

Appeal Decision

Site visit made on 20 September 2016

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th October 2016

Appeal Ref: APP/L3815/W/16/3150857

Hardnip's Barn, Crouchlands Farm, Rickmans Lane, Plaistow, West Sussex RH14 0LE

- 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 William Luttmann-Johnson against the decision of Chichester District Council.
 - The application Ref PS/15/03095/FUL, dated 18 September 2015, was refused by notice dated 23 November 2015.
 - The development proposed is erection of wood store and garden store on land adjacent to Hardnip's Barn.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The building applied for is already *in situ* and appears to be complete. I have therefore determined the appeal on the basis that the development has already been carried out.

Main Issues

3. These are:
 - The effect of the building on the character and appearance of the area.
 - The effect of the building on protected species and ancient woodland.

Reasons

Character and appearance

4. The building is an open fronted Oak-framed structure, with timber boarded walls and Cedar shingles covering its roof. It is accessed by an unmade track which leads off the access to Hardnip's Barn, a former barn converted to a dwelling. The building is sited to the east of the curtilage of the dwelling, towards the northern edge of an ancient woodland¹ known as Hardnip's Copse. During my visit, I saw that the building was in use for the purposes described in the above heading.

¹ An area of woodland that has been wooded continuously since at least 1600AD.

5. Beyond the copse are areas of undeveloped open countryside, interspersed with other tracts of woodland of varying sizes. This gives the surroundings a secluded rural character and appearance, notwithstanding the proximity of the complex of large scale modern farm buildings at Crouchlands Farm.
6. The building is sited within the woodland, set back from its northern edge. The natural finish of the external timber has begun to weather. These factors slightly offset its visual impact. Nevertheless, the building has a domestic scale and appearance. It is sited a considerable distance from the dwelling, with area of woodland in between. This separates the building both physically and visually from the dwelling, notwithstanding the lack of any fencing or other means of enclosure between them. Consequently, the building appears unrelated to the dwelling and is seen as a rather isolated and alien feature in the hitherto largely undeveloped rural surroundings, particularly when viewed at a distance to the north east from the public footpath. I viewed the building in the early Autumn and it is also reasonable to assume that it would be more obvious in the winter landscape, thus further emphasising its incongruity.
7. In addition, an increase in the level of human activity at the appeal site as a result of the use of the building, the use of artificial lighting in or around the building together with any associated external storage would all cause a further progressive erosion of the secluded rural character of the surrounding countryside over time.
8. I note the appellant's comments regarding the use of the building being associated with the dwelling and the constraints on alternative sitings for the structure, in terms of arable land and the root protection zones of ancient trees. I have given little weight to the comments of interested parties concerning the use of the building for purposes other than that described in the application.
9. However, for the reasons described above the building causes unacceptable harm to the character and appearance of the surrounding area. Therefore, the building fails to accord with Policy 25 of the adopted Chichester Local Plan: Key Policies 2014-2029 (LP), as it does not conserve and enhance the rural character of the area and the quality of its landscape. It also fails to accord with LP Policy 45, as it is not well related to the existing group of buildings and the scale, siting and design do not have a minimal impact on the landscape and rural character of the area. Furthermore, the building fails to accord with LP Policy 48, having regard to its adverse impact on the tranquil and rural character of the area, the failure to recognise the distinctive local landscape character and sensitively contribute to its setting and quality, together with the failure to respect and enhance the landscape character of the surrounding area and the site in its detailed design. The building also therefore fails to accord with LP Policy 1, as it does not accord with other policies in the LP.
10. Additionally, the building fails to have sufficient regard to the National Planning Policy Framework (the Framework), in particular the key principles of seeking to secure high quality design and recognising the intrinsic character and beauty of the countryside at paragraph 17.

Protected species and ancient woodland

11. Evidence submitted on behalf of the appellant including an extended phase 1 habitat survey (HS) and bat survey (BS), suggests that the building is used by

at least one feeding/night roosting Brown Long-Eared Bat. The appellant's evidence indicates that a replacement structure would be required to provide an alternative bat roost in the event the building were to be removed and that due to a number of constraints, it would need to be in a similar location. He suggests that this might cause further harm to the habitat. I acknowledge that the Council's Environmental Strategy team considered such an approach might be counterproductive. However, the BS indicates that an alternative structure constructed adjacent to the building prior to its removal could provide suitable mitigation. Consequently, I am not persuaded that an alternative bat roost would inevitably cause significantly more harm to protected species in comparison with retaining the building. Accordingly, I have given the benefit offered by the building in terms of its habitat creation for protected species limited weight.

12. Where development results in the loss or deterioration of irreplaceable habitats, paragraph 118 of the Framework states that planning permission should be refused unless the need for and benefits of the development in that location clearly outweigh the loss. A Biodiversity Mitigation and Enhancement Plan (BMEP) submitted on behalf of the appellant, proposes creating 0.46 hectares of new woodland habitat between Hardnip's Copse and the adjacent areas of ancient woodland, to mitigate the loss caused by erection of the building. This would create a considerably larger area of new habitat in comparison with that lost and would therefore represent a benefit. Even so, I could not attach a planning condition to secure the proposed planting, because it lies outside of the 'red line' plan accompanying the application. Any condition would therefore be unenforceable and it would fail the tests at paragraph 206 of the Framework. Accordingly, I also afford this benefit limited weight.
13. An area of ancient woodland has been lost as a result of construction of the building which, whilst limited in size, represented a significant part of a finite natural resource. I have not been supplied with any convincing evidence of a need for the building. The level of disturbance associated with human activities in and around the building and the associated pedestrian and vehicular comings and goings, are perhaps relatively infrequent in comparison with the use of the nearby access to Hardnip's Barn and what might be occurring in the wider area. Even so, this activity would lead to the progressive deterioration of the woodland habitat in the environs of the building over time. A planning condition could not be imposed to overcome this harm.
14. Therefore, any benefits in terms of habitat creation does not outweigh the loss and deterioration of irreplaceable habitat caused by the building. Consequently, the building fails to have sufficient regard to paragraph 118 of the Framework. I also therefore find that the building fails to accord with the Framework at paragraph 17 and Policy 25 of the LP, as it does not conserve and enhance the natural environment.

Conclusion

15. The building fails to accord with the Development Plan and the Framework.
16. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR