
Appeal Decision

Site visit made on 21 March 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 22 June 2017

Appeal Ref: APP/Y9507/W/16/3165403

**Lodge Copse Barn, Crouch Lane, Barlavington, Petworth, West Sussex
GU28 0LQ**

- 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 Andrew Kinnear (The Barlavington Estate) against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/03417/FUL, dated 7 July 2016, was refused by notice dated 9 September 2016.
 - The development proposed is the conversion of redundant barn to residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The parties refer to policies contained within the Draft South Downs Local Plan 2015 (DSDLP). The plan has been the subject of consultation although the plan has not yet been examined. Given the stage the DSDLP has reached, I give it little weight.

Main Issue

3. The main issue is whether the proposal would be consistent with national and local planning policies on new dwellings in the countryside, having regard to its location within the South Downs National Park (SDNP).

Reasons

4. The appeal site is located within the SDNP in a rural location with only scattered houses and farm buildings in the much wider area. There are no buildings within the immediate vicinity. The appeal site lies outside the Settlement Policy Boundary and is in the countryside for development plan purposes. Saved Policy RE1 of the Chichester District Local Plan First Review (LPFR) 1999 states that development will be restricted in the countryside unless it meets specific policies elsewhere in the plan. Policy RE14 of the LPFR sets out a number of criteria for the conversions in the rural area. Emerging Policy SD49 of DSDLP also provides a set of criteria relating to conversions. Paragraph 55 of the National Planning Policy Framework (the Framework) indicates that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances.
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5. The parties do not agree on whether the appeal site would result in an isolated home. There is no definition of isolated within the Framework. However, the nearest building is some distance away. There is no footway connection to settlements. It would be possible to access the nearest settlements of Sutton and Duncton by bicycle although there is no indication of what the local facilities are at these villages. A wider range of facilities and services in Petworth are much further away.
6. The appellant refers to the numbers of traffic movements not being significant. Nevertheless, there is no public transport and future occupiers would need to make use of the private car for their everyday needs. The appeal site is remote from services and facilities and the scheme would constitute an isolated dwelling in the countryside.
7. The second bullet of paragraph 55 of the Framework refers to a special circumstance where such development would represent the optimum viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. The building has some heritage value in respect of its historic association with the Barlavington Estate and also by retaining its traditional Victorian character with some interesting features.
8. The appellant indicates that the conversion to residential use would increase revenue potential and that the existing storage use does not allow for the building's upkeep and maintenance. I note that the submission of a viability report is not a specific requirement of saved Policy RE14. Nevertheless, no information is provided on revenue or whether other options have been explored that demonstrate residential use is the most efficient or optimum viable use.
9. The proposal is accompanied by a structural report. The overall conclusion of the report is that the building is structurally sound and I accept that some elements of the scheme would constitute repairs. Notwithstanding, the detail of the report also states that the foundations had not been inspected, and there would be a need to open these up to confirm that they could support the load bearing walls proposed within the scheme. Therefore, I am not persuaded that the building would be capable of being converted or that the historic fabric of the building would be conserved. The second bullet of paragraph 55 of the Framework would therefore not be met.
10. The third bullet of paragraph 55 of the Framework relates to where development would re-use redundant or disused buildings and lead to an enhancement in the immediate setting. I note that the use of the building for storage is on an informal basis. However, the building is no longer associated with livestock and I consider it is redundant in respect of its former agricultural use.
11. I turn now to consider whether the scheme would lead to an enhancement of the immediate setting. The barn has a very simple agricultural character which is visible from the road. The wall surrounding much of the site is low enough to allow the appearance of an open aspect to the barn's setting. The immediate setting is open countryside, hedges and woodland. There is no evidence of domestic activity and there is a very distinctive rural and tranquil quality to the surroundings. Although there is some indication of storage use, the site does not appear particularly untidy and the building sits very comfortably in its surroundings.

