
Appeal Decision

Site visit made on 16 June 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/Y9507/W/20/3247487

Baldwins, Ropes Lane, Fernhurst GU27 3JD

- 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 Nick Dawe against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/02832/FUL, dated 21 June 2019, was refused by notice dated 14 September 2019.
 - The development proposed is "to reconstruct the former stables and storage building (destroyed by fire) in 2002 to provide a single holiday let for tourist accommodation)."
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 6 August 2020.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the Fernhurst Conservation Area and the South Downs National Park (SDNP).

Reasons

3. The appeal site comprises a parcel of land to the north of a two storey dwelling known as Baldwins which is a Grade II listed building. Baldwins is a seventeenth century or earlier timber framed house. The site comprises a garden area of Baldwins, concrete hardstanding and the remnants of a former building. To the rear and side of the site, there are open fields and a hill beyond. Although the fields beyond are outside, the appeal site lies within the Fernhurst Conservation Area. The site and surrounding area also lie within the SDNP.
4. The Fernhurst Conservation Area includes a village core with a diffuse building group around a green and parish church, with a more linear pattern of development surrounding it. It also includes dwellings along Lickford Road and Ropes Lane in landscaped surroundings. Within the Conservation Area, there is a rich variety of architectural forms, styles and traditional materials represented in the buildings which date from medieval period through to the early twentieth Century. Along Ropes Lane, many dwellings are similarly historic but more dispersed in siting and set within verdant surroundings.

Taken as a whole, there is also a distinctive rural quality to the Conservation area.

5. The rural aesthetic, historic and architectural qualities form the defining characteristics and are of significance and value, and are of special interest to the Conservation Area. Despite the hardstanding and remnants of the former building, the appeal site has a distinct rural quality because of the lack of substantial development on it. The only part of the former building remaining is a wall, which now forms part of a newer smaller outbuilding, and some low brick plinth walls. The rural quality of the existing site contributes positively to the character and appearance of the Conservation Area. As the former building was destroyed by fire in 2002, it cannot be assessed as part of the character and appearance of the area.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The proposal would be for a small tourist unit of accommodation and the building would replicate the former building as closely as possible, using the same foundation plinth. It would be constructed of traditional materials using local Midhurst Stone, clamp-fired handmade bricks and feather-edge oak boarding. No boundary delineation, no additional hardstanding and no additional structures are proposed to separate or segregate the holiday let from the main dwelling at Baldwins. Vehicle parking, electric vehicle and bicycle would be provided near to the Baldwins property.
7. However, the new development would occupy an exposed position adjacent to open fields where there has been an absence of the former building for some considerable time. It would introduce a new built form with a domestic appearance in a distinctly rural context. Although not an independent dwelling, the building's use for tourism would also result in domestic type use being apparent in and around the new building. This would take the form of light, noise, activity and paraphernalia around the building.
8. There would be no rooflights or external lighting. The plans do show some hatching annotation on the windows facing the countryside, as well as on the front entrance doors of the building. Even if these features were shutters/panels, the windows would inevitably be opened frequently when the building is occupied given the views and the kitchen/dining space served. As a consequence, light from these windows and others would inevitably spill out into the surrounding area which would intrude into the dark night sky in this area. In this regard, the surrounding area is sensitive given that it lies within the Intrinsic Zone of Darkness under policy SD8 of the South Downs Local Plan 2014-2033 (LP), adopted 2019.
9. Furthermore, activity and noise would also upset the rural tranquillity of the area. It is an area where human background noise would be minimal due to its countryside location. Occupiers would generate noise in everyday use of accommodation which would be difficult to control. The actions of the occupiers of Baldwins in controlling noise would be limited by the significant separation distance between their property and the tourist development. There would also be domestic paraphernalia, such as tables and chairs, barbeque areas, etc., which you would reasonably associate with a tourist use.

10. The original building dated back to 1875 perhaps earlier, given its appearance. Photographs of the former building show a building constructed with timber weatherboarding and hipped pitched clay tile roof. The weatherboarding would have been attached to stone walls with a brick and stone plinth. It has been used for stabling and storage. The appellant's Heritage Statement (HS) states that the building always had a close association with the house, through the sharing of yards between them. The HS further states that its form and appearance indicate a domestic stable for the use of the Baldwins occupants.
11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. The photographs and materials used show an attractive outbuilding but nothing of great architectural significance has been identified. The historic relationship with Baldwins is the only feature of significance demonstrated by the HS. However, the use of the building would be different in introducing an intrusive tourist development in place of a building in incidental or ancillary use. It would also clearly not be possible to exactly replicate any architectural and historical features because of the new build nature of the development. For these reasons, there would be no improvement to the setting of the listed building.
12. The development from Ropes Lane would be largely screened by existing dense and well-established vegetation and trees, and much of Tanyard Lane has hedgerows and trees lining it. However, the lack of public visibility is not an overriding consideration as a Conservation Area is an irreplaceable resource. National Planning Policy Framework (the Framework) requires that they should be enjoyed in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. There would be an area outside a farm gate on Tanyard Lane where new development would be visible and intrusive especially when deciduous vegetation has lost leaves. There would also be harm to character, a quality that is perceived as well as seen which would be evident from activity, noise and lighting. For all these reasons, the tourist use would fail to preserve the rural character and appearance of the Conservation Area.
13. The National Planning Policy Framework (the Framework) makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
14. In accordance with the Framework, the type of harm identified above would be less than substantial. It is necessary that this identified harm is weighed against the public benefits of the proposal. The proposal would re-instate a former building on the site and the proposal would provide tourist facilities to enhance visitor's enjoyment of the SDNP. It would enable wider appreciation and enjoyment of the SDNP. The scheme would encourage sustainable or low carbon modes of transport. The development would be located within walking distance of bus stops which enable sustainable travel to other settlements. There would be biodiversity enhancements. However, the heritage asset benefit on the setting of Baldwins would be benign and the tourist benefits would be diminished by reason of the proposal being small-scale. Benefits also have to be weighed against the adverse impact on the significance of the Conservation Area for which considerable importance and weight is attached.

Thus, the harm to the significance of the Conservation Area would outweigh the scheme's benefits.

15. Turning to the site's location within the SDNP, the proposal would not conserve and enhance the landscape and scenic beauty of the NP by reason of its domesticated impact, including lighting, activity and noise. The NPPF states great weight should be given to this consideration and that NPs have the highest status of protection.
16. In conclusion, the proposal would harm the character and appearance of the area, including the Conservation Area as a whole and the SDNP. Accordingly, it would conflict with the policies SD4, SD5, SD7, SD8, SD12, SD15 and SD23 of the LP.

Other matters

17. The LP policy SD23 is supportive of sustainable tourist development. However, it would conflict with criteria 1(c) and 1(g) of this policy in that, amongst other matters, it would adversely harm the character, appearance and amenity of the area and would not positively contribute to the natural beauty and cultural heritage of the SDNP.
18. There has been a dismissed appeal for a domestic outbuilding on the site. This appeal proposal differs in being a tourist use and the design being more reminiscent of the former building on the site. For these reasons, there are significant material differences between this appeal and that before me. Notwithstanding this, every proposal has to be considered on its particular planning merits as has been undertaken here.
19. Ownership of the site changed hands shortly after the building fire and no insurance payment was obtained to re-build at the time. The new owner has had to save for some time to rebuild this structure. However, there would be harm to the Conservation Area and the SDNP. As to whether the land benefits from being previously developed, the Framework excludes land where the remains of the permanent structure or fixed surface structure have blended into the landscape. Whilst sympathetic to the appellant's circumstances, based on what I saw on the site, the remains of the former building have blended into the landscape. There is little left of the original building which has not been present for a number of years and therefore, no weight can be attached to this consideration.

Conclusion

20. The proposal would harm the character and appearance of the area in conflict with LP policies and the development plan taken as a whole. For the reasons indicated, there are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR