
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: 23 June 2017

Appeal Ref: APP/Y9507/W/16/3163762

Wattons Barn, Hollist Lane, East Harting, West Sussex GU31 5LU

- 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 Hill Ash Farm Estate against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/03109/FUL, dated 21 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is the demolition of the existing Atcost barn and the conversion of the existing brick and stone dairy building into a two bedroom dwelling house together with associated alterations and off-street forecourt car parking for two cars and a garden amenity area.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing Atcost barn and the conversion of the existing brick and stone dairy building into a two bedroom dwelling house together with associated alterations and off-street forecourt car parking for two cars and a garden amenity area at Wattons Barn, Hollist Lane, East Harting, West Sussex GU31 5LU in accordance with the terms of the application, Ref SDNP/16/03109/FUL, dated 21 June 2016, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The Authority's decision notice refers to the structural integrity of the building as the third reason for refusal. However, the Authority's statement indicates that it no longer wishes to defend this reason for refusal. I have dealt with the appeal on that basis.
3. The Authority's decision notice and statement refers to policies within the emerging Draft South Downs Local Plan 2015 (SDLP). The plan has not yet been examined and given the stage it has reached I give it little weight.

Main Issue

4. The main issues are:
 - i) Whether the proposed development would preserve or enhance the character or appearance of the East Harting Conservation Area, and;
 - ii) Whether the proposal would be consistent with national and local planning policies on new dwellings in the countryside, with particular regard to its location within the South Downs National Park (SDNP).
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Reasons

Conservation Area

5. The appeal site is located within the SDNP and the northern part of East Harting Conservation Area. The wider Conservation Area has a general rural characteristic, with fields, woodlands, narrow lanes with tall hedgerows and sporadic development. The Conservation Area also contains a mix of houses including older style dwellings mainly focused around East Harting. There are houses close to the appeal site and the buildings of the site are therefore seen in the context of some residential development.
6. The building proposed to be converted is a former dairy constructed of mainly brick and stone. It has had a number of alterations and changes although some building materials are characteristic of the local area. There is a bank along the road and brick walls surrounding the site which screen the site to some extent from the road. An Atcost barn within the site is proposed to be removed. The proposed conversion would be sympathetic to the design and layout of the former dairy. It is proposed to retain the larger central bay with only limited partitioning to the end bays.
7. The rooflights would be partially visible from Hollist Lane. However, these would be narrow and would not be particularly prominent as a feature of the building. The remainder of the conversion would not be highly visible due to the enclosed nature of the site. Although there would be some comings and goings as a result of the conversion this would be limited and would not affect the tranquillity of the area to any significant degree. The residential use would be compatible with existing development within the immediate area.
8. For the reasons given above, I conclude that the proposal would preserve the character and appearance of the East Harting Conservation Area. It would not be in conflict with Policy BE11 of the Chichester District Local Plan First Review (LPFR) 1999. This amongst other things seeks new development that does not detract from its surroundings. It would not be contrary to the provisions of the National Planning Policy Framework (the Framework) in respect of protecting and enhancing the built and historic environment, or emerging Policy SD39 of the SDLP.

Dwellings in the countryside

9. The appeal site lies outside the Settlement Policy Boundary and is in the countryside for development plan purposes. Saved Policy RE1 of the LPFR states that development will be restricted in the countryside unless it meets specific policies elsewhere in the plan. Policy RE14 of the LPFR lists a number of criteria for conversions in the rural area. Emerging Policy SD49 of the SDLP sets out criteria relating to conversions of agricultural buildings.
10. Although the site has other buildings close by, services and facilities are some distance away with the use of the private car very likely to be the main means of transport for future residents. I therefore consider the scheme would constitute an isolated dwelling in the countryside. Paragraph 55 of the Framework indicates that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances.
11. 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 Authority refers to designated heritage assets although the Framework does not specify this in paragraph 55. Nevertheless, the parties agree that the building has some limited heritage value. The conversion of the building would secure the retention of the remaining historical features of the barn. From the evidence before me other uses would not be economically viable or attractive in terms of demand. Although there does not appear to have been marketing for other uses the Authority does not refer to any specific policies which would require this.

12. The special circumstances of paragraph 55 of the Framework includes where development would re-use redundant or disused buildings and lead to an enhancement in the immediate setting. The building is not in active agricultural use. Although there would be an increase in domestic activity this would be confined within the walls of the site, and would be in the context of nearby residential buildings. The Atcost barn which is within the walled yard is agricultural in appearance. It is a large, unattractive and prominent building that is at odds with the walled setting of the site and features of the former dairy to be converted. The removal of this barn and restoration of the dairy building would lead to an enhancement of the immediate setting. There would be no adverse impact on the landscape and scenic beauty of the SDNP.
13. For the reasons given above, I conclude that the proposal would be consistent with national and local planning policies on new dwellings in the countryside. It would not be in conflict with Policy RE1 and RE14 of the LPFR. It would not be contrary to Paragraph 55 of the Framework and emerging Policies SD1, SD5 and SD6 of the SDLP.
14. There is some conflict with criterion (a) of emerging Policy SD49 of the SDLP. This refers to conversion of agricultural buildings will only be permitted where it is not in a wholly isolated location from infrastructure, amenities and services. However, there is some tension with paragraph 55 of the Framework in this respect and taking into account the status of the plan I give the conflict with criterion (a) very little weight.

Other matters

15. Neighbours raise concerns about access to the rear of the building to be converted. However, this is a private matter between the parties concerned. The structural survey refers to the roofing comprising asbestos sheeting and the safe removal of this would be dealt with under other legislation.

Conditions

16. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawings as this provides certainty.
17. The Authority proposes conditions relating to materials and samples to be used in the development, and working drawings and a method statement for repair and conversion. Conditions relating to the removal of certain permitted development rights relating to boundaries, additional buildings and extensions are also suggested. Given the historic features of the building and in order to

protect the character and appearance of the area I agree that these conditions are necessary. I have amended the condition relating to boundaries as the plan reference provided by the Authority does not match the approved drawings references.

18. A concern has been raised by a neighbour about the dimensions and numbers of rooflights. However, the Authority proposes a condition relating to the provision of details for these features and in the interest of the character and appearance of the area I agree this would be necessary. The Authority also proposes a condition relating to demolition and removal of materials before other development starts. I agree this is necessary in the interests of the living conditions of adjoining occupiers. In the interests of sustainability a condition is needed in relation to the details and implementation of surface water and foul drainage.

Conclusion and balance

19. 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. Although market housing is not specifically referred to as one of the exceptions to paragraph 55 of the Framework, it is also not excluded. The scheme would make a very small contribution to the supply of housing within the area. The conversion would result in temporary jobs that would add to economic growth albeit on a temporary basis. Residents would make use of the services and facilities which exist in South Harting.
20. The policies of the Framework in respect of the National Park, whilst not necessarily restricting development including small scale schemes, it does indicate that great weight should be given to conserving landscape and scenic beauty in National Parks. I have concluded that the scheme would preserve the character and appearance of the East Harting Conservation Area, and would result in an enhancement of the immediate setting. It would also conserve the landscape and scenic beauty of the National Park. It would therefore meet the environmental role.
21. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set out in the attached schedule the appeal should be allowed.

L Gibbons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10011-DPA-01; 10011-DPA-02; 10011-DPA-03; 10011-DPA-04; 10011-DPA-05; 10011-DPA-06 and 10011-DPA-07.
- 3) No development shall commence until details, and samples where appropriate, of the following materials to be used in the development (including the repair/restoration of the farmyard wall) have been submitted to and approved in writing by the South Downs National Planning Authority (SDNPA): Bricks, stone and any other wall facing materials; Brick bonds; mortar mix and finish; Rain water goods (including their relationship with eaves and verges); Slates, tiles and any other roof coverings, including rooflights; surfacing materials and finishes. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.
- 4) No development shall commence on site until working drawings and a method statement have been submitted to and approved in writing by the SDNPA. Such drawings and statement must be based upon the terms of the planning permission and must therefore, involve the in-situ repair and conversion of the building and not its dismantling and subsequent reconstruction. The working drawings must be based upon the initial structural survey and show full details of the workings necessary to enable the conversion to take place, including the exact amount and method of repair and replacement as well as structural details of methods of support and tying-in of walls, posts etc. and works necessary to achieve foundation and underpinning. The method statement shall set out the exact method of conversion and the detailed method of support and protection of the building before and during conversion works. Once approved the works shall be carried out in strict accordance with the approved details.
- 5) Notwithstanding the provisions of Part 1 Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of the building hereby approved shall be erected without a grant of planning permission from the SDNPA.
- 6) Notwithstanding the provisions of Part 1 Class E of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or pool or other structure, shall be erected anywhere on the application site without a grant of planning permission from the SDNPA.
- 7) Notwithstanding the provisions of Part 2 Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting or amending that Order) no walls, fences, gates or other means of enclosure shall be erected, or placed within the curtilage of the dwelling anywhere on the application site other than

those approved as an integral part of this development and those specified on the approved plans without a grant of planning permission from the SDNPA.

- 8) Prior to the insertion of the windows and doors hereby permitted detailed elevation and section drawings of the windows at a scale of not less than 1:10 shall submitted and approved by the SDNPA. The windows and doors shall be inserted in accordance with the approved details.
- 9) No works shall commence on site until details of the proposed surface water and foul drainage and means of disposal have been submitted to and approved in writing by the SDNPA and no building shall be occupied until all drainage works have been carried out in accordance with the approved details.
- 10) No other development shall be carried out until all buildings and structures existing on the site and shown to be removed on the approved drawings at the date of this permission have been demolished, the debris removed and the site cleared.