12. I acknowledge that the glazed areas would allow some of the original open fronted structure of the barn to be perceived. However, the scheme would require filling in a portion of the front of the building in order to provide an additional bedroom. In combination with a low plinth along the south east elevation this would look somewhat out of character with the original design of the building, and would alter its appearance somewhat.
13. Furthermore, the large areas of glazing, roof lights, and the alterations to the openings on the south west elevation would change the character from a simple agricultural structure to one which would be significantly more domestic in appearance. The glazed area would accommodate the main living space and this would contribute to a considerable amount of light that would be highly visible against dark skies, given the lack of lighting within the area. The domestic features would be seen from the road even with the wall in place, and the residential conversion would be highly prominent. Any landscaping would take some time to mature and would not mitigate the effect of the glazing and other openings within the scheme. I consider the scheme would be detrimental to the immediate setting of the building and landscape character of the SDNP.
14. The appellant refers to an example of an agricultural building within the Horsham area of the SDNP which was granted planning permission for a residential conversion. In that case the site was close to other buildings although I note it was within the setting of a listed building. The Authority's officer's report in that scheme indicates that the financial information was not robust and held limited weight. Although that building had some open fronted features its design is very different to the barn. Therefore, the circumstances of that scheme do not represent a direct parallel to those before me. In any case I have determined the appeal on its own merits.
15. In terms of additional domestic clutter within the curtilage and future extensions I consider it would be possible to limit these by attaching suitable conditions were other matters acceptable. I acknowledge that it is possible to convert agricultural buildings under Class Q of the Country Planning (General Permitted Development) (England) Order 2015. However, this does not apply within the National Park area.
16. I conclude that the scheme would not meet the special circumstances as set out in bullets two and three of paragraph 55 of the Framework. The proposal would not be consistent with national and local planning policies on new dwellings in the countryside, having regard to its location SDNP. It would be in conflict with saved Policies RE1, BE11, BE12, RE14 (bullets 1 and 3) of the LPFR. These amongst other things seek new development that must not detract from its surroundings and will be required to meet appropriate standards of design, construction and layout. It would also be contrary to the provisions of the Framework in respect of conserving landscape and scenic beauty in National Parks.

Other matters

17. The Council raises concerns about the effect of the proposal on wildlife habitats. Mitigation measures for bats are recommended within the accompanying bat ecology report. There are no plans to extend beyond the boundary of the site in respect of great crested newts and other reptiles, and mitigation measures for other species are proposed within the accompanying

Preliminary Ecological Assessment. Were other matters acceptable, these measures could be secured by an appropriate condition.

Conclusion

18. Although the LPFR was adopted before the Framework was published it does not necessarily mean it is out of date as set out in paragraph 211 of the Framework. Saved Policies BE11 and BE12 of the LPFR relate to design and layout and are consistent with the Framework where it relates to the need for high quality design and I give them full weight.
19. The majority of the criteria in saved Policy RE14 are much more detailed than the special circumstances of paragraph 55 of the Framework. I consider there is a very small degree of inconsistency with the Framework in this respect. However, the Framework also refers to recognising the intrinsic character and beauty of the countryside. Additionally, in respect of the National Park, whilst not necessarily restricting development including small scale schemes the Framework does indicate that great weight should be given to conserving landscape and scenic beauty in National Parks. Saved Policy RE14 would be consistent with these aims. Paragraph 215 of the Framework indicates that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, the closer the policies in the plan are to the Framework, the greater weight they may be given. Accordingly, given the degree of consistency I give saved Policy RE14 significant weight.
20. The Framework identifies three dimensions to sustainable development – economic, social and environmental. The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation because they are mutually dependent. Paragraph 14 of the Framework sets out how the presumption in favour of sustainable development should be applied, and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole or specific policies in the Framework indicate development should be restricted.
21. The first part of paragraph 55 of the Framework sets out that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The provision of a small dwelling would add to the mix and number of dwellings within the wider area. Nevertheless, the contribution one dwelling would make to the vitality of the area would not be discernible. The adverse impact on the immediate setting, and landscape and scenic beauty of the SDNP would significantly and demonstrably outweigh the benefits of the scheme. The scheme would not be sustainable development for which there is a presumption in favour.
22. For the above reasons and having regard to all other matters raised including the lack of objection from the Parish Council, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR