the stated benefits.

Conclusion

51. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Alison Armitage	Appellant
Norman Armitage	Appellant
Jason Clemons	Head of Heritage (Savills)
Edward Lee	Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Tracy Smith	Principal Appeals Officer
Emily Tucker	Conservation Officer

DOCUMENTS RECEIVED FOLLOWING THE CLOSE OF THE HEARING:

- Confirmation from the Council that no further comments received on revised consultation for the appeal.
- Completed and Signed Unilateral Undertaking and correspondence regarding it.