



Appeal Decisions

Site visit made on 1 August 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal A Ref: APP/J0405/W/22/3312376

The Stables, Nash Road, Buckinghamshire, Thornton MK17 0HB

- 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 & Mrs Biagi against the decision of Buckinghamshire Council - North Area (Aylesbury).
- The application Ref 22/01960/APP, dated 27 May 2022, was refused by notice dated 26 August 2022.
- The development proposed is construction of orangery kitchen and family room.

Appeal B Ref: APP/J0405/Y/22/3312378

The Stables, Nash Road, Buckinghamshire, Thornton MK17 0HB

- 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 Mr & Mrs Biagi against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/02306/ALB, dated 27 June 2022, was refused by notice dated 26 August 2022.
 - The works proposed are construction of orangery kitchen and family room.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and listed building consent is granted for construction of orangery kitchen and family room at The Stables, Nash Road, Buckinghamshire, Thornton MK17 0HB, in accordance with the terms of application Ref: 22/02306/ALB, dated 27 June 2022, and the plans submitted with it, and subject to the conditions in the attached schedule.

Procedural & Preliminary Matters

3. The appeal site comprises a thatched barn and outbuildings historically associated with Thornton Hall, a Grade II listed building (List Entry Number:1232801). The appellant's evidence indicates that, at the very least, the thatched barn element of the appeal site was part of the land associated with Thornton Hall by the 1920s¹.
4. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) defines what 'listed building' means and at subsection (b) it states that 'any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since 1948, shall...be treated as part of the building'. The appeal buildings were linked and converted some 35 years ago. Within the Council's Officers' Report

¹ Design and Access and Heritage statement, May 2022 OS extract p. 12

for that development it was stated that the appeal buildings were not listed buildings. Moreover, the statutory list description solely refers to the principal building of Thornton Hall.

5. Nevertheless, the appellants' evidence indicates that the thatched barn/garage formed part of the land by the 1920's. Due to the quality of the enlarged 1948 RAF photograph it is not clear whether other parts of the appeal building have been constructed at that time. However, on the basis of the evidence before me, it is more likely than not, that at that time of listing, and until the conversion scheme around 35 years ago, that the thatched barn/garage, at the very least, was in ancillary use to Thornton Hall and was in the same ownership. On this basis I concur with the Council that the appeal building is within the curtilage of the Grade II listed Thornton Hall and the thatched barn/garage has formed part of the land since before 1 July 1948. As such, the appeal building can be treated as part of the listed building.
6. The scheme is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes for each are different. Whilst I have borne in mind my statutory duties in respect of section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate, to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together in this single decision letter.
7. The National Planning Policy Framework (the Framework) was updated on 5 September 2023 and after the submission of the appeals. The historic environment policies have remained unchanged within the updated version of the Framework, which is a material consideration.

Main Issues

8. The main issues are:
 - The effect of the proposal upon the character and appearance of the host building and the local area (Appeal A); and
 - Whether the proposal would preserve the Grade II listed building or its setting or any features of special architectural or historic interest that it possesses (Both appeals).

Reasons

9. The appeal concerns works and development that would create a corner extension between the two attached elements of the stable block removing the small turret extension and extending the internal building line forward into the courtyard. It would incorporate a combination of apex roof in part together with a lean-to roof as well as a lantern roof visible from behind the new lean-to roof.

Appeal A - Character and appearance

10. The appeal site is located amongst a cluster of former ancillary buildings to the Hall including a thatched barn/garage, the appeal building and Coach House, some of which including The Stables have been converted to residential since around the mid to late 1990's. The buildings that the extension would be attached to appear to date at the earliest, from the mid-20th Century. However, as a combination of buildings, they are redolent of a typical and traditional style courtyard arrangement located just off the same driveway that leads to

the Hall. The Stables have long and narrow plan forms which reflect that of traditional vernacular of a stable block, only interrupted by the existing turret extension. A modern glazed link extension that has been added since the conversion connects these buildings to the thatched barn/garage.

11. Considering the proposed development, the otherwise traditional and distinctive vernacular character would be severely disrupted by the addition of a disproportionately large and bulky family room extension. Its scale and massing would not denote a sense of subservience or integrity to The Stables. As a consequence, it would compromise its existing long and narrow plan form which is an essential characteristic of the building. The continuity of the building line, even despite the presence of the small corner turret and other roof forms on separate buildings, would be adversely compromised by the incongruous forward projection in a juxtaposing roof design to the more rudimentary roof style. Irrespective of the intended use of matching materials to complement its finish, its appearance would be severely at odds with the aesthetic of the simplicity of the utilitarian and low-level form of the host building.
12. I acknowledge that the extension would be largely screened in views from the main driveway leading to the Hall and whilst it would not have a detrimental impact to the wider area, nevertheless, it would not complement the character or appearance of these courtyard buildings where it would be visible in private views.
13. The case is made that the appellants require maintenance on the existing building and wish to remedy the 'ugly' corner turret addition which would be removed while providing additional facilities. The turret is of small scale and although a new element, its removal would not outweigh the harm I have identified.
14. In addition, whilst the extension would improve the size of the appellants' living quarters and level access would also be achievable for the less mobile family members pointed to by them, built to maximise energy efficiencies and the incorporation of modern standards of energy efficiency, without further details on these matters, I am not convinced this outweighs its adverse effects.
15. To conclude on this main issue, I have found the proposed extension would not respect the characteristics of the local vernacular in this circumstance and therefore conflicts with the design objectives of policy BE2 of the Vale of Aylesbury Local Plan 2021 and the National Planning Policy Framework in so far as it relates to achieving good design.

