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## Appeal Decisions

Site visit made on 4 August 2020

**by AJ Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 January 2021**

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### **Appeal A Ref: APP/Q3820/W/19/3243915**

#### **Turks Croft, Rusper Road, Ifield, Crawley RH11 0HU**

- 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 C Turney against the decision of Crawley Borough Council.
  - The application Ref CR/2019/0527/FUL, dated 14 July 2019, was refused by notice dated 21 October 2019.
  - The development proposed is the erection of a detached 4 bedroom one and a half storey dwelling and associated driveway.
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### **Appeal B Ref: APP/Q3820/Y/19/3243917**

#### **Turks Croft, Rusper Road, Ifield, Crawley RH11 0HU**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr C Turney against the decision of Crawley Borough Council.
  - The application Ref CR/2019/0528/LBC, dated 14 July 2019, was refused by notice dated 21 October 2019.
  - The works proposed are the erection of a detached 4 bedroom one and a half storey dwelling and associated driveway.
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## **Decision**

1. Appeal A and appeal B are dismissed.

## **Preliminary Matters**

2. As the proposal relates to a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. An executed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (S106) was submitted during the course of the appeal. The Council state that the UU addresses their concerns relating to the provision of affordable housing that formed a reason for refusal of the planning application. I will return to its provisions in my other matters.

## **Main Issues**

4. Turks Croft, in whose curtilage the proposed dwelling would be located, is listed Grade II. Consequently, the main issue in both appeals is whether the proposed works and development would preserve the listed building or its setting.

5. On appeal A the additional main issue is the effect of the proposed dwelling on the character and appearance of the surrounding area.

## **Reasons**

### *Listed Building*

6. Turks Croft comprises a substantial two storey dwelling of which the central bay was an open hall constructed in the late 15<sup>th</sup> Century, with the side facing toward Rusper Road. This was extended in the 16<sup>th</sup> and 17<sup>th</sup> Centuries. The central bay remains prominent with the later extensions being distinct additions. It is set within a substantial landscaped garden that contains a number of outbuildings. These include a large pool building, sheds and a greenhouse to the rear of the property. The pool building is a largely glazed structure, with ancillary services within a small but more solid section of building to the rear. These outbuildings are ancillary in terms of appearance and use to the main dwelling. In addition, there is an air raid shelter dating from the Second World War that has some historic interest in its own right, such that it is an undesignated heritage asset, and contributes to the historic interest of the listed building.
7. The surrounding area comprises modern suburban residential development, with public open space to the rear of Turks Croft and open countryside beyond. The listed building would have been a prominent building within the countryside prior to the surrounding development taking place. As a result, there is a close historic relationship between the listed building and the countryside. Consequently, the significance of Turks Croft is derived from its architectural and historic character within its landscaped setting and relationship with the countryside to the rear.
8. The proposal would replace the pool building and adjacent sheds and greenhouse with a dwelling. These outbuildings have no particular historic interest and their loss would not have any material effect on the significance of the listed building. The air raid shelter is not proposed to be altered or lost.
9. The proposed dwelling would comprise a two storey brick building with the first floor contained within the roofspace. As such, it would appear as a substantial building, particularly in comparison to the light, albeit large, predominantly glazed pool building. The detailed design is of traditional appearance, in an attempt to appear subservient to Turks Croft. Nevertheless, given its more solid form and independent accommodation it would be a more substantial building in terms of appearance and use than the existing pool building.
10. The new dwelling would share access with the existing dwelling, with parking adjacent to the access. As such, the new dwelling and parking area would be at opposite corners of the existing property. A long path would extend through the garden to the new dwelling between the existing house and the road, connecting it to the parking area. The subdivision of the plot would be in front of, and in close proximity to, the principal elevation of the listed building. The air raid shelter would be contained within the garden of the proposed dwelling. The boundary would be long and straight, in contrast to the existing wavy boundary some distance further away from the listed building, and would be defined, at least in part, by a fence. This would result in a formal and prominent subdivision of the property.

11. Reference is made to the front part of the site becoming a communal area, but it is not clear how that would operate or where any subdivision between Turks Croft and the new dwelling would be located. As such, I have given this matter limited weight and it does not alter my conclusion on the effect of the proposal on the setting of the listed building.
12. Taking account of all the above, the size and subdivision of the grounds would substantially alter the relationship of the listed building with its landscaped setting. In addition, the close relationship of Turks Croft with the countryside would be harmed by the location of the proposed dwelling further to the rear of the site than the existing building. As a result, the proposal would affect the significance of Turks Croft as a heritage asset.
13. For these reasons, I conclude that the proposed dwelling would not preserve the listed building or its setting. As such, it would be contrary to Policies CH12 and CH15 of the Crawley Borough Local Plan (LP) and the National Planning Policy Framework (the Framework) that seek to protect the key features or significance of heritage assets, including their setting.
14. The Framework advises at Paragraph 193 that, 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 195 of the Framework, the harm to the listed building is nevertheless a matter of considerable importance in this case.
15. Paragraph 196 of the Framework establishes that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The only public benefit in this instance is the addition of a single dwelling to the supply of housing. However, that benefit is minimal and cannot outweigh the identified harm to the conservation area.

#### *Character and appearance*

16. The land surrounding Turks Croft comprises a mature, landscaped garden with substantial planting on the boundaries that limits views into the site. This landscaping contributes to the character and appearance of the surrounding area that has been designated for its structural landscaping and as an Area of Special Local Character. The existing dwelling is set toward the front and to one side of the plot. Surrounding dwellings predominantly comprise a typical modern suburban development with substantial houses of varied appearance set behind front garden areas, with further gardens to the rear. To the rear is woodland and public open space.
17. The proposal would result in a new dwelling toward the rear of the property, with the majority of the garden between the dwelling and the road. It would replace an existing building, which is close to mature trees and other landscaping. Whilst there would be limited public views of the proposed dwelling, this subdivision and layout of the proposed property would not reflect surrounding development. Although reducing the footprint of buildings on the

site and thereby providing more space for landscaping, provision of an additional dwelling may lead to pressure to remove or reduce the landscape planting that would affect the appearance of the property and its contribution to the area of structural landscaping and Area of Special Local Character. Taking all these factors into account, the proposed dwelling would appear be somewhat incongruous within this area.

18. For these reasons, I conclude that the proposed dwelling would harm the character and appearance of the surrounding area. As such, it would be contrary to Policies CH2, CH3, CH6, CH7 and CH14 of the LP that seek development to be of a high quality, based on an understanding of the significance and distinctiveness of the site and its context, and reinforce locally distinctive patterns of development and landscape character including additional trees within the designated area of structural landscaping and Area of Special Local Character.

*Other matters*

19. The submitted UU would secure the provision of a contribution toward the affordable housing. This reflects the requirements of Policy H4 of the LP that seeks provision of a commuted sum toward the provision of affordable housing on sites of five dwellings or less and has been calculated in accordance with the Council's Affordable Housing Supplementary Planning Document. As a result, the contribution toward the provision of affordable housing set out in the UU meet the requirements of LP policies but would be no more than is necessary to meet needs arising from the development. I have taken it into account in coming to my decision, but it is a neutral factor in the overall planning balance.

**Conclusion**

20. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and there are no material considerations of such weight as to warrant decisions other than in accordance with the aforementioned Local Plan. Consequently, the appeals should be dismissed.

*AJ Steen*

INSPECTOR