



Appeal Decisions

Site visit made on 12 July 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05/08/2021

Appeal A - Ref: APP/Y9507/W/20/3264506

Dunford House, Dunford Hollow, West Lavington, West Sussex GU29 0AF

- 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 The Lovebug Group Ltd against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/20/01390/FUL, dated 30 March 2020, was refused by notice dated 7 October 2020.
 - The development proposed is described as 'Change of use of listed building (Use Class C2) to a single dwellinghouse (Use Class C3), including demolition of modern extension and external and internal alterations'.
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Appeal B - Ref: APP/Y9550/Y/20/3264508

Dunford House, Dunford Hollow, West Lavington, West Sussex GU29 0AF

- 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 The Lovebug Group Ltd against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/20/01391/LIS, dated 30 March 2020, was refused by notice dated 7 October 2020.
 - The proposed works are described as 'Demolition of modern extension and external and internal alterations to facilitate the change of use of the building to a single dwellinghouse'.
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Decisions

1. Appeal A – The appeal is dismissed.
2. Appeal B - The appeal is allowed, and listed building consent is granted for the demolition of the modern extension and external and internal alterations at Dunford House, Dunford Hollow, West Lavington, West Sussex GU29 0AF, in accordance with the terms of the application and the plans/drawings submitted with it, Ref: SDNP/20/01391/LIS, dated 30 March 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

3. I have considered the two appeals concurrently, but on their own merits, because there are common matters between them. The National Park Authority (NPA) and appellant have provided comments on the recent revisions to The National Planning Policy Framework (Framework).

Main Issues

4. The main issues in this instance are:

- Whether the proposal would preserve the Grade II listed building known as Dunford House, including architectural or historic features and its setting;
- The effect of the proposal on the provision of community facilities; and
- The effect on the landscape and cultural heritage of the National Park.

Reasons

Whether the proposal would preserve Dunford House

Architectural Value

5. Dunford House was constructed in an Italianate style and this is especially evident in the adjoining tower and arcaded porch. The former has since been truncated and the latter was probably the main entrance into the building. The polite architecture, stucco finish and sash windows afford the building a grand country house aesthetic, which is reinforced by its situation within generous grounds. The building is therefore of architectural value and significance.
6. Dunford House's use as a conference and training centre has resulted in some significant alterations to the building. This has included a disproportionately large and unsympathetic extension on the site of an earlier garden and detached glasshouse. The first-floor bridge is especially incongruous. The list description notes that the modern extension is not of special interest.
7. Following several comprehensive revisions to the proposed plans, the NPA do not consider the proposed works would have an adverse impact on the listed building. It is therefore curious that listed building consent was refused. The reason given is that the works would be unnecessary. The necessity of any alterations can be a factor to consider when deciding whether harmful works should take place, but it is not something that should prevent alterations that would preserve (do no harm to) the building.
8. In this instance the works would go beyond simply preserving the building. They would facilitate the conversion of the building back into the single dwelling house it was originally designed to be. Such a use is likely to be less intrusive to the architectural quality of the building than commercial uses, which require signage and infrastructure. In addition, the detracting 20th Century extension would be removed. The proposal can therefore be regarded as better revealing the building's original architectural significance and character as a Victorian country house.
9. The benefits are not as great as they could have been due to the proposed inclusion of a discordant swimming pool building directly to the rear of the structure. However, the addition would be sunken into the ground and would be much smaller than the sprawling accretions that are currently *in situ*. Thus, the works would enhance the architectural value of the listed building and therefore listed building consent should be granted for the proposed works.

Historic Value

10. The property was built around 1852 for the eminent politician Richard Cobden. He was involved in several national political campaigns, organisations and associations. Most notably working against the Corn Laws and for international peace, which included an important trade mission to France. Dunford House was constructed from public subscription as a mark of the esteem Cobden was held in at the time. It was also occupied by his children Ellen, Anne and Jane who became notable figures in the suffragist and suffragette movement as well as novelists and politicians. Jane Cobden was the first woman to be elected to the London County Council. Dunford House is therefore of historic and associative value and significance as an artefact linked to their lives.
11. Dunford house has not been a dwelling for a very long time. Since around 1920 the building has been used for educational purposes to advance the ideals of Cobden. To this end, it has hosted a series of international conferences and lectures relating to Cobden's political interests. The endurance and historic significance of this use, which has included tenures by the London School of Economics and the YMCA, provides the building with historic, associative, and communal value as a record and narrative linked to the Cobden legacy. The YMCA was given the building because it was a charity that offered public education and training. For reasons I go into, public education and training has continued during the YMCA's tenure. The continuity of public access for training and education resulting from the Cobden legacy is an historic attribute of the building that adds to its historic significance. The proposed change of use to a dwelling would harm this continuity and thus the historic significance of the building.

Setting

12. The relationship and layout of the building to its grounds and the landscape enables historic and evidential value to be gathered on Victorian domesticity.
13. The illustrative landscape plans include a path cutting through the formal lawn to the east of the listed building. This would be problematic as it leads to the central door in the east elevation even though the main entrance was probably through the arcaded porch. The lawn to the east is shown in several historic images as a 'picturesque' softly landscaped area and recreational space that included a croquet lawn. The proposed path would erode this, as would relocating the car park to a position in front of the house, albeit at a lower level. This would harm the setting of the listed building.
14. That said, a condition could be imposed on Appeal A in the event it is otherwise acceptable securing a scheme of landscaping. This would provide a mechanism for removing the car park and proposed access path from the scheme. With these aspects removed, the overall landscaping strategy provides an opportunity to enhance the setting of the listed building by removing the existing 20th Century car park and path from Dunford Hollow to the building.

Heritage Balance

15. The change of use proposed in Appeal A would harm the historic significance of the listed building. The harm would not be severe and therefore I share the view of the NPA that it would be 'less than substantial'. Policy SD13 of the

South Downs Local Plan (LP) states that harm to the significance of a listed building should be balanced against the public benefits of the proposal.

16. Dunford House was constructed to be a dwelling but reverting to this use would harm the historic significance of the building as an educational facility borne out of the legacy of Cobden. That said, use for publicly accessible education and training has harmed the architectural value of the building. When considering the list description and listing report, the historic value of the site seems to be more important than the architectural value of the building. Thus, I share the view of the NPA's Historic Buildings Officer that a use linked to the values and legacy of Cobden, which also allows public access, is going to be the optimum viable use of Dunford House.
17. The appellant has explored using the building as a wellness centre and wedding venue as a means of retaining some public access, but this was not supported at a pre application stage by the NPA. It is however a jump to go from this to a private dwelling. The current dormant use as a conference and training facility is nearer to the optimal viable use than as a private dwelling. It has not been demonstrated that this existing use is unviable. As such, the evidence before me does not demonstrate the proposal would be the optimum viable use of the building.
18. Nevertheless, the scheme would enhance the architectural value of the listed building and its setting. For reasons I go into it would modestly improve the natural beauty of the National Park. There would also be a package of interpretive material. Other public benefits are the modest boost in housing land supply, securing a long-term future for the building and the proposal being consistent with the broad development strategy in the LP of reusing 'brownfield' sites.
19. Considerable importance and weight must be given to the special regard I must pay to the desirability of preserving the listed building¹. This does not amount to a direction to refuse but does provide a strong presumption in favour of preservation. The matter is finely balanced as the proposal would harm the historic value of the building but includes significant public benefits. Overall, the public benefits of the proposal would outweigh the harm to the significance of the listed building. Thus, a conflict with Policies SD12 and SD13 of the LP would not occur.

The effect of the proposal on the provision of community facilities

20. Policy SD43 of the LP states that proposals which would result in the loss of an existing community facility will not be permitted unless it meets certain tests. In the case of commercially run community facilities it is necessary to provide evidence, in the form of a robust marketing campaign, that there is no market demand for the existing use or an equivalent community use. Paragraph 7.225 of the LP explains that the purpose of the policy is, in part, to protect existing community facilities that serve the local communities of the National Park. Examples of community facilities are listed in Paragraph 7.227 of the LP. The LP glossary defines 'community facilities' as services and facilities used by residents. This allows for a very broad interpretation.

