The Planning Inspectorate

Appeal Decision

Site visit made on 24 August 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/L3815/W/20/3253894
Lower Hone Farm Barn, Lower Hone Lane, Bosham PO18 8QN

- 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 Richard Hermer against the decision of Chichester District Council.
- The application Ref BO/20/00128/FUL, dated 21 January 2020, was refused by notice dated 21 May 2020.
- The development proposed is described as a contemporary barn conversion and provision of associated landscaping, natural swimming pond and associated works.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Richard Hermer against Chichester District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appellant has submitted an executed planning obligation in the form of a unilateral undertaking (the UU). It seeks to address the Council's second reason for refusal which relates to the Chichester and Langstone Harbours Special Protection Area (the SPA). I deal with the SPA in 'other matters' below.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the barn and the Chichester Harbour Area of Outstanding Natural Beauty (the AONB), with particular regard to fenestration and an extension.

Reasons

Character and Appearance

5. The barn is a large traditional rural building with a long, narrow rectangular floor plan and mainly corrugated sheet steel elevations. These are punctuated by a reasonably dispersed arrangement of some door openings, of various size and shape, and by a limited number of windows of uniform size and square shape with metal frames and glazing bars separating individual panes. These features echo its former agricultural use which, together with its relatively original appearance, are distinctive and so are important characteristics of the

barn. It is located on the edge of a small group of isolated buildings in the countryside. There is no street lighting and the surrounding arable fields are mainly flat, reasonably large and in many places, including next to the barn, have little or no intervening boundary hedgerows or trees. This part of the AONB therefore has a somewhat open and expansive landscape and is likely to have relatively dark skies at night.

6. The appeal proposal would create new openings for windows at ground and first floor level in three elevations of the barn and introduce windows over two stories in the fourth, which is currently blank. Many windows would include large plate glass panels, all would be rectangular in shape and none would replicate the position of existing windows. The single storey extension would utilise an existing hardstanding and be on the side of the barn that faces the countryside. It would have a rectangular floorplan, mainly glazed elevations and a flat roof.

7. There would therefore be a substantial increase in the total area of fenestration, including in or next to parts of the building where no window or door openings exist or not to the same extent as is proposed. Furthermore, the placement of glazing would result in a distinct consolidation of fenestration, including an overly horizontal visual emphasis in the central part of both main side elevations over two floors and around one corner of the building at a first floor level. The proposed fenestration would therefore be a significant alteration to the building — an unduly dominant feature which would conflict with the prevailing character and appearance of the barn.

8. The extension would protrude significantly from the side of the barn and also cause an abrupt, jarring reduction in the scale and massing of built form. It would therefore be out of keeping with the simple rectilinear floor plan and largely unadorned elevations of the barn, and the flat roof would be at odds with the pitched roof of the barn. The proposed layout and appearance of the extension would therefore be a significant alteration to the building — it would unduly erode the overall integrity of the external envelope of the barn and appear as an unsuitable adjunct.

9. I saw that in public views from parts of Smugglers Lane, where there is also no street lighting, the barn has appreciable visual presence and is as a result noticeable during the day, despite the moderate distance of these views. The proposed fenestration and extension would therefore be unduly conspicuous and incompatible with this rural context. I note the appellant's proposed mitigation for internal lighting at dusk and night time. However, it would not alter the proposed extent or placement of fenestration, including in the extension, and its effect during the day and therefore doesn't alter my concerns in these regards.

10. It is common ground between the main parties that there is an extant planning permission to convert the barn to a dwelling and that it includes a more 'traditional' design approach.[1] On the evidence before me I agree, though it is not the only acceptable design approach. In principle a more contemporary design for the conversion of this barn might be an appropriate and innovative approach and in this regard I recognise that the appeal proposal would generally improve the overall structure and fabric of the barn, including in terms of external elevation materials. This would be a modest benefit of the

[1] Council's reference BO/02/00470/FUL.

proposed development but would not overcome the harm that I have identified due to the proposed extension and fenestration in this particular appeal proposal.

