
Appeal Decision

Site visit made on 17 December 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020

Appeal Ref: APP/Y9507/W/19/3237331

Holdings Farm, The Street, Kingston, BN7 3NT

- 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 Christopher Morrell against the decision of South Downs National Park Authority.
 - The application Ref: SDNP/18/03306/FUL dated 19 June 2018, was refused by notice dated 25 April 2019.
 - The development proposed is erection of a new 2-bedroom detached dwelling on land adjacent to Holdings Farm.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the consideration of the application by the Authority, the proposals were amended, including a reduction in the number of bedrooms from 3 to 2, a reduction in the scale and height of the proposed dwelling, the proposed use of more traditional materials including black-stained timber cladding, an increase in the distance between the proposed dwelling and the boundary with the property to the west and a repositioning of the dwelling so as to align with the front elevations of the semi-detached dwellings to the north-east. This was also the proposal on which the Authority made its decision. It is noted that the appellant has also used the revised description on their appeal form and, for the avoidance of doubt, I have determined the appeal on this basis.
3. The decision notice cites policies from the Lewes District Local Plan (2003) (LDLP), the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 (2016) (JCS) and the South Downs Local Plan (submission document). However, since the Authority's decision, the South Downs Local Plan (2014-33) (SDLP) was adopted on 2 July 2019. The SDLP has superseded the policies of the LDLP and JCS in respect of the area designated as the South Downs National Park. I have therefore determined the appeal against the adopted SDLP. As both main parties refer to the adopted SDLP I am satisfied that neither parties' case is prejudiced by this approach.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the Kingston Conservation Area and the setting of nearby listed buildings.

Reasons

5. The appeal site is located on the south-east side of The Street, which is a dead-end road leading from the approximate geographical centre of Kingston to a public right of way onto the South Downs. The Street forms the historic core of Kingston and is predominantly lined with dwellings and other buildings of varying ages and designs, many of which are historic and listed. The Street is within both the Kingston Conservation Area (KCA) and the South Downs National Park.
6. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving the setting of listed buildings and the character or appearance of the KCA. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. In addition to the above, Section 62 of the Environment Act 1995 places a duty on public bodies to have regard to the purposes of National Parks in exercising or performing any functions in relation to or so as to affect land within a National Park. The first purpose of National Parks is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area comprised in the National Park. Paragraph 172 of the Framework explains that the conservation and enhancement of cultural heritage should be given great weight in National Parks.
8. The KCA was designated in 1972 and, from the information before me, covers the historic core of the settlement, principally The Street. The Kingston Conservation Area Character Appraisal (KCACA) was published in 2007 and describes the Conservation Area as being "notable for its linear form, with informal groups of houses, cottages and former and actual agricultural buildings, mostly listed". It also provides guidance for new development proposals, although the weight I can attach to it is less than that of a development plan policy.
9. The KCACA identifies a number of positive and negative characteristics of the Conservation Area, the former including "spacious plots often defined by flint walls" and the "use of red clay roof tiles, red brick, flint and weather-boarding". Negative characteristics include the "erosion of historic layout from the 1960s onwards by modern infill development, leading to the incremental infilling of gardens and open space" and the use of non-traditional materials.
10. My attention has been drawn to paragraph 1.2 of the KCACA, which sets out a summary of the recommendations, including "protect the conservation area from further infilling". The full recommendation, as set out in paragraph 8.1, is that there should be a presumption in favour of retaining existing gardens and green open spaces, particularly those which contribute positively to the character of the Conservation Area and are noted as such on the Townscape Appraisal Map, which forms part of the KCACA.
11. The appeal site is an existing garden, largely laid to lawn but with vegetation to the front boundary. Although not specifically identified on the Townscape Appraisal Map as a 'significant grassed open space' it does make a modest

- positive contribution to the character and appearance of the Conservation Area. The presumption of the KCACA is therefore against the proposed development.
12. From the Authority's evidence, the proposed dwelling would be approximately 2 m from one side boundary of the appeal site and 1.3 m from the other. I observed during my site visit that the majority of properties along The Street are on more spacious plots, which are identified in the KCACA as being a positive characteristic of the Conservation Area. Although there are some properties on smaller plots, the proposed development would be out of character with the prevailing pattern of development within the Conservation Area. Furthermore, this harm would be compounded by the reduction in the spaciousness of the existing plot of Holdings Farm that would result from the proposed development.
 13. I therefore conclude that the proposed development would be harmful to, and would therefore fail to preserve or enhance, the character or appearance of the KCA. The proposed development would therefore conflict in this respect with Policies SD12 and SD15 of the SDLP, which require development proposals to conserve and enhance the historic environment and preserve or enhance the special architectural or historic interest, character or appearance of conservation areas.
 14. In coming to the above view, I acknowledge that the requirement of Policy SD12 to 'conserve and enhance' does not reflect the wording of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which presents 'preserve' and 'enhance' as alternatives. However, the failure of the proposed development to do either is sufficient to render it in conflict with Policy SD12.
 15. The KCACA also recommends that all new buildings should include traditional materials, particularly flint, brick and handmade clay tiles. The external materials of the proposed dwelling would be black-stained timber cladding to the walls and a dark grey zinc roof. Although zinc is not a traditional material within the Conservation Area, the use of weather-boarding is identified in the KCACA as a positive characteristic of the Conservation Area. Overall, I consider the proposed materials to be acceptable for a building of the size and design proposed.
 16. Turning to the effect of the development on the setting of nearby listed buildings, I note that the appeal site is located adjacent to Old Holdings Farmhouse and opposite The Juggs public house, both of which are listed as Grade II.
 17. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 194 of the Framework requires clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting. The setting of a heritage asset is defined in the Glossary to the Framework as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral".

18. According to the National Heritage List for England (NHLE), Old Holdings Farmhouse dates from the 17th century, with 19th century alterations. No evidence has been provided to me of its special historic or architectural interest beyond its age. However, from the evidence before me and my observations during my site visit, it is clear that the original setting of the Farmhouse has significantly changed over time, and that the appeal site is separated from the Farmhouse.
19. The current openness of the appeal site allows an appreciation from The Street of the north-eastern elevation of Old Holdings Farmhouse, the main feature of which is a substantial chimney breast, although the view is partially obscured by existing vegetation. The proposed dwelling would obscure more of the Farmhouse from view from the north-east, but the chimney breast and front elevation of the Farmhouse would remain visible.
20. The appellant's evidence is that the proposed dwelling would be approximately 9.5 m from the Farmhouse and set back from the front elevation by some 2.5 m. The Authority suggests more generous distances; approximately 10.8 m and 4.3 m respectively. Even if I were to take the appellant's lower figures, these distances, together with the lower height of the proposed dwelling, would mean that it would not be significantly intrusive in views of the Farmhouse from The Street. Furthermore, the relatively plain and simple design of the proposed dwelling would not clash or compete architecturally with the listed building.
21. The NHLE indicates that The Juggs public house dates from the 17th century or earlier. The appeal site is separated from The Juggs by The Street and the proposed development would not detract from the significance of this listed building or diminish the ability to appreciate that significance. I note that the Authority has not expressed any concern about the effect of the proposed development on the setting of The Juggs.
22. I therefore conclude that the proposed dwelling would not harm, and would therefore preserve, the settings of Old Holdings Farmhouse and The Juggs public house. The proposed development would thus not conflict in this respect with Policies SD12 or SD13 of the SDLP, which require development proposals to safeguard heritage assets and their setting and to preserve and enhance the significance of a listed building and its setting by demonstrating that loss of historic fabric and detail of significance is avoided.
23. In respect of views from the settlement to the countryside beyond, I observed during my site visit that the openness of the site affords a glimpse of the South Downs from The Street between Old Holdings Farmhouse and the garage to that property, although the view is restricted by vegetation on the boundary between the appeal site and Old Holdings Farmhouse and it is not identified as an 'important' view in the KCACA.
24. Furthermore, the proposed dwelling would be set back from The Street, thus retaining a significant open area to the frontage. Its positioning and height would be such as to still allow a glimpse of the South Downs either above it or between it and Old Holdings Farmhouse. It would not affect the principal view of the Downs south-westwards along The Street. I note that the Authority does not contend that the proposed development would conflict with Policy SD6 of the SDLP which seeks to safeguard views.

Heritage balance

25. In the terms of the Framework, I consider that the harm I have identified above can only be considered to be less than substantial. In accordance with paragraph 196 of the Framework, it is necessary to weigh this harm against the public benefits of the proposed development.
26. The development would result in the addition of a dwelling to the housing stock within the South Downs National Park and thus gains support from paragraph 59 of the Framework, which sets out the Government's objective of significantly boosting the supply of homes, and paragraph 68, which recognises the contribution of small and medium-sized sites to meeting the housing requirement of an area. The proposed development would also contribute to the social and economic objectives for the planning system to achieve sustainable development, the latter through the construction of the dwelling and the contribution of its future occupiers to the economy of the area.
27. However, the contributions of a single dwelling to the housing supply and social and economic objectives of the Framework would be modest. Whilst the proposed development would represent an effective use of land in meeting the need for homes in accordance with paragraph 117 of the Framework, it would not safeguard or improve the environment as required by that paragraph. As a residential garden within a built-up area, the appeal site does not fall within the definition of 'previously developed land' in the Glossary to the Framework and thus the proposal gains no support from paragraph 118 c) of the Framework.
28. The proposed development would not be sympathetic to local character or represent appropriate innovation or change as required by paragraph 127 c) of the Framework. Furthermore, the proposed development would not contribute to the environmental objective for the planning system as it would fail to protect and enhance the historic environment.
29. Accordingly, even in combination, the public benefits of the proposed development would not outweigh the great weight I must attach to the harm to the character and appearance of the Kingston Conservation Area. The proposed development would therefore conflict with the heritage aims of the Framework in this respect.

Other Matters

30. The appellant draws my attention to Policy SD26 of the SDLP which identifies an additional approximate 11 homes in Kingston during the period 2014 – 2033. The SDLP also separately estimates an overall 51 'windfall' dwellings per year across the South Downs National Park, generally as infill development primarily within settlement boundaries. The appeal site is within the Settlement Boundary for Kingston identified on the SDLP Individual Area Map for Kingston. In addition, the size of the proposed dwelling accords with the presumption in favour of smaller dwellings in Policy SD27 of the SDLP. These lend support, in principle, to the proposed development.
31. However, Policy SD26 explains that the level of housing indicated is provided through sites either allocated in the SDLP, in Neighbourhood Development Plans or substantially completed at the time of the submission of the Local Plan. Kingston Parish Council draws my attention to Policy SD74 of the SDLP, which allocates a site at Castelmer Fruit Farm in the village for up to 12 new

homes, and to planning permissions for a total of 12 dwellings on windfall sites in the village.

32. Regardless of the above, the Development Plan should be read as a whole and I have found conflict with Policies SD12 and SD15 and, to my mind, the support from Policies SD26 and SD27 or the windfall estimate do not outweigh this conflict.
33. The appellant has also raised concerns over procedural issues in the determination of the application by the Authority. Whilst there is little evidence to indicate whether the Planning Committee did or did not undertake the required heritage balance, I have undertaken such a balance and as such I only give this concern very limited weight in my decision. I am also aware that the Planning Officers recommended that permission be granted for the proposed development. However, the Authority's decision was to refuse to grant permission.
34. Finally, I note the support for the proposed development from a local resident. However, this support does not outweigh the harm I have identified and consequent conflict with the Development Plan.

Conclusion

35. Taking all matters into account, including the letter of support, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR