



Appeal Decision

Site visit made on 23 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/Z3825/W/20/3246693

Copped Hall Farm, Okehurst Lane, Billingshurst, RH14 9HR

- 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 Louise Dace against the decision of Horsham District Council.
 - The application Ref: DC/19/1257 dated 18 June 2019, was refused by notice dated 16 August 2019.
 - The development proposed is described as 'conversion of brick built outbuilding to a dwelling'.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of existing outbuilding to a single storey detached dwelling with the removal of existing lean-to to rear at Copped Hall Farm, Okehurst Lane, Billingshurst, RH14 9HR in accordance with the terms of the application Ref: DC/19/1257 dated 18 June 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of the proposed development in the banner heading above is taken from the application form. However, as the description on the Council's decision notice and the appeal form more accurately describe the proposed development, I have used this in my decision.
3. The emerging Horsham District Local Plan (HDLP) was subject to Regulation 18 public consultation between 17 February and 30 March 2020. The HDLP is therefore at an early stage of preparation and has yet to be examined for its consistency with the National Planning Policy Framework (the Framework). In addition, I cannot be certain that there are no unresolved objections to its emerging policies. I can therefore attach only limited weight to the draft HDLP in my assessment of the appeal proposal.

Main Issues

4. The main issues are:
 - i) whether or not the proposed development would preserve the setting of the Grade II listed Copped Hall;
 - ii) the effect of the proposed development on the character and appearance of the countryside; and
 - iii) whether or not the appeal site is in an appropriate location, having regard to local and national policies for the location of residential development.

Reasons

The listed building

5. To the north-east of the appeal building is the Grade II listed Copped Hall. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of listed buildings. In addition, paragraph 193 of the National Planning Policy Framework (the Framework) requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight to be given to the asset's conservation. Harm to the significance of an asset can be caused by development within its setting, as defined in the Glossary to the Framework.
6. I observed during my site visit that there is intervisibility between appeal building and Copped Hall. Accordingly, the appeal building is within the setting of the listed building. However, intervisibility is limited as the buildings are physically and perceptually separated from each other by a wooden fence, vegetation and both the dwelling and garden of Copped Hall Barn. The conversion of this former farmstead barn to a dwelling has significantly changed the former historic relationship between Copped Hall and the appeal site.
7. Furthermore, views of the listed building in the context of the appeal building are very limited, with the view of Copped Hall from Okehurst Lane being in the context of Copped Hall Barn to one side and agricultural land to the other. Although the appeal building does not make a positive contribution to the setting of the listed building, it therefore has a very limited effect on the significance of Copped Hall and its setting.
8. Given that the building already exists and is of substantial and sound construction, there is a reasonable chance of it remaining regardless of the outcome of this appeal. Moreover, the lean-to would be removed, thus reducing the bulk of the existing building. The proposal would not result in any increase in height of the building or its extension towards Copped Hall. The timber cladding of the building would soften and improve its appearance.
9. I therefore conclude that the proposed development would not result in harm to the existing setting or significance of Copped Hall. The proposed development would thus at least preserve the setting of the listed building. The proposal would therefore accord with Policy 34 of the HPDF which seeks to protect the heritage assets of the district and paragraph 193 of the Framework.

Character and appearance

10. The appeal building is of brick and block with a shallow pitched metal sheeting roof. It is therefore of utilitarian appearance with very limited architectural merit. However, it is hidden from public view from Okehurst Lane by vegetation and existing buildings and is substantially hidden from the public footpath that runs the other side of Okehurst House to the west of the site.
11. The proposed development would be contained within an existing cluster of dwellings and associated domestic curtilages. Other dwellings in the vicinity are of varying architectural styles. The development would not adversely affect any key landscape features or characteristics.

12. I observed during my site visit that the area around the appeal building was being used to store various items and machinery. The creation of a domestic garden would be likely to improve the appearance of the site. Although some domestic articles are to be expected, I see no reason why there would be an unacceptable level of domestic paraphernalia. As these articles would be seen in the context of the existing garden areas of the dwellings adjacent to the site they would not be at odds with the character and appearance of the area. Given these existing dwellings and the enterprise at Copped Hall Farm, an additional dwelling would not be likely to result in a significant increase in the overall level of activity in the area.
13. I therefore conclude that the proposed development would not cause unacceptable harm to the character and appearance of the countryside. Indeed, in view of the nature and context of the existing building, the proposed reduction in its size and its cladding in wood, I consider that the proposal would result in an overall enhancement of the building and the site.
14. Accordingly, the proposal would not conflict in this respect with Policy 26 of the HDPF which seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development. Neither would it conflict with Policies 25, 32 or 33 of the HDPF which, in combination and amongst other things, seek to protect landscape and townscape character and require high quality design that complements locally distinctive character.

Location

15. Okehurst Lane is a narrow rural lane with mostly sporadic development along its length. The lane is within the countryside, being outside any built-up area and with agricultural land to either side and around the dwellings, including between it and Billingshurst to the south-east and Five Oaks to the north-east.
16. Policies 2, 3 and 4 of the Horsham District Planning Framework (excluding South Downs National Park) (2015) (HDPF) set out, in part, the Council's spatial development strategy and seek, primarily, to direct residential development to within and around the edge of existing settlements in the district. However, none of these policies specifically restrict development outside built-up areas.
17. Policy 26 of the HDPF seeks to protect the rural character of the countryside and requires, amongst other things, any proposal to be essential to its countryside location. The proposal is not essential and therefore, notwithstanding my conclusion on the effect of the proposal on the character and appearance of the countryside above, it would not fully accord with Policy 26 in this respect.
18. Neither, from the evidence before me, would the proposal accord with Policy 10 of the HPDF which requires, in summary, a proposal to contribute to an enterprise or activity that contributes to the wider rural economy. The policy also supports business and commercial use in preference to residential in proposals for the conversion of rural buildings.
19. Paragraph 79 of the Framework sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more specified circumstances apply. The Framework does not define 'isolated' but case law has confirmed that 'isolated' should be given its ordinary objective

meaning of “*far away from other places, buildings and people, remote*” and be considered only as “*separate or remote from a settlement*” and not also as “*isolated from services and facilities*”¹. In the judgement, Lindblom LJ opined that a ‘settlement’ would not necessarily exclude a cluster of dwellings.

20. The appeal site is within a cluster of dwellings and associated buildings, including Copped Hall, Copped Hall Barn and Okehurst House. The site is not close to the facilities and services in Billingshurst. Access to these would be likely to be by the private car, notwithstanding the bus service on the A29, as the lack of a footway or lighting along Okehurst Lane would discourage walking. However, this itself does not engage paragraph 79. I therefore consider that the appeal site is not ‘isolated’ in terms of paragraph 79 of the Framework. Accordingly, the considerations in that paragraph are not relevant to the determination of this appeal.
21. Furthermore, Policy 2 encourages the effective use of previously developed land. From the evidence before me and my own observations, I am satisfied that the site is previously developed land as defined in the Glossary to the Framework. I note that this is not disputed by the Council, nor does the Council contend that the site is of high environmental value. The proposal therefore accords with Policy 2 of the HDPF in this respect. Moreover, Policy 15 of the HDPF sets out the housing provision for the district within the period 2011-2031, which includes 750 windfall units, to which the proposal would contribute.
22. I therefore conclude that the proposed development would result in limited conflict with Policies 10 and 26 of the HDPF, but I find no specific conflict with Policies 3 or 4. I also find that the proposal would comply with Policies 2 and 15 of the HDPF. The proposed development would therefore have only limited conflict with the development plan taken as a whole. Given this, my conclusions on the other main issues above and the site’s location within a cluster of buildings, I conclude that, in the circumstances of this case, the appeal site is appropriate for residential development.

Other Matters

23. The ability of the Council to demonstrate a 5-year supply of deliverable housing sites is a matter of dispute between the main parties. Having reviewed the evidence, I am satisfied that the Council can demonstrate such a supply.
24. I note that objections have been made to the proposed development by the occupiers of nearby dwellings. As the dwelling would be single storey with a fence between properties the potential for harmful overlooking would be minimal. Although the garden of the dwelling would abut that of Copped Hall Barn, I see no reason why that should result in unacceptable noise and disturbance to the occupiers of that property.
25. Concern has also been expressed about additional or replacement buildings. However, these do not form part of the proposal before me and any future buildings can be controlled through the planning process. I have no evidence that the building hosts, or is likely to host, bats and I note that the Council has not raised this as an issue. References to the Horsham District Local Plan 1997

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

are not relevant to my assessment which is based on the current development plan for the district.

Planning Balance

26. The proposed development would contribute to the housing stock of the district and would make use of a currently sound but under-utilised building. The Framework sets out the Government's objective of significantly boosting the supply of homes, recognises the contribution of small and medium sites to meeting the housing requirement of an area and sets out that planning decisions should promote an effective use of land. The proposal would have social and economic benefits, although as a single dwelling, these would be very modest.
27. On balance, I consider that the benefits of an additional dwelling to the District's housing stock, compliance with policies of the Framework in this respect and the enhancement to the appearance of the building and site outweigh the limited conflict with the development plan I have identified above. It follows that, in the particular circumstances of this case, I am satisfied that the application for planning permission should be determined other than in full accordance with the development plan. Planning permission should, therefore, be granted subject to the conditions I have set out and as justified below.

Conditions

28. In addition to the standard time limit for commencement, the Council has suggested conditions were planning permission to be granted. I have considered these conditions in the light of the tests set out in paragraph 55 of the Framework, amending them where necessary for the sake of clarity and precision and logic of order.
29. Accordance with the approved drawings is necessary in the interests of certainty. Pre-commencement conditions in respect of a drainage strategy and contamination assessment are necessary to ensure that the development is properly drained, to protect human health, controlled waters and the wider environment and to comply with Policies 24, 33 and 38 of the HDPF. A pre-commencement condition regarding materials is necessary in the interests of the character and appearance of the area.
30. A restriction on construction working hours is necessary to protect the living conditions of the occupiers of nearby dwellings. A landscaping condition is necessary in the interests of the character and appearance of the area. A limitation on water usage and a requirement for broadband infrastructure are necessary in the interests of sustainability and to ensure compliance with Policy 37 of the HDPF.
31. The provision of the parking, turning and access facilities prior to the occupation of the dwelling is necessary in the interests of highway safety. Cycle parking facilities are necessary to encourage the use of modes of transport other than the private car and refuse / recycling facilities are necessary to protect the character and appearance of the area and the living conditions of the occupiers of nearby properties.
32. The restriction of permitted development rights for external alterations or extensions, buildings or enclosures falling within Classes A, B, C, D or E of Part 1 and Class A of Part 2 of Schedule 2 is justified, exceptionally, in the interests

of the character and appearance of the countryside location of the appeal site and the setting of Copped Hall.

Conclusion

33. For the reasons given above, and having regard to the other matters raised, the appeal is allowed, and planning permission is granted subject to conditions.

Martin Small

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 approved drawing: 1905CO A1 001 Existing & Proposed.
- 3) No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 15 days of the report being completed and approved in writing by the Local Planning Authority.
- 5) No development, other than works of demolition, shall commence until a schedule of materials, finishes and colours to be used for external walls, windows, doors and roofs of the approved building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.
- 6) Demolition or construction works shall take place only between 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) The dwelling hereby permitted shall not be occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- details of all existing trees and planting to be retained;
- details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
- details of all hard surfacing materials and finishes;
- details of all boundary/residential curtilage treatments; and
- details of any external lighting.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

- 8) The dwelling hereby permitted shall not be occupied until the Buildings Regulations Optional Requirement G2 limiting the water usage of the dwelling to a maximum of 110 litres per person per day has been complied with.
- 9) The dwelling hereby permitted shall not be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of at least 30 megabytes per second through full fibre broadband connection has been provided to the premises. The infrastructure shall thereafter be retained.
- 10) The dwelling hereby permitted shall not be occupied until parking, turning and access facilities have been implemented in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The agreed parking, turning and access facilities shall be thereafter retained as such.
- 11) The dwelling hereby permitted shall not be occupied until secure cycle parking facilities for the occupants of, and visitors to, the dwelling have been fully implemented and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The provision for cycle parking shall thereafter be retained for use at all times.
- 12) The dwelling hereby permitted shall not be occupied until provision for the storage of refuse and recycling has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The provision for refuse and recycling shall thereafter be retained for use at all times.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and re-enacting that Order, with or without modification) no development falling

within Classes A, B, C, D or E of Part 1 or Class A of Part 2 of Schedule 2 of the Order shall be erected, constructed or placed within the curtilage of the dwelling hereby permitted without express planning consent from the Local Planning Authority first being obtained.

End of Schedule