



Appeal Decision

Site visit made on 14 July 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/Z3825/W/19/3241971

Grid Ref: 027'37.87; 50'54'57.82, South of Kithurst Lane opposite Matt's Wood

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Philip Orpwood (Norbertine Order) against the decision of Horsham District Council.
- The application Ref DC/19/1638, dated 9 August 2019, was refused by notice dated 4 October 2019.
- The application sought planning permission for construction of storage barn and retention of access without complying with a condition attached to planning permission Ref DC/18/1695, dated 23 November 2018.
- The condition in dispute is No 1 which states that: *The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below:*

Plan Type	Description	Drawing Number	Received Date
Location & Details plan		2	10.08.2018
Elevation & Floor plan		2	10.08.2018
Design & Access Statement		1	10.08.2018
Photos		3	10.08.2018

- The reason given for the condition is: *For the avoidance of doubt and in the interest of proper planning.*
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Decision

- The appeal is dismissed.

Preliminary Matters

- The application sought to amend the approved plans condition to allow minor material amendments (MMA) to the approved building. The submitted plan shows changes to the external materials of the building, a reduction of 0.5m in the width of the building and the addition of windows, rooflights, doors, a log store with solar panels and a below ground rainwater tank.
- I saw on site that a building had been constructed in the location of the approved building, however the roof shape, size of windows and type of doors were different to those previously approved, and also different to those shown on the plan submitted for this appeal. The Council refers to the building being taller than previously approved, however the appellant suggests that changes to ground levels have meant that the overall height remains the same. Irrespective of what has actually been built, no change to the height of the

building is shown on the submitted plan. There are therefore material differences between the plan now submitted and what has been built on site. I can only determine the appeal on the basis of the plan before me, and any unauthorised development is a matter for the main parties to resolve. Therefore, I have considered the proposed development as shown on the submitted plan.

4. I note that there is another appeal made by the appellant for another development on nearby land¹. For the avoidance of doubt, I have determined these two appeals on their individual merits. Although the two proposals are to serve the same land, the developments proposed are considered under different legislation and I have therefore made separate decisions on each.

Main Issue

5. In an appeal under s73 of the Town and Country Planning Act 1990 (as amended), I can consider only the question of the disputed condition. Therefore, the principle of the development, its use and issues such as the access and landscaping are not matters before me. Therefore, the main issue is the effect of the proposed amendments on the character and appearance of the area.

Reasons

6. The appeal site is located on the southern side of the village of Storrington. The surrounding area mainly comprises woodland and fields with only scattered development. While the main body of the village is just across Kithurst Lane from the appeal site, mature trees and hedges screen most dwellings from view. The site and surrounding area therefore have a green, rural and undeveloped character which make an important contribution to the attractive character and appearance of this part of the countryside interface.
7. To the east of the appeal site is an area of community woodland known as Matt's Meadow or Matt's Wood, to which the appellant allows public access. Matt's Meadow is designated in the Storrington, Sullington and Washington Neighbourhood Plan 2018-2031 (NP) as Local Green Space and is within the Storrington Conservation Area (CA). The appeal site forms part of the countryside setting of the CA and is identified in the Storrington Conservation Area Appraisal and Management Plan as a landscape fringe with high sensitivity to change associated with development.
8. The appeal site is outside of the built-up area boundary of Storrington identified in the Horsham District Planning Framework 2015 (HDPF) and therefore, as set out in HDPF paragraph 4.7, it is in the countryside. HDPF Policy 10 allows for development in the countryside where, amongst other things, it maintains the quality and character of the area.
9. The proposed building would be similar in scale and massing to the approved building and the materials proposed would be typical of a rural outbuilding. However, while openings are not unusual in rural outbuildings, the size and number of windows and rooflights proposed would give the building a distinctly domestic appearance. In particular, the 3-light windows with diamond pane glass proposed in each end would be of a type more commonly used in dwellings, and there is no substantive evidence before me that such features

¹ APP/Z3825/W/19/3241574

are traditional for rural outbuildings in this area. Consequently, the proposed building would appear as an incongruous feature in this field and would detract from the rural character of the area.

10. The proposed building would be visible from the adjacent access track, which affords access to Matt's Meadow. I also saw on site that while the mature hedge provides a degree of screening from the road, gaps in the vegetation allow for glimpses through to the site. Therefore, parts of the end of the building would be visible from the road, particularly when the hedge is not in leaf. The recent planting between the proposed building and the access is still small and there are no details before me of the species used or the size that they will reach. As such, I cannot be certain that this would screen the proposed building sufficiently to outweigh the harm identified.
11. While the appellant suggests that shutters could be used to cover a window, I have no details of what these would look like, or whether they could be used to cover all of the proposed openings. Although the materials of the rooflights are not specified, use of metal frames as suggested by the Council's Senior Conservation Officer would not significantly affect the size of the openings proposed. As such, I cannot be certain that these measures would be effective in addressing the harm identified.
12. The appellant contends that there is a need for some natural light and that they wish to see their property, however the roof space is only proposed for storage. As such, there is no compelling evidence before me to demonstrate a need for the number and size of openings proposed. The proposed solar panels on the log store would appear to offer the ability to provide power, and therefore light, to the building. Furthermore, should the roof space be illuminated outside daylight hours, the proposal would result in light spill in an otherwise largely undeveloped area, which would draw attention to the building. These matters do not therefore justify the harm that I have identified.
13. National and local policy supports use of renewable energy, however although the spacing of the proposed rooflights would allow for further solar panels to be installed on the roof in future, I cannot be certain that any would be added. In any event, the existing permission already allows for panels on the main roof. Therefore, the only additional renewable energy compared to the approved scheme would be the panels on the proposed log store, the benefits of which would be very limited due to their small size. It has not been demonstrated that the proposed changes to the design of the building would result in any reduction in traffic or further benefits to the rural economy, the countryside or the local environment than would be achieved by implementing the existing permission. As such these matters carry very little weight.
14. The proposed doors would be in keeping with a rural outbuilding and would contribute to the security of the building and reduce the prospect of vandalism of the contents. The proposed log store and rainwater tank would be minor additions with little visual impact and as such are also acceptable. However, the acceptability of these elements of the proposal would not outweigh the harmful impact of the proposed windows and rooflights.
15. Accordingly, the proposal would harm the character and appearance of the area and as such would conflict with HDPF Policy 10. Furthermore, it would conflict with HDPF Policies 25, 26, 32 and 33 and NP Policy 14 which, amongst other things, require development of high-quality design which protects, conserves

and enhances the landscape, reflects the architectural and historic character and scale of the surrounding buildings and landscape and protects the rural character and undeveloped nature of the countryside against inappropriate development.

Other Matters

16. I have a statutory duty to consider the impact of the proposed development on heritage assets. There are numerous listed buildings in the area, however due to the separation distance and mature hedges between these buildings and the appeal site, I am satisfied that there would be no impact on their settings. The proposed building would be seen in views into and out of the adjacent CA, however I am mindful that a building of similar scale has already been approved in this location and in this context, the changes proposed would not have a significantly different impact on the setting of the CA. Therefore, the proposal would preserve the character and appearance of the CA, however this would be a neutral impact that would not outweigh the harm identified.
17. Given the separation distance and use of the roofspace for storage, the proposal is unlikely to result in the loss of privacy of neighbouring dwellings. However, the lack of harm in this regard is a neutral impact and does not weigh in favour of the development.
18. Although the appellant provided plans of the proposed building to the Council, this appears to have been to Building Control and there is no indication that formal pre-application advice was sought on the proposed alterations. I also note that the Council's Senior Conservation Officer did not object in principle to the proposal, however they appear to have considered the building as built, which is not the scheme before me, and in any event they also raised concerns about the rooflights. Consequently, the lack of objection does not outweigh the harm that I have identified, having considered the proposal on its own merits.
19. Interested parties have drawn my attention to the potential for Great Crested Newts to be present on nearby land. However, as I am dismissing the proposal on other grounds it has not been necessary for me to consider this further.

Conclusion

20. For the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR