



Appeal Decisions

Site visit made on 1 April 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal A Ref: APP/J0405/D/24/3352415

Church Farm, Stratford Road, Nash, Buckinghamshire MK17 0ES

- 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 Simon Lascelles against the decision of Buckinghamshire Council.
 - The application Ref is 24/01323/APP.
 - The development proposed is rebuild of outbuildings.
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Appeal B Ref: APP/J0405/D/24/3358136

Church Farm, 4 Stratford Road, Nash, Buckinghamshire MK17 0ES

- 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 Simon Lascelles against the decision of Buckinghamshire Council.
 - The application Ref is 24/02657/APP.
 - The development proposed is to demolish existing building before rebuilding on the same footprint. Creating an Annex with two bedrooms with living space and an office/gym freeing up a bedroom and living space.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. There are two appeals relating to this site as set out above. Although the cases are considered on their individual merits, to avoid duplication, the two schemes are dealt with together here except where otherwise indicated. Despite the slightly differing site addresses, the appeals relate to the same property.
4. In this regard the location plan (ref: PP-13018504v1) for both appeals A and B has an ambiguous 'red edge' of the application site. This is because the land and buildings under consideration are not clearly identified and there is a thicker 'red edge' over the house at Church Farm and immediate land around it, and it could be viewed as excluding the actual application site. However, the proposed development is shown on other plans, drawings and the information necessary to describe the development which is the subject of the application is not in dispute.
5. For appeal A, the description of development in the banner heading above is that stated by the Council in its decision notice as the application form did not specify the works proposed. For appeal B, the description of development given on the application form has been used but elements of the proposal that do not amount to development have been excluded.

6. Given evidence provided by the Council, appellant and others; this approach will not prejudice any party having regard to established case law and the appeals procedural guide.
7. The National Planning Policy Framework (the Framework) was revised in December 2024. As the main issues in this case are not affected by the changes to the Framework, the parties have not been consulted on it further. Where references are made to the Framework in this decision, these relate to the most recent version.

Main Issues

8. The main issues are:
 - 1) The effect of the proposed development on the character and appearance of the area, having particular regard to the heritage assets of the Nash Conservation Area (NCA), nearby listed buildings at the Church of All Saints, the Old School House/Village Hall and 1 Stratford Road and the relationship with the host property,
 - 2) The effect of the proposed development on the living conditions of the occupants of 1 and 3 All Saints Close, and
 - 3) The effect of the proposed development on the living conditions of the occupants of 2 All Saints Close.

Reasons

Character and appearance including heritage assets

9. The appeal site comprises an existing detached home together with a range of outbuildings forming a broad U-shape with the open side addressing the road. Many of the outbuildings are in a dilapidated condition, and indeed, at some parts falling down. The proposals in both appeals A and B remain largely similar although there are differences in terms of the width and depth of the resultant proposed building along with overall height due to a change in the roof pitch.
10. The site is set within the NCA which is characterised by a mix of dispersed historic buildings of varying styles including timber framed, brick and render. There are a few examples of the use of thatch, but most properties are set under tiled roofs. There is evidence of various elements of more modern infill development, and this is most notable along the High Street. Insofar as it relates to the appeal site, there is a small development of new homes on All Saints Close which adjoins the site boundary.
11. The house at Church Farm was recently de-listed but nonetheless retains an element of group value with other buildings around it and within the NCA. Therefore, whilst I have insufficient evidence before me to conclude it is a non-designated heritage asset I have nevertheless considered it in the wider context.
12. Despite the various elements of 20th century (and later) development, the historic core, or indeed cores, of the village remain easily discernible by their vernacular. The variety and often loose pattern of development, sometimes in what appears a slightly illogical manner, together with the use of varied traditional materials here are important. Breaks between buildings reflecting former field patterns,

boundaries and land uses are also discernible. The more modern development is easily identified as more recent additions as these typically lack the slightly haphazard format of historical buildings, allowing for differing phases of the areas development to be easily readable. These elements are what gives the NCA its significance.

13. The proposed development would result in the replacement of what, at present, comprises a relatively diminutive range of outbuildings. These outbuildings appear as low ranged and fairly innocuous structures that resemble former working barns and stables. By comparison, the replacement proposals introduce an often long and quite angular form of development with no breaks in walling or roof line, widths or lengths, evidence of subserviency or variation in materials palette. Whilst the height of the building has been reduced and the domestic style porch removed in appeal B, the size and dominance of the proposal would still be apparent. Much of the inward facing fenestration is stark and this jars awkwardly with other elements of the scheme which attempts to imitate more historical building forms.
14. The proposals would intrude on views along Stratford Road where the size and the rigid and angular style of the development would be quite abrupt in comparison to the modest scale of the majority of other buildings in the NCA. There would be little to no subserviency to the host dwelling due to the height of the annexe. These characteristics mean that the proposal would fail to preserve or enhance the character or appearance of the NCA and lead to less than substantial harm to the significance of it as a designated heritage asset.
15. The site is also set within close proximity to a number of listed buildings and these have been highlighted by the Council as being the Church of All Saints, the Old School House/Village Hall and 1 Stratford Road all of which are Grade II listed. Reviewing the mapping in the NCA Review Document, further listed buildings within visual range of the appeal site are not apparent.
16. The Church of All Saints comprises a stone-built 19th century church under a slate roof featuring decorative windows and buttresses. The church is a modest size and features no spire or steeple. Despite its smaller size for a church, it is significant insofar as it sits towards the centre of the historically dispersed village and, more locally, much of its immediate curtilage remains open and visible from public view. Accordingly, it has significance due to the visual, functional and historic relevance to the local area. Whilst impressions of the proposed development and the church in the same general context and views would be limited due to them being set on opposing sides of the road; there would still be a reduction in the perceived level of openness around the church as a consequence of the proposal. Moreover, the resultant size of the house and the proposed annexe would eclipse the modest scale of the church to the detriment of its setting. Accordingly, I find that the proposal would result in less than substantial harm to the setting of the Grade II listed All Saints Church.
17. The Old School House/Village Hall is set adjacent to the church, and this is also a stone building with stone chimney and set under a distinctive slate roof in a diamond pattern. The significance of the building as a former school and school master's house is, as with the church, is visual, functional and historic. Whilst this building is set further away from the site of the proposed development, its setting would also be harmed in much the same manner as the church due to the

prominence of the proposal. I therefore conclude there would be less than substantial harm to the setting of The Old School House/Village Hall.

18. Number 1 Stratford Road is positioned towards the junction with High Street and Winslow Road. Due to a slight kink in the road its' timber framed-with-infill end and thatched roof is visible along Stratford Road and the proposed development would clearly be seen in this context. This gives it a visual and historic link. The angular and modern proposals would disrupt the views of the side facing end to 1 Stratford Road and appreciation of it. Thus, the proposals would be harmful to its setting and result in less than substantial harm.
19. It has been put to me that the existing buildings detract from the appearance of the area. Some minimal care to their structure would ensure their retention and enhance their contribution to the NCA and setting of the nearby listed buildings. The advice at paragraph 209 of the Framework states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Although there is no evidence of deliberate neglect, it seems apparent to me that the existing buildings, which form part of the NCA as a designated heritage asset, have not been cared for such that I am unable to regard this as a public benefit. Equally, I do not attach any weight against that here.
20. I have considered historic planning permission¹ and whilst this has not been put forward as a fallback position, I have taken it into account in this context. However, there is no evidence to indicate that this scheme has been part implemented such that it may be regarded as being extant. Moreover, this scheme is clearly different in that it is subordinate to the host dwelling and retains a much more appropriate fenestration style. As such I have given it only limited weight.
21. There is limited detail of the other schemes put to me in other parts of Buckinghamshire, but in any case, no doubt the situations of these will differ such that I cannot be certain that they would be relevant to my consideration of this appeal.
22. It therefore follows that there would be some harm to the significance of the designated heritage assets through development affecting their settings. Taken both individually and cumulatively, owing to the scale and nature of the proposals, the degree of harm to significance of the NCA and listed buildings would be less than substantial.
23. The Framework states that great weight should be given to the conservation of designated heritage assets, irrespective of whether the harm to their significance is less than substantial. Paragraph 215 of the Framework requires the less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits.
24. There are some public benefits associated with the proposals and these include the use renewable energy, although the implementation of this in this historic setting would need to be treated with care. The provision of bird and bat boxes to assist local wildlife is a public benefit here too. Providing accommodation for elderly residents may result in these potential future occupants moving home and releasing homes into the general housing stock, however there is limited evidence

¹ Council ref: 09/02311/APP

that this would be maintained in perpetuity and there is no mechanism available to me here to secure this. Even so, I recognise that caring for family members in the home can be a benefit to wider society by reducing impacts on the care system and promoting family ties.

