



Appeal Decision

Site visit made on 4 July 2023

by S Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/J0405/W/22/3298416

**Land adj The Dinton Hermit, Water Lane, Ford, Buckinghamshire
HP17 8XD**

- 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 Kieran Robinson against the decision of Buckinghamshire Council.
 - The application Ref 20/03386/APP, dated 2 October 2020, was refused by notice dated 23 November 2021
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 1. Whether the site is a suitable location for development having regard to local and national planning policy.
 2. The effect of the proposal on the character and appearance of the area.
 3. The effect of the proposal on the setting of the Grade II listed building, The Dinton Hermit.
 4. Whether the proposal would provide a satisfactory standard of living for future occupiers having particular regard to noise and disturbance.

Reasons

Whether a suitable location for development

3. Policy S2 of the Vale of Aylesbury Local Plan 2013-2033 adopted in 2021 (the Local Plan) sets out a spatial strategy for growth in the district, and states that the primary focus of strategic levels of growth and investment will be at Aylesbury and development at Buckingham, Winslow, Wendover and Haddenham supported by growth at other larger, medium and smaller villages. The site lies on the edge of Ford, which is designated in Table 2 of Policy S3 as a 'smaller village'.
4. Policy D4 of the Local Plan relates to housing development in smaller villages and sets out criteria against which a proposed development will be determined.

Those criteria include a) which requires that the development is located within the existing developed footprint of the village or is substantially enclosed by existing development. The 'existing developed footprint' is defined as the continuous built form of the village and excludes individual buildings and groups of dispersed buildings.

5. Policy D4 c) requires that development is of a small scale and is in a location that is in keeping with the existing form of the settlement and would not adversely affect its character and appearance and e) requires that the development would not have any significant effect on environmental assets including the historic environment. I will turn to these criteria later in my decision.
6. The built form of the village is centred on the main road through the settlement, where there is a modest but nevertheless generally continuous row of houses, and around Chapel Road and Fraucup Close where properties are more tightly built. Development on the rural lanes leading off the main road tends to be individual or small clusters of buildings interspersed with open fields. Water Lane, where the appeal site lies, is one of those lanes. Built development on Water Lane is on one side only and comprises The Dinton Hermit public house which lies at the junction with the main road, beyond which is a paddock, a modest sewage pumping station set back from the road and a pair of semi-detached dwellings, then a gap before a cottage after which development becomes more dispersed.
7. The site comprises part of the field between The Dinton Hermit and the semi-detached houses. There are fields behind and opposite such that the site is visually part of the countryside. To my mind this character contrasts with other areas of the village where development is more built up and uniformly laid out. Given that the proposed dwelling would be located adjacent to the remaining part of the field, with a field to the rear of it, it would not be substantially enclosed by existing development. Moreover, the site is not part of continuous built form given its separation from the core of the village. Accordingly, the site is not within the existing developed footprint of the village and the proposal therefore fails to meet the requirement of criteria a).
8. Given that Policy D4 requires all of the stated criteria to be met, the proposal is contrary to Policy D4. Accordingly, the proposal is not a suitable location for development having regard to the development plan's settlement strategy.

Character and appearance

9. Water Lane, in the vicinity of the site, is a narrow lane with no footpaths or street lighting and, as set out above, serves a limited number of properties. As such it contributes to the quiet rural character of the area. The site, part of a larger field from which it is not currently physically divided, is an open area of grassed land bounded by a mix of trees, hedges and simple timber or wire fencing. A field gate marks the access into the field. The site's openness allows glimpses through to the wider countryside beyond. As a result of its rural appearance and quiet character the site presently makes a positive contribution to the character of the wider settlement.
10. The proposed dwelling has been carefully designed to minimise its bulk and to reflect the form and style of The Dinton Hermit with a steeply pitched roof, low

eaves and timber and stone cladding. No objections to the proposal in terms of its design have been raised by the Council and I have no reason to disagree.

11. I acknowledge that the site is not isolated in a physical sense and that the addition of one dwelling would not overwhelm the village. However, in spatial terms the proposal would result in a loss of the site's openness. As the sporadic nature of development on the edge of the settlement contributes to the rural character of the village, the consolidation of built development in this location would have a harmful effect on that character. Furthermore, in visual terms, the proposed dwelling would be glimpsed through the vegetation and would be clearly visible at the access point. As a result of its size and domestic appearance, as well as paraphernalia and activity associated with the use, the proposal would have a significantly urbanising effect on the character and appearance of the site and wider area.
12. Accordingly, for those reasons, the proposal would have a harmful effect on the character and appearance of the area. As such it would be contrary to Policy D4 (c) of the Local Plan, and Policies BE2 and NE4, which require amongst other things, that all new development respects and complements the physical characteristics of the site including its context and setting and the natural qualities and features of the area.

Setting of the Listed Building, The Dinton Hermit

13. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant planning permission for development which affects a listed building, or its setting, special regard should be paid to the desirability of preserving the building, or its setting, or any features of special interest which it possesses. The Framework is clear that the setting of a heritage asset 'is not fixed and may change as the asset and its surroundings evolve'.
14. The Dinton Hermit Public House, a grade II listed building, dates from the late 17th century and has been subject to later extensions. The building, thought to have once been a farmhouse, is a modest one and a half storey building, for many years used as an alehouse or public house. Architecturally, as set out in the list description, the building has 3 bays, with gabled dormers and prominent chimney stacks. The name of the building commemorates John Bigg (1629-1696) who lived in the grounds of Dinton Hall as a hermit. Its significance as a listed building therefore lies in its age, its architectural detailing, and its social history.
15. The Public House is located in a prominent position at the junction of the main road and Water Lane and is set within a wide area of open countryside. This countryside setting enables the building to be seen and appreciated as a focal point in the landscape and moreover, allows the historic context of the building as a farmhouse and later as an Inn for travellers to remain legible. Accordingly, the setting of the building makes a positive contribution to its significance as a heritage asset.
16. The listed building lies some 18 metres from the appeal site and can be clearly seen from it. Accordingly, the site is within the setting of the listed building. On its Water Lane frontage, the open space between the public house and the substation and residential dwellings is limited, but nevertheless important in retaining the historic context of the building. The proposal would introduce a

dwelling in close proximity to the listed building which would erode that space and undermine the contribution it makes to the significance of the heritage asset. Whilst I acknowledge that the dwelling would be of a subordinate size and scale to the public house, it would nevertheless have a significant domestic presence that would detract from the setting of the building and the ability to appreciate it.

17. The sewage pumping station, and the flat roofed garage of the neighbouring house are also in close proximity to the listed building. Nevertheless, these structures are more limited in size, are set further away from the public house and are well screened. I am unconvinced by the appellant's argument that the construction of a much larger, more intrusive building would improve the relationship of the heritage asset with those smaller buildings.
18. I have noted the appellant's suggestion that the building could be set into the ground. However, whilst I am unconvinced that this would negate the issues I have set out, this is not a proposal before me for consideration.
19. For the above reasons, the proposal would not preserve the setting of the listed building and would not therefore meet the statutory requirement of the Act. Furthermore, the proposal would be contrary Policy D4 of the Local Plan in so far as it relates to the historic environment, and to Policy BE1 which requires that all development should seek to conserve heritage assets in a manner appropriate to their significance, including their setting.
20. In terms of the approach in the National Planning Policy Framework, the proposal would result in less than substantial harm to the significance of the heritage asset. Accordingly, that harm must be weighed against the public benefits of the proposal. I will turn to this balance later.

Living Conditions of Future Occupiers

21. I have noted that given the function of the pumping station, statutory consultees suggest that the dwelling should be located more than 15m away from it. The proposed dwelling would be some 8m away and would not therefore meet that requirement.
22. However, 2 Moat Farm Cottage is located a similar distance from the pumping station and the two uses appear to have co-existed for some time. There is no compelling evidence before me of any significant nuisance arising from the pumping station, including any complaints made to the Council. I understand that the presence of a tanker at the site, present for a number of days, was intrusive in a number of ways and did cause inconvenience to neighbouring occupiers. However, whilst the use of a tanker might be a seasonal requirement, comings and goings to the pumping station are likely to be sporadic and to my mind would not cause significant disturbance. Moreover, whilst it may have been a snapshot in time, at the time of my visit there was no discernible noise or odour in the vicinity associated with the pumping station.
23. Accordingly, whilst I acknowledge the property would be less than the desired distance from the pumping station, on the evidence before me, I am unconvinced that the proposal would result in significant harm to the living conditions of future occupiers of the proposed dwelling.

24. I acknowledge concerns that noise from the outdoor seating and dining area at the Public House, and from deliveries, could also give rise to disturbance at the property. Given the proximity of the site to the Public House it may be that some noise would be discernible within the garden of the proposed dwelling. However, it is not uncommon for such uses to co-exist and any purchaser of the proposed dwelling would be aware of the proximity of the public house and the potential for disturbance. Moreover, I have no reason to consider that the use of the outdoor area, or deliveries to the premises, occurs late at night or that the business is not appropriately managed.
25. I note concerns about a right of way across the site although this is a private matter between the parties involved and has no bearing on my decision.
26. Accordingly, taking all these matters into account, I am satisfied that the proposal would provide satisfactory living conditions for future occupiers of the proposed dwelling. As such, in this respect the proposal complies with Policy BE3 of the Local Plan which states that planning permission will not be granted where the proposed development would not achieve a satisfactory level of amenity for future residents.

Planning Balance

27. As set out above I have found that the proposal would cause less than substantial harm to the designated heritage asset. That Framework is clear that great weight should be given to the asset's conservation.
28. The public benefit of the proposal lies primarily in the provision of one dwelling. However, the Council can deliver a 5 year supply of housing land and, given the proposal fails the spatial strategy as set out above, this matter carries only limited weight. There is no evidence before me to support the contention that the village has an ageing population and even if that were the case, there is no mechanism by which the proposed dwelling would be occupied in perpetuity by younger people. Nevertheless, there are some limited benefits to the economy and to the social needs of the village arising from the construction of the dwelling and from its future occupancy. Such benefit carries limited weight in support of the proposal.
29. I acknowledge that the proposal would not cause any issues in terms of its effect on highway safety or cause significant overlooking or loss of privacy to neighbouring residents. However, these are neutral matters in my consideration.
30. Taking these matters into account, the benefits of the proposal considered cumulatively carry only limited weight and accordingly do not outweigh the harm to the heritage assets I have identified.

Conclusion

31. I have found that the proposal would not accord with the settlement strategy, would cause harm to the character and appearance of the area and would not preserve the setting of a heritage asset. Accordingly, it is contrary to a number of Local Plan policies set out above. There are no other circumstances before me which would indicate that the proposal should be allowed.
32. For these reasons, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR