



Appeal Decision

Site visit made on 24 July 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/Y9507/W/19/3227928

Downmere Farm, Mill Lane, Poynings BN45 7AE

- 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 Ms Carolyn Copperwheat against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/04966/FUL, dated 24 September 2018, was refused by notice dated 10 December 2018.
 - The development proposed is described as 'conversion of a redundant barn to a single dwelling with the provision of soft landscaping and parking area'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised on 19 February 2019 (the 'Framework'). I have taken the Framework into account as part of the determination of this appeal.
3. The South Downs National Park Local Plan 2014-2033 (the 'SDLP') was adopted on 2 July 2019. The SDLP replaces the Mid Sussex District Local Plan (2004). It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.
4. Following the submission of further ecological information in relation to the extent of works to the vehicle access point over the existing water course, and the potential for harm to the ecology or habitats of the stream and immediate vicinity, the Authority have advised that they no longer wish to defend the fourth reason for refusal which relates to protected habitats and species. I do not disagree with the views of the Authority in respect of this matter and hence it does not fall to be considered as a main issue.
5. In light of the above, the appellant has submitted an amended site plan, which confirms that the existing gate and entrance bridge would not be widened as part of the development. As this is a minor amendment, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if determine the appeal in accordance with this amended plan. For the avoidance of doubt, I have therefore determined the appeal on the basis of the amended site plan.

Main Issues

6. The main issues are:

- Whether or not the proposal would accord with housing policies for the area as outlined in the adopted development plan;
- the effect of the development upon the character and appearance of the area, including whether or not the proposal would conserve and enhance the South Downs National Park; and
- whether or not the development would conserve and enhance the intrinsic quality of the South Downs International Dark Night Skies.

Reasons

Housing policies

7. The appeal site is located within the South Downs National Park (the 'SDNP') near to the settlement of Poynings. The site is occupied by an agricultural barn, which is accessed by an existing driveway served via Mill Lane. The barn is a single storey building with a rectangular layout under a dual pitched roof. The evidence before me indicates that the building was originally used as a poultry barn, but the farming use has now ceased, and the building has most recently been used to stable horses. It is proposed to convert the barn into a four-bedroom dwellinghouse.
8. SDLP Policy SD41 relates to the conversion of redundant agricultural or forestry buildings within the SDNP. Amongst other things, the policy states that the conversion of redundant agricultural or forestry buildings outside of defined settlement boundaries to an alternative use will be permitted where: (c) the original building is worthy of conversion with regard to its current character, scale and condition, without the need for substantial reconstruction, significant extensions or ancillary buildings.
9. Paragraph 7.201 of the supporting text to SDLP Policy SD41 explains that many but not all agricultural or forestry buildings will be suitable for conversion. Buildings which are generally not suitable for conversion include those which would require substantial reconstruction or structural works to accommodate the new use.
10. In addition to the development plan, the Authority have drawn my attention to advice contained within the Planning Practice Guidance¹, which relates to the change of use of agricultural buildings to residential use. However, the advice specifically relates to works permitted by virtue of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the advice is not relevant to the matters in contention in this appeal.
11. The appeal is supported by a Structural Report and Schedule of Structural Work (SSW). The SSW sets out that the entire existing asbestos roof needs to be changed, and, rotten/damaged the timber beams, timber purlins, timber posts and timber studwork would need to be replaced. In addition, the external walls and internal masonry plinths would require underpinning, and, the

¹ Planning Practice Guidance – Paragraph: 105 Reference ID: 13-105-20180615 (Revision date: 15 06 2018)

