
Appeal Decision

Site visit made on 4 July 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/L3815/W/17/3171955

Land at Oakhurst Farm, Oakhurst Lane, Loxwood RH14 0QR

- 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 N Gibbons against the decision of Chichester District Council.
 - The application Ref LX/16/03786/FUL, dated 2 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is demolition of existing kennels building which has consent to be converted into a dwelling under application reference LX/15/00138/FUL and the erection of a new residential building to the west of the existing building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed demolition of the kennels building and erection of a dwelling on the character and appearance of the surrounding rural area; and
 - whether the proposed demolition of the kennels building and erection of a dwelling would preserve or enhance the setting of the listed building at Oakhurst Cottage.

Reasons

Character and appearance

3. The kennels building is located adjacent to the grounds of the listed Oakhurst Cottage, itself located over the field from Oakhurst Farm and surrounding outbuildings. It is a remote, rural location, accessible only via farm tracks and various public footpaths and bridleways, some distance from the closest metalled road.
4. The site comprises an access leading to the existing building and adjacent metal fenced area that appears to have been used as runs for the dogs in the kennels along with surrounding open space. The building and runs are now in a somewhat dilapidated condition, but cover a significant part of this substantial site. The kennels have planning permission for conversion to a residential dwelling (under reference number LX/15/00138/FUL). Beyond them, on the open lower part of the site, there is an extant planning permission for a

pheasant rearing building (under reference number LX/40/92). The location of the proposed dwelling would ensure that, should this appeal be allowed, the pheasant rearing building would not be built and conditions could require demolition of the kennels such that they could not be converted.

5. The proposed dwelling would be located further from Oakhurst Cottage, spreading built development across a wider area, with a large gap between the two properties. Whilst there would be limited visibility from surrounding footpaths and bridleways, this would result in development encroaching further into the rural surrounds to the properties, including the potential for domestic paraphernalia associated with the proposed residential use on a substantial area of land that would form the garden of the proposed property.
6. The dwelling would comprise a single storey building that would be substantially larger than the approved kennels conversion, albeit smaller floor area than the existing kennels and approved pheasant rearing building, and of a traditional timber framed and clad design, with a substantial slate roof above. In addition, it is proposed to erect a double garage with biomass heating plant room that would reflect the design of the dwelling. The resulting buildings would have a simple appearance that would be similar to those approved for the conversion of the kennels. Removal of the kennel enclosures would benefit the appearance of the site. However, the bulk and bland appearance of the proposed buildings would result in them appearing prominent and incongruous in this isolated rural location.
7. For these reasons, I conclude that the demolition of the kennels building and erection of a dwelling would have a harmful impact on the character and appearance of the surrounding rural area. As such, the development would be contrary to Policies 1, 33, 45 and 48 of Chichester Local Plan (LP), Policy 10 of the Loxwood Neighbourhood Plan (NP) and the National Planning Policy Framework (the Framework) that seek to ensure development is of a high standard of design that recognises the distinctive character of its surroundings and is well related to existing groups of buildings.

Listed building

8. The approved conversion of the kennels would result in a large, albeit single storey, dwelling in close proximity to the designated heritage asset of the listed building at Oakhurst Cottage. This would affect the setting of the listed building that is currently located in an isolated position within the open countryside. The previous use of the building would have been ancillary to the main use of the dwelling and independent residential use would have a different effect on the listed building than the existing, albeit dilapidated, building.
9. The proposal to demolish the existing building would improve the sense of isolation of the cottage within the rural area, which is an important element of the setting of this listed building. The location of the new dwelling further from the listed building and lower on the slope of the land could reduce the effect of built development on that listed building. However, the bulk and height of the proposed buildings and the large curtilage to the proposed dwelling, including the likelihood of domestic paraphernalia, would lead to a residential appearance to the site that would detract from that isolated rural setting.
10. The Framework advises at Paragraph 132 that, when considering the impact of a proposed development on the significance of a designated heritage asset,

great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the setting of this listed building is nevertheless a matter of considerable importance in this case.

11. Paragraph 134 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the only public benefit of the proposed development would be the removal of the existing kennel building and completion of the pheasant rearing building could not take place that would otherwise be partially visible from surrounding footpaths and bridleways. However, whether considered individually or cumulatively, neither of those matters constitute public benefits that would outweigh the harm to the designated heritage asset.
12. For these reasons, I conclude that the proposed demolition of the kennels building and erection of a dwelling would not preserve or enhance the setting of the listed building at Oakhurst Farm. As such, the proposed development would be contrary to Policies 47 and 48 of LP, Policy 10 of the NP and the Framework that seek to conserve or enhance the historic environment, including protecting the settings of listed buildings.

Other matters

13. The proposed dwelling has been designed to be more energy efficient than the alternative conversion of the kennel building, incorporating modern sustainable construction methods and it would be connected to the fibre broadband system. The site has limited ecological value given that there is no evidence of bats on the site and the maintenance regime to the substantial grassed areas. Sufficient parking would be provided on site and the access would be improved such that there would be no effect of the development on highway safety. Given separation of the proposed dwelling from Oakhurst Cottage, it would not harm the living conditions of residents of that property and the location further away than the converted stable building may result in improvements to their living conditions over that proposed development. I note that the application followed pre-application advice and the appellant sought to negotiate with the Council during the course of the application. However, these matters would not outweigh my conclusions on the main issues.

Conclusion

14. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the development plan, comprising the LP and NP, and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned development plan. Consequently, the appeal should be dismissed.

AJ Steen

INSPECTOR