
Appeal Decisions

Site visit made on 16 June 2026

by **Paul Freer BA (Hons) LLM PhD MRTPI**

an Inspector appointed by the Secretary of State

Decision date 28 October 2026

Appeal A Ref: APP/J0405/F/25/3371929

Christmas Barn, Marsh Lane, Stoke Mandeville, Buckinghamshire HP22 5UZ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Robert Dearing against a listed building enforcement notice issued by Buckinghamshire Council.
- The listed building enforcement notice, numbered LBEN 1, was issued on 17 July 2025.
- The contravention of listed building control alleged in the notice is, without listed building consent, the installation of weatherboarding and installation of a timber entrance door and associated glazing on the building known as Christmas Barn.
- The requirements of the notice are:

Step 1: Remove the weatherboarding attached to the gable ends (southwest and northeast elevations) of the Building as shown on the attached 'Plan 3' and replace with waney edge wide elm or larch boards and stain black.

Step 2: Stain the weatherboarding on the southeast and northwest elevations of the Building as shown on the attached 'Plan 3', in black.

Step 3: Remove the timber door and immediately adjoining glazing from the northwest elevation of the building and replace with a 2.9m glazed unit with door and timber frame and immediately adjoining 1.5m wide timber barn doors, as shown on the attached 'Plan 3'.

- The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on grounds (c), (e) and (k) as set out in section 39(1) of the 1990 Act.
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Appeal B Ref: APP/J0405/F/25/3372035

The building formerly known as the cattle shed (now a car port) at Christmas Barn, Marsh Lane, Stoke Mandeville, Buckinghamshire HP22 5UZ

- The appeal is made under section 39 of the 1990 Act as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Robert Dearing against a listed building enforcement notice issued by Buckinghamshire Council.
- The listed building enforcement notice, numbered LBEN 2, was issued on 8 August 2025.
- The contravention of listed building control alleged in the notice is, without listed building consent:
 - a. The insertion of solar water heating panels to the southwest roof slope of the Building
 - b. The insertion of a window in the southwest elevation of the Building
 - c. The installation of two timber barn doors to the southwest elevation of the building
 - d. The decoration, by oiling, of the cladding on the southwest, northwest and southeast elevations of the building
 - e. The staining black of the cladding on the northeast elevation of the building.
- The requirements of the notice are:

Step 1: Remove the solar water heating panels as labelled on the attached 'Appendix 1' from the

southwest roof slope of the Building and ensure the resultant opening is made watertight and closed up using materials to match the immediately adjoining roof, including roof tiles.

Step 2: Remove the window as labelled on the attached 'Appendix 1' from the southwest elevation of the Building, and ensure the resultant opening is made watertight and closed up using materials to match the immediately adjoining elevation.

Step 3: Remove the timber barn style doors as labelled on the attached 'Appendix 1' from the southwest elevation of the Building.

Step 4: Cease the oiling, staining or decoration of the weatherboarding on the Building to leave a natural wood finish with no decoration.

- The period for compliance with the requirements is 4 months.
- The appeal is proceeding on grounds (b), (c), (e) and (k) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary Decision: the appeal is dismissed and the listed building enforcement notice is upheld with a correction as set out in the Formal Decision below

Procedural matters

1. The listed building enforcement notice subject to Appeal A identifies the building as Christmas Barn. That building has also been variously known as the Threshing Barn and as Barn 3. Unless the context requires otherwise, I shall refer to this building as Barn 3.
2. The listed building enforcement notice subject to Appeal B identifies the building as that formerly known as the cattle shed and now as a car port. That building is also known as Barn 2. Unless the context requires otherwise, I shall refer to this building as Barn 2.
3. The main recital of the listed building enforcement notices subject to Appeal A and Appeal B both state that they are issued pursuant to section 38 of the 1990 Act but are silent as to which category (a, b or c) under section 38 (2) of that Act the requirements of the notice are based. The notices do, however, state that the unauthorised works were carried out in contravention of sections 7 and 9(1) of the 1990 Act. This suggests that the Local Planning Authority, in this case Buckinghamshire Council (Council), considers that the building(s) of special architectural or historic interest have been altered or extended in a manner which affects their character without those works being authorised under section 8 of the 1990 Act.
4. Nonetheless, the purpose of the notice is not, on my reading, to restore the buildings to their former state. Rather, the purpose of the notice is to bring the buildings to the state in which they would have been if the terms and conditions of listed building consents which have been granted for the works had been complied with. This is indicated by the reference in the listed building enforcement notice numbered LBEN 1 to 'Plan 3' in the requirements of that notice, that being a later version of one of the plans approved as part of a listed building consent.
5. In relation to both Appeal A and Appeal B, the appellant has appealed on ground (j) as set out in section 39(1) of the 1990 Act, namely the steps required under section 38(2)(b) exceed what is necessary to alleviate the effect of the alleged works. That section of the 1990 Act only applies if the Council considers that such

restoration would not be reasonably practicable or would be undesirable, for executing such further works specified in the notice as they consider necessary to alleviate the effect of the works which were carried out without listed building consent.

6. That is not the position taken by the Council in this case. In effect, the Council is requiring that steps are taken to bring the buildings to the state in which they would have been if the terms and conditions of listed building consents which have been granted for the works had been complied with. This is akin to a requirement under section 38(2)(c) of the 1990 Act. Sections (b) and (c) of section 38(2) of the 1990 Act are mutually exclusive. It follows that the appellant's appeals on ground (j) are not applicable.
7. I will therefore consider the appellant's appeals on ground (j) as if they had been made on ground (k) as set out in section 39(1) of the 1990 Act, namely that the steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with. The word "terms" in section 38(2)(c) covers those cases where unconditional listed building consent was granted but can equally apply where, as in these cases, no breach of a specific condition is alleged. The Council has responded in substance to the points made by the appellant, albeit under the guise of an appeal on ground (j). I am therefore satisfied that no injustice would be caused by doing so.
8. As I consequence, I shall correct the notices to refer to section 9(2) of the 1990 Act. This section states that, without prejudice to subsection (1), if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent, he shall be guilty of an offence. Although the listed building enforcement notices do not expressly allege non-compliance with any condition imposed upon the relevant listed building consents, in my view section 9(2) of the 1990 Act is the closest fit to circumstances of these cases. I am satisfied that no injustice would be caused by this correction.
9. The appellant explains that the conversion/restoration of Barn 3 commenced in August 2014 and was fully completed by January 2016, with works to the exterior of the building being substantially completed by mid-2015. The initial complaint was received by the Council in December 2020, with Council officers first visiting the site in September 2022. The listed building enforcement notices were issued on 17 July 2025 and 8 August 2025 respectively.
10. This timeframe leads the appellant to question the expediency of taking enforcement action in this case. In that context, the appellant notes that the Planning Policy Guidance (PPG) indicates that the length of time that has elapsed since the apparent breach may be a relevant factor when considering whether it is expedient to issue a listed building enforcement notice(s).
11. It is, however, settled case law that any challenge as to whether it was 'expedient' for the Local Planning Authority to issue an enforcement notice must be pursued by way of judicial review. Although that case law related to an enforcement notice issued pursuant to section 172(1) of the Town and Country Planning Act 1990, rather than a listed building enforcement notice issued pursuant to the 1990 Act, the principle equally applies.

12. On 17 August 2026, the Government published the revised National Planning Policy Framework (Framework). This includes policies relating to conserving and enhancing the historic environment as well as other matters relevant to these appeals. The parties were offered the opportunity to comment on those policies insofar as relevant to the works subject to the listed building enforcement notices and I have taken the comments made into account in determining these appeals.

The Listed Buildings

13. Barn 2 and Barn 3 are parts of a group of buildings formerly associated with Old Moat Farmhouse, a Grade II listed building. This group of buildings also included three other barns, one which has subsequently been converted into a dwelling known as Victorian Barn (also referred to as Barn 1). These buildings are all curtilage listed buildings. The two other barns that stood on the site, plus some other buildings, have subsequently been demolished.
14. The listing description for Old Moat Farmhouse identifies the listed building as a house dating to the C16 and C17, with later additions and alterations¹. It is described as being of timber frame and brick construction, partly covered in painted roughcast, with old tiled roofs. The listing description makes no reference to the buildings within the curtilage of Old Moat Farmhouse.
15. The significance of the curtilage listed buildings derives, in part, from their contribution to the setting of Old Moat Farmhouse and as agricultural buildings used in connection with the historic function of Old Moat Farmhouse as a farmhouse. The significance of Barn 3 also derives, in part, from the historic structure of the former threshing barn, the features of particular interest being the main trusses and timber threshing floor. The architectural and historic interest also derives in part from the large functional form and steep roof pitch of the barn, which are a clear reflection of the vernacular architecture of agricultural buildings of its time. The historic character and appearance of Barn 3 form an important aspect of illustrating the association with Old Moat Farmhouse and its function as a farmstead.
16. The significance of Barn 2 derives, in part, from its functional simplicity and through providing enclosure to the historic farmyard. In addition, as with Barn 3, the significance of this building also derives in part from the contribution it makes to the setting of Old Moat Farmhouse and as an agricultural building used in connection with its historic function as a farmstead.

Background and planning history

17. Barn 2 and Barn 3 have been converted following planning permission and listed building consents granted in November 2012 (Council Refs: 12/01439/APP and 12/01438/ALB respectively). Details pursuant to conditions imposed upon planning permission 12/01439/APP were subsequently discharged under Council Ref: 12/A1439/DIS, including conditions 4 (weatherboarding), 5 (retained weatherboarding) and 6 (windows, doors, glazed panels and rooflights).
18. Slightly amended schemes for internal and external alterations to Barn 2 and Barn 3 were approved in March 2015 (Council Refs: 14/03502/APP and 14/03503/ALB

¹ List Entry Number: 1118447

respectively). The works to these buildings was carried out pursuant to that planning permission and listed building consent.

Appeal B: the appeal on ground (b)

19. The ground of appeal is that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred. The appellant's appeal on this ground relates solely to the allegation at paragraph 3(d) of the notice, specifically the decoration, by oiling, of the cladding on the southwest, northwest and southeast elevations of the building².
20. The essence of the appellant's argument on this ground of appeal is that the oiling of the weatherboarding is not "decorating". The Oxford English Dictionary defines to "decorate" as being to add something to an object or place, especially in order to make it more attractive. The appellant maintains that this is not what has been done. The appellant explains that the oiling of the oak is simply a process to enhance longevity and is good practice with any wooden building. As such, the appellant maintains that it is simply ongoing maintenance and not decoration as alleged in paragraph 3(d) of the notice.
21. I acknowledge that the word 'decoration' might not be the most appropriate word to use in this context. However, that word must be read in the context of the words that immediately follow it in paragraph 3(d) of the notice, namely 'by oiling'. Reading these words together, it is reasonably clear that what is being alleged is the treatment of the exterior cladding by oiling. I also note that Step 4 of the notice includes oiling, staining and decoration in the same sentence, again suggesting that all three fall within the same general description in this context.
22. There is no dispute that the exterior cladding has been periodically oiled. I am therefore satisfied that, on the balance of probability, the contravention alleged at paragraph 3(d) of the notice has occurred. Accordingly, the appeal on ground (b) fails.

Appeal A: the appeal on ground (c)

23. The ground of appeal is that the matters alleged to constitute a contravention of section 9(1) or (2) of the 1990 Act (if they occurred) do not constitute such a contravention. There are three elements identified in the notice that are relevant to this ground of appeal, namely:
 - new oak weatherboarding has been installed to the building on all elevations but has not been stained black
 - waney edged weatherboarding has not been used on the north-east and south-west elevations
 - the barn doors have not been retained on the north-west elevation

The new oak weatherboarding

² The appellant's appeal on this ground actually relates to the requirement Step 4 of the notice which requires the appellant to cease the oiling, staining or decoration of the weatherboarding on the Building to leave a natural wood finish with no decoration. However, this ground of appeal should properly relate to the contravention alleged in the notice rather than the requirement to comply with notice. I have accordingly treated it as such.

24. The Council's formal Decision Notice for listed building consent 12/01438/ALB set out the Approved Drawing Numbers submitted with that application. Included on that list was Drawing No. L3626.PD.20 Rev. A, titled 'Proposed Plans, Elevations and Sections for Barn 3'. This drawing was notated, including notations to the effect that modern black stained feather edge boarding to the south-east and north-west long elevations was to be replaced with new black stained feather edge boarding.
25. Another notation indicated, amongst other things, that existing waney edge wide elm boards were to be carefully stripped from the south-west and north-east gable ends to carry out conversion works and then salvageable elm boards were to be fitted back to the south-west elevation, with any remaining elm boards to be fitted to the north-east elevation. The same notation made it clear that any shortfall was to be made up with larch waney edge boards.
26. That consent was subject to conditions, including:
4. No work permitted by this planning permission³ shall commence until samples of the new weatherboarding have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. No work permitted by this planning permission shall commence until detailed drawings showing existing weatherboarding on barn 3 to be retained and the extent of repair or replacement have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
27. The Council's formal Decision Notice for listed building consent 14/03503/ALB also set out the Drawing numbers submitted with that application. Included on that list was Drawing No. L3626.PD.20 Rev. H. This was a later version of Drawing No. L3626.PD.20 Rev. A. approved as part of listed building consent 12/01438/ALB, one notable difference being that this later version of the drawing was devoid of any notations.
28. That consent was also subject to conditions, including:
4. The development hereby approved shall be carried out using only new oak and larch weatherboarding on the exterior of the Threshing Barn (Christmas Barn) as approved in writing by the Local Planning Authority by letter dated 06 August 2014, unless otherwise agreed by the Local Planning Authority in writing⁴.
5. The development hereby approved shall be carried out in accordance with the details of repair and replacement of weatherboarding on the exterior of the Threshing Barn (Christmas Barn) shown on drawing L3626.PD.20 Rev. B, as approved in writing by the Local Planning Authority by letter dated 06 August 2014, unless otherwise agreed by the Local Planning Authority in writing.
29. Although both listed building consent 12/01438/ALB and 14/03503/ALB set out the Approved Drawing Numbers, neither consent was subject to a condition requiring

³ I note that this condition, as well Condition 5, refers to 'planning permission' rather than 'listed building consent'. This does not appear to have been questioned or challenged at that time. However, I am satisfied that this makes no substantive difference.

⁴ I note that this condition, as well Condition 5, refers in places to 'development' rather than 'works'. This does not appear to have been questioned or challenged at that time. However, I am again satisfied that this makes no substantive difference.

that the consent be implemented in accordance with the approved drawings. However, condition 5 imposed upon listed building consent 14/03503/ALB specifically required that the development (for which read 'works') thereby approved shall be carried out in accordance with drawing L3626.PD.20 Rev. B.

30. Drawing L3626.PD.20 Rev. B is a later version of that submitted with listed building consent 12/01438/ALB and was approved in writing by the Council in a letter dated 6 August 2014. Importantly, Drawing L3626.PD.20 Rev. B contains the same notations included on the previous version, Drawing No. L3626.PD.20 Rev. A. It is Drawing L3626.PD.20 Rev. B that is attached to listed building enforcement notice numbered LBEN 1 as 'Plan 3'.
31. The appellant argues that if the Council seeks to rely on Rev B of Drawing No. L3626.PD.20, then it should have been listed as one of the approved drawings on the Council's formal Decision Notice. I acknowledge that this would have simplified matters. Nevertheless, condition 5 imposed upon listed building consent 14/03503/ALB forms an intrinsic part of that consent.
32. Moreover, condition 5 is clear on its face. It requires that the details of repair and replacement of weatherboarding on the exterior of the Barn 3 shall be carried out in accordance with drawing L3626.PD.20 Rev. B. This includes the notations set out above.
33. Condition 5 does not appear to have been questioned at the time and was not challenged in the courts. It remains extant. The clear expectation of Condition 5 is that the development/works are to be carried out in accordance with drawing L3626.PD.20 Rev. B, including the notations thereon.
34. Neither do I find any tension or inconsistency between revision B and revision H of drawing L3626.PD.20. They show the same development/works, albeit subject to some detailed changes. There is nothing in those changes that would prevent the installation of the weatherboarding as notated on L3626.PD.20 Rev. B. In particular, a note on drawing L3626.PD.20 Rev H headed 'Materials to Barn 3' includes 'Stained timber cladding above existing brick/stone plinth' notation and is a verbatim repeat of the note found on L3626.PD.20 Rev B. As such it is entirely consistent with the earlier version of that drawing. I also note that nowhere on drawing L3626.PD.20 Rev H is it stated that the external cladding is to be treated with a clear oil to help preserve the timber.
35. I recognise that decisions had to be taken in real time as to how to proceed as new challenges emerged in implementing listed building consent 14/03503/ALB. I also recognise that Condition 5 imposed upon that consent provides a degree of flexibility in the event that the repair and replacement of weatherboarding on the exterior of the barn could not be carried out in accordance with drawing L3626.PD.20 Rev. B. However, condition 5 is clear in that respect: it states in terms that works should be carried out in accordance with that drawing unless otherwise agreed by the Local Planning Authority *in writing* (emphasis added).
36. I understand that the contractors carrying out the works attempted to contact the Council by telephone but were unsuccessful. Nevertheless, the deviations from drawing L3626.PD.20 Rev. B were never submitted to and agreed by the Council in writing. Consequently, the works carried out in relation to the weatherboarding were

not in accordance with the terms of listed building consent 14/03503/ALB and as such are not authorised by that consent.

The waney edged weatherboarding

37. The weatherboarding installed on the gable ends is not waney edged.
38. Condition 4 imposed upon planning permission 14/03502/APP and the attendant listed building consent 14/03503/ALB clearly states that no work permitted by that planning permission/listed building consent shall commence until samples of the new weatherboarding have been submitted to and approved in writing by the Local Planning Authority. The conditions require that the development shall be carried out in accordance with the approved details.
39. Similarly, condition 5 imposed upon that permission/consent clearly states that no work permitted shall commence until detailed drawings showing existing weatherboarding on Barn 3 to be retained and the extent of repair or replacement have been submitted to and approved in writing by the Local Planning Authority. The conditions require that development shall be carried out in accordance with the approved details.
40. Neither condition 4 nor condition 5 imposed upon the permission/consent have been complied with. Furthermore, the resultant change is highly noticeable and affects the architectural and historic interest of the listed building. The loss of this feature has affected the overall character of the building and has resulted in the loss of the historic aesthetic. As a result, the change has contributed to the building now having an overtly modern appearance. For that reason, the change cannot reasonably be considered to be *de minimis*.
41. The appellant fairly points out that the historic waney edged boards were carefully removed as part of the conversion and, with a single exception, were found to be unusable. However, that does not negate the requirements imposed by conditions 4 and 5. Those conditions provided a mechanism to agree replacement weatherboarding with the written agreement of the Council. That was not done.

The barn doors

42. The approved drawings show a glazed opening to the north-west elevation flanked by barn doors. The Council explains that the width of the opening, the extent of the glazing and the retention of the barn doors was deliberately intended to reflect the former cart entrance to The Threshing Barn (as Barn 3 was then known) and thereby contribute to retaining the agricultural character of the listed building.
43. As constructed, the barn doors have not been retained or replaced with facsimiles, and the aperture has been widened to accommodate doors and glazed inserts. This deviation from the approved plans is highly noticeable and changes the agricultural character of the former threshing barn.
44. The appellant explains that the barn doors were removed in order to be renovated but they were found to be too rotten to preserve. The appellant has provided a photograph that shows the barn doors to be in poor condition. Nevertheless, this does not alter the conclusion that the works as carried out do not accord with listed building consent 14/03503/ALB. Moreover, the poor condition of the barn doors provides no justification for widening the aperture and the installation of glazed panels.

The appeal on ground (c): conclusion

45. Section 7 of the 1990 Act states that:

Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8.

46. The new oak weatherboarding that has not been stained black, the absence of the waney edged weatherboarding on the north-east and south-west elevations and the non-retention of the barn doors (together with the attendant widening of the aperture) have individually and cumulatively affected the character of Barn 3 as a building of special architectural or historic interest. The works that have been carried out do not accord with listed building consent 14/03503/ALB, including conditions imposed upon that consent. Accordingly, those works are not authorised by section 8 of the 1990 Act.

47. Section 9 of the 1990 Act provides that:

(1) If a person contravenes section 7 he shall be guilty of an offence.

(2) Without prejudice to subsection (1), if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent, he shall be guilty of an offence.

48. I conclude that the matters alleged to constitute a contravention of section 9(2) of the 1990 Act do constitute such a contravention.

Appeal B: the appeal on ground (c)

49. The appellant accepts that the insertion of solar water heating panels to the southwest roof slope of Barn 2 affects the character of the building as one of special architectural or historic interest. Consequently, this ground of appeal only relates to the installation of the two timber barn doors to the southwest elevation of the building; the insertion of a window in the southwest elevation of the building; and the oiling of the weatherboarding.

The installation of the two timber barn doors

50. Barn 2 was formerly an open sided structure. The Council accepted that enclosing two bays to provide a workshop and garden store was necessary for the building to function in a modern capacity associated with the conversion of Barn 3. The inference, albeit not expressly stated by the Council, is that retaining two open bays preserved the simplistic form of the building and the association with the previous agricultural use. The corollary, in my view, is that the remaining open bays then assumed increased importance in retaining the special architectural and historic interest of this building.

51. The installation of the two timber barn doors to the southwest elevation of the building detracts from the simplicity of the historic building. Although the original layout of the building remains unchanged and with difficulty is still legible, the loss of the open bays fundamentally changes the historic open frontage, function and

simplicity of the building. As such, the installation of the two timber barn doors affects the special architectural and historic interest of this building.

The insertion of a window in the southwest elevation of the building

52. The insertion of a window in the southwest elevation of the building gives the building a more domestic appearance. Given that this building was historically simplistic and associated with an agricultural use, this change affects the character of the building as one of special architectural or historic interest.

The oiling of the weatherboarding

53. The oiling of the weatherboarding (oak feather edge boarding) gives the external cladding a tint that is noticeably different from untreated timber. It also gives the building a more modern character. Consequently, the oiling of the weatherboarding affects the character of the building as one of special architectural or historic interest.
54. I recognise that there is no condition imposed upon listed building consent 14/03503/ALB requiring the approval of materials for Barn 2. Nevertheless, the requirement that the oak feather edge boarding should be 'undecorated' is clearly stated as a notation on the approved drawing for Barn 2 (Drawing No. L4193.PD.01 Rev A) and therefore forms part of the terms of that consent.

Conclusion on ground (c)

55. I conclude that the matters alleged to constitute a contravention of section 9(2) of the 1990 Act do constitute such a contravention.

Appeal A: the appeal on ground (e)

56. The ground of appeal is that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.
57. Policy HE5(2) of the Framework confirms that assessments of the potential effects of development proposals on the significance of heritage assets should identify whether they would be likely to: a. Have a positive effect; or b. Have no effect; or c. Result in harm (which includes substantial harm), the degree of which should be identified; or d. Cause the total loss of significance. In this case, the assessment at Policy HE5(2)(c) is the relevant assessment.
58. The significance of Barn 3 as a curtilage listed building derives, in part, from its contribution to the setting of Old Moat Farmhouse and as an agricultural building used in connection with the historic function of Old Moat Farmhouse as a farmhouse. Photographs included in the Historic Impact Assessments submitted as part of the application for Listed Building Consent in 2012 (12/01438/ALB) show Barn 3 as having an overtly agricultural character and forming part of the group of agricultural buildings associated with Old Moat Farmhouse.
59. The photographs also clearly show the waney edged weatherboarding on the gable ends of Barn 3. The boarding makes a significant contribution to the agricultural character of the building. Although faded in those photographs, it is more likely than not that weatherboarding on the gable ends and side elevations was historically painted black.

60. The works to the building have not altered the spatial relationship between Barn 3 and the Old Moat Farmhouse. Neither have the works to Barn 3 altered the historic structure of the building. The features of particular interest (the main trusses and timber threshing floor), from which the significance of the curtilage listed building in part derives, remain intact. The works also feature a steeply pitched roof, similar in form to that previously existing.
61. The conversion approved through listed building consent 12/01438/ALB deliberately sought to preserve the agricultural character of Barn 3. The notations to Drawing No. L3626.PD.20 Rev. A to the effect that modern black stained feather edge boarding to be replaced with new black stained feather edge boarding and that any salvageable elm boards were to be fitted back to the south-west elevation (with any shortfall was to be made up with larch waney edge boards) were both key to that. So too was the installation of the barn doors. These were all carried over to the later Drawing No. L3626.PD.20 Rev. B.
62. The conversion as carried out has, however, resulted in a building that is overtly domestic in character and unrecognisable as an historic farm building. This is due to, individually and cumulatively, the new oak weatherboarding not being stained black, waney edged weatherboarding not being used on the north-east and south-west elevations and the barn doors not being retained on the north-west elevation (together with the insertion of glazed panels to form a wider opening).
63. Barn 3 was one of the agricultural buildings used in connection with the historic function of Old Moat Farmhouse as a farmhouse. As a result of the conversion that has taken place, Barn 3 no longer contributes positively to the group of agricultural buildings associated with Old Moat Farmhouse. The conversion of Barn 3 to a building of overtly domestic character has therefore harmed the setting of Old Moat Farmhouse as a Grade II listed building. I assess the degree of that harm to be moderate.
64. The appellant points out that whereas the notice requires the weatherboarding on Barn 3 to be painted black there is no such requirement in relation to Barn 2. The appellant therefore considers that if undecorated oak is a suitable finish for Barn 2 the same is true for Barn 3.
65. There is, however, a fundamental difference between Barn 2 and Barn 3. The photograph included in the Historic Impact Assessments submitted as part of the application for listed building consent in 2012 show that Barn 3 historically featured weatherboarding that more likely than not was painted black. The photographs for Barn 2 show that the rear elevation has been infilled with breeze blocks between the timber posts. The end elevations also appear to have been infilled with a mixture of breeze blocks and brickwork.
66. Consequently, there is no evidence that Barn 2 was ever finished externally with weatherboarding, painted black or otherwise. It was also a much more simple structure, possibly historically being open sided to the front and rear or throughout. It therefore seems to me that whilst Barn 2 and Barn 3 are both historically agricultural in character there is no imperative for them to be treated identically in terms of external finish.
67. For all these reasons, I conclude that the significance of the curtilage listed building known as Barn 3 has been harmed by the works alleged in the notice. Having

regard to the fundamental change in the character of the listed building, Barn 3 is now unrecognisable as an historic farm building: it presents as a modern dwelling. In that sense, the harm caused is akin to a total loss of significance. Consequently, I assess the degree of harm caused to the significance of a heritage asset as being substantial.

68. Policy HE6(1) of the Framework indicates that when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance. Policy HE6(3) of the Framework confirms that any harm to a designated heritage asset will be a matter of considerable importance and weight which should be dealt with in accordance with paragraphs 4 to 6 of that policy.

Balancing exercise

69. Policy HE6(5) of the Framework indicates that where a development proposal would cause substantial harm to the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if the criteria (a) to (d) set out in that policy apply.
70. No substantial public benefits have been identified that outweigh the harm to the significance of the designated heritage asset known as Barn 3. None of criteria set out in Policy HE6(5) of the Framework apply in this case. Consequently, in accordance with Policy HE6(5) of the Framework, I conclude that listed building consent ought not to be granted for the works alleged in the listed building enforcement notice.
71. In addition, the works fail to accord with Policies BE1 and BE2 of the Vale of Aylesbury Local Plan which, amongst other things, support development proposals that do not cause harm to the significance of heritage assets.

Appeal B: the appeal on ground (e)

72. The works to the building formerly known as Barn 2 have individually and cumulatively resulted in the loss of the historic simple form and character of that listed building. These include the solar water heating panels to the southwest roof slope of the building which, by reason of their modern appearance and function, are inappropriate on a building of this age and historically agricultural character. As a result of the works, the historic agricultural character and simplistic form of the building have been lost, such that the building also now exhibits an overtly residential character. The contribution that the building formerly made to the group of buildings associated with Old Moat Farmhouse has been lost as a result. In my assessment, the cumulative degree of harm caused to the significance of the heritage asset is substantial.

Balancing exercise

73. No substantial public benefits have been identified that outweigh the harm to the significance of the designated heritage asset. None of criteria set out in Policy HE6(5) of the Framework apply in this case.

74. Consequently, in accordance with Policy HE6(5) of the Framework, I conclude that listed building consent ought not to be granted for the works alleged in the listed building enforcement notice.
75. In addition, the works fail to accord with Policies BE1 and BE2 of the Vale of Aylesbury Local Plan.

Appeal A: the appeal on ground (k)

76. The appellant's appeal on this ground relates to all three Steps set out in the listed building enforcement notice. It is convenient to consider each in turn.

Step 1: Remove the weatherboarding attached to the gable ends (southwest and northeast elevations) of the Building as shown on 'Plan 3' attached to the notice and replace with waney edge wide elm or larch boards and stain black.

77. Condition 5 imposed upon listed building consent 14/03503/ALB requires that the 'development' hereby approved shall be carried out in accordance with the details of repair and replacement of weatherboarding on the exterior of the Christmas Barn shown on drawing L3626.PD.20 Rev. B (i.e 'Plan 3' attached to the notice), as approved in writing by the Local Planning Authority by letter dated 6 August 2014. A note on that drawing specifying the materials to be used indicates the use of stained timber cladding above existing brick/stone plinth. A notation on that drawing indicates any salvageable waney edged weatherboarding is to be fitted to the gable on the south-west elevation, with any shortfall on that and the north-east elevation made up with larch waney edged boards.

Step 2: Stain the weatherboarding on the southeast and northwest elevations of Building as shown on 'Plan 3' attached to the notice in black

78. A notation on drawing L3626.PD.20 Rev. B clearly specifies that the modern feather edge boarding to south-east and north-east long elevations are to be replaced with new *black stained* feather edge boarding (emphasis added). It is necessary to stain the weatherboarding black to accord with that drawing and the listed building consent of which it forms a part.

Step 3: Remove the timber door and immediately adjoining glazing from the northwest elevation of the building and replace with a 2.9m glazed unit with door and timber frame and immediately adjoining 1.5m wide timber barn doors, as shown on 'Plan 3' attached to the notice

79. Drawing L3626.PD.20 Rev. B clearly shows the opening on the north-west elevation to be directly flanked by timber doors and without immediately adjoining glazing panels. I recognise that the timber doors previously in place were found to be in poor condition and not re-usable. Nevertheless, the provision of new timber doors and the removal of the additional glazing is necessary to accord with the terms and conditions of listed building consent 14/03503/ALB, even if the new timber doors are facsimiles of the historic barn doors.
80. I conclude that Step1, Step 2 and Step 3 are all necessary to bring the building to the state in which it would have been if the terms and conditions of listed building consent 14/03503/ALB had been complied with. Accordingly, the appeal on ground (k) fails.

Appeal B: the appeal on ground (k)

81. The appellant's appeal on this ground relates only to Step 4, namely, to cease the oiling, staining or decoration of the weatherboarding on the Building to leave a natural wood finish with no decoration.
82. The approved drawing for Barn 2 (Drawing No. L4193.PD.01 Rev A) includes a notation(s) that the oak feather edge boarding used for the external cladding is to be undecorated. The requirement set out in Step 4 includes to cease oiling, staining and decoration: in other words, that the external cladding would eventually become undecorated. I therefore conclude that Step 4 is necessary to bring the building to the state in which it would have been if the terms and conditions of listed building consent 14/03503/ALB had been complied with. Accordingly, the appeal on ground (k) fails.

Conclusion

83. For the reasons set out above, I conclude that these appeals should not succeed. I will uphold the listed building enforcement notices each with a correction.

Formal Decisions

Appeal A Ref: APP/J0405/F/25/3371929

84. It is directed that the notice be corrected by:
- in paragraph 1, deleting '9(1)' and substituting there '9(2)'
85. Subject to that correction, the appeal is dismissed and the listed building enforcement notice is upheld.

Appeal B Ref: APP/J0405/F/25/3372035

86. It is directed that the notice be corrected by:
- in paragraph 1, deleting '9(1)' and substituting instead '9(2)'
87. Subject to that correction, the appeal is dismissed and the listed building enforcement notice is upheld.

Paul Freer
INSPECTOR