



Appeal Decision

Site visit made on 6 January 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/R3650/W/19/3236881

Barn between South Lodge and Jays Cottage, Horsham Road, Ellens Green, Horsham RH12 3AS

- 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 Michael LoRusso against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0558, dated 11 March 2019, was refused by notice dated 20 June 2019.
 - The development proposed is the conversion of an existing barn into a residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing barn into a residential dwelling at the Barn between South Lodge and Jays Cottage, Horsham Road, Ellens Green, Horsham RH12 3AS in accordance with the terms of the application, Ref WA/2019/0558, dated 11 March 2019, and the plans submitted with it, subject to the conditions set out in Annex A.

Main Issue

2. The main issue is whether the proposed development would represent re-use of a building in a rural area, and if so; whether it would comply with relevant development plan policies contained within the Waverley Borough Local Plan (Part 1) 2018.

Procedural Matter

3. The Councils' Decision Notice cited two reasons for refusal. The first reason for refusal is the main issue under consideration in this appeal. The second reason for refusal stated that 'it has not been demonstrated that the proposal would not result in harm to protected species. The proposal is therefore contrary to Policy NE1 of the Waverley Borough Local Plan 2018 (Part 1) and the NPPF 2019.' Given the comments received from Sussex Wildlife Trust regarding the appellants recent bat scoping report, and the fact that there is unlikely to be the presence of bats or their habitat on the appeal site, the Council will not be contesting the second reason for refusal. I see no reason to disagree with the agreed position of both main parties. I have proceeded accordingly.

Reasons

4. The appeal site is set back from the B2128 on an overgrown 'L' shaped plot of land between South Lodge and Jays Cottage that is accessed through a metal five bar gate. To the rear 'dog-leg' of the site there is a disused concrete agricultural building that appears at one time to have been used for storage. The land surrounding the building is occupied in part by storage containers and vehicle scrappage. The nearby area is typified by loose-knit development along the main road adjacent open countryside. I noted at the time of my site visit that bus routes serve the site, including the No 63 to Horsham which is approximately 8 miles away. The smaller settlement of Cranleigh is approximately 4 miles away. In combination Horsham and Cranleigh offer a good range of day to day services.
5. The proposal would convert the existing barn structure into a residential dwelling and use new materials to clad and insulate the property. However, although the main parties agree that the proposal is located in a rural area the development must comply with relevant local development plan policy; in this case Policy RD7 of the Waverley Borough Local Plan (Part 1) 2018 (WDBLP).
6. Policy RD7 sets out a number of criteria, which if met, will permit re-use and the adaptation of buildings in rural areas. The criteria relevant to the proposal are as follows: (a) the building is capable of retention/reuse without substantial reconstruction or enlargement and the proposed use would not detract from the appearance or character of the existing building; (b) the building to be retained is in keeping with its surroundings and does not detract from the character or appearance of the area by reason of its form, bulk or general design; (c) the proposed development will not introduce an activity which will adversely affect the character or amenities of the area; (d) the proposed development will not be materially detrimental to the amenities or privacy of nearby properties; (f) the amount of traffic likely to be generated would not prejudice highway safety or cause significant harm to the environmental character of country roads; and (g) satisfactory vehicular access can be achieved.
7. The appellant has provided a structural report carried out by a professional Chartered Building Surveyor who concluded that the building is adequate for conversion into a dwelling without the need for re-construction. Moreover, the building would retain its' existing footprint and be clad in materials, such as a natural slate roof, that would be in keeping with its' rural surroundings. The proposal would be a modest residential dwelling of similar use and activity to most of the surrounding dwellings, and hence have a limited effect on the amenity or privacy of nearby properties. Similarly, the traffic generated by this scale of development would have minimal effect on the highway safety or environmental character of country roads. In consideration of the vehicular access, the appeal site has an existing separate access fronting directly onto the B2128 which could be conditioned to ensure the required visibility splays, as set down by Surrey County Council Highway Authority, are met.

8. Therefore, the proposal accords with Policy RD7 of the WDBLP which says that the re-use and adaptation of all buildings in rural areas will be permitted subject to the criteria set out above, and Policy RE1 which says that the intrinsic character of the countryside will be recognised and safeguarded in accordance with the National Planning Policy Framework (the Framework). Paragraph 79 of the Framework states that development of isolated homes in the countryside should be avoided unless one or more special circumstances apply. In this case the appellant has provided evidence that the development would be the re-use of a redundant or disused building that would enhance its immediate setting. Indeed, from the 'evidence on the ground' seen at my site visit the building has been dis-used for some time. As such, the proposal with its' renewed cladding and other materials would enhance the immediate setting. Therefore, as the proposal accords with Policies RE1, Policy RD7 of the WDBLP and Paragraph 79 of the Framework the development should proceed without delay.

Other Matters

9. I note the Councils' concerns in respect of the location of the proposed development and the accessibility of day to day services. However, the appeal site is at a relatively short distance to the services in Horsham and Cranleigh, both of which can be accessed by future occupiers by bus or car in similar ways to the existing residents in the nearby surroundings.

Conditions

10. I have considered the suggested conditions against Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance and imposed the following conditions; a standard time limit condition, for certainty a condition requiring that the development is carried out in accordance with the approved plans. To protect the visual amenity of the area, a condition related to external materials. There is also a condition that sets out the hours and days of work permitted on the site. To ensure the protection of environmental quality there is a condition imposed related to the burning of waste. To enhance the immediate setting a landscaping condition is imposed. There is also a condition related to parking and turning to ensure adequate provision related to the approved dwelling. There is a condition related to visibility splays to ensure Highway Safety, and a condition for lighting is imposed to protect and enhance existing species and habitats on the site, and to enhance biodiversity. The Council's suggested conditions 2, 6, 7, 8, 9, 11 and 13 related to the provision of a Construction Environment Management Plan, Surface Water Management Drainage Scheme, Construction Management Plan, Cycles, Site Management Plan, Electric Vehicle Charging Points and Water Use have been removed as it would be onerous and unreasonable in respect of a single dwelling of this scale.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Appendix A - 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 plans: 16/40/1, 16/40/4 and 16/40/5.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan No 16/40/5.
- 4) Construction works pursuant to this permission shall not take place other than between the hours 08:00 and 18:00 Mondays to Fridays and between 08:00 and 13:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.
- 5) There shall be no burning of any waste or other materials on the site during the construction phase.
- 6) All planting, seeding or turfing 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.
- 7) The development hereby approved shall not be first occupied until a scheme for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear is submitted to and approved in writing by the Local Planning Authority, in consultation with Highway Authority. The approved scheme shall then be provided prior to first occupation of the proposed development.
- 8) The development hereby approved shall not be first occupied unless and until the proposed vehicular access has been constructed and provided with 2.4 x 43m visibility splays in accordance with the approved plans and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m high.
- 9) No floodlights or other forms of external lighting shall be installed at the premises without the prior permission in writing of the local planning authority.

*****End of Conditions*****