11. The total area of proposed fenestration would be only slightly more than in the extant permission, which also includes some windows where none (or any doors) exist. However, in the main, the size, design, position and distribution of the approved fenestration (including some square windows divided by frames into smaller panes) and the resulting position and extent of walls, would have had a materially different effect on the character and appearance of the building, and consequently its surroundings, than that which is proposed.

12. Having regard to Policy 46(1) of the Chichester Local Plan Key Policies, July 2015 (the LP), I note that the appellant does not contend that the barn is not 'capable' of conversion 'without the need for significant extension' or any extension, including the proposed extension. Indeed, the extant planning permission, which does not include an extension, appears to indicate otherwise. On plain reading of this part of this policy it does not entertain any allowance or justification to extend a building for any other reason than it being reasonably needed to establish the intended use — for example (and having regard to LP Policy 46 as a whole) if the size of an existing building was insufficient for residential use. In the context of this appeal, LP Policy 46(1) does not therefore weigh in support of the proposed extension.

13. I appreciate that the Council, other local planning authorities and other bodies might define 'significant' residential extensions or replacement dwellings including by percentage floorspace increase, building footprint and silhouette. Notwithstanding that the barn has yet to be converted to a dwelling, and there is no existing residential use, such measures are not the only determinant of what might be 'significant'. Whilst the proposed extension would also have a rectangular floorplan and be a relatively small and subservient structure (including its floorspace) in comparison to the barn, I have found above that it would nonetheless result in a significant alteration to the building. In that context these attributes of the extension would not therefore overcome the harm that I have identified.

14. I do not have full details before me of the appeals or other permissions referred to by the appellant. However, I note that none of the appeals for contemporary extensions to agricultural buildings relate to sites in the Council's district or are quite dated. Consequently, those decisions were made under a different development plan (and in some cases, national) policy regime. Furthermore, unlike the current appeal, the Inspectors found that there were no public views of any significance or that the development was not readily apparent. I also note that the permissions granted by the Council for contemporary development, which include fenestration with large plate glass panels, are for the replacement of, or additions to, existing dwellings. These decisions can therefore be distinguished from the proposed development and I have, in any event, determined this appeal on its individual planning merits.

15. There has been some recent landscape planting on part of the appeal site. However, it is relatively low level and so likely to take a number of years to mature before it could achieve an effective screen. It would not therefore alleviate the visual harm that I have identified above meantime. In any event, the Framework states that planning decisions should recognise 'the intrinsic

character and beauty of the countryside' (paragraph 170) and that 'Great weight should be given to conserving and enhancing the landscape and scenic beauty in… Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues' (paragraph 172). Accordingly, the absence of public visibility does not mean absence of harm in these regards.

16. Considering the above, the proposed fenestration and extension would fundamentally diminish the distinctive and utilitarian design of this rural building and give an overly domestic impression. These alterations to the external form of the barn would therefore be significant and cause substantial harm to its character and appearance, thereby also erode the positive contribution of the barn to the surrounding countryside and cause substantial harm to the landscape, scenic beauty and cultural heritage of the AONB.

17. The proposed development would not accord with LP Policies 43, 46 or 48. These policies include that a building should be capable of conversion and re-use without the need for significant extension, alteration or rebuilding, that its form and design should be in keeping with its surroundings and respect public amenity, not harm its landscape character and setting, conserve and enhance the natural beauty and locally distinctive features of the AONB and not detract from the distinctive character and special qualities of the AONB. It would also conflict with Framework paragraphs 79(c), 124, 127(a), (b) and (c), 130, 170(a) and (b) and 172 which include that re-use of rural buildings should enhance its immediate setting, create high quality buildings and places, add to the overall character and quality of the area, be visually attractive as a result of good layout and protect and enhance valued landscapes.

18. The Council also cited Policy 7 of the Bosham Neighbourhood Plan, 2016 in its first reason for refusal. However, it is clear that this relates to ecology, wildlife and biodiversity and so is not relevant to my determination of the main issue.

Other Matters

19. On the evidence before me, the appellant has made a payment to the Council further to an obligation contained in the UU. The payment is towards the provision of access mitigation measures in respect of the SPA. As I intend to dismiss the appeal on other grounds, there is no prospect of planning permission being granted in this case and it is not necessary for me to consider the matter any further.

Conclusion

20. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR