



Appeal Decision

Site visit made on 11 March 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/J0405/W/23/3330705

Land at Poplars Farm, Lower Road, Hardwick Buckinghamshire, HP22 4DZ

- 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 K Skinner against the decision of Buckinghamshire Council.
 - The application Ref: 23/01288/APP dated 24 April 2023 was refused by notice dated 20 June 2023.
 - The development proposed is Erection of one and half storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposed dwelling would be in a suitable location having regard to development plan policies and
- the effect of the proposed development upon designated heritage assets.

Reasons

Suitable location

3. The appeal site is a rectangular parcel of land within the settlement of Hardwick¹ and lies on the northern side of Lower Road beyond the boundary of the Hardwick Conservation Area² (HCA) and behind a frontage of predominantly historic development including a number of listed buildings³ and, to the west, a line of agricultural buildings⁴. The refusal of the matter here appealed is pointed to, by the appellant, as inconsistent with the Council's earlier permission⁵ for the replacement of these buildings by a block of new built form of broadly similar mass, containing three dwellings. The appellant also refers to other development to the east of the appeal site which contributes to a sense of enclosure of the HCA and observes that the displacement of agricultural use has changed the character of the setting of surrounding heritage assets.
4. Hardwick is a 'smaller village' where, in the absence of a 'made' Neighbourhood Plan, small scale housing development, may be brought forward by reference to the relevant policies in the development plan. In this case there is no dispute

¹ The position of the appeal site in relation to surrounding development is a consideration addressed in this decision.

² Access to the proposed dwelling would be from within the HCA

³ Including The Bell PH and Poplars Farmhouse ('the Farmhouse') within the former curtilage of which it seems both the appeal site and the agricultural buildings referred to are found.

⁴ Extant at the time of the site visit

⁵ 22/01472/APP

that these include Policy D4 of the Vale of Aylesbury Local Plan (2021) (VALP) in which the 6 criteria stated for compliance, it is the application of criteria a) and e) upon which this decision turns, and it is the first of these to which I now turn.

5. That criterion requires such development to be '*located within the existing developed footprint of the village* or .. substantially enclosed by existing built development*'; going on (at *) to explain that '*the existing developed footprint is defined as the continuous built form of the village, and excludes individual buildings and groups of dispersed buildings...(also excluding)... agricultural buildings and associated land on the edge of the village and gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the village*'.
6. As I subsequently explain, although now subdivided by post and rail fencing, with only a section of stone walling at the northern edge surviving that subdivision, whatever may have previously distinguished the intimate amenity area of the farmhouse from that which was in wider agricultural use is no longer evident. In that regard, however, significant weight can be attached to the boundary shown on the HCA plan which includes approximately half the depth of the (current) Farmhouse land parcels and none of that included⁶ in this matter (the appeal site), and I consider this to be indicative of a differing character of use at the time of designation. Overall, and notwithstanding the anomalous intrusion of a single dwelling house of recent construction lying to the east at the rear of the (grade II listed) Bell Inn, I consider that the parcels of land which lie to the north of the Farmhouse relate either entirely ⁷or substantially to the open countryside and not to the built-up area of the village.
7. What is proposed would intrude upon open land which, as I have previously explained falls within the exclusions set by Policy D4 at criterion a) and on that basis the proposal conflicts with the objectives of Policy D4 of the VALP.

Heritage assets

8. Whilst neither party have pointed to a position in relation to curtilage of nearby listed buildings, it appears to me that the appeal site and curtilage associated with the (now subdivided) Grade II Poplars Farmhouse together with the land surrounding agricultural buildings referred to previously, appear to have been part and parcel of the land associated with the historic use of the Farmhouse, and in that regard I note a low stone wall which aligns with the rear of these parcels and, therefore, with the northern edge of the application site.
9. The openness of this land as it extends northwards into countryside is an important aspect of the setting⁸ within which the Farmhouse is experienced as a building which derives its architectural and historic character from its agricultural origins. In that regard, noting also a broad openness to the frontage on Lower Road, a relative openness of land between buildings that are of greater than (usual) domestic scale characterises the setting of Poplars Farmhouse. The proposed dwelling would not only intrude as built form but also

⁶ Other than the access way which proposes no works of significance.

⁷ As is the case with the appeal site.

⁸ This is not to be read as defining the extent of curtilage of any of the listed buildings.

introduce a suburban scale and associated residential paraphernalia which would undermine that openness and generous scale.

10. The appellant seeks to persuade that the recent grant of permission for the demolition of agricultural buildings to the east of this land and their replacement with a block of 3 dwellings should have some sort of equivalence with what is proposed and that the cumulative change from agricultural use to residential of the surroundings opens a door to what is proposed. However, such changes tend to underline the sensitivity of settings in which heritage assets are experienced. What has been approved sits in the location of a group of (previously more extensive) agricultural buildings which were seemingly attached to the Farmhouse and, significantly, appear to be of a design and mass which carries some characteristics of agricultural use in terms of monolithic bulk and an aligned ridgeline. Further, in their siting, these provide(d) an appropriate and historically valid perimeter within which the Farmhouse is understood as a heritage asset, whereas the proposal would insert residential form and use at a suburban scale which would be unrelated to former layout having a harmful effect upon the setting of Poplars Farmhouse, regardless of the evolved wider residential use.
11. The appellant demonstrates that the proposed dwelling would be largely screened from the HCA and takes design cues from the adjacent but differently-experienced 'Bell', a grade II listed building which has a tightly-defined curtilage. I consider there would be no harm to the character and appearance of the HCA, however, the proposed dwelling would be a prominent intrusion into the setting of the listed Farmhouse and by its siting and domestic scale and appearance, cause less-than-substantial harm to the significance of this designated heritage asset. The Framework requires clear and convincing justification for such harm. In this case the appellant suggests weight should be given to the provision of a single dwelling, however heritage assets are an irreplaceable resource and great weight should be given to their conservation. I therefore conclude that the proposal would conflict with criterion e) of Policy D4 of the VALP which requires that proposals should '*not have any significant adverse impact on (inter alia) the historic environment*'.

Conclusion

12. I have concluded that the proposal would conflict with policy D4 of the development plan in regard to the effect of the proposal on heritage assets and would not accord with the provisions for development within the smaller village of Hardwick. Having considered all matters raised, including any which seek to outweigh the harms I have identified, and having addressed the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 at sections 66 and 72, my reasoning directs that the proposal would conflict with the development plan taken as a whole. Therefore, the appeal cannot succeed.

Andrew Boughton

INSPECTOR