¹ See Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

21. It is common ground between the parties that Dunford House is currently a training and conference centre. Conference and training centres are not specifically mentioned in the definition of 'community facilities' or the indicative list in Paragraph 7.227. These are not closed lists but the fact it is not mentioned means it is not an obvious example of a community facility for the purposes of Policy SD43. However, the definition of community facilities is intentionally broad. It is a matter of fact and degree whether a conference and training centre can be considered a community facility. The NPA believes that in this instance it is an educational community facility.
22. Education can be defined as the process of being educated or the imparting or receiving of knowledge. This would normally take place in a school. However, those attending conferences or training at Dunford House were engaged in education of sorts because they were there to learn something. That said, a conference centre can also be used for purposes unrelated to education. In this respect, some parties and weddings, albeit attended by local people, have taken place at Dunford House. It is therefore necessary to examine the character and nature of the activities that have taken place.
23. It is not entirely clear from the submissions what the extent of public access was to the building between its construction and around 1920. As explained, from the early 1920s the building was transferred by the Cobden family to the London School of Economics to be used for educational purposes by students.
24. The building was re-acquired by the Cobden family and from around 1928 until 1951 it was maintained by the Cobden Memorial Association as the Dunford Centre. The aim was to use the building for educational purposes to pursue the Cobden ideals. Activities included seminars and conferences, including one on the concept of a United States of Europe. In around 1951/2 the YMCA took on the building and was granted planning permission for use as a 'YMCA College'². To this end the building was apparently known as Dunford College. During the 1950s it played a role in the post-colonial history of Africa by hosting several events on decolonisation.
25. Evidence provided from interested parties provides a flavour of activities that took place during the YMCA's tenure, which lasted until 2018 and was apparently predicated on a deed that the building should be used for 'general educational purposes'. In this respect, it has been used by local people to attend training sessions linked to local clubs, organisations and societies³. It has been suggested that some activity was without charge. Substantive evidence is not before me to suggest these recollections are false.
26. It has also been used in connection with the YMCA's local educational activities, which included Lent courses and other similar events linked to the local benefices. The NPA has pointed to general YMCA literature that describes the charity as being involved in providing services to local communities. Furthermore, a youth club operated from the Warrens and the Girl Guides and Midhurst Cubs sometimes used the building. It is therefore clear that the building has been used for public education and training and this has involved

² Application reference HY/1/52

³ Reference has been made to Midhurst Grammar School using the building as well as Midhurst Primary School. There has also been mention of training events for local teachers, parish councillors and the local NHS Trust, sewing courses, 'Under the Downs' quiet study days and creative writing courses run by West Sussex County Council. The NPA have also used the building.

a local component and emphasis. In this vein the Parish Council refers to Dunford House as an 'educational and community building'.

27. Although the building has never been a formal museum the evidence before me suggests that there was probably a cultural element to its use. For example, it has been suggested that villagers were permitted access to use the Cobden library and the memorabilia formed an important backdrop to some bookings. Events have taken place with a Cobden theme, such as the annual Cobden lecture, and others took place at the building because of its historic association with Cobden and his ideals and because his artefacts were in situ⁴.
28. The appellant suggests that in more recent times the activity evolved into something more akin to a commercially operated generic conference centre and therefore it was not a facility used by residents of the National Park. The alterations in the 1970s support the assertion that it became a larger residential training facility, and the inclusion of bedrooms would suggest the activity was aimed at more than local users. That said, there is little evidence outlining who used the building and for what purpose.
29. The submissions from the Director of Corporate services at the YMCA lack detail and are contradicted by some interested parties who suggest external companies attended only occasionally to help increase income⁵. There is not, for example, a schedule of users or any documentary evidence submitted to support the Director's comments. Such evidence would have been helpful given the background set out above, which suggests a long standing local cultural and educational basis to the activity. Even the appellant's Heritage Statement refers to the requirement to *maintain* public access and education.
30. I have carefully considered the legal opinion put forward by the appellant. The advice is predicated on a conclusion that no charitable activities, educational use, or community use has taken place in recent years. The reference to 'recent years' seems to be the five years referred to in Chichester District Council's assessment of whether the property should be nominated an Asset of Community Value. However, the five-year period considered for this purpose was apparently when YMCA activity was being scaled down. Nothing of substance is before me to indicate this was not the case. In any event, it is unclear what evidence was advanced to support the nomination.
31. Conversely, some of the activity referred to by interested parties took place in the last ten years. An employee that worked at Dunford House in 2013/14 states that she cannot remember any local companies using the building. Clergy from the Midhurst Deanery apparently had an away day there a 'couple of years ago'. Thus, on the balance of the evidence before me, it seems likely that Dunford House, when operational, was an educational training and conference facility used by residents of the National Park. This local component to its use appears significant rather than coincidental.
32. To summarise, the evidence relating to the past use of the building from all sides is imperfect and largely anecdotal. The evidence before me points towards Dunford House being a conference and training centre focussed on education which has been regularly used by residents. It is therefore a

⁴ For example, a re-enactment festival on the 'Hungry 1840s' which involved the local community

⁵ IBM and 'senior managers' have purportedly used the facility, but it has not been demonstrated when, how frequently or that this was the main type of activity and use

community facility. The proposal would result in the loss of this community facility. As a result, a two-year marketing campaign is required to demonstrate there is no market demand for the existing use or an equivalent community use. There has been marketing⁶ for over 28 months and this has been unsuccessful in finding an alternative community use. However, it has not been demonstrated that the marketing was as robust as envisaged by Appendix 3 of the LP. For example, it is unclear if the marketing price was reasonable, what material was produced and why apparent interest from an international think-tank was not pursued.

33. In conclusion, Dunford House is a conference and training centre that in this instance is a community facility on the balance of the evidence before me. The change of use to a dwellinghouse would result in the community facility being lost. Adequate marketing has not taken place to demonstrate that there is no market demand for the existing use or an equivalent community use. Without this evidence, the provision of community facilities would be harmed. Accordingly, the proposal would be at odds with Policy SD43 of the LP.

The effect on the landscape and cultural heritage of the National Park.

34. For the reasons already given, and subject to the imposition of planning conditions, the proposal would modestly enhance the natural beauty of the National Park by improving the setting of both the listed building and the Serpent's Trail through a sensitive landscaping scheme and the removal of the 20th Century extension. Use as a single dwelling could also reduce vehicular movements thereby improving the tranquillity of the landscape around Dunford Hollow. The proposal would therefore adhere to Policy SD4 of the LP.
35. Being listed for its historic and architectural interest Dunford House is a cultural asset of the National Park. The building has been a private dwelling for only part of its existence. For the last hundred years or so the public have been able to use the facilities for education and training and this use has had a cultural backdrop linked to Cobden and his association with the area. This seems to have been a consistent theme until the building was recently closed to public use. The public did not gain access in the conventional sense of a museum, but they were able to make formal bookings in the knowledge they would be surrounded by the Cobden legacy when there.
36. The conversion of the building into a private dwelling would effectively prevent members of the public from entering. This would dilute the ability of the public to experience the associative value of the building as a cultural asset linked to Cobden. Thus, limiting public access to the building would have an adverse impact on the social and cultural history and heritage of the National Park.
37. Moreover, the Cobden artefacts referred to in the list description greatly enhanced the public experience and the ability to interpret and appreciate his life. This is especially so as several of his more notable deeds took place before the house was constructed or away from the property. Permanently removing these assets from the building would be the consequence of the proposal and this severance would further erode the cultural value of the site.
38. However, the proposal would ensure the long-term future of the building, which is currently empty and tired. In addition, a scheme of interpretation has

⁶ By Savills and Richard Mitham Associates

been advanced that would include an information board, website accessed from a QR code on the board, and a heritage trail linked to the Cobden Obelisk, a memorial stone to his daughters and his grave at West Lavington Church. This is not however, the same as going into the building.

39. Nevertheless, the memory of Cobden would be kept alive at the site by this mitigation and the public would be able to understand that this was his home and that of his daughters. In addition, there is no compulsion on the appellant to retain the artefacts at the building as they are not part of the listing. They have now been removed in any event. As a result, the harm to the cultural heritage of the National Park would not be of a significant magnitude. There would nevertheless be residual harm from changing the use of the building from a publicly accessible educational facility linked to the Cobden legacy.
40. The first statutory purpose of a National Park is to conserve and enhance natural beauty, wildlife and cultural heritage. The proposal would enhance natural beauty but would dilute cultural heritage by removing public access to a cultural asset. This would be at odds with Outcome 4 of the Partnership Management Plan to increase access to cultural heritage. On balance, the proposal overall would offend the first statutory purpose of the National Park without adequate justification. Accordingly, there would be a conflict with Policies SD1 of the LP.

Planning Balance (Appeal A)

41. For the reasons given, the proposal would harm the historic interest of the listed building. However, the benefits of the proposal would outweigh this harm and therefore a conflict with Policies SD12 and SD13 of the LP would not occur. That said, the proposal would also result in the loss of a community facility contrary to Policy SD43 of the LP and undermine the first purpose of the National Park in conflict with Policy SD1 of the LP. The latter is a matter of great weight. These policies are consistent with the National Planning Policy Framework. On balance, the harmful impacts of the proposal, when taken together, would outweigh its overall benefits. Accordingly, Appeal A should fail.

Conditions (Appeal B)

42. Section 17 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the powers to impose conditions on listed building consent and I have had regard to this. Several of the NPA's suggested conditions refer to development rather than works so I have changed the wording accordingly.
43. To preserve or enhance the special interest of the listed building it is necessary to secure details of levels, particularly those of the swimming pool extension, bird and bat boxes, building recording, the making good of damage and the provision of interpretive material. For the same reason it is necessary to secure details of joinery, external materials and other architectural details. To satisfy the obligations imposed by Section 40 of the Natural Environment and Rural Communities Act 2006 it is necessary to secure ecological mitigation as a means of conserving biodiversity. It is not necessary to impose a condition relating to lighting because the Council's reason for the condition relates to dark sky aspirations, which is a matter best dealt with through a planning application. Similarly, it is unnecessary to secure details of tree protection and landscaping in order to preserve the listed building.

Conclusions

44. Appeal A – The proposal would be at odds with the development plan as a whole. There are no material considerations of sufficient force to outweigh this conflict. Consequently, the appeal has failed.
45. Appeal B - The proposed works would preserve the listed building and therefore listed building consent is granted.

Graham Chamberlain
INSPECTOR

Schedule of Conditions (Appeal B)

1. The works hereby consented shall be begun before the expiration of three years from the date of this consent.
2. No works shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, and the proposed completed height of the works and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.
3. Prior to the insertion of a bat box (on the south/south westerly position 3- 5m above ground) details of the design and method of fixing shall be submitted to and agreed in writing with the local planning authority. The bat box shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the insertion of a bird box on the extension of the property, details of the design and method of fixing shall be submitted to and agreed in writing by the Local Planning Authority. The bird box shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
5. The ecological mitigation measures detailed in the AAE environmental consultants statement dated 27 March 2020 shall be carried out concurrently with the approved works.
6. No works shall commence on site until a scheme of building recording (including architectural/historical analysis) has been carried out. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.
7. Prior to the commencement of the works hereby permitted, details of all new external window and door joinery shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drawings and sections at a scale of 1:1, 1:5 and/or 1:10 as appropriate (including sections through glazing bars and meeting bars), to clearly show the construction of the joinery and the finished relationship to the jambs, cills and heads of the wall, and details of final finish (including colour). The works shall thereafter be carried out in accordance with the approved details.
8. Prior to the commencement of the works hereby permitted, details of all new or replacement internal joinery and a schedule of retained internal joinery including windows, doors, door linings, architraves, beading, skirting's and

staircases (including balusters, newel posts and handrails), shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drawings and sections at a scale of 1:1, 1:5 and/or 1:10 as appropriate. The work shall be carried out in accordance with the approved details.

9. No works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority
- Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
 - Full details of proposed meter and alarm boxes;
 - Full details of proposed internal service routes;
 - A full schedule and specification of repairs including:
 - Full details of external decoration to render, joinery and metalwork; and
 - Full details and samples of external materials.

The works shall be carried out in accordance with the approved details.

10. Prior to the commencement of works hereby permitted, the following shall be submitted to and agreed in writing by the Local Planning Authority: 1) Samples and/or technical details of the proposed rainwater goods, 2) details of the proposed method of fixing the rainwater goods to the building, which shall avoid the use of a fascia board; 3) the proposed position of the downpipes. The works thereafter shall be completed in accordance with the approved details.
11. Upon completion of any element of the works for which Listed Building Consent is hereby granted, any damage caused to the fabric of the building shall be made good in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.
12. No works shall be carried out until a schedule of external materials finishes and samples to be used has been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accordance with the approved schedule and samples.
13. Prior to the erection of the interpretation board on the site, details of the board shall be submitted to the Local Planning Authority. This shall include details of its siting, design, size and scale. A detailed plan at a scale of 1:50 shall be submitted, including sections.

End of Schedule