



Appeal Decision

Site Visit made on 21 January 2021

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/D3830/W/20/3260827

The Old Barn, Southbrooks Farm Danworth Lane, Hurstpierpoint, Hassocks, BN6 9LW

- 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 Nyk Ellis-Lawson against the decision of Mid Sussex District Council.
 - The application Ref DM/20/2509, dated 13 July 2020, was refused by notice dated 10 September 2020.
 - The development proposed is 1 new build dwelling following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is to construct a new two bed house on land currently occupied by three buildings, referred to on the plans as the Old Barn, the Cottage and the Bothy. Two of these have been the subject of Part Q conversion approvals in 2017 and 2018 to create two dwellings¹. These permissions provide an alternative development option, a fallback to the appeal proposal.
3. Planning permission has since been refused and dismissed on appeal in April 2020 for a replacement dwelling at the site². This is a material consideration. I have had regard to the differences between that scheme and the current appeal proposal.

Main Issue

4. The main issue is whether the proposal represents an acceptable form of development in this location, having regard to (a) the effect on the character and appearance of the site and the surrounding area and (b) housing need.

Reasons

Character and appearance

5. The buildings to be demolished are all single storey but of differing scale. They are sited close to each other and to tree belts at the end of a winding track from Danworth Lane. The surrounding area features fields bordered by trees and hedgerows within an undulating countryside in which agricultural and other buildings are intermittent and dispersed.

¹ Planning approvals: DM/18/5128 and DM/17/2485

² Planning application: DM/19/2236 and Appeal Ref: APP/D3830/W/19/3242233

6. The proposed dwelling would have a comparable floor area to the buildings to be demolished. It would be smaller and sited closer to the tree belts than the dwelling dismissed on appeal, but would now be on higher ground negating any benefit in locating the building further from Danworth Lane in terms of its visibility. The building's length would be similar to that previously proposed and it would be equally conspicuous in views from Danworth Lane and across open fields. Whilst the building would have a low profile with a flat roof, a little lower than the top of the Old Barn, and its timber cladding could be dark coloured as the existing buildings, its length and mass would nonetheless present a single structure more prominent than the buildings to be replaced. These buildings are smaller and have a discreet appearance when viewed in the context of an agricultural field against a wooded backdrop. By contrast, the new building would have a residential appearance within a defined curtilage that would result in the domestication of the site. The size of the curtilage would be reduced from that previously proposed but the building's size and the site's domestic appearance would still be harmful to the rural character of the area.
7. The site is located in the countryside for planning policy purposes. The dwelling would be remote from settlements such as the village of Hurstpierpoint. There are no footpaths or street lighting for pedestrians on Danworth Lane and the nearest bus stop would be sited some 1.4km to the north on Cuckfield Road. The dwelling would not be near to other dwellings other than to Northbrooks, which is associated with the site.
8. The proposal would therefore be contrary to Paragraph 79 of the National Planning Policy Framework (the Framework) on the development of isolated homes in the countryside. It would not satisfy exception c) in that it would not re-use redundant or disused buildings; nor would it meet exception e) in that its design would not significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area. The Old Barn is currently used for storage, and so is not redundant, and the agricultural nature of the existing buildings in the corner of a paddock is appropriate to the rural setting.
9. The proposal would similarly conflict with Policy DP15 of the Mid Sussex District Plan (2018) (MSDP) on new homes in the countryside as it would not satisfy the listed exceptions which largely overlap with those in the Framework. There would be conflict with Policy DP12 of the MSDP and with Paragraph 170 of the Framework which seek to protect the intrinsic character and beauty of the countryside from unsuitable development. The proposal would also conflict with Policy Hurst C1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan (2015) which requires the maintenance or enhancement of the area's rural and landscape character.
10. The prospect that the extant approvals to convert two of the existing buildings to dwellings would take place in the event that the appeal is dismissed forms a fallback. The conversions would result in more domestic appearances to the two buildings and provision of limited residential curtilages. But the overall impact of the proposed single large building and relatively large domestic curtilage would be more harmful to the rural character and appearance of the area than the fallback. The fallback would involve the provision of two dwellings in the countryside and in this sense arguably would be less sustainable than the single dwelling proposed; but the overall floor area now proposed would still be comparable to the buildings to be demolished. The fallback would not be significantly more harmful than the proposal in relation to its impact on the

character and appearance of the area. It does not lead me to conclude that the proposal should be granted permission.

11. The appellant has drawn to my attention appeal decisions in which the impact of an alternative fallback was judged to warrant the granting of planning permission for the developments then proposed³. One of these involved a fallback of three dwellings, which was deemed to be more harmful to the countryside than the single dwelling then proposed. The other appeal weighed the merits of a fallback involving the conversion of an agricultural building to a single dwelling with a proposal for an alternative dwelling. The size of the proposed and fallback buildings and their impacts on the character and appearance of the areas concerned varied between the two appeals and differ from the site circumstances in the current appeal. These decisions do not provide justification for the appeal proposal.
12. The proposed building would be likely to have higher energy efficiency levels than the converted buildings, but comparative specifications have not been detailed, and so this benefit can only be afforded limited weight.
13. The use of planning conditions to control matters such as external materials, enclosures and landscape measures would not overcome the harm I have identified to the character and appearance of the area.

Housing need

14. The Council's Housing Delivery Test result for 2020 showed delivery of 91% of its targets requiring provision of an Action Plan. This is an indication that the Council is not performing optimally in relation to housing supply. Paragraph 59 of the Framework sets out the Government's objective "*to significantly boost the supply of homes*". The provision of a dwelling on the appeal site would be a modest benefit in meeting the general need for additional housing. But so would implementation of the fallback position which in numerical terms would result in two dwellings.

Planning balance

15. The proposal would have a detrimental effect on the character and appearance of the site and the surrounding area and would be an unsustainable form of development remote from settlements. The adverse impacts of granting permission would significantly and demonstrably outweigh the modest benefit to housing supply through provision of a single dwelling when assessed against the policies in the Framework taken as a whole.

Conclusion

16. The proposal would not be an acceptable form of development in this location. Nor would it be a preferable alternative to the fallback proposals. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR

³ Appeal Ref: APP/R3650/W/15/3133244 - Garden Cottage Farm, Shillinglee Park Road, Chiddingfold, Godalming and Appeal Ref: APP/D3830/W/16/3156030 - Great Wapses Farm, Hurstpierpoint Road, Henfield BN5 9BJ