
Appeal Decision

Site visit made on 7 June 2019

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

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/Y9507/W/19/3224462

Land between the Vicarage and Forest Mead, Linchmere Common Road, Linchmere GU27 3NE

- 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 & Mrs Knapp against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/18/04813/FUL, dated 13 September 2018, was refused by notice dated 14 November 2018.
 - The development proposed is the conversion of barn and stables to a single residential dwelling, with stable extension and single storey glazed link extension following removal of two storage containers.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of barn and stables to a single residential dwelling, with stable extension and single storey glazed link extension following removal of two storage containers on land between the Vicarage and Forest Mead, Linchmere Common Road, Linchmere GU27 3NE in accordance with the terms of the application, Ref SDNP/18/04813/FUL, dated 13 September 2018, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary matters

2. Since the appeal was lodged, the South Downs Local Plan (2014-33) (LP) has been adopted. Its policies, to which both parties have referred, supersede those of the Chichester District Local Plan cited on the decision notice. My consideration of the appeal takes account of this altered policy context.

Main issues

3. The site lies outside a defined settlement boundary, in the Linchmere Conservation Area (CA) and within the South Downs National Park. Therefore, the main issues are:
 - whether the location of the proposed development would accord with development plan policies which restrict development outside defined settlement boundaries;
 - its effect on the character and appearance of the area; and,
 - whether it would result in the loss of visitor accommodation.
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Reasons

The location of the proposed development

4. LP policy SD26 sets out figures for how many new homes will be provided in towns and villages including windfall development. LP policy SD41 permits the conversion of redundant agricultural or forestry buildings outside of defined settlement boundaries. However, as the last use of the buildings was in connection with equestrian purposes it has limited relevance. Notwithstanding this, LP policy SD25 permits, exceptionally, development outside settlement boundaries, subject to a number of alternative criteria, including where it is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
5. Given that there are houses and gardens on two of the long sides of the site, a dwelling would not, in my view, be inappropriate. The site was previously used for housing horses and storing their feed, and there is no evidence that it does not meet the definition of previously developed land in the National Planning Policy Framework.
6. Given the houses beside each flank of the site, the development is not isolated. Calmesdale, 1.5km away, is the closest defined settlement. There is no dispute that the future occupiers of the development would rely on the private car to access everyday services, community facilities and employment. However, there is planning permission for a similar conversion, but for use as holiday accommodation rather than as a dwelling. The occupation of the building by holiday-makers may involve car trips to and from the site, for access, and pleasure, as well as for necessity, seeking services or facilities in nearby settlements. While there is no substantive evidence on the number of anticipated visitors or their modes of transport, and while I appreciate that the accommodation may not be occupied throughout the year, during seasonal peaks the number of trips may be substantially greater than those generated by the use of the building as a dwelling.
7. The appellant says that the visitor accommodation permission will be implemented should this appeal fail. I saw at my visit that builders had taken possession of the site. In these circumstances, the permission is in my view a realistic fallback, and the number of trips in connection with that use should weigh in the balance against the environmental dimension of sustainable development. Moreover, while the National Planning Policy Framework (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.
8. In these circumstances, the distance of the development from services and facilities is not a factor which leads me away from the clear support for the appropriate reuse of a previously developed site in the development plan, as set out in LP policy SD25, with which the proposal accords. I turn now to the effect of the development on the special qualities of the National Park.

Character and appearance

9. The appeal site appears as part of a large, rectangular paddock, with stables and a barn, opposite Linchmere Common Road. The large gardens of large houses enclose its two long sides, which in turn form part of a sporadic, ribbon of development along Linchmere Common Road and Danley Lane. The Conservation Area Appraisal and Management Plan 2016 describes Linchmere as a village, a dispersed woodland settlement set in a landscape of small pasture fields and historic common land. In the context of the surrounding pattern of development, a single dwelling of the area proposed, set in an enclosure of land of comparable size to neighbouring houses, would not be out of character with that description of the CA. It would not undermine its significance.
10. The dwelling curtilage would be limited in area, largely behind the buildings, with the paddock retained in connection with the stables. I appreciate that there would likely be domestic paraphernalia accompanying the residential use of the land. However, I have concluded that the implementation of the visitor accommodation permission is a fall-back. The visual effect of the use of the area outside the buildings as a dwelling would be little different to what could take place under that permission. Given the bearing of the dwellings to both sides of the appeal site, there would be no visual incompatibility from the use of the garden for this proposal, and no harm from this to the setting of the buildings or the surrounding area.
11. In terms of the appearance of the proposal, I appreciate that the overhanging feature of the west building would be lost. However, the building would retain sufficient character of its original use from its retained form and detailing. The removal of the two storage containers would improve the setting of the buildings for conversion. The glazed link between the buildings would be relatively short, set back from the front elevations, its eaves would run at the same level as the buildings it joins, and its ridge would be lower than the adjoining roofs. The attractive barn doors would be retained, and the new openings would be sensitive to the solid: void ratios of the existing buildings. Overall, the alterations would be sensitive to the appearance of the existing buildings and to the rural vernacular. The character and the appearance of the CA, the desirability of the preservation and enhancement of which I am required to pay special attention, would not be harmed.
12. While the site lies outside any defined settlement boundary, and though Linchmere has a distinctly rural character, given the residential pattern of development to both sides of the site, the limited extent of the curtilage, the low scale of the buildings for conversion and the screening on the road side, I find the proposal would conserve the special qualities of the National Park and its landscape and scenic beauty, which the Framework says has the highest status of protection. There would be no conflict with LP policies SD1, SD4, and SD5 which require development to conserve and enhance landscape character with a landscape-led approach which contributes positively to the overall character and appearance of the area.

Visitor accommodation

13. LP policy SD23 resists the loss of visitor accommodation where there is no evidence that the use is unviable. There is no visitor accommodation which would be lost. Moreover, the application the subject of this appeal sought the

conversion of a barn and stables to a dwelling, not the change of use from visitor accommodation to a dwelling. Accordingly, there is no conflict from this proposal with LP policy SD23.

Other matters

14. I have taken into account the representations from neighbouring occupiers. However, given the distance of the dwelling and its curtilage from surrounding housing, as well as the tree and shrub screening on the boundaries I can identify no harm to their living conditions.

Conclusion and conditions

15. I have found that there would be no loss of visitor accommodation, and that the proposal would be an appropriate reuse of a previously developed site, which would conserve the special qualities of the National Park. It would therefore meet one of the exceptional criteria for development outside a defined settlement boundary as set out in LP policy SD25, and accord with LP policy SD26.
16. I have considered the conditions suggested by the Council against the advice in the Planning Practice Guidance and adjusted their wording and timing to reduce the burden of unnecessary submissions. A condition listing the approved drawings (2) is needed for certainty. Given the conversion nature of the development and its very limited scale, and the space on-site, a condition for wheel-washing, material storage and construction traffic parking and turning is unnecessary. To retain amenity, retained trees should be protected from construction work (3), which, to be effective, requires details to be resolved before construction. Details of materials, windows and doors are necessary to protect the appearance of the CA, as is the provision of storage for bikes and bins (4), though these do not need to be cleared before development starts above slab level. Given the open pasture beyond the site a scheme (5) of landscaping is required to integrate the garden and parking area to the wider landscape. In such proximity to surrounding occupiers a working hours condition (6) is justified.
17. Given the extensive unoccupied space on the site and the lack of parking in the surrounding roads I see no necessity to condition on-site parking or turning. The retained character of the converted buildings and their spacious rural setting limit the potential to enlarge the house without adversely affecting the character and appearance of the area or its rural setting is limited. Development permitted under class B (enlargement by addition or alteration of the roof) is excluded in a National Park. While the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I agree that a condition (7) to withdraw permitted development rights for enlargements under class A and incidental buildings and enclosures under class E would be necessary. The condition would not prevent development but would bring it under planning control.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

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 drawings:

614/01	EXISTING FLOOR PLAN AND ROOF PLAN
614/03 revB	PROPOSED FLOOR PLAN AND ROOF PLAN
614/04	EXISTING ELEVATIONS
614/05	PROPOSED ELEVATIONS
614/06	SITE LOCATION PLAN
614/07 revA	BLOCK PLAN
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 4) No development above ground floor slab level shall take place until details of the following have been submitted to and approved by the local planning authority in writing:-
 - a) proposed external facing materials
 - b) proposed windows
 - c) proposed doors
 - d) refuse and recycling storage
 - e) bicycle storageThe relevant works shall be carried out in accordance with the approved details.
- 5) Prior to the occupation of the development, a scheme of landscaping works shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) hard surfacing materials
 - b) planting plans (including tree planting), including for an area of native wildflower flora, together with written specifications (including tree pit details and cultivation)The hard landscaping works shall be carried out in accordance with the approved scheme of landscaping works before the occupation of the development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) Demolition or construction works shall take place only between 07:00 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements as provided for within Schedule 2, Part 1, Class A and no building or enclosure as described in Class E of that Order shall be constructed.

END OF SCHEDULE OF CONDITIONS