

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/16/3148182

Dale Farm, The Lane, Ifold, Loxwood RH14 0UL

- 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 Ms Marian Potheary against the decision of Chichester District Council.
 - The application Ref PS/15/03745/FUL, dated 10 November 2015, was refused by notice dated 19 January 2016.
 - The development proposed is conversion of stable building to three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether having regard to the Development Plan and national policy, the proposal amounts to a sustainable form of development in the countryside.
 - Whether it has been demonstrated that the proposal would not have a harmful effect on protected species.

Reasons

3. The appeal site consists of a long L-shaped single storey building constructed of brick and tiles, formerly used for the private stabling of up to eight horses. The stables face onto a hardsurfaced courtyard enclosed by a brick wall. The stables are set well back from The Lane. They are served by a long private drive which passes the east side of the farmhouse and runs between outbuildings in equestrian use. There are two sand schools to the west of the stables, with open countryside on the eastern side.

Sustainability

4. The relevant Development Plan is the adopted Chichester Local Plan: Key Policies 2014-2029 (LP). On the accompanying Proposals Map, the appeal site is located approximately 300 metres to the north of the settlement boundary of the village of Ifold, in an area which is regarded as countryside for the purposes of planning policy.
 5. LP Policy 46 requires a proposal for conversion or re-use of a building in the countryside to meet a number of criteria. Criteria 2 requires evidence to show
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that economic uses, including live/work units, have been considered before a residential use and are unviable. This is consistent with the National Planning Policy Framework (the Framework) which at paragraph 28 supports the sustainable growth and expansion of all types of business and enterprise in rural areas through, amongst other things, the conversion of existing buildings to such uses. LP Policy 46 also seeks to avoid a conversion that creates a new isolated home in the countryside unless there are special circumstances as outlined in Government guidance.

6. Paragraph 55 of the Framework indicates that to promote sustainable development in rural areas, new housing should be located where it will enhance or maintain the vitality of rural communities, and; that new isolated homes in the countryside should be avoided unless there are special circumstances. One of the special circumstances listed at paragraph 55 is the re-use of a redundant or disused building which would lead to the enhancement of the immediate setting. I acknowledge that there is no reference in paragraph 55 to economic uses of such buildings being considered prior to a residential use. Even so, given my findings at paragraph 5 above I consider that this does not affect the consistency of LP Policy 46 with the Framework or the weight to be applied to it.
7. I fully appreciate that the appellant regards the existing use for private stables as unviable. She has also referred to the cost of the upkeep of the stables and their lack of suitability for housing other animals. The appellant has set out details of what she considers would be the only viable uses of the stables-as a commercial livery or a riding school. However, beyond the limited alternative uses she described, there is a wide spectrum of economic uses that could potentially be appropriate to a rural location such as the appeal site. The appellant's evidence does not show that there has been any consideration given to alternative economic uses. In particular, there has been no evidence submitted which would show that uses such as, for example, offices within Class B1 of the Use Classes Order¹, or a live/work unit, would not represent a viable alternative use of the stables.
8. As noted above, the appeal site is a considerable distance outside of the settlement boundary. It is in an area of scattered development interspersed with wider tracts of land in open use and areas of woodland. The facilities in Ifold itself are quite limited, mainly consisting of a community centre. The above centre and the links to local bus services are a considerable distance away from the appeal site and are accessed by narrow roads, often lacking footways and lighting. Overall, the future occupiers of the stables would therefore be likely to be mainly reliant on the private car to access employment opportunities and local facilities and services. Neither paragraph 55 or LP Policy 46 define what would amount to a 'new isolated home in the countryside' However in my view, given the above factors it would not be unreasonable to conclude that the proposal would fall within that description.
9. The alternative uses of the stables described by the appellant might generate significant levels of additional vehicular comings and goings to and from the appeal site and involve additional external lighting and effluent. The appellant has also said that a new access from The Lane would be required to serve such uses. This would all have implications in terms of additional noise and

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

disturbance for the residents of nearby dwellings and traffic safety on The Lane, as well as the rural character of the area. Even so, the scale and magnitude of these impacts would not necessarily apply equally in respect of alternative economic uses, such as those described at paragraph 8 above. Moreover, the formation of a residential garden in the yard, the parking of private vehicles and the other residential paraphernalia in and around the building associated with even the modest sized dwelling proposed, are all likely to give the stables and its surroundings a more obvious residential character and appearance. This would lead to a significant erosion of the rural character of the surroundings when compared with the existing equestrian use. Therefore, re-use of the stables as a dwelling would not lead to an enhancement of their immediate setting.

10. Consequently, in the absence of clear and convincing evidence to show that economic uses of the stables would not be viable, the proposal would create an isolated new home in the countryside without any special circumstances applying. Therefore, the proposal would not accord with LP Policy 46 and it would fail promote sustainable development as required by the Framework at paragraph 55.
11. Further, the proposal would fail to accord with LP Policy 45, as the residential use does not require a countryside location and there has been no evidence supplied to suggest that it would meet an essential local rural need which cannot be met within or immediately adjacent to the settlement. In addition, the proposal would therefore fail to accord with LP Policy 2, as it does not meet the requirements of LP Policies 45 and 46. The proposal would also therefore fail to accord with LP Policy 1, because it would not accord with the other policies in the LP referred to above.

Protected species

12. Whilst the Council's Environment Officer makes an erroneous reference to 'the church', when read as a whole they are clearly referring to the stables. Further, in my experience there is a reasonable likelihood that bats might be roosting in a building like the stables. Therefore, there is a risk that bats might be adversely affected by the proposal. Consequently, in the absence of a survey it is impossible to determine the likely impact of the proposal on the protected species. I can appreciate the appellant's frustration of not being afforded the opportunity to submit a survey before the Council determined the application. However, given that the Council had fundamental objections to the appeal scheme, I think that it should not be criticised for endeavouring to avoid the appellant having the additional work undertaken.
13. As a result, the proposal would fail to accord with LP Policy 49, because it has not been shown that the biodiversity value of the site is safeguarded, that demonstrable harm to protected species will be avoided or mitigated and that the proposal has incorporated features that enhance biodiversity as part of good design and sustainable development. In this respect, the proposal would also therefore be inconsistent with the guidance on biodiversity at paragraphs 109 and 118 of the Framework.

Other matters

14. I note that the stables are of permanent and substantial construction, the work required to convert them would be limited and no extension is proposed. I

understand that the stables have their own means of foul sewage disposal. I have also taken account of the separate entrance to the stables, the availability of sufficient off-road parking, the availability of utilities and the description of the use of the stables on a previous application. I have also considered the potential reduction in effluent in comparison with the existing use. During my visit, I observed the surface condition of The Lane up to the entrance to Dale Farm.

15. During my visit I also viewed the building at 'Lakeside' and the house under construction to the west of Dale Farm, on the edge of the Ifold estate. However, I have not been supplied with details, including the circumstances under which permission was given, in either case. Therefore, I am unable to undertake any meaningful comparison with the appeal scheme. Further, I note the details supplied of the residential conversion of two rural buildings in an adjoining Council's area. However, neither scheme appears directly comparable with the proposal in terms of the applicable national and local planning policies.
16. I have taken account of the comments made by local residents. These include some support for the proposal on the grounds that residential re-use of the stables would be preferable to a commercial use or greenfield development and the lack of any harm to wildlife, together with concerns over the Council's handling of the application. However, neither these nor any of the other matters referred to above outweigh my findings on the main issues.

Planning Balance

17. In order to meet sustainability objectives, development has to perform three mutually dependent roles-economic, social and environmental-as set out at paragraphs 7 and 8 of the Framework. Whilst the proposal would have limited economic and social benefits, including short term employment in the construction sector and boosting the supply of housing, these would be small scale. There would be adverse impacts arising from the failure of the proposal to protect and enhance the natural environment and its failure to help improve biodiversity. Consequently, the proposal would fail to fulfil the environmental role. Accordingly, having regard to the approach to decision making set out in the Framework at paragraph 14 and the core planning principles at paragraph 17, and when assessed against the policies of the Framework taken as a whole, the benefits of the proposal would be significantly and demonstrably outweighed by the adverse impacts and it would not amount to sustainable development.

Conclusion

18. The proposal would fail to accord with the Development Plan and the Framework.
19. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR