



Appeal Decisions

Site visit made on 7 August 2019

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal A Ref: APP/Z3825/Y/18/3219029

Ivy Cottage, The Haven, Billingshurst RH14 9BS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Jane Lorenz against the decision of Horsham District Council.
 - The application Ref DC/18/1130, dated 29 May 2018, was refused by notice dated 8 August 2018.
 - The works proposed are the erection of a two-storey extension.
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Appeal B Ref: APP/Z3825/W/18/3219034

Ivy Cottage, The Haven, Billingshurst RH14 9BS

- 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 Jane Lorenz against the decision of Horsham District Council.
 - The application Ref DC/18/1128, dated 29 May 2018, was refused by notice dated 8 August 2018.
 - The development proposed is described as "To consolidate the existing outbuildings for the erection of a two-storey dwelling".
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Decisions

Appeal A: APP/Z3825/Y/18/3219029

1. The appeal is dismissed.

Appeal B: APP/Z3825/W/18/3219034

2. The appeal is dismissed.

Procedural Matter

3. The decisions that led to these appeals pre-dated the publication of the latest version of the National Planning Policy Framework (the Framework) in February 2019. The Framework is a material consideration in decision-taking from the date of its issue¹, I will therefore take it into account in my assessment of the merits of the appeals. As no material changes were made in this latest version to the elements of the Framework of most relevance to the appeals, I consider that no prejudice would occur to any parties as a result of me proceeding on this basis.

¹ As set out in paragraphs 2 and 212 of the Framework

Main Issues

4. The main issues are firstly, in respect of Appeal A only whether the proposed works would preserve the host Grade II Listed Building and its special interest; and secondly, in terms of Appeal B only whether the appeal site is an appropriate location for new housing development with reference to local and national planning policy.

Reasons

The Site, Special Interest and Significance

5. The appeal site is part of a broken line of sporadic buildings, principally of residential and agricultural characters, addressing a relatively narrow and winding road. Open fields in the wider surroundings of the appeal site, including across road, impart a rural character to the appeal site's environs.
6. Towards the front of the appeal site is Ivy Cottage, a building included on the national list at Grade II. To the rear of the appeal site separated from it by a considerable degree there is a complex of equestrian buildings, some constructed of blockwork and of substantial scale, others principally of timber and of a lower scale.
7. Ivy Cottage is a small two-storey timber-framed building, which according to the Listing Description, dates from the 17th Century or earlier. Much of the building's significance and special interest derives from its historic construction techniques, its fabric, and its rustic appearance. A large one and a half storey L-shaped wing has been built, apparently in the mid-Twentieth Century, attached to Ivy Cottage by a small link building. The L-shaped footprint results in articulation both of the wing's elevations and its roofscape, which features half-hipped and gable ended elements and small dormer windows. These features add visual interest to the wing, and also create a massing that does not dominate Ivy Cottage. Indeed, due to these aspects, the wing serves to complement rather than detract from the character of the relatively diminutive Ivy Cottage.

The proposed works and development

8. The proposed works subject to Appeal A would remodel the L-shaped wing resulting in a wider broadly rectangular footprint. A wide expanse of flat-roof would span between the pitched roofs to the front and rear.
9. The proposed development subject to Appeal B would see the demolition of the buildings associated with equestrian uses towards the back of the appeal site in favour of a four-bedroom dwelling.

The effect of the proposed works-Listed Building

10. The alterations to the footprint of the wing that the proposed works would entail, taken together with the radically remodelled roof would result in a structure of considerable massing in clear contrast to the visual relief and interest created by the articulation of the wing's current elevations and roof. Moreover, the large expanse of flat roof would introduce an incongruous element at variance with the more traditional roof style of Ivy Cottage. In addition, the expansive flat roof would not only emphasise the appeal scheme's blocky appearance but would also result in a structure which would overwhelm

rather than complement the more diminutive Ivy Cottage. Consequently, these aspects of the proposed works would clearly erode the special interest of the Listed Building.

11. I accept that the proposals would directly affect fabric of less historical significance than that employed in the circa 17th Century element of the appeal building, and that views of the north elevation of the cottage would be relatively unaffected. Be that as it may, these aspects do not serve to mitigate the clear harm the proposed works would cause to the special interest of Ivy Cottage that I have described.
12. Accordingly, mindful of the duty imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, these considerations taken together, lead me to the conclusion on this main issue that the proposed works would fail to preserve the host Grade II Listed Building and its special interest. For these reasons too, the proposed works would conflict with Policy 34 of the Horsham District Planning Framework (adopted 2015) (the DPF) insofar as it expects proposals to reinforce the special character of the District's historic environment.

Location of the proposed development

13. Policy 26 of the DPF seeks to restrict development outside of the District's built-up area boundaries. It establishes that any proposal must be essential to its countryside location and in addition, amongst other things either support the needs of agriculture or forestry or enable the sustainable development of rural areas.
14. The appeal site is outside of the District's built-up area boundaries for the purposes of the DPF. Moreover, the proposed development would supply market housing, and the appellant has supplied no substantive evidence to establish that the mooted dwelling would be either essential to its countryside location, or that it would support the needs of agriculture or forestry.
15. As the proposed dwelling would be adjacent to Ivy Cottage, I accept the appellant's view that it would not be an isolated one- and on that basis the exceptional circumstances, which could justify such dwellings as set out within the Framework² do not apply in this case. Whilst not physically isolated in these terms, the appeal site is not proximate to the sorts of services that would meet the day-to-day needs of its occupants, which given the size of the proposed dwelling would be likely to include families. The nature of the highway to which the appeal site relates, unlit, relatively narrow and winding, with no footway and subject to the national speed limit in some parts and subject to a 40 miles per hour limit in others is one that would be unwelcoming for pedestrians or cyclists, particularly outside the hours of daylight. Consequently, the future occupants of the property would, for all practical purposes, be reliant on the car for the majority of their journeys.
16. Taken together, these aspects of the proposed development point to a low level of social and environmental sustainability- and lead me to the view that it has not been established that the appeal scheme would enable the sustainable development of rural areas. It has not been demonstrated therefore, that the proposed development would meet the relevant criteria of Policy 26 of the DPF.

² At paragraph 79

17. Accordingly, these considerations lead me to the conclusion on this main issue that the appeal scheme would not be an appropriate location for new housing development. For these reasons, the proposed development would conflict with Policies 2, 3, 4 and 26 of the DPF. Taken together, and amongst other things, these policies seek to ensure that the needs of the community are met through sustainable growth and suitable access to services and local employment, with development focused on defined built-up areas.

Other Matters

18. According to the appellant, the proposed works subject to Appeal A would improve the internal layout of accommodation making it more suited to family occupation. Be that as it may, it has not been established that the continued use of the Listed Building would be at risk in the absence of the proposed works. I consider therefore that the proposed works would not be necessary to secure the longevity of Ivy Cottage, and therefore that they would not result in the optimum viable use of the property. For these reasons the benefits accruing from the proposed works in these terms would clearly be private ones.
19. The proposed development subject of Appeal B would supply an additional family-sized dwelling on previously developed land, and the appellant considers that it would be a windfall development which would make a non-specific contribution to meet the Council's housing requirement. However, the Council contends that it can demonstrate a 5-year supply of housing sites, and the appellant has not contested this position. Consequently, the modest contribution that the proposal would make in housing supply terms is a matter that weighs in its favour to only a limited degree.
20. I saw that the equestrian buildings currently present at the site are of a design and materials palette wholly suited to their rural environs. They are not therefore visually harmful or incongruous elements. The proposed additional dwelling would replace these buildings, reduce the overall footprint of development on the site, and would be in a design which responds to its context. In these ways, the proposed development would avoid harm to the character and appearance of the area and would also preserve the setting of Ivy Cottage. Nevertheless, lack of harm in these terms is not a positive benefit of the scheme, and therefore weighs neither for nor against the proposal in the overall planning balance.
21. Neither the works subject to Appeal A, nor the development subject to Appeal B would, with appropriately-worded conditions attached, result in adverse residential amenity, archaeological or highway safety impacts. I note also the contents of the letter³, which indicates the structural feasibility of the proposals. However, these are not positive benefits of the scheme and thus have only a neutral effect on the overall planning balance.

Planning Balances and Conclusions

22. In terms of Appeal A, the Framework anticipates that once a finding of harm to the significance of a designated heritage asset has been reached that the magnitude of that harm should be assessed. In the current case the proposed works would clearly cause less than substantial harm to the significance of Ivy Cottage. Nevertheless, the Framework sets out⁴ that great weight should be

³ From Dixon, Hurst, Kemp Consulting Civil and Structural Engineers, Dated 30 April 2018

⁴ At paragraph 193

given to an asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Moreover, the harm should be weighed against the *public* benefits of a proposal including, where appropriate, where it would secure a heritage asset's optimum viable use⁵.

23. In the current case, for the reasons set out above, it has not been demonstrated that the proposed works would secure Ivy Cottage's optimum viable use. Moreover, no public benefits have been advanced in favour of the proposed works of a sufficient weight to tip the balance in their favour when set against the great weight and importance I attach to the harm that they would cause to Ivy Cottage's significance. For these reasons the proposed works would be in clear conflict with the Framework insofar as it requires heritage assets to be conserved in a manner appropriate to their significance.
24. In terms of Appeal B, Policy 1 of the DPF, amongst other things, requires that proposals which accord with the policies of the DPF should be approved without delay, which is not the case here. Moreover, none of the other matters advanced in favour of the appeal scheme are of a sufficient weight to justify a decision other than in accordance with the development plan, with which, in terms of the above-referenced policies, it would be in clear conflict.
25. Accordingly, for the reasons set out above, and taking fully into account all other matters raised, I conclude that the appeals should be dismissed.

G J Fort

INSPECTOR

⁵ Per paragraph 196 of the Framework