



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/21/3277021

Little Lower Ease, Cuckfield Road, Ansty RH17 5AL

- 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 Dr and Mrs R H Bate against the decision of Mid Sussex District Council.
 - The application Ref DM/21/0486, dated 7 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is construction of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's reason for refusal 2 and its statement refer to Policy DP35 of the Mid Sussex District Plan 2014-2031 (LP). LP Policy DP34 is concerned with listed buildings and other heritage assets, that policy has been submitted with the Council's questionnaire, and LP Policy DP35 has not. So, the reference to 'DP35' rather than 'DP34' would appear to be a typographical error. As LP Policy DP34 has been dealt with in the appellants' representations and in the Council's delegated report, and as I do not consider that anyone's interests would be prejudiced, I shall deal with the appeal on the basis that LP Policy DP34 is the correct Policy.

Main Issues

3. The main issues are:
 - the effect that the proposed development would have on the character and appearance of the surrounding rural area, and
 - whether it would preserve the setting of Little Lower Ease (the listed building), which is listed in Grade II.

Reasons

Character and appearance

4. The appeal site is outside any built-up area boundary designated in the LP and the Hurstpierpoint & Sayers Common Parish Council Parish 2031 Neighbourhood Plan (NP), so it is, in policy terms, in the countryside. The existing dwelling at Little Lower Ease is situated in a good-sized piece of land on the roughly west side of Cuckfield Road, with Brushwood Farm lying roughly west, Pond Lye Barn roughly north, and Streams Farm roughly south.

5. The appeal site includes the west part of that land (the site), and it is reached from Cuckfield Road by, and includes part of, the narrow private drive and public right of way that edges the roughly north boundary of the grounds of Little Lower Ease. The proposed 2-storey 'barn style' dwelling would be sited fairly close to the public right of way. The site is partly edged by planting including hedgerows with intermittent trees, and by post and rail or wire fences. It has an open pastoral character, and it slopes up gently to roughly north. Due to its undeveloped appearance and open rural character, the site makes a positive contribution to the intrinsic character and beauty of the countryside.
6. 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.
7. LP Policy DP6 sets out the settlement hierarchy for the District. The Policy aims to support the growth of settlements where this meets identified local housing, employment, and community needs, and it designates Ansty as a Category 4 settlement. LP Policy DP6 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. As the built-up area boundary of Ansty lies some way to roughly north, and the site is not contiguous with it, the proposal would be contrary to LP Policy DP6.
8. NP Policy HurstH1 aims to support new housing to meet the future needs in the NP Area in areas which enhance the existing settlement pattern of the village, can provide significant areas of parkland next to built zones in Hurstpierpoint, or can enhance flood and drainage management in the village of Sayers Common. As the site is situated in mainly open countryside well away from any village including Ansty, the proposal would not support the established pattern of any village, and so it would be contrary to NP Policy HurstH1.
9. Whilst there are a few dwellings nearby, most relate to previous farm development, and the openness at the site provides important space between them that maintains the rural character in views along and from the public right of way. By contrast, the intrusive built form and developed appearance of the dwelling and the hard surfaces associated with it would erode the undeveloped appearance and rural character at the site. As the domestic paraphernalia associated with the dwelling, such as parked cars, gazebos, washing lines, garden furniture and so on could spread out within its extensive plot, its suburban character and appearance would be harmfully at odds with the rural and landscape character of its surroundings. Thus, the proposal would be contrary to LP Policy DP12 which also aims to recognise the intrinsic character and beauty of the countryside, LP Policy DP26 which aims for development to be sensitive to the countryside, and NP Policy HurstC1 which seeks to maintain the rural and landscape character in the area. Little information about the permission granted for 3 dwellings at Amberley Farm has been put to me, so that scheme attracts minimal weight.

10. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding rural area. It would be contrary to LP Policies DP6, DP12, DP15 and DP26, and NP Policies HurstC1 and HurstH1.

Listed building

11. The roughly C16 with later additions listed building is situated fairly close to Cuckfield Road in the south part of its grounds, and its long narrow roughly C17 outbuilding is a little further from the road to roughly north. The site is divided from the grounds of the listed building by a line of post and rail or wire fences, and its rough grassland contrasts with the mown and planted grounds of the listed building. However, the established vegetation including hedgerows and trees that surround them both, by the boundary or close by, and their consistent landform, unifies the 2 plots and largely frames the views from within and over them. Due to this unity, its close relationship with the listed building and the views between them, and in the nearby views from the public right of way, the site is within the setting of the listed building.
12. The list description states that the listed building includes a good example of a C16 timber-framed smoke-bay house. As a smoke-bay is a comparatively rare architectural feature typically associated with historic timber framed dwellings, and not indicative of a commercial function or a 'smokehouse', I prefer the Council's assessment that the listed building was a farmhouse, and I shall consider the contribution made by its setting to its significance on that basis.
13. From the list description, the most historic part of the listed building is within the west range of the dwelling, so it is one of the closest parts of the dwelling to the site. From the Council's evidence including a historic map regression, the listed dwelling was the farmhouse to Leigh Farm during the C19 and included a courtyard of farm buildings to the north of the dwelling, the west range of which survives as the outbuilding within its grounds. It is recorded as a postmediaeval farmstead. The appellants' 1805 map extract supports that arrangement. It also shows a building in about the middle of the site, and it is said that its foundations exist. However, as the remains of the permanent structure or fixed surface infrastructure have blended into the landscape, the site is not considered to be previously developed land.
14. The listed building is likely to have evidential and historical illustrative value as a good example of a C16 farmhouse, demonstrating the prevalent socio-economic conditions of that and later periods in the alterations and additions to it, with aesthetic value due to its use of local building materials drawn from the surrounding landscape.
15. From the historic maps, the lie of the land and wider landscape, the site is more than likely to have had a functional relationship with the listed building as farmland. So, it is important to the special interest of the listed building as a farmhouse for its illustrative historical and aesthetic values. Due to its open rural character, its appearance as an undeveloped field edged by hedgerows and trees, sympathetic landform, and the ability to see both the listed dwelling and its outbuilding from the public right of way to roughly north, the site is important to the setting of the listed building, and to the manner in which its significance as a historic farmhouse is appreciated.
16. For the same reasons as in my first main issue, the proposal, including the 'barn style' dwelling and its extensive garden, would be at odds with the

intrinsic character and beauty of the countryside, and incongruous in its landscape setting. Thus, the proposal would damage the rural backdrop to the listed building in the intermittent views from Cuckfield Road, it would harmfully intrude into the largely open views of the listed building from the public right of way, and it would be unacceptably discordant in the views out of the listed dwelling and from its grounds.

17. The suggested condition for planting by the site's roughly east boundary would not overcome that harm because it would interrupt the present views out of the listed building and its grounds and views of the listed building from the public right of way, and as it would sever the listed building from its surviving rural setting. Also, as that planting could not reasonably be controlled by condition for more than a few years, its partial screening effect could not be relied upon in the long term, and the same applies to existing shrubs in the listed building's grounds. So, the proposal would harmfully diminish the important contribution that the open and rural character and appearance of the site makes to the significance of the listed building, and to the manner in which it is appreciated.
18. 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.
19. Therefore, I consider that the proposal would fail to preserve the setting of the listed building. It would be contrary to 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.

Conclusion

20. 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.
21. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR