



Appeal Decision

Site visit made on 16 December 2020

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/Y9507/W/20/3255422

Kymer House, Hale Hill, West Burton, RH20 1HE

- 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 Luke Jennings against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/20/00500/FUL, dated 3 February 2020, was refused by notice dated 9 June 2020.
 - The development proposed is described as 'change of use of a redundant agricultural building to form a single dwelling'.
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Preliminary matters

1. The appeal concerns a building that lies to the east of the residential property known as Kymer House. The Council's Decision Notice referred to the site address as 'The Barn, Hale Hill, West Burton' but I have used the address given on the application form submitted to the Council for consistency.
2. The applicant's description of the proposed development is as stated above. However, the submitted drawings showed operational development to the building. I further saw at my site visit that the building has suffered from extensive damage, with substantial areas of collapse and so extensive building work would clearly be necessary. I have therefore determined this appeal on the basis of the description of the development contained on the Council's Decision Notice, namely the change of use of agricultural building and associated works to form 1 no. residential dwelling house.

Decision

3. The appeal is dismissed.

Main issue

4. The main issue in this appeal is whether the proposed dwelling would be acceptable when consideration is given to development plan policy regarding the location of development.

Reasons

Location of development

5. Policy SD25 of the South Downs Local Plan (2019) sets out the development strategy for the National Park. Part 1 of that Policy states that the principle of development is supported within settlements as defined in that Policy. Part 2 of
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the Policy says that outside those settlements, which includes the location of the appeal site, development will be permitted where it complies with other relevant policies in the Plan, responds to the context of the area, and satisfies one of four further criteria.

6. The main parties have accordingly drawn my attention to Policy SD41 of the Local Plan, which permits the conversion of redundant agricultural or forestry buildings outside defined settlements to an alternative use. There are seven criteria to also be satisfied, but it is clear the first test is whether a building is redundant.
7. The application form as submitted to the Council stated that the building is a redundant agricultural building, but that it was not vacant. The submitted 'existing' plan annotated the building as an old turkey shed, whilst the Planning Statement said the building was in use as a milking parlour for a herd of dairy goats. I understand that due to Covid-19 restrictions on travel at the time of determining the application the case officer did not visit the site. The Council's Delegated Report came to the conclusion that the building was not redundant and, based on the mixed information before them, such a conclusion was not unreasonable.
8. The submissions by the appellant with the lodging of this appeal state that the condition of the building points to it being redundant. I saw at my site visit that due to the substantial collapse of walls and roof the building cannot be used for a milking parlour and so, in this sense, it is a redundant structure.
9. However, that is not the end of the matter. Criterion d) of Policy SD41 requires it to be demonstrated that any conversion will not result in the need for another agricultural or forestry building on the holding. There is very little information before me to demonstrate whether the permanent loss of this agricultural building will lead to a subsequent requirement to erect a replacement agricultural building, either on the holding or outside the holding, to support any continued activities. On the basis of the information before me I am therefore not persuaded that it has been demonstrated the development will not result in the need for another building for agricultural purposes on the holding, and so criterion d) is not satisfied.
10. Criterion c) of Policy SD41 allows for conversion where the original building is structurally sound, is not derelict and of an appropriate design and scale for conversion without the need for substantial reconstruction. Although the appeal submissions were accompanied by a statement saying that the conversion of the building would satisfy this requirement, the substantial collapse of the main part of the building that I saw at my site visit leads me to conclude otherwise. I also saw that the smaller lean-to workshop area of the building is of poor construction to its walls and roof. In my judgement the condition of the building clearly points to substantial reconstruction being needed to facilitate a residential use. The proposal therefore does not satisfy criterion c).
11. Criterion f) requires any conversion to not have an adverse impact on the character of the building and its setting. Whilst the submitted drawings show the same form of the building would be retained (albeit the form before the substantial collapse), I share the Council's concerns regarding the impact on the wider area. The drawings show French Doors from the living room in the east elevation opening onto the field to the east. That field, though, is shown as lying outside the appeal site; indeed, there is not any outside area shown

for the proposed dwelling save for the parking area to the north of the building and the retained shared vehicular access to the side.

12. The proposed opening of the dwelling to the field gives rise to concern about the domestication of this field, either in the short term or longer term as pressure would exist for the use of that land due to French Doors opening onto the field. The impression would change from that of a modest agricultural building in a rural setting to a domestic dwelling in a residential setting. This would be in addition to the area of parking to the north of the building, where the necessary clearing and works to land would similarly create a domestic setting to the building. These matters mean there would be conflict with criterion f). It would further conflict with Policies SD4 and SD5 of the Local Plan, which only permits development where it conserves and enhances landscape character, and adopts a landscaped-led approach to design. The intrusion into the currently undeveloped character of this area, and bringing a clear residential property to the location, would harm tranquility and introduce an increased presence of lit built development, contrary to Policies SD7 and SD8.
13. Criterion g) of Policy SD41 allows residential uses where this is restricted to occupation by local workers who need to be accommodated outside settlement boundaries. Although not stated at the application stage, the appellant's submissions say the intention is for the dwelling to be occupied by the son-in-law of the farm owner, in order to secure low cost housing. Whilst I have sympathy for the wish to secure a dwelling, it is clear that any dwelling permitted under Policy SD41 must be for a local worker, and that the worker needs to be accommodated in that building. The information before me indicates the intention is for an open market house with no robust evidence to demonstrate why the occupier of that house needs to be located at the appeal site. Criterion g) has therefore not been satisfied.
14. For the reasons given, on the main issue it is my conclusion that the proposed dwelling would not be consistent with development plan policy regarding the location of development. Hence, it would conflict with Policies SD25 and SD41.

Other considerations

15. The Council's second reason for refusing planning permission was on the grounds of insufficient information relating to proposed parking arrangements. From my observations at the site visit I am satisfied there would be enough space to the north of the building to provide the required parking.
16. The Council's Ecologist has commented that vegetation on the site is used for foraging and commuting by protected species, and that a 5m buffer zone is required during construction along with suitable mitigation measures; the appellant's ecological report concurs that mitigation is necessary. I agree that there is limited information showing which vegetation and trees are to be retained or protected. However, from observations on site I consider this is a matter that could have been covered by planning condition requiring the submission of further information, had the development been otherwise acceptable.
17. The appellant states that, if the appeal site lay outside the National Park, then permitted development rights would allow the conversion of the building to residential purposes. As the building lies within the National Park and such

rights do not occur at this site this is not a material planning consideration in this appeal.

Conclusions

18. The appellant points to the benefits of providing an additional dwelling. However, the local planning authority have an adopted strategy that sets out how development, including housing, will be provided in the National Park. The proposal the subject of this appeal would not be consistent with this strategy and with the the development plan.
19. Furthermore, the proposal would have a harmful effect of the proposed development on the landscape and scenic beauty of the National Park. Paragraph 172 of the National Planning Policy Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. This adds further weight against the proposed development.
20. Although I have found in favour of the appellant on a number of other considerations, the conflict with Policies SD4, SD5, SD7, SD8, SD25 and SD41 of the development plan, and with the Framework, outweighs other findings. The appeal is therefore dismissed.

C J Leigh

INSPECTOR