



Appeal Decisions

Site visit made on 20 April 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal A Ref: APP/D3830/W/20/3271183

Land at Little Park Farm, Marchants Close, Hurstpierpoint BN6 9UZ

- 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 & Mrs John and Lauren Houlton against the decision of Mid Sussex District Council.
 - The application Ref DM/19/4153, dated 30 September 2019, was refused by notice dated 6 January 2020.
 - The development proposed is removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings.
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Appeal B Ref: APP/D3830/W/20/3261897

Little Park Farm, Marchants Close, Hurstpierpoint BN6 9UZ

- 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 & Mrs John and Lauren Houlton against the decision of Mid Sussex District Council.
 - The application Ref DM/20/1533, dated 24 April 2020, was refused by notice dated 13 October 2020.
 - The development proposed is removal of existing barn, mobile home and other outbuildings. Construction of 3 dwellings.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The appeals concern two alternative proposals for the same site. The main issues common to both cases are:
 - a) whether the proposal complies with development plan policy on the location of new housing; and
 - b) the effect of the proposed development on the character and appearance of the area and the setting of Little Park Farm as a Grade II* listed building.

Reasons

Development plan policy on the location of new housing

4. The site is located outside of the built-up area boundary of Hurstpierpoint as defined on the Policies Map for the Mid Sussex District Plan 2014-2031 (MSDP).

As such, it lies in the countryside for the purposes of interpreting planning policy. Policy DP12 of the MSDP seeks to protect the countryside in recognition of its intrinsic character and beauty. Development will only be permitted where it maintains or where possible enhances the quality of the rural and landscape character of the District and it is either necessary for the purposes of agriculture or supported by a specific policy reference either elsewhere in the MSDP, a Development Plan Document or relevant Neighbourhood Plan.

5. MSDP Policy DP15 states that new homes in the countryside will be permitted where special justification exists. Of the criteria set out in the policy, the only one of potential relevance is the circumstance where the proposal meets the requirements of MSDP Policy DP6 on Settlement Hierarchy. This supports the expansion of settlements outside of defined built-up area boundaries where the proposed development is for fewer than 10 dwellings. In order to comply with the policy, the site must be contiguous with an existing built-up area of the settlement and the proposal must be demonstrably sustainable, including by reference to the settlement hierarchy.
6. The built-up area boundary for this part of Hurstpierpoint wraps tightly around Marchants Close and properties in Trinity Road. The pattern of development immediately outside of the boundary is loose-knit and informal, comprising Little Park Farm and a scattering of other buildings, some converted to dwellings, associated with the historic farmstead. Although its access track connects onto Marchants Close, no other part of the site touches the built-up area boundary. A pair of large fishponds separate the site from Marchants Close to the west and an area of public open space provides a buffer to the new housing at the north. The site is within walking distance of public transport, services and facilities within Hurstpierpoint but this does not alter the fact that it is physically divorced from the built-up area boundary. Consequently, I conclude that both proposals conflict with MSDP Policies DP12 and DP15.

Character and appearance

7. The significance of Little Park Farm as a Grade II* listed building lies in its value as a good example of a relatively high status early-mid 17th century vernacular farmhouse in semi-rural surroundings. Old maps show that the building was originally set within parkland but its setting has evolved over the years with modern housing encroaching from the west and barns within the farm complex being converted to residential use. Evidence suggests that the appeal site may once have been part of the farm, used initially as orchard but subsequently to accommodate a brick and tile building ('the old dairy') and later a Dutch barn. Both structures remain in situ, together with a mobile home¹ and the collapsed remnants of a small building.
8. The appeal site directly adjoins the curtilage of the listed building. Trees along the boundary provide effective screening for large periods of the year, but the site and its buildings are likely to be more exposed whenever the trees are not in leaf. Although the mobile home and other structures have a physical presence, the site is predominantly open and undeveloped and it has a strong rural character which is more akin to countryside than the urban area. This parcel of land is the last remaining linkage between the farmhouse and the fields to the east and north-east and in my opinion it contributes positively to the manner in which the listed building is appreciated.

¹ This has been granted a Certificate of Lawfulness under S191 of the Act.

9. The Conservation Officer initially raised concerns over the loss of the old dairy, but has since acknowledged that there are structural issues which would present a major constraint to conversion. Although the building makes a modest positive contribution to the wider setting of Little Park Farm, I share the view that its replacement could be justified, were any redevelopment scheme to be acceptable in principle and of an appropriate design quality.

Appeal A

10. This proposal is to replace the Dutch barn and old dairy with a pair of 1½ storey dwellings and to construct a 5-bed detached house with triple garage block on the eastern part of the site. Plots 2 and 3 would be a replacement for existing farm buildings, but the arrangement of detached dwellings would give rise to a suburban quality which is completely at odds with the prevailing rural character. The new buildings would loosely resemble traditional barns, but the architecture is unconvincing and there is no compelling evidence to demonstrate that the design and layout have been informed by the local context, including the buildings within the historic farmstead of Little Park Farm.
11. Plot 1 would be constructed using high quality materials, but its 2-storey mass would be excessively bulky and the design overly urban and out of keeping with this location. The dwelling and its garage block would be very substantially larger than the mobile home or any caravan which might lawfully replace it. Together, the buildings would represent a significant and unwarranted encroachment of built form into the countryside. The large garden to Plot 1 would domesticate much of the site, and this would break the connection between Little Park Farm and the fields to the east.
12. The scheme proposes a 5m deep landscaping buffer for the south-western boundary of the site with Little Park Farm. This would take time to grow and there can be no guarantee that the planting would establish successfully or that it would be retained long term. Relevant Historic England guidance² advises that screening ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. In my judgement, the proposed landscaping does not justify a scheme of poor design.
13. Accordingly, I conclude that the layout and design of all three dwellings would combine to harm the character and appearance of the area and erode the setting of Little Park Farm. The scheme would conflict with the requirement of MSDP Policy DP34 that proposals should protect the settings of listed buildings. It would also be contrary to MSDP Policy DP12 insofar as it would fail to maintain the quality of the rural and landscape character of the District.

Appeal B

14. Under this scheme, the Dutch barn would be replaced with a substantial 2-storey dwelling (Unit A) with a single-storey dwelling (Unit B) appended to its northern end in place of the old dairy. A further single-storey dwelling (Unit C) would be constructed on the opposite side of the access track, immediately to the north of the mobile home which would be removed.
15. Units B and C would be modest, well-proportioned dwellings, their designs broadly reflective of converted vernacular barns. Unit A, on the other hand, would be a tall, bulky building with a long ridgeline. The intention is for this unit

² The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

to mimic a barn conversion, and the timber clad exterior would follow this theme, but the scale is excessive and the regimented fenestration overly domestic. In my opinion, the dwelling would read as an over-sized, timber-clad house, rather than a former agricultural building.

16. The submitted verified views indicate that the development would be well screened, but these are not representative of the situation in winter when the scale of Unit A would make it unduly prominent from the listed building and its immediate garden. For the reasons I have explained previously, it is not appropriate to rely upon a landscape buffer to make the scheme acceptable.
17. I note that the Conservation Officer remains opposed to the principle of any development to the east of the track entering the site. Unit C is far more modest compared to Plot 1 in Appeal A, tucked into a corner near the site entrance and with its height and proportions reminiscent of a traditional farm building. The curtilage is also drawn more tightly, leaving a significant portion of the site as open paddock. Given that the proposal would secure the removal of the unattractive mobile home, and mindful also that the mobile home could lawfully be replaced by a larger unit without the need for permission, I consider that Unit C would be likely to have a neutral impact on the setting of the listed building. However, this does not alter my conclusion that the design and scale of Unit A would be unacceptable within the setting of the listed building. There would be conflict with MSDP Policy DP34 in this regard.

Other Material Considerations

18. Prior approval has been granted for change of use of the Dutch barn to four dwellings. Whilst this is a material consideration, details of that application are not before me. I am mindful that the Council retains control over the design and external appearance of the building and that any operational development would need to take place within the existing building envelope. The lack of information means that I am unable to compare the relative merits of the proposals and therefore I have attached the permitted development fallback position limited weight.
19. The appellant contends that the site constitutes previously developed land (PDL). Agricultural buildings are excluded from the definition of PDL within the Annex 2 of the National Planning Policy Framework (the Framework). Whilst there is some hard surfacing and remnants of a building, these make up a very small proportion of the overall site area with the majority of the land being undeveloped. I have attached the benefits of using PDL minimal weight.
20. It is being argued that the appeal site is an infill opportunity, having regard to its position relative to existing housing and allocations in the Neighbourhood Plan. Although the site is close to the settlement, my starting point must be the policies of the development plan, with which both proposals clearly conflict.

Planning Balance and Conclusion

21. For both appeals, the harm to the significance of the listed building is less than substantial. Paragraph 196 of the Framework states that in such circumstances the harm to the designated heritage asset should be balanced against the public benefits of the proposal. The public benefits in this case would comprise the addition of 3 new dwellings to the District's supply of housing (a net increase of 2 over the existing situation), together with the boost to the economy during

the build phase and thereafter through additional spending in the local economy and Council Tax receipts. The appellant does not contest the Council's ability to demonstrate a 5 year supply of deliverable housing sites. Although this does not represent a ceiling to housing supply, it does greatly limit the weight that can be attached to the delivery of new homes as a reason for departing from the policies of the development plan, even where those homes are well located for access to services and facilities in a Category 2 settlement.

22. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of listed buildings. The Framework makes clear 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 (and the more important the asset, the greater the weight should be). Little Park Farm is Grade II* listed and therefore any harm to its setting, however minor, should be a factor of considerable importance and weight.
23. In the overall balance, the very modest public benefits do not outweigh the harm to heritage assets in either appeal case. Both schemes conflict with development plan policy on new homes in the countryside. This carries significant weight against the proposals, even setting aside my concerns over design and heritage harm. Paragraph 15 of the Framework makes clear that the planning system should be genuinely plan-led. The Council adopted its local plan in 2018 which makes it up-to-date. Based on the evidence presented, there are no material considerations in either case which justify a departure from the development plan.
24. For the reasons given above and having given careful consideration to all other matters put forward by local residents and summarised in the officer report, I conclude that both appeals should fail.

Robert Parker

INSPECTOR