
Appeal Decision

Site visit made on 6 October 2020

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/C3810/W/20/3244778

Land adjacent to Walnut Tree Cottage, Shripney Lane, Shripney PO22 9NR.

- 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 Mrs Sable against the decision of Arun District Council.
 - The application Ref BE/79/19/PL dated 24 June 2019, was refused by notice dated 16 September 2019.
 - The development proposed is the erection of single-story bungalow on land adjacent to Walnut Tree Cottage, and reinstatement of double garage to Walnut Tree Cottage from annexe/holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (1) the effect of the proposed development on the rural character of the area and on the character and appearance of the Shripney Conservation Area (SCA); and
 - (2) whether there are any other material considerations, including the housing land supply position and the benefits of the proposed development which would mean that the proposal should be determined otherwise than in accordance with the development plan.

Reasons

Character and appearance

3. The proposed development would result in a new single storey two bedroomed dwelling in the rear garden of the host property which is a locally listed building. The development site is within the SCA, a designated heritage asset. Both the host property and the SCA are heritage assets for the purposes of the NPPF¹.
4. The host property fronts Shripney Lane and has two outbuildings in its curtilage. One was constructed as a garage but then converted to an annexe, used as holiday accommodation. The second outbuilding is a relatively recently constructed double garage, sitting higher than the host property as the land

¹ National Planning Policy Framework

risers to the east. The land also rises gently from the host property to the rear of the development site. The annexe would be converted for use as a garage serving the host property and the newer garage would serve the proposed bungalow.

5. On my site visit, I walked along Shripney Lane in both directions. I saw that the lane has the appearance of a country lane bordered by mature trees, hedges, and some old stone walls. I viewed the relatively new development at Old Moat Close and the older Chalfont and Myddleton Terraces. The immediate area is residential in nature with open fields on the opposite side of the lane. There is a wide range of styles and ages of properties in the vicinity. Although the houses are generally facing the street, the area has an informal layout, notably in the cluster of houses around the statutorily listed buildings to the west. There is a range of plot sizes in the locality. The host property has a landscaped and mature garden which is smaller than the adjoining property to the west but larger than those serving the properties to the east.
6. The design of the proposed bungalow would acknowledge the brick and flint materials used in several buildings in the SCA. However, it would have a flat roof with a central atrium under a pyramidal roof, which would be interrupted by a metal flue, as shown on the east elevation drawing. The north elevation would have wide, almost full height glazing and other elevations would have window openings of various shapes and sizes. The resulting building would have a very modern design which bears no relation to the style and design of any of the buildings around it or to the historic nature of the SCA.
7. In assessing the effect of the proposed development on the SCA, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the SCA, having regard to sections 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 and to Chapter 16 of the NPPF. Paragraph 193 of the NPPF requires that in considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to that significance requires a clear and convincing justification. Paragraph 192 of the NPPF requires that in determining planning applications affecting heritage assets, account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.
8. The Council's Conservation Officer acknowledges that *"the concept of a somewhat low-lying building in this location **if sensitively designed** could be acceptable..."* (my emphasis). The proposed single storey style would be low lying, but the design of the bungalow would also need to respect the characteristics of this part of the SCA in order to satisfy Paragraph 192. In view of the flat roof, the modern fenestration and the pyramidal roof, the design would fail to make a positive contribution to the SCA. It would also fail to comply with Local Plan Policy C SP1² which identifies acceptable development within the countryside. The Policy requires that the countryside*will be recognised for its intrinsic character...*". Local Plan Policy HER DM3 refers to conservation areas and requires that new buildings "...*acknowledge the character of their special environmentand the spaces created between buildings.*"

² Arun Local Plan 2011-2031 (July 2018)

9. I consider that the proposed development would conflict with the development plan policies which seek to protect the character of rural areas and of the SCA, by reason of the closure of gaps between buildings and the modern design. For that reason, I attach considerable weight to the conflict with the development plan.

Other considerations

10. It is common ground that the Council has a shortfall in its housing land supply. Paragraph 11 of the NPPF provides a presumption in favour of sustainable development. Where the relevant local plan policies are out-of-date or considered to be out of date under footnote 7, Paragraph 11(d) requires that permission should be granted unless NPPF policies which protect a specified list of assets of importance provide a clear reason for refusal (Paragraph 11(d)(i)). The SCA is a designated heritage asset.
11. Paragraph 127 of the NPPF requires that developments should be sympathetic to local character including surrounding buildings while not preventing change such as increased densities. I accept that the layout of the proposed dwelling and the space around it could be achieved physically within the development site, but in the context of the immediate locality and the heritage assets within it, such an increased density would be harmful by closing the spaces between buildings.
12. Paragraphs 193 – 197 of the NPPF set out the way in which potential impacts on heritage assets should be considered. The harm created to the SCA is less than significant and Paragraph 196 requires that such harm be weighed against the public benefits which could arise from the proposed development.
13. Public benefit may be anything which delivers economic, social, or environmental objectives (Planning Practice Guidance para 18a-20-20190723) and must flow from the proposed development. There would be a short-term economic benefit during construction works and a minor social benefit by the introduction of another household to the community. However, I do not consider them to be sufficient to outweigh the less than substantial harm which I have identified.

Planning Balance

14. The proposed development is contrary to the development plan taken as a whole in that it would close the gaps between buildings, would adversely impact the rural character of the area and the character of this part of the SCA. The determination of the appeal should be in accordance with the development plan unless material considerations indicate otherwise.
15. NPPF Paragraph 11 indicates that as the Council has a housing land supply shortfall, local plan policies as applied to proposed housing development are to be considered out of date. However, the harm caused to the character of the area and the SCA is such that the limited benefits of the proposed development are significantly and demonstrably outweighed when taking the NPPF as a whole.

Other Matters

16. The Appellant refers to the relatively recent development at Old Moat Close. The houses are in smaller plots than those around the development site, but they appear are designed to reflect the rural location.
17. The Appellant also refers to two recently permitted developments for 21 and 46 dwellings, which the Council has explained, front onto the A29. On that basis alone, such development is not comparable to the proposed bungalow.
18. The Appellant has provided a history of planning refusals on applications for development within the garden of the host property. The previous applications were apparently for larger two storey dwellings. The proposed bungalow would have dealt with size objections but in this location, a sensitive design is also required.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jan Hebblethwaite

INSPECTOR