- existing floor slab would need to be broken out and reformed at a lower level to allow sufficient headroom within the proposed dwelling.
12. Despite the fact that a proportion of the original building fabric would be retained as part of the proposal, I note that the existing foundations are not suitable for the proposed use and that the existing floor slab needs to be broken up and reformed at a lower level. In addition, the existing roof and a number of timber elements need to be replaced throughout the entire building due to rot and damage. Taken collectively, owing to the overall extent of the proposed works, which would include extensive works to existing structural elements that are integral to the building, I consider that the existing building is not capable of conversion without substantial reconstruction. To this extent, the proposal would not accord with Policy SD41 of the SDLP.
 13. Paragraph 7.204 of the supporting text to Policy SD41 of the SDLP explains that any significant rebuilding would be considered new-build rather than a conversion, which would instead be subject to an assessment against SDLP Policy SD25 and other relevant Local Plan policies as applicable.
 14. Policy SD25 of the SDLP sets out the Authority's approach for development within settlement boundaries and the open countryside. In this instance, the appeal site is situated within the open countryside, outside of the settlement boundary of Poynings. Therefore, for the purposes of Policy SD25 of the SDLP, the appeal site is within the open countryside.
 15. Criteria 2 of Policy SD25 exceptionally supports development outside of settlement boundaries where it complies with other development plan policies and responds to the context of the relevant broad area or river corridor. In addition, the policy sets out four criteria where development will be permitted outside of settlement boundaries. They are as follows: (a) it is allocated for development or safeguarded for the use proposed as part of the development plan; or (b) there is an essential need for a countryside location; or (c) in the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or (d) it is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
 16. In respect of (a), allocated sites and safeguarding, the appeal site is not allocated for residential use within the development plan. In respect of (b), essential need, no technical information has been put forward to demonstrate that there is an essential need for the proposed dwelling within the open countryside. In respect of (c), community infrastructure, this is not applicable in respect of the appeal as it relates to a proposed open market dwelling.
 17. In respect of (d), the re-use of previously developed land, the parties agree that the proposal would result in reuse of a previously developed site. However, the Authority state the proposed use would not be an appropriate reuse of the site because it would not conserve and enhance the special qualities of the SDNP. I have dealt with this matter as a separate main issue, and, for the reasons given, I have concluded that the proposal would fail to conserve and enhance the landscape and scenic beauty of the SDNP. Consequently, the proposal would not accord with Policy SD25 of the SDLP.
 18. The appellant argues that by virtue of the site's proximity to the facilities and services within the settlement of Poynings, it is thus a suitable location for

residential development. Whilst full details have not been put forward about the extent of local facilities and services within Poynings, on my site visit I noted that there was a public house, village hall and church within the settlement.

19. On my site visit, I noted that the appeal site is accessed by a long private driveway, which connects to Mill Lane. The driveway is an unlit and unmade surface. In addition, Mill Lane is a single width rural lane which has no pavements and no street lighting. Given the distance between the site and local services and the aforementioned road conditions, I consider that walking to the local services and facilities within Poynings would not be an attractive alternative to the use of the private motor vehicle for many journeys, particularly at night or during the winter months when there would be an absence of daylight.
20. In terms of public transport options, the appellant states that Poynings is served by a bus stop, which would be accessible to future occupants of the proposed dwelling and offer access to the immediate and wider locality. However, no details have been put forward about the location of the bus stop, any bus routes or the frequency of any service. The Authority dispute the appellant's assessment and state that *"although bus stops are located within walking distance of the site there are no footways and the streets are unlit and it is likely that future occupants would be reliant upon the use of the private car."*
21. Based on the evidence before me, I cannot conclude that there are frequent bus services within Poynings which would provide a suitable and alternative means to commute to and from work on a daily basis. Consequently, the uncertainty relating to this matter is such that I am unable to conclude that bus services are available that would provide an attractive alternative to the use of the private motor vehicle for most journeys.
22. In terms of the option of cycling, the Authority states that cycling would be a viable option within the vicinity for 'experienced cyclists'. Whilst this may be the case, the site is located within a rural area and cycling in the dark would be predominately along unlit rural roads, which would not be a safe or convenient alternative to the private motor vehicle for most journeys.
23. My attention has been drawn to two planning approvals² at Downmere Farm, which relate to the erection of a detached dwelling and the creation of a new access and separate boundary on a nearby site. The Authority contend that the approved development is not comparable to the current proposal because it makes optimal viable use of a heritage asset, which is not a matter being considered as part of this appeal. I do not disagree that the developments are not directly comparable, and, in any event, I have determined this appeal on its individual planning merits.
24. In addition to the above, the appellant has referred to an appeal decision³ which grants planning permission for the conversion of a packing shed to a residential dwelling. However, no plans or supporting information about the development has been submitted and therefore I am unable to assess its relevance in respect of the current appeal. In any event, I note that the

² Authority Reference: SDNP/18/01971/HOUS and SDNP/18/01972/FUL

³ Appeal Reference: APP/D3830/W/15/3139204

Authority state that the appeal decision relates to a site within a settlement policy boundary outside of the National Park, where different policies and material considerations apply. As such, I have given limited weight to the appeal decision.

25. For the collective reasons given above, I conclude that the proposal would not accord with Policies SD25 and SD41 of the SDLP, which set out the Authority's strategic housing policies for the Plan Area in relation to the conversion of redundant agricultural or forestry buildings and development within the open countryside. For these reasons, I also conclude that the proposal would represent an unsustainable form of development and therefore the proposal would not accord with Policy SD1 of the SDLP, which seeks to deliver sustainable development within the SDNP.
26. In reaching the above conclusion, I would also add that I consider that the proposal would lead to an isolated home in the countryside owing to the fact that the resultant dwelling would be physically separated from nearby development by agricultural fields. The appellant states that the proposal would accord with paragraph 79c of the Framework. However, as I have found that the proposal would require the substantial reconstruction of the existing building, I consider that the proposal would not constitute the reuse of the existing building, and thus paragraph 79c of the Framework is in this case not applicable.

Character and appearance

27. The existing barn is located within a small paddock that is part of a wider network of small fields delineated by post and rail/wire fencing. To the rear of the building there are several trees and some fragmented mature vegetation, but the site is surrounded by fields. From the appeal site, views of several residential properties within the settlement of Poynings are present. The residential properties are predominately laid out in a fragmented linear pattern along the main roads with agricultural land beyond. As such, the local area has an intrinsically rural character.
28. Due to the open nature of the appeal site and surrounding field network, the existing building is visible within the local landscape from several nearby public footpaths. In addition, the site and the settlement of Poynings are visible from the Devils Dyke vantage point, which is situated on high ground behind the appeal site.
29. Due to the functional and simple design of the existing building, when it is viewed from the local landscape, including from the nearby public footpaths, it is clear that the building has an agricultural character and appearance. As such, it is in-keeping within the rural landscape, and thus has a neutral impact upon the landscape and scenic beauty of the SDNP.
30. Despite retaining the form of the original building, the proposed alterations, which include the introduction of several sets of glazed doors to the front and side of the building and large rooflights, would create a building with an overtly domestic appearance. Consequently, the agricultural character and appearance of the existing building would be lost, and, overall, the proposal would change the landscape and scenic qualities of the local area by introducing an out of keeping and sporadic form of residential development within the open countryside, which would not relate to the existing rural character, nor the

pattern of residential development within Poynings. As such, the proposal would cause significant harm to the character and appearance of the area from local viewpoints including from the nearby public rights of way.

31. In addition to the above, and, despite its limited size and positioning, the proposed garden area would have an adverse impact on the rural landscape owing to the likely provision of domestic paraphernalia (e.g. tables, chairs, umbrellas, children's play equipment) within an agricultural setting. Whilst the reinstatement of the historic field boundaries would provide some benefit, this would not outweigh the harm to the character and appearance of the area. In addition, this benefit cannot be guaranteed in perpetuity due to factors such as disease and accidental damage.
32. In terms of the impact of the proposal upon views of the SDNP from the Devil's Dyke vantage point, whilst the views of the proposed development within the wider landscape context would be limited due to the distance between the appeal site and the vantage point, the proposal would nonetheless introduce an overt form of residential development and the associated domestic paraphernalia within an area that has an agricultural setting and is within the open countryside. As such, I am not persuaded by the appellant's Landscape and Visual Assessment⁴ conclusion that there would be 'no notable change' from long distance views. Furthermore, and as detailed above, landscape change would be significant when considered from more localised viewpoints.
33. For the reasons set out above, I conclude that the proposal would cause significant harm to the character and appearance of the area, and, it would therefore fail to conserve and enhance the landscape and scenic beauty of the SDNP. As such, the proposal would not accord with Policies SD4, SD5 and SD6 of the SDNP, which require development proposals to conserve and enhance the landscape character; to respect the local character through sensitive and high-quality design; and to conserve and enhance key views including views from public rights of way. For these reasons, I also conclude that the proposal would represent an unsustainable form of development and therefore the proposal would not accord with Policy SD1 of the SDLP, which seeks to deliver sustainable development within the National Park.
34. Consequently, the proposal would conflict with the aims of Paragraph 172 of the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

Dark night skies

35. The appeal site is located within Dark Sky Zone E1(a), which is an area of intrinsic rural darkness. Policy SD8 of the SDLP requires development proposals to conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core.
36. Criteria (2) of SDLP Policy SD8 states the development proposals must demonstrate that all opportunities to reduce light pollution have been taken, and must ensure that the measured and observed sky quality in the surrounding area is not negatively affected. Whilst Criteria (3) of Policy SD8 of the SDLP states

⁴ Landscape and Visual Assessment prepared by Furse Landscape Architects Ltd (Ref: Downmere Farm- LVA)

- that lighting which is proposed to be installed must meet or exceed the level of protection appropriate to the environmental zone, which is set out within a supporting table.
37. The proposal includes two rooflights on the rear roof slope and a linear rooflight on the front roof slope, which would stretch along the length of the dwelling. In addition, the proposed dwelling would feature glazed windows and doors to the front and west facing side elevation. There would be no windows on the rear elevation and a roller shutter door on the east side facing elevation.
38. Paragraph 5.61 of the supporting text to Policy SD8 of the SDLP explains that the spill of lights from large open glass windows and sky lights often present a greater source of light pollution than externally mounted lights. Consequently, it is important to control the lighting coming from these types of developments. The design of buildings should reduce the impact of light spill from internal lighting or suitable mitigation measures should be put in place.
39. The appellant states that the rooflights on the rear roof slope would be fitted with an electrically operated light sensor to prevent light pollution during night time hours. In terms of the linear rooflight, the appellant argues that due to its orientation it would face away from the Downs, and, thus have no adverse impact.
40. However, notwithstanding the proposed inclusion of an electrically operated light sensor and the orientation of the linear rooflight, no technical information has been put forward by the appellant relating to the level of light that would be emitted from the windows, doors, rooflights and linear rooflight associated with the proposed development. As such, an assessment cannot be undertaken to determine whether or not the proposal would meet or exceed the level of protection appropriate to the Dark Sky Zone E1(a), as per Criteria (3) of Policy SD8 of the SDLP.
41. The appellant argues that the roof of the existing building contains several transparent panels which would cause light spill within the surrounding countryside should the barn revert back to the previous agricultural use. However, no technical information has been put forward by the appellant to demonstrate that the impact of light spill from the agricultural use would be comparable to the proposed residential use. In addition, no information has been provided to demonstrate the extent and requirement for night time lighting for a farming or poultry use.
42. My attention has been drawn to a recent planning approval⁵ at 'Wickham House', which is located near to the appeal site. The approval grants planning permission for alterations to an existing residential property, which includes multiple glazed elements that face towards the Downs. The appellant argues that this decision sets a precedent within the locality for the amount of glazing that is appropriate within Dark Sky Zone E1(a). Whilst I have been provided with the approved plans, I am not aware of the particular circumstances in that case. However, based on the evidence before me, the decision appears to pre-date the adoption of the development plan, and, in any event, I must consider the appeal scheme on its individual planning merits.

⁵ Authority Reference: SDNP/17/01803/HOUS

43. In the absence of specific details to demonstrate that the proposed lighting would meet or exceed the level of protection appropriate for Dark Sky Zone E1(a), I am unable to conclude that the proposal would conserve and enhance the intrinsic quality of the dark night skies and the integrity of the Dark Sky Core. As such, I cannot conclude that the proposal would accord with Policy SD8 of the SDLP.

Other Considerations

44. Reference has been made with regards to the Authority's handling of the planning application. However, this is not in itself relevant to the consideration of the appeal proposal.
45. The appellant argues that if the building is not converted into residential use, it would continue to deteriorate over time and become visually incongruous within the surrounding landscape. I cannot be certain that refusal of planning permission would necessarily equate to such consequences, but in any event, this would not overcome the very weighty conflict that I have identified with the development plan policies as outlined in the main issues above.
46. Several local residents state that the existing building has been made intentionally redundant for the purposes of redevelopment. In addition, notwithstanding the Authority's conclusion in relation to protected habitats and species, it has been brought to my attention that there may be a badger sett at the appeal site. Nevertheless, as I have concluded that the proposed development would conflict with other development plan policies, and, given my decision to dismiss this appeal, it is not necessary to consider these matters any further.
47. The proposed dwelling would provide a family sized unit, which would positively contribute to the Authority's housing land supply needs. In addition, the proposal would make a limited contribution to the vitality and viability of the facilities and services in the settlement of Poynings. These positive benefits need to be weighed in the overall planning balance.

Planning Balance and Conclusion

48. I have found that the proposal would fail to conserve and enhance the landscape and scenic beauty of the SDNP. Furthermore, I have been unable to conclude that the proposal would conserve and enhance the intrinsic quality of the dark night skies and the integrity of the Dark Sky Core. These are matters of overriding concern and outweigh the limited benefits identified above. Therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR