



Appeal Decision

Site visit made on 1 February 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/D3830/W/21/3277009

Pollards Barn, Ditchling Common, Burgess Hill RH15 0SE

- 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 Dim South Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/20/4556, dated 3 December 2020, was refused by notice dated 14 May 2021.
 - The development proposed is "replacement of an existing approval for a 4bed house".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development proposed in the banner heading above has been taken from the application form. However, as an 'existing approval' is not an act of development, and as the description given on the appeal form and the Council's decision notice, which is "Demolition of existing barn and outbuilding. Erection of 1 x 4 bedroom, 2 storey dwelling and new entrance gate", more accurately describes the proposal, I shall deal with the appeal on that basis.
3. Whilst it was not submitted with the application, the appellant's evidence regarding biodiversity interests was submitted with the appeal. As that evidence has been available to the Council and for public consultation during the appeal process, and as I do not consider anyone's interests would be prejudiced, I shall consider it.

Main Issues

4. The main issues are:
 - the effect that the proposed development would have on the character and appearance of the surrounding area,
 - whether it would preserve the setting of 'The Cottage, Pollards Farm' which is also known as Pollards Farm Cottage (the listed building), and which is listed in Grade II,
 - whether the future occupiers would have reasonable access to local shops and services by sustainable transport modes, and
 - its effect on biodiversity interests on and/or near the site.

Reasons

Character and appearance

5. The appeal site is outside the built-up area boundary of any settlement designated in the Mid Sussex District Plan 2014-2031 (LP), so it is, in policy terms, in the countryside. It is situated within a modest group of buildings that are reached by a track off the west side of the B2112, between the dwellings at Pollards Farm to roughly north and Pollards Farm Cottage to roughly south. The site includes a part clad barn, an outbuilding and part of a field that slopes up gently to roughly north west. The proposed pitched roofed L-plan dwelling would replace the barn and the outbuilding.
6. LP Policy DP6 sets out the settlement strategy for the District. It aims to support the growth of settlements where this meets identified local housing, employment, and community needs, and designates Burgess Hill as a Category 1 settlement. The Policy states that outside defined built-up area boundaries, the expansion of settlements will be supported where the site is allocated in the Development Plan or where the development is for fewer than 10 dwellings, and the site is contiguous with an existing built-up area of the settlement, and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy. Whilst Burgess Hill is just beyond the railway line to roughly south west, the site is not contiguous with its existing built-up area boundary, so the proposal would be contrary to LP Policy DP6.
7. LP Policy DP12 aims to permit development in the countryside provided it maintains or enhances the quality of the rural and landscape character of the District, and is necessary for agriculture, or is supported by a specific Development Plan policy. LP Policy DP15 aims to permit new homes in the countryside where special justification exists in accordance with one of several criteria defined in the Policy. None are applicable to the appeal dwelling.
8. The site is within a group of buildings that are clustered within or by a former farmstead, and much of its former agricultural character has endured. Due to their scale, forms and siting, the modern low pitched roofed partly open-sided timber framed barn and the low-profile timber-clad outbuilding are in keeping with the intrinsic character of the countryside. The common to roughly east includes blocks of trees, occasional trees, scrub and open grassland, and the rural landscape to roughly west includes a mosaic of small irregular-shaped mainly pastoral fields edged by hedgerows and trees. So, the surrounding countryside has a largely open appearance and rural character.
9. The existing barn and outbuilding are functionally sited close to other former farm buildings by the side of the track, so they reflect their former farmyard setting. By contrast, the proposal would be sited further west on its spacious plot leaving room at the front for its drive. Much of the pitched roofed form of the dwelling would be side-on to the track, further from the route to Pollards Farm, and it would roughly line up with that wide frontage dwelling. So, the tight knit farmyard cluster would become a broad loose knit array of buildings, and the parked cars and domestic paraphernalia in the grounds of the dwelling would harmfully encroach into the rural landscape eroding the sense of place.
10. The proposed dwelling would have a contemporary barn-style appearance with black stained vertical timber boards and a dark zinc coated aluminium roof. It seeks to provide a contemporary response to Pollards Farm Cottage, next door.

However, due to its layout, scale, form, and massing, including its tall height, it would fail to respect the simple utilitarian forms of the barn and outbuilding or the intrinsic character of its listed neighbour.

11. Although the dwelling would be partly cut into the ground, and its generous patio would be partly enclosed by its L-plan layout, its bulky form, which would be taller than the present barn, would erode the important rural openness. Moreover, due to its substantial footprint, the extensive hard surfaces and expansive glazing, and the tall walls and solid gate enclosing its drive, the incongruous proposal would have a discordant urban character and engineered appearance that would be unacceptably insensitive to its countryside setting.
12. Thus, I consider that the proposal would harm the character and appearance of the surrounding rural area. It would be contrary to LP Policies DP6, DP12, DP15, and DP26 which seeks high quality design and respect for context.

Listed building

13. The listed building is a late mediaeval hall house with C17 and later additions that was formerly the farmhouse for Pollards Farm. It is recorded as a historic post mediaeval farmstead. The listed building is likely to have historical evidential and illustrative value as a late mediaeval timber framed farmhouse, with its later alterations and additions reflecting the socio-economic conditions of their times and its occupiers' evolving needs and aspirations. Its use of building materials drawn from the local landscape and the likely survival of some of its historic farm buildings in some of the small outbuildings to north east of the listed building are important to its aesthetic value.
14. The setting of the listed building has evolved over time, and it now includes the modern looking Pollards Farm. Even so, its setting is still largely rural, and that is important to the significance of the listed building, and the way that it is appreciated for its historic illustrative and aesthetic values. Thus, the rural setting of Pollards Farm Cottage, which is nestled in a hollow by the stream at the heart of the farmstead group, contributes positively to its special architectural interest and significance.
15. For the same reasons as in my first main issue, the proposal would unacceptably harm the important openness in, and the rural character of, the site, which is part of an adjoining field within the setting of the listed building. Because the development would be close to the common boundary with the listed building, it would dominate the views from parts of the north and west sides of Pollards Farm Cottage and from the nearby parts of its garden. When seen from the track, its built form would harmfully intrude into the listed building's important rural setting. Whilst the scheme includes planting between the dwelling and the listed building, it would not overcome the loss of openness in the rural meadow, and as it could not reasonably be controlled by condition for more than a few years, that planting could not be relied upon to partly screen the development in the long term.
16. In terms of the National Planning Policy Framework (Framework) the proposal within its setting would cause 'less than substantial harm' to the significance of the heritage asset. Whilst the proposal would provide a welcome new dwelling, and amongst other things, jobs during construction, and its occupiers' potential support for local shops and services, almost no other public benefits have been put to me. So, they would not be enough to outweigh that less than substantial

harm. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to preserve the important contribution that its setting makes to the special architectural interest of the listed building and to its significance as a historic farmhouse.

17. Therefore, I consider that the proposal would fail to preserve the setting of the listed building. It would be contrary to LP Policy DP26, LP Policy DP34 which reflects the thrust of the statutory duty, and the Framework, which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Access to shops and services

18. The nearest part of Burgess Hill is roughly half a mile away by road and a little less by the nearby public right of way (a public footpath) that runs through the common, and the nearest local shops and services are some way beyond that. There are bus stops for 2 services on one side of the B2112 close to Folders Lane and on both sides of Folders Lane. However, as there are minimal hard surfaced footpaths and street lights on the B2112, and they would not be expected along the public right of way, these routes would not be attractive options for walking, especially in inclement weather or after dark. Whilst the road routes would be reasonable for cycling, that could be challenging for, say, people with restricted mobility or those accompanying young children. So, the reality is that the private motor vehicle would be used by the occupiers and their visitors for most trips. Accessibility might improve should the allocated land to roughly west be developed, but that is not the case now.
19. Thus, I consider that the proposal would not have reasonable access to local shops and services by sustainable transport modes. It would be contrary to LP Policy DP21 which aims for schemes to be sustainably located, and the Framework which seeks to actively manage patterns of growth and to promote walking, cycling and public transport use.

Biodiversity interests

20. The appellant's Preliminary Ecological Appraisal (first issued July 2018), Bat Survey and Great Crested Newt Survey are dated March 2019. They relate to the site of Pollards Farm, which excludes much of the appeal site but includes the outbuilding and a small margin around it. The appellant's Preliminary Roost Assessment for bats, dated November 2020, relates to the site for the 'conversion of agricultural barn to a 4-bedroom house (C3)', but except for the barn and a small margin around it, it excludes much of the appeal site.
21. None of these documents relates specifically to this proposal or to the entire appeal site, and all but the Preliminary Roost Assessment are well over 2 years old. It would also appear that development has taken place at Pollards Farm since March 2019, so the site specific circumstances in the appeal site's surroundings would appear to have changed. So, this information does not provide a sufficiently reliable basis on which to assess the potential ecological impacts of the proposed development. I therefore consider that there is insufficient evidence to show that the proposal would not be likely to adversely affect biodiversity interests on and/or near the site. It would be contrary to LP Policy DP38 and the Framework which aim to protect and enhance biodiversity.

Other matters

22. Little information about the permissions granted for dwellings at Braydells and the land next to Batchelors Farm has been put to me, so those schemes attract almost no weight. Also, as the dwellings permitted at Freckborough Manor and Trendlewood Cottage included the reuse of a building and the replacement of a dwelling respectively, they provide little support for the proposal. So, whilst the points in favour, including the proposed high performance sustainable construction, the suggested condition to secure soft landscaping, and the town council's support, have been considered, they would not overcome the harm identified in the main issues.
23. My colleague granted prior approval for the conversion of the barn to a 4-bedroom house in his appeal decision ref APP/D3830/W/18/3219104. The appellant says that the proposed development would be built instead. However, as the plans show that the buildings in both developments do not overlap, both schemes could be implemented, or the barn could stay as a barn where it is, and there is no acceptable mechanism before me to ensure that these options would not be possible. So, the circumstances differ from those before another of my colleagues in his appeal decision ref APP/D3830/W/16/3156030, where only one of 2 proposals could proceed. Moreover, whilst the appellant would prefer the appeal proposal to the barn conversion, the 2 schemes differ materially, not least in the scale of their sites, and whilst the barn conversion has been found to be acceptable, the proposal before me has not.

Conclusion

24. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
25. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR