



Buckinghamshire Council

North Buckinghamshire Area Planning Committee

Agenda

Date: Wednesday 10 June 2020

Time: 6.30 pm

Venue: Via Virtual Conference

Membership: A Bond, C Clare, P Fealey, N Glover, T Mills, L Monger, H Mordue, S Morgan, M Rand, S Renshell, R Stuchbury and A Wight

Agenda Item	Time	Page No
12 CORRIGENDUM TO OFFICERS REPORT Attached is the corrigendum to the officers report which updates the officer's recommendation and also includes a recent appeal decision at the same site.		3 - 16

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CORRIGENDUM

Reference Number: 19/03952/APP

Address:

Proposal: Conversion, extension, repair and part-demolition of existing barns to create one residential unit

Park Farm,
Home Farm Lane,
Great Brickhill,
Buckinghamshire,
MK17 9AX

APPEAL UPDATE

1.1 Following the publication of the Committee Report the council has received the appeal decision for refused planning application 17/03988/APP (APP/J0405/W/19/3242035), which relates to the barns subject of the committee item. This refused application was for a similar development to the proposed, conversion of the barns to a residential dwelling, with the inclusion of a large 2 storey extension to Barn 2.

1.2 The appeal was dismissed by the inspector, however this was on the basis that the large 2 storey extension to Barn 2 would be significant and would not respect the character of the building and its setting. The inspector has however given weight to the restoration of barns as non-designated heritage asset. With regards to the restoration of Barns 1, 2 and 3 the inspector notes in paragraphs 22 – 25 of their decision notice that:

22. The proposed alterations and extensions to Barn 1 would see the removal and replacement of the existing roof, and new windows and openings inserted in the south and west elevations. The proposal would replace the existing slate roof re-using materials where possible. The new openings are relatively minor additions and would not fundamentally alter the building form and appearance.

23. As for Barn 2, the existing brick piers would be retained, and the openings infilled with glazing. I have taken a similar view to this glazing as in the case of Barn 2 and I consider this a reasonable method of acknowledging the former function of the building whilst making it weathertight.

24. Turning to Barn 3 remedial repairs and cosmetic alterations would be made to the structure and a link formed to Barn 2. From further afield the linking structure would be a minor element, partially concealed from longer view by the adjacent barns. The new openings on the south side of Barn 3 would be more visible, but not out of keeping with the existing structure.

25. Bringing these matters together, whilst the works to Barns 1 and 3 would retain their existing agrarian character and appearance, the scale of the extension to Barn 2 would be significant and would not respect the character of the building and its setting. Whilst

the works to the group are fairly extensive, given the scale of the dilapidation present in the buildings they are necessary if these non-designated heritage assets are to be retained. (A copy of the decision is attached)

1.3 The inspector therefore notes that whilst the large extension to Barn 2 would result in unacceptable harm to the character and appearance of the site and surrounding area, the restoration works to the barns would retain their existing agrarian character and appearance. The Inspector also notes that although the works to the group are fairly extensive, given the scale of the dilapidation present in the buildings they are necessary if these non-designated heritage assets are to be retained.

1.4 The Planning Inspector has given greater weight to the preservation of the barns as non-designated heritage assets than the council normally would and has considered that the extent of the glazing and elevational changes proposed was in keeping with the agrarian character of the buildings. The Inspector's conclusions on this issue is a matter of judgement and whilst the Inspector's view on the extent of rebuild beyond what the council would normally consider acceptable under policy RA.11 of the AVDLP, noting in their decision letter that *'the works to the group are fairly excessive'*, the Inspector's decision has significant weight as a material planning consideration in the determination process of this current application. Therefore, in light of the Inspector's comments and the positive weight that is attributed to the conservation and restoration of the barns and the proposed works *"would retain their existing agrarian character and appearance"* it is considered that the council could not reasonably argue the conflict with policy RA11 and GP35 and could not sustain the reason for refusal on the extent of rebuild and alterations proposed.

AMENDED CONCLUSION AND RECOMMENDATION

1.5 In light of the Planning Inspector's comments regarding the restoration works to the building, officers consider that this alters the overall conclusion and balancing of issues in the report. It is therefore concluded that whilst the works are extensive given the scale of the dilapidation present in the buildings they are recognised as necessary if these non-designated heritage assets are to be retained. The elevational alteration works proposed would not adversely affect the appearance and character of these buildings and the surrounding area. Therefore greater weight can be given to the benefits arising from the restoration of these barns as a non-designated heritage asset which would outweigh the Council's normal approach to the extent of new work normally envisaged under policy RA 11.

1.6 The recommendation now before the committee has therefore been amended to an **Approval** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall only be carried out in accordance with amended drawings and documents; Amended Application Form, Amended Design and Access Statement Revision D, Proposed site plan - Drawing number 17-12-2019-120B (Trees), Proposed Ground Floor and First Floor Plan - Drawing number 17-12-2019-130, Proposed Elevations Barn 01 - Drawing number 17-12-2019-220A Received 10/03/20, Proposed Elevations Barn 02 - Drawing number 17-12-221F received 10/03/20, Proposed Elevations Barn 03 - Drawing number 17-12-222D received 19/02/20, Trial Hole and Infiltration report date March 2019, Bat and GCN eDNA report revised 18/12/19 - job Number JDE00813, Structural report by DSA group - reference 17/26149 - Rev A and Park Farm Schedule of Defects and Remedial Works - 26.09.18.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework

3. Notwithstanding the approved plans, no development shall take place until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure a satisfactory appearance to the development to comply with GP35 of the Aylesbury Vale District Local Plan and policy BE2 of the emerging VALP and the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage or extension shall be carried out within the curtilage of any dwelling the subject of this permission. No windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area and appearance of the non-designated heritage asset by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions of the dwelling or outbuildings and other development having regard for the particular layout and design of the development in accordance with policy GP8 and GP35 of the Aylesbury Vale District Local Plan, policies BE2 and BE3 of the emerging VALP and the guidance set out in the NPPF.

5. Notwithstanding the permission hereby granted and prior to the commencement of the relevant works, a methodology/schedule/details of i) repairs ii) new servicing (heating, extracts/ventilation, pipework and electrics) for historic buildings and iii) new internal finishes (wall, ceiling and floor - including insulation) of historic buildings

shall be submitted and approved in writing prior to the commencement of works. The development and works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the proposed works can be effected without detriment to the significance of the undesignated heritage asset to comply with the National Planning Policy Framework.

6. Any new rainwater pipes shall be made of black painted metal.

Reason: To ensure that the proposed works can be effected without detriment to the significance of the undesignated heritage asset to comply with the National Planning Policy Framework.

7. Further details of new doors (internal and external) and windows at a scale of 1 :20, with window details to include a section showing relationship with elevation and glazing type/glazing bar profiles. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that the proposed works can be effected without detriment to the significance of the undesignated heritage asset to comply with the National Planning Policy Framework.

8. The development shall be implemented in accordance with the with the measures and recommendations detailed within the agreed Bat and Great Crested Newt eDNA Report (JD Ecology, 18 December 2019) and as illustrated in the proposed Bat Box Location drawing no. 17-12-125 A (Hinton Cook Architects, June 2018). Any variation to the approved report/plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To comply with the requirements of the National Planning Policy Framework, ODPM 06/2005, The Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended).

9. No conversion, extension, repair and part-demolition of existing barns works shall in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To comply with the requirements of the National Planning Policy Framework, ODPM 06/2005, The Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended).

10. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Existing and proposed discharge rates and volumes
- Ground investigations including:
 - Infiltration in accordance with BRE365
 - Groundwater level monitoring over the winter period

- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance.
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any on site flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
 - Flow depth
 - Flow volume
 - Flow direction

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

11. Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF.

12. No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for their approval a tree protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
1. There shall be no changes in ground levels;
 2. No materials or plant shall be stored;
 3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
 4. No materials or waste shall be burnt nor within 20 metres of any retained tree; and
 5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: In order to minimise damage to the trees during building operations and to comply with policy GP38 of the Aylesbury Vale District Local Plan, policy NE8 of the emerging VALP and the National Planning Policy Framework. Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection without the prior written consent of the Local Planning Authority.

13. Prior to the first occupation of the building(s) hereby permitted, 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; boundary treatments; 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. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: In the interests of the visual amenities of the locality and to comply with policies GP35 and GP38 of the Aylesbury Vale District Local Plan, policies BE2 and NE8 of the emerging VALP and the National Planning Policy Framework.