25. Therefore, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the NCA and the setting of the three Grade II listed buildings, contrary to s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to which I must pay special attention and regard. Therefore, conflict would arise with policy BE1 and BE2 of the Vale of Aylesbury Local Plan (VALP), policies NNP2 and NNP3 of the Nash Neighbourhood Plan, principles of the Vale of Aylesbury Design Supplementary Planning Document and provisions of the Framework. This is insofar these policies set out that development proposals should conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.

Living conditions – 1 and 3 All Saints Close

26. Both appeals A and B result in the introduction of a large amount of unbroken wall with roof above along much of the initial length of All Saints Close. Although the depth and height of the two proposals vary slightly, the resultant effects would be similar.
27. All Saints Close is a relatively narrow cul-de-sac and numbers 1 and 3 would have direct aspect over the proposed development. Due to the narrow nature of this road and the proximity of these houses, including their front facing habitable rooms, they would have direct vantage over the unbroken wall and roof slope of the proposals.
28. This would appear intrusive and overbearing and result in a loss of outlook for the occupants of these properties. The use of the relatively soft material of weatherboarding to this aspect and that the roof of the proposals slopes away would ameliorate the effects on these neighbours to a certain extent. This does not offset the harm created by the amount and proximity of the built form.
29. As such I conclude that the proposal would fail to comply with policy BE3 of the VALP insofar as the proposed development would unreasonably harm the amenity of existing residents.

Living conditions – 2 All Saints Close

30. The Council's decision notice in relation to appeal A expressed concern in relation to number 9 All Saints Close whereas in appeal B, this reference was to number 2. I have taken this difference to mean plot 9 in appeal A and number 2 in appeal B and this inconsistency being due to the relative newness of the development at All Saints Close but nevertheless relating to the same property. This inconsistency has not been challenged by the appellant and therefore I am satisfied that it is not in contention.
31. Concerns expressed by the Council related to the impact of a south facing window at this neighbouring property. However, the south facing side aspect of this neighbouring property is set adjacent to the existing house at Church Farm. The proposed building is set away from this side facing window, replaces an existing

structure and in any case is largely screened by an existing garage at number 2 All Saints Close. Furthermore, there remains a north facing window to the affected room and whilst this will not receive direct sunlight, will nevertheless offer diffuse illumination to that room. As such, the proposals would not result in any material loss of light or outlook from this neighbour's perspective.

32. In conclusion, the proposal would not result in a detrimental effect on the living conditions of the occupants of 2 All Saints Close (formerly plot 9) and in this regard would comply with policy BE3 of the VALP.

Other Matters

33. I have noted references by the appellant to other legislation including the Party Wall Act. However, the Party Wall Act is not planning legalisation. There are references to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order). This, however, is a development seeking express planning permission and no fallback position (other than that discussed above) that would have deemed permission has been put forward to me. Consequently, the provisions of the Order do not fall to be considered.
34. It has further been opined that the proposal would form a type of Self Build and Custom Housing (SBCH) but as no new dwellings are proposed, the provisions of the Self-Build and Custom Housebuilding Act 2015 and Housing and Planning Act 2016 cannot apply.
35. I have been made aware of a dispute in the ownership of a boundary fence. However, issues relating to property ownership are not within my remit to consider here.

Heritage and Planning Balance and Conclusion

36. I have concluded that the proposed development would fail to preserve or enhance the character or appearance of the NCA. It would be detrimental to the setting of three nearby listed buildings and would fail to relate well to the host property. I have had regard to the public benefits of the proposals, however, given that I must pay special attention to the desirability of preserving or enhancing the character or appearance of the NCA and have special regard to the desirability of preserving the setting of the listed buildings; I have found that the public benefits do not outweigh the identified less than substantial harm.
37. The proposals would result in a loss of outlook and have an overbearing effect upon the occupants of 1 and 3 All Saints Close to the detriment of their living conditions. However, I have concluded that there would not be a deleterious effect on the occupants of 2 All Saints Close.
38. I have been mindful of the other considerations in my assessment here. These include there being satisfactory parking arrangements, provision of electric vehicle parking, there being no detriment to highway safety, providing elements of renewable heating and enabling working from home. These neutral considerations, however, weigh neither for nor against the proposals.
39. The proposals conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeals must fail, and planning permission is refused.

40. Both appeals A and B are dismissed.

N Bowden

INSPECTOR