



Appeal Decision

Site visit made on 9 May 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/J0405/W/23/3323959

**Springhill Farm, Pond Cottage East, Cuddington Road, Dinton,
Buckinghamshire HP18 0AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Eccles against the decision of Buckinghamshire Council.
 - The application Ref is 22/04151/APP.
 - The development proposed is demolition of existing house and erection of new 5 bedroom house with new carport.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house and erection of new 5 bedroom house with new carport, at Springhill Farm, Pond Cottage East, Cuddington Road, Dinton, Buckinghamshire HP18 0AD, in accordance with the terms of the application, Ref 22/04151/APP, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs has been made by Mr & Mrs Eccles against Buckinghamshire Council and is the subject of a separate decision.

Preliminary Matters

3. The details of the site address and appellant name in the banner heading above have been taken from the application form against which the Council determined the planning application. However, the submitted evidence of the main parties generally refers to the appeal site only as 'Pond Cottage', and I have referred to it as such in my assessment of the appeal below.

Main Issue

4. The main issue is whether the demolition of the existing building would be acceptable, having regard to its significance as a non-designated heritage asset.

Reasons

5. Pond Cottage is a detached house set in a spacious plot set back from Cuddington Road, from which it is accessed. The site has a verdant character, with dense tree coverage largely screening views of the existing building from Cuddington Road, although there is a visual relationship with the neighbouring buildings to the northeast. The proposal would include full demolition of the existing buildings on site.

6. The Council identified Pond Cottage as a non-designated heritage asset (NDHA) during the consideration of a previously withdrawn planning application. The Planning Practice Guidance (the PPG) establishes that there are a number of processes through which NDHAs may be identified, including as part of the decision-making process on planning applications.
7. The Council's submission sets out that a Local Heritage List (LHL) for Buckinghamshire has recently been created and the first phase of NDHAs have been adopted to it. Although Pond Cottage has not yet been formally adopted to the LHL, the Council considers it meets the suggested criteria for local listing, as set out in the Historic England Advice Note¹ referenced in the PPG, on the basis of its age, architectural interest and historic interest.
8. There is disagreement between the parties regarding the process undertaken by the Council to identify Pond Cottage as a NDHA. Nevertheless, as there is no prescriptive process by which NDHAs are identified and recorded, for the purposes of the appeal I shall consider Pond Cottage as a NDHA. However, NDHAs are not subject to the statutory requirements in The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that are afforded to statutory listed buildings, and I have no basis to consider it should be afforded the same level of protection.
9. The parties are in general agreement that Pond Cottage was built in the 19th century as a dwelling for farm labourers, although there is some debate regarding specific dates and when later additions such as the rear gable-ended extensions were constructed. Nevertheless, its age is a contributing factor to any historical significance.
10. The front elevation is most prominently visible when entering the site via the long driveway from Cuddington Road. In such views, the property appears as an attractive vernacular cottage built using locally sourced materials typical of its period of construction. Its main 2-storey form has a broad symmetry of fenestration and brickwork detailing and is flanked by chimneys at each side. Internally, the building includes some remnants of original features including fireplaces.
11. The evidence suggests the ground floor extension to the west side elevation was built in the 1980s. This is set back from the front elevation and designed in a similar style to the main form of the dwelling, although its later period of construction is evident by the slightly different facing materials.
12. Although the evidence suggests the 2-storey rear extensions are also of a considerable age, they appear very clearly to be later additions by virtue of the different facing materials, architectural style and placement of fenestration, among other factors. When viewed from the rear, although some construction techniques that reflect the period of construction are evident in its design, its elevational features and fenestration are haphazardly arranged and its overall appearance, particularly when compared to the front elevation, is of limited architectural value.
13. The building has 4 chimneys that are clad in render and display various forms of detailing and appear to have been altered over time. The building also features modern windows throughout, and whilst those to the front elevation

¹ Local Heritage Listing: Identifying and Conserving Local Heritage. Historic England Advice Note 7 (Second Edition)

feature a general consistency of design that reflects the vernacular of the building, those to the rear are more varied and mismatching. Cumulatively, the later additions comprising extensions, alterations and variations in detailing, detract from the architectural significance of the building.

14. The Council considers the building's historic interest relates to it being a former farm labourer's cottage built in association to the nearby Springhill Farm, which provides a historic narrative for social and agricultural practices in the area in the mid to late 19th century.
15. Springhill Farm is located to the northeast of Pond Cottage, and its buildings are visible to varying degrees from the appeal site. However, the Council acknowledges it is not possible to ascertain what remains of the original 19th century Springhill Farm, and I am provided with no substantive evidence to inform me in this regard. Moreover, whilst the original relationship with Springhill Farm is not clear, Pond Cottage currently enjoys its own independent access from Cuddington Road and is physically and functionally separated by boundary treatments and vegetation from Springhill Farm. As such, the building's historic interest in association with Springhill Farm is limited.
16. Given the considerations above, Pond Cottage has some historical significance because of its age, architectural and historic interest. However, given it is not statutory listed and bearing in mind its context and later alterations, any such significance is limited. Its demolition would, nonetheless, cause a total loss of this significance.
17. Policy BE1 of the Vale of Aylesbury Local Plan (VALP) 2013-2033 – Adopted Plan, September 2021 (the VALP), requires proposals affecting the significance of a NDHA to be properly considered, weighing the direct and indirect impacts upon the asset and its setting. It includes a presumption in favour of retaining heritage assets wherever practical. The supporting text to Policy BE1 notes that proposals affecting an identified NDHA will be subject to the requirements of the National Planning Policy Framework (the Framework). Although the Framework has since been updated and the paragraphs referenced in the VALP have changed since it was adopted, the provisions of the Framework have not materially changed in respect of NDHAs.
18. The appellant submits that the proposal to replace the existing dwelling with an entirely new building is preferable to extending and refurbishing the current building, as raising the energy efficiency of the existing house to the desired level is impossible due to its poor quality, phased construction and convoluted layout. Although I have limited substantive evidence to quantify these claims, based on my observations at my visit, it is highly likely that substantial works to the exterior and interior of the existing building would be required to achieve levels of energy efficiency akin to that of a new construction. Moreover, a layout better suited to modern day living could be more easily achieved through the proposed development.
19. The appeal site stands alone and does not contribute to the significance of any designated heritage assets. Although the existing building exhibits some historical significance, this is limited. The submitted evidence and my observations on site suggest it would require extensive internal and external works, if feasible at all, to deliver the living conditions desired of a modern family home in terms of comfort and energy efficiency. Conversely, the

