The Planning Inspectorate

Appeal Decision

Site visit made on 21 June 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/D3830/W/18/3211547
Cuttinglye Farm, Cuttinglye Road, Crawley Down RH10 4LR

- 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 Mrs L Abudy, Mrs C Clark and Mrs A Lentz against the decision of Mid Sussex District Council.
- The application Ref DM/18/0327, dated 23 January 2018, was refused by notice dated 20 March 2018.
- The development proposed is the change of use of existing rural building to form a 3-bedroom dwelling; new detached garage; demolition of adjacent (southeast) building; associated drive and landscaping.

Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the planning application the subject of this appeal was determined the Council has adopted the Mid Sussex District Plan 2014-2031 (LP). Both parties have had the opportunity to comment on the policies of the new plan.

3. The appellant has submitted a unilateral undertaking with the appeal which the Council has accepted. It has withdrawn its reason for refusal in respect of the mitigation of the effect of the development on the Ashdown Forest Special Protection Area. Similarly, having considered the additional information submitted with the appeal concerning the ecological matters referred to in its third reason for refusal, the Council concludes that the issue over protected species has been adequately addressed and that a planning condition could secure the protection of the ancient woodland. I have no reason to disagree with its conclusions on these matters.

Main issues

4. Accordingly, the main issues are:

   - the effect of the proposed development on the immediate setting, and the quality of the rural and landscape character of the area; and,

   - whether it would be sustainably located to minimise the need for travel.

Reasons

Setting and rural and landscape character

5. The site lies outside the built-up area boundaries, in the countryside, which LP policy DP12 protects for its intrinsic character and beauty. It permits development here, provided it maintains or enhances the quality of the rural and landscape character of the District, and where either it is necessary for agriculture, or it is supported by another policy in the development plan. One such policy is LP policy DP15. This permits the re-use and adaptation of rural buildings for residential use in the countryside where it would lead to an enhancement of the immediate setting, and where the quality of the rural and landscape character of the area would be maintained.

6. Once part of a pig small-holding, the buildings now have a disused agricultural appearance. The site has in my view, two immediate settings. The side of the site which leads from the road already encompasses a house and the other old, agricultural buildings. This setting would not be harmed by the proposed residential use. Selective tree planting and sensitive landscape design could enhance the setting towards the road.

7. Notwithstanding this, the barn stands towards the edge of a kind of promontory which adjoins the expansive sloping grassland, surrounded by mature woodland, and which leads the eye to the hills beyond. In this second, immediate setting of the site, the residential use of this building, and in particular the use of the land around it with domestic activities and their accompanying paraphernalia, would change that very rural, undeveloped setting to one of no more than a large garden of a dwelling.

8. I acknowledge that there would be a reduction in the area of hardstanding, as well as building footprint and volume if the building to the south-east of the barn were demolished. However, with its long, low form and shed-like materials it appears to have an agricultural connection with the field beside it. Its character belongs in this rural landscape context. By comparison, despite the numerical uplift, the stark contrast between the residential use of the barn and land around it in such an open landscape would not maintain the quality of the rural and landscape character of the District.

9. The alterations proposed for the conversion of the barn are modest in their size and number of openings, and sensitive to the form and scale of the building. They would amount to re-use and adaptation. But this does not change the bearing of the residential use on the landscape setting immediately beside it. I have taken into account the trees which screen the site from Cuttinglye Road, and the trees proposed alongside the extended drive, however these would not overcome the effect of the proposal on the open landscape sweeping down from the barn. I appreciate the appellants' point that a permissive policy for re-use suggests that the effects of residential use must to some degree be acceptable. However, the policy requires the effect of re-use against the immediate setting as well as the rural and landscape character of the area to be considered.

10. The proposed development would not enhance the immediate setting. The quality of the rural and landscape character of the area and the District would be eroded by this development. While policy CDNP05 of the Crawley Down Neighbourhood Plan 2014-2031 which requires the scale and form of residential

development to fit unobtrusively with the character of the area has less relevance to this proposal, it would nonetheless conflict with LP policies DP12 and DP15.

Location of the development

11. Given the number of dwellings nearby, the proposed dwelling would not be isolated in terms of the National Planning Policy Framework (the Framework) which indicates in paragraph 79 that isolated homes in the countryside should be avoided. Nonetheless, to support the objectives of the West Sussex Transport Plan 2011-2026, LP policy DP21 requires development to take account of whether it is sustainably located to minimise the need for travel. The nearest services and facilities are in Crawley Down, around a 30-minute walk from the site approached along unlit, country roads with no footways. Cross-country alternative routes are unlikely to be viable in poor weather or in the dark or for those requiring assistance. The half-hourly bus services at the end of the road do not run as frequently in the evenings and on Sundays.

12. These factors suggest that the distance of the site from day to day services and facilities and the limited access to them, would make future occupiers dependent on the car. However, policy DP21 acknowledges that there may be circumstances where development needs to be located in the countryside. Moreover, while the Framework says that the planning system should actively manage patterns of growth to promote sustainable transport, it acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that where there are groups of smaller settlements, development in one village may support services in a village nearby.

13. I have had regard to the appeal[1] on this site in 2016. However, that was dismissed under a different policy context, and a Local Plan which had more prescriptive transport policies. The proposed development, for the conversion of a building as provided for under LP policy DP15, would not conflict with LP policy DP21 where it seeks development to be sustainably located to minimise the need for travel.

Other matters

14. The appellants refer to a planning application at 'the Crest', granted planning permission by the Council. That application concerned an annexe to an existing dwelling rather than the conversion of a building to form a new dwelling, and that site was considered suitable to accommodate the proposal. Given the different circumstances and policy context, I can draw no parallels which lead me to a different conclusion in this case, which I have considered on its own merits.

Conclusion

15. I have found that while the proposed development would not conflict with the development plan where it seeks development to be sustainably located to minimise the need for travel, it would not enhance the immediate setting and it would harm the quality of the rural and landscape character of the area,

[1] Appeal Ref: APP/D3830/W/16/3145756

placing it in clear conflict with the development plan as a whole. Whilst it would bring social and economic benefits from additional housing and from the spending of future occupiers in the local economy, these would be modest. They would not outweigh the landscape harm identified above. For these reasons and taking into account all other matters raised, the appeal is dismissed.

Patrick Whelan

INSPECTOR