14. 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 species, size and maturity to be approved by the Local Planning Authority

Reason: In the interests of the visual amenities of the locality and to comply with policy GP38 of the Aylesbury Vale District Local Plan, policy NE8 of the emerging VALP and the National Planning Policy Framework.

15. No demolition or alteration of any existing building or any part of any existing building other than the demolitions and alterations shown on the approved drawings shall take place without the prior written consent of the Local Planning

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with the National Planning Policy Framework



Appeal Decision

Site visit made on 27 May 2020

by **I A Dyer BSc (Eng) MIHT**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2020

Appeal Ref: APP/J0405/W/19/3242035

Park Farm, Home Farm Lane, Great Brickhill MK17 9AX

- 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 Andrew & Sarah Leake against the decision of Aylesbury Vale District Council.
 - The application Ref 17/03988/APP, dated 28 September 2017, was refused by notice dated 27 September 2019.
 - The development proposed is barn conversion and extension.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Andrew & Sarah Leake against Aylesbury Vale District Council. This application is the subject of a separate Decision.

Procedural Matters

3. During the course of the application the design of the proposal was amended to reflect the comments of Council officers and these were the plans upon which the Council determined the application. I have determined the appeal on the basis of the amended plans.
4. On 1 April 2020, Aylesbury Vale District Council was merged with Buckinghamshire County Council, Chiltern District Council, South Bucks District Council and Wycombe District Council to create Buckinghamshire Council. I have referred to Aylesbury Vale District Council as this was the determining authority at the time of the decision.
5. The draft Vale of Aylesbury Local Plan (the Draft Local Plan) has been published but has yet to be examined and found sound. It therefore carries limited weight as a material consideration.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

7. The appeal site lies to the north-east of the village of Great Brickhill. It is generally surrounded by open fields, but a wood lies to the north-west close to the application site. The application site is located within the Brickhills Area of Attractive Landscape. There is no dispute that the proposal lies within the countryside for planning purposes.
8. The site contains a dwelling, known as Park Farm and a group of barns associated with it. From the evidence before me the farmhouse dates from the early 18th century, whilst the barns are later structures, probably built during the 19th century. The site is largely screened from the south-west and north by existing mature planting. Similarly, the surrounding land is undulating and views from the wider countryside are limited.
9. The three main structures forming the barn group are referred to within the application documents as Barn 1, 2 and 3, and I have used this same nomenclature to identify the structures.
10. In addition to the main barn structures identified above the remains of other buildings are evident, including walls and floor slabs. These are mainly concentrated to the south of Barn 2, together with a more recently re-built brick stable.
11. All of the barns are predominantly of red brick construction with pitched slate roofs. The barns contain architectural design features of interest, including brick pillars and roof members and are considered a non-designated heritage asset in regard to Paragraph 197 of the National Planning Policy Framework - 2019- (the Framework).
12. Policy RA.11 of the Aylesbury Vale District Local Plan -2004- (the Local Plan) states that: -

“Outside the built-up area of settlements, the Council endorses the conservation and re-use of buildings that are of permanent and substantial construction and generally in keeping with the rural surroundings, for non-residential purposes that fortify the rural economy.

The scale of such schemes should not conflict with the strategy of concentrating development in the main settlements.

Conversion works should not involve major reconstruction or significant extensions and should respect the character of the building and its setting.

Proposals should not give rise to other planning objections.

Permission for residential re-use is unlikely but may be granted exceptionally as part of an acceptable business conversion scheme, or where genuine attempts to secure business re-use have been unsuccessful. Any subsequent redevelopment proposals will be judged by other relevant policies in the Local Plan”.
13. GP.35 of the Local Plan states: -

“The design of new development proposals should respect and complement:

 - a) the physical characteristics of the site and the surroundings;

- b) the building tradition, ordering, form and materials of the locality;
 - c) the historic scale and context of the setting;
 - d) the natural qualities and features of the area; and
 - e) the effect on important public views and skylines”.
14. The Local Plan predates the Framework, however, under such circumstances policies still attract weight as material considerations, the degree of weight being proportional to the consistency of the policies with the aims of the Framework. Whilst elements of Policy RA.11 are more restrictive in regard to development of dwellings within the countryside than the approach taken within the Framework, these policies generally accord with the those aims of the Framework, including sections 2. Achieving sustainable development; 15. Conserving and enhancing the natural environment; and 16. Conserving and enhancing the historic environment. They therefore attract moderate weight.
15. The buildings are of permanent and substantial construction, but are currently in a state of dilapidation, notwithstanding that roof repairs have been undertaken to Barn 2. It is clear that the barn buildings have not been in active use for some time, and there is no evidence before me to suggest that the buildings are likely to return to agricultural use. It is apparent that the roofs of the barns are in poor condition and will require a significant degree of works to repair them, including replacing sections that have collapsed, if the buildings are to be returned to use. There is no dispute between the parties that the repairs will be fairly extensive.
16. The proposal would repair and convert Barns 1, 2 and 3 for use as a single dwelling, demolishing part of Barn 2 and replacing that part with a new extension. The stable and minor outbuildings would be demolished.
17. Barn 2 would be extended to the south and repaired. The construction of the extension would necessitate the removal of the remnants of the structures adjoining Barn 2 and the recently built stable.
18. The extension is of significant size, albeit that it lies within the footprint of a collapsed structure and results in the demolition of the stable. The original structure is, however, largely gone and its contribution to the built form of the group has diminished.
19. The proposed extension would be of two storeys. Whilst there would be sizeable glazed elements at ground floor level these are of similar proportion to the proposed infilling glazing proposed for the retained barns. Whilst it would be of a design incorporating features and materials seeking to reflect those of the existing buildings and give it a rustic appearance the second storey would be timber clad. The retained structures of similar scale are brick built, and the use of timber cladding for this element would appear incongruous within the group. Notwithstanding the views of the Council’s Heritage Officer, concerning the acceptability of such cladding through the treatment of the wood, the use of this material would remain at variance with the materials of the existing buildings. The new structure would be noticeable within views of the group of buildings from the east and south-east from the wider countryside and its appearance out-of-keeping in that context, albeit that these views are limited

- by the local topography. The incongruity of materials would further draw the eye to the presence of the extension.
20. The proposal would rebuild parts of the brickwork and replace the existing slate roof using similar materials. There would also be the relocation of windows, new windows, rooflights and door openings on the west and east elevation. Existing openings would be infilled with brickwork. The new openings, including those within the roof are relatively minor additions and would not fundamentally alter the building form and appearance.
 21. The existing brick columns would be retained, and the openings infilled with glazing. Whilst this would introduce sizeable areas of glazing to that façade of the barn, the size and ratio of the openings would be retained, and their original function would still be identifiable. In the circumstances, I consider this a reasonable method of acknowledging the original use of the building whilst making it weathertight for the proposed use. Further, the surrounding buildings would limit views of these windows from further afield.
 22. The proposed alterations and extensions to Barn 1 would see the removal and replacement of the existing roof, and new windows and openings inserted in the south and west elevations. The proposal would replace the existing slate roof re-using materials where possible. The new openings are relatively minor additions and would not fundamentally alter the building form and appearance.
 23. As for Barn 2, the existing brick piers would be retained, and the openings infilled with glazing. I have taken a similar view to this glazing as in the case of Barn 2 and I consider this a reasonable method of acknowledging the former function of the building whilst making it weathertight.
 24. Turning to Barn 3 remedial repairs and cosmetic alterations would be made to the structure and a link formed to Barn 2. From further afield the linking structure would be a minor element, partially concealed from longer view by the adjacent barns. The new openings on the south side of Barn 3 would be more visible, but not out of keeping with the existing structure.
 25. Bringing these matters together, whilst the works to Barns 1 and 3 would retain their existing agrarian character and appearance, the scale of the extension to Barn 2 would be significant and would not respect the character of the building and its setting. Whilst the works to the group are fairly extensive, given the scale of the dilapidation present in the buildings they are necessary if these non-designated heritage assets are to be retained.
 26. In conclusion the extension to Barn 2 would result in unacceptable harm to the character and appearance of the site and the surrounding area and would, therefore, be contrary to Policies GP.35 and RA.11 of the Local Plan in as much as these policies require, amongst other things that the proposal respect and complement the building tradition, ordering, form and materials of the locality, should not involve significant extensions and should respect the character of the building and its setting. Similarly the proposal would be contrary to those parts of the Framework that seek to conserve and enhance the natural and historic environment.
 27. The proposal would also be contrary to the advice provided in the Council's Design Guide 2 'The Conversion of Traditional Farm Buildings' -1990- which

advises, amongst other things, that following conversion farm buildings should be preserved in their original form without alien additions or alterations.

Other Matter

28. It has been brought to my attention that the appellant has submitted a revised application (Council Ref 19/03952/APP) which excludes the extension to the southern end of Barn 2. I have, however determined this appeal on its own merits.

Planning Balance

29. The Local Plan pre-dates the Framework and so policies within it should be assessed and given weight in terms of their consistency with the aims of the Framework. The development plan policies in relation to the supply of housing land are now out of date. In accordance with paragraph 213 of the Framework, given that they relate to housing land supply to 2011, I can only give them limited weight. As such, given that the housing supply policies are out of date (and that these must be considered to be most important in the context of a housing application even though they do not form part of the Councils reasons for refusal of the application), the provisions of paragraph 11d) of the Framework are triggered. Policies GP.35 and RA.11 of the Local Plan are, however, also important. These are broadly in accordance with the aims of the Framework and so moderate weight can be applied to them.
30. The proposal would secure the future of the non-statutory heritage asset, returning disused buildings to active use and forestalling further decay. Further, the proposal would provide benefits in terms of delivering an additional home to boost housing supply albeit that, irrespective of any shortfall in supply, a single home would only have a limited benefit. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to shops and businesses.
31. The proposal would remove the more modern stable building, itself out of keeping with the rest of the group. Together these benefits carry limited weight.
32. However, I have found that the proposal would result in harm to the character and appearance of the site and the area, particularly in view of the status of the buildings as a non-designated heritage asset. This is a significant factor weighing against the scheme.
33. In conclusion the identified harm would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against development plan policies and the Framework when read as a whole.

Conclusion

34. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

I Dyer

INSPECTOR



Costs Decision

Site visit made on 27 May 2020

by **I A Dyer BSc (Eng) MIHT**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2020

Costs application in relation to Appeal Ref: APP/J0405/W/19/3242035 Park Farm, Home Farm Lane, Great Brickhill MK17 9AX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Andrew & Sarah Leake for a full award of costs against Aylesbury Vale District Council.
 - The appeal was against the refusal of planning permission for barn conversion and extension.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellants are seeking a full award of costs against the Local Planning Authority as they consider that the Council have acted unreasonably in providing inconsistent advice and this has led to a significant delay in determining the planning application, leading to an unnecessary appeal process.
4. During the application stage the proposal was amended, additional information provided, and extensions of time requested and agreed, prolonging the process. There were also a number of changes to the case officer dealing with the application. During the application process various case officers expressed the view that there was a likelihood of the proposal being approved, but I note that, at the same time additional information was required.
5. Further, the Council's Heritage Officer indicated that the amendments were sufficient to address their concerns. However, these opinions, including those of consultees, are not binding upon the Council, provided that they are able to justify why they have come to their final overall conclusion. I note that the Council identified benefits to the proposal as well as harm, but such decisions as these are often, as in this case, based upon a balance of positives and negatives.
6. The appellants continued negotiations with the intent of resolving the concerns of officers over the extended application period and I note that during the intervening time period the structure of the buildings deteriorated further.

There was no guarantee that continuing negotiations would lead to a positive decision for the appellants whereas it was in their power to terminate the process by appealing for non-determination. Their decision to delay ongoing maintenance was made in light of their continuance of negotiation whilst having in their possession structural surveys upon which to assess the consequences of such a decision. Whilst I can understand the frustration of the appellants in the time taken the option of appeal for non-determination is available for just this situation.

7. The Council subsequently refused planning permission. Its decision was supported by the provision of an officer's report and a statement with the appeal and it will be seen from my decision that I was satisfied that the Council had substantiated its reasons for refusing the application, due to the effect of the proposal on the character and appearance of the site and the area, particularly in view of the status of the buildings as a non-designated heritage asset, having regard to development plan policies and the National Planning Policy Framework (2019). The appellants have therefore not incurred unnecessary or wasted expense in submitting their appeal.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

I Dyer

INSPECTOR