proposed development could deliver such desired living conditions in a scheme appropriate to the site.

20. For the reasons given above, although the demolition of Pond Cottage would result in the total loss of its historical significance, such significance is limited. In weighing the considerations of the proposal, as directed by the development plan and the Framework, I am not persuaded that the existing building is of such historic value to merit its retention at the expense of the proposed new dwelling. Accordingly, the demolition of the building would not conflict with the provisions of the development plan or the Framework.
21. For the reasons given above, the proposed demolition of the building would be acceptable and would accord with Policy BE1 of the VALP and the provisions of the Framework, the aims of which have previously been set out.

Conditions

22. The Council has provided a list of suggested conditions that I have considered against the provisions of paragraph 56 of the Framework and the PPG. To ensure compliance with these provisions I have amended, and in some cases omitted, certain conditions.
23. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty. A condition specifying the external materials as those shown on the approved plans is necessary to protect the character and appearance of the area.
24. Conditions requiring a scheme of landscaping and biodiversity features, and the implementation of approved tree protection measures, are necessary to protect the character and appearance of the area and to promote biodiversity.
25. A condition requiring a programme of archaeological work is necessary to safeguard any archaeological evidence that may be present at the site. The suggested condition has been amended in light of the appellant's comments, to take account of development previously approved on the site. To enable the historic significance of the site to be documented, a condition is necessary to require a scheme of building recording to be submitted and approved in writing prior to demolition taking place.
26. A condition requiring details of electric charging points is necessary to ensure adequate provision is given to electric vehicles, in the interests of sustainable transport. To ensure vehicles are able to safely turn within the site and to avoid harm to highway safety, a condition requiring the approved scheme for parking, garaging and manoeuvring to be constructed prior to the occupation of the development is necessary.
27. Conditions requiring the development to meet optional requirements of the Building Regulations in terms of water efficiency and accessible and adaptable dwellings are necessary to ensure compliance with the development plan.
28. The Council has suggested a condition to remove permitted development rights that would allow the construction of additional windows on the east elevation, to preserve the living conditions of occupiers of the neighbouring dwellings. The PPG advises that the removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. In

this case, given the offset relationship of the proposed development to the neighbouring development to the east, I am not persuaded the imposition of this condition would be reasonable or necessary.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan and Block Plan – PCNH/01B
Proposed Plans – PCNH/03A
Proposed Elevations – PCNH/04A
Garage Plans and Elevations – PCNH/05A
- 3) No development shall take place above slab level on the buildings hereby permitted until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority.
For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant.
For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.
Hard landscaping works shall be carried out as approved prior to the first occupation of the development. Soft landscaping works shall be carried out as approved within the first planting season following the first occupation of the development or the completion of the development, whichever is the sooner.
Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity to that which it replaces.
- 4) No development shall take place above slab level until details (model specifications) of biodiversity features of 1 integrated bat box, 1 bird box and 2 bee bricks to be incorporated into the building have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter.
- 5) No excavation shall take place, with the exception of that necessary for the construction of the approved carport, until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which shall have previously been submitted to and approved in writing by the local planning authority.
- 6) Prior to any works of demolition taking place, a building recording document shall be submitted to and approved in writing by the local planning authority. The document shall record the existing buildings on

the site to a minimum Level 3, as per the guidance note *Understanding Historic Buildings – A Guide to Good Recording Practice* produced by Historic England.

- 7) Prior to the occupation of the development hereby approved, details of the provision of electric charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development and retained thereafter.
- 8) The scheme for parking, garaging and manoeuvring shown on the approved plans shall be laid out prior to the first occupation of the development hereby permitted and shall be retained thereafter for this purpose.
- 9) The protection measures set out in the Arboricultural Impact Assessments and associated tree constraints and tree removal plans (Sylvia Consultancy, dated December 2022) shall be implemented prior to the commencement of development and maintained thereafter during the whole period of site excavation and construction.
- 10) The approved dwelling shall not be occupied until the Building Regulations Optional Requirement prescribed by Regulation 36(2)(b) (Water efficiency) has been complied with.
- 11) The approved dwelling shall not be occupied until the Building Regulations Optional Requirement Part M4(2) (Accessible and adaptable dwellings) has been complied with.
- 12) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those shown on the approved plans.

**** End of conditions ****