Appeal B - listed building

16. The principal element of the Grade II listed building is Thornton Hall (the Hall), a handsome two-storey brick faced large house of 17th and 18th Century origins. The significance and special interest of the Hall lie, in part, in its architectural execution, detailing, historic plan-form and fabric.
17. Notwithstanding the Hall has been subject to changes of use and subdivision, it stands visually and functionally ascendant within large grounds. Within those grounds are various other structures of differing appearance that are consistent with functionally ancillary outbuildings typical of large country house estates. The range of these outbuildings denote its significance as a country estate.

Whilst the functioning connection of all these outbuildings to the Hall has since ceased, the strength of the legibility of their historical association still remains. Therefore, it is evident that there has been a clear historic and physical interrelationship between The Stables and the Hall.

18. I acknowledge that in this case the outbuildings are of varied age, have been subject to conversion and are now in separate ownership. However, those grounds and the outbuildings adjacent to the Hall form part of the surroundings where the Hall is experienced from, and as such, they comprise part of the Hall's setting.
19. The appeal buildings are now used as a dwelling but they include the thatched barn/garage, a glazed link constructed in the 1990's and further buildings arranged in a general 'L' shape around a courtyard. Whilst the functional connection of all these outbuildings to the Hall has since ceased, the visual appreciation of their contribution to the significance of the Hall remains.
20. The parts of the outbuilding that the extension would be attached to appear to date, at the earliest, from the mid-20th century. They are not apparent on the 1920's Ordnance Survey (OS) maps that form part of the evidence before me. Whilst these parts of the outbuildings are curtilage listed, they have limited historical value with respect to the significance/special interest of the Hall. Moreover, the window and door openings appear to have been moved when these parts of the outbuilding were converted to residential use in the 1990's. As such, even though a proportion of walling material would be removed to make openings into the proposed extension, that material has little if any historical value as part of the significance of the Hall. The loss of that material would have a neutral impact on the significance/special interest of the listed building. In addition, the proposal would have no direct impact on the thatched barn/garage.
21. I have found that the extension would not respect the characteristics of the local vernacular in this circumstance. Nonetheless, the extension would be mainly screened in views from the main driveway to the Hall. As such, when viewed from that driveway, the contribution that outbuildings make as part of the illustration of the Hall's status as a mid-to-high status country dwelling would also be preserved. Therefore, the proposal would preserve the Grade II listed building or its setting or any features of special architectural or historic interest that it possesses thus meeting the expectations of s16(2) and s66(1) of the Act.
22. I therefore conclude that no conflict arises with the historic environment protection policies within the National Planning Policy Framework and Policy BE1 of the Vale of Aylesbury Local Plan 2021 insofar as it is relevant to safeguarding the historic environment.

Other Matters

23. The Council's reason for refusal includes Policy C1 of the Vale of Aylesbury Local Plan 2021. As this policy relates specifically to proposals for new conversions, it is therefore not directly relevant to the circumstances of these appeals.
24. Despite my findings with regards to its effect upon the setting of the listed Hall, an absence of objections, or indeed support that may be garnered for the

scheme from neighbouring occupiers and the local parish council is neutral in the overall balance, and neither weighs for or against it.

25. Criticisms laid at the Council's handling of the application, and to other applications concerning Thornton Hall have not played into my consideration of these appeals which have been determined on their merits and with regard to the site-specific circumstances, and statutory duties.

Conditions

26. I have reviewed the Council's suggested planning conditions in light of paragraph 56 of the Framework in so far as they relate to the application for listed building consent. A time limit to implement the approved works is necessary as well as submission of materials required to erect the proposal in the interest of an appropriate external finish.

Overall Conclusion

27. I have not concluded favourably with regards to Appeal A as it would harm the character and appearance of the host building and its immediate area. With regards to Appeal B it would preserve the significance/special interest of the listed building. However, the works and development would conflict with the development plan when taken as a whole and whilst both appeals relate to two separate consenting regimes, both are required in order to proceed.

Alison Scott

INSPECTOR

Schedule of Conditions - Appeal B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this decision.
- 2) No works above slab level of the works hereby permitted shall commence until samples of all external materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority including samples to be made available to view on site. The works shall be thereafter carried out in accordance with the approved samples.

