



Appeal Decision

Site visit made on 20 June 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/Z3825/W/21/3284138

**Valewood Farmhouse, Mobile Home, Valewood Lane, Barns Green
RH13 0QJ**

- 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 Simon Stainer against the decision of Horsham District Council.
The application Ref DC/20/1488, dated 7 August 2020, was refused by notice dated 14 July 2021.
 - The development proposed is a proposed 4 pitch settled gypsy accommodation site.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This application originally sought planning permission for 6 pitches. However, during the course of its consideration it was reduced to 4, and was determined on that basis. The description above reflects this change and I have considered it accordingly.

Main Issue

3. The main issues in this case are
 - a) the development's effect on the character and appearance of the area;
 - b) whether its impact on the setting of the listed Valewood Farmhouse would harm the significance of that designated heritage asset;
 - c) whether it would have likely significant effects, whether by itself or in combination with other plans and proposals, on the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site and
 - d) if harm would be caused to the above issues, whether there are public benefits or other material considerations that would outweigh that harm and justify a development otherwise than in accordance with the development plan.

Reasons

Character and appearance

4. The appeal site lies in the countryside near to the village of Barns Green. It currently comprises part of a sizeable paddock to the west of Valewood Lane

and is bounded on 2 sides by woodland. As a result it makes a positive contribution to the rural character of the surroundings. The site includes a mobile home that stands by the road, and which I understand is there unauthorisedly. There is also a stable block with an associated area for parking near the roadside, but although falling within the application site that is not subject of this decision. The site is not allocated in the development plan for gypsy and traveller accommodation.

5. The proposal seeks to retain the existing caravan, and site 3 further caravans in a row along the site's southern boundary. Although the occupiers of these 3 additional caravans are unknown, it appears to be accepted in the submissions that the development as a whole would be occupied only by those who fell within the definition of a gypsy and traveller found in Annex 1 of *Planning policy for traveller sites* (the PPTS) and I have determined it accordingly.
6. Given its size, there is no basis to find this scheme would dominate the nearest settled community and no evidence to show it would put undue pressure on existing infrastructure and services. Although I understand other traveller sites are in the vicinity, they are sufficiently distant to mean there would not be a cumulative impact.
7. Furthermore, the presence of the 15m buffer between the caravan pitches and the ancient woodland should be sufficient to avoid issues of heavy shading for the future residents, and safeguard those trees from harm either during the initial establishment of the development or subsequently. The scheme would not result in a discordant or alien field pattern, but rather, by moving the paddock's southern boundary northwards and marking it with a strong hedgerow, it would retain the general form and scale of this field. Having regard to paragraph 26(c) in the PPTS I also note each pitch is to have its own external amenity area.
8. In the PPTS there is no objection in principle to caravans in the countryside. Even in the '*open countryside*' it does not say new traveller development should be prevented but rather should be '*very strictly limited*'. Despite this, as the PPTS is to be read in conjunction with the *National Planning Policy Framework* (the Framework) regard still has to be given to the countryside's intrinsic character and beauty. From the public domain, the site is now enclosed to a great extent by the surrounding woodlands, the hedging on the road frontage and the gated entrance. Consequently, the 3 caravans along the southern boundary would be substantially concealed from the lane while views from the footpaths through the woodlands would be filtered, even in winter. However, the sight splays would, to some degree, open up the site from the lane by the removal and trimming required to the planting along the roadside. These works would make the existing caravan on site more prominent. As a result, the rural character of a section of the lane would be diminished.
9. Moreover, the countryside need not be protected from the public domain only. When in the paddock to the north the effect of the development would be limited to some extent by its scale and its location against the backdrop of trees. Despite this though, from this viewpoint there would still be a notable sense of urbanisation because of the caravans and associated paraphernalia that would undermine to some extent the rural character of the area.
10. Accordingly, I conclude that the development would fail to recognise the intrinsic character and beauty of the countryside, thereby causing a limited

harm to the character and appearance of the area, in conflict with Policies 23, 25, 26, 32 and 33 in the *Horsham District Planning Framework* (HDPF), which among other things seek to safeguard the landscape and require development to be attractive and respect its context. It would also conflict with guidance in the Framework.

Listed Building

11. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) says, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The Framework provides further guidance on this, emphasising that heritage assets are an irreplaceable resource and great weight should be given to their conservation. It adds that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.
12. Valewood Farmhouse is a Grade II listed 2-storey timber-framed former farmhouse that appears to date from round about the 16th Century. Although altered over time, the changes that have taken place have been done with a certain sensitivity, and so it still maintains the impression of a sizeable Low Weald farmhouse from that period. Consequently, its significance is partly historic, partly architectural and partly aesthetic.
13. In terms of its setting, the lane and the railway mean it has little connection to the countryside to the east. Moreover, to the north the landscape has been disrupted by the fishing lakes and the expansion of the village. However, to the west it has largely clear views over the paddock subject of this appeal despite some recent buildings to the south, and the enclosed nature of this means it remains relatively free from any visual encroachment of modern development. As a result, in this direction it maintains a significant link to the surrounding rural landscape, and this helps to appreciate its original purpose. Consequently, the paddock makes a notable contribution to the setting of the building, and so adds positively to its significance.
14. The proposed caravans, together with their associated paraphernalia and activity, would erode the agricultural nature of the view over this paddock. This would mean they would have an adverse effect on the setting by diminishing the strength of the farmhouse's relationship with the rural landscape that was so instrumental in the building's origins. I appreciate that the scheme's effect would be limited to some extent by the caravans being to one side of the paddock when looking from the listed building, and by them being arranged in a row so minimising their prominence. However, by affecting the setting in this way I nonetheless find that the development would cause harm, albeit less than substantial, to the significance of this asset.

In coming to this view I have had regard to the decision in the Deer Park Farm appeal. That though was for a single pitch and was sufficiently distant from the listed building to mean the site lay beyond the limit where the low-key nature of the development would have made an appreciable contribution to the building's current setting. The case before me though is for more caravans with a stronger relationship to the listed building, and so that decision is materially different.

Water neutrality

15. Under the *Conservation of Habitats and Species Regulations 2017* (the Regulations), any proposals that may affect a designated habitat site should be considered with the aim of maintaining or restoring, at favourable conservation status, its natural habitats and species. Before deciding to give permission for a plan or project that is likely to have a significant effect on a habitat site, the decision-maker must make an appropriate assessment of the implications for that site in view of its conservation objectives. The plan or project can then only be permitted after having ascertained there would be no adverse effect on the habitat site's integrity
16. The site is in the Sussex North Water Supply Zone, which draws its water supply from groundwater abstraction. Natural England expresses a concern that this on-going abstraction has a detrimental effect on the Arun Valley SAC, SPA and Ramsar site. These are low-lying wetland areas that offer a variety of ecological conditions, and provide internationally important habitats with outstanding aquatic and invertebrate fauna supporting significant numbers of winter wading birds. It is considered that the ground water abstraction is putting the conservation status of these wetlands at risk. As a result, unless new development within this zone would achieve a level of water neutrality it cannot be concluded with the required degree of certainty that it would not have an adverse effect on the integrity of these wetland sites. I have no basis to question this position.
17. The appellant accepts that this scheme would not achieve the level of water neutrality and no mitigation is available. Although it was contended that had the Council considered the case expeditiously this would not have been an issue, that is not a matter to which I can give significant weight in determining the case's planning merits. A water neutrality report has also been offered for a different development and so does not have a decisive effect on my consideration of this case
18. Accordingly, having made an appropriate assessment I conclude the development would have a likely significant effect on the integrity of the designated Arun Valley SAC, SPA and Ramsar site for which no adequate mitigation is offered. It would therefore be in conflict with HDPF Policy 31, which seeks to safeguard such sites, the Regulations and the guidance in the Framework.

Other matters

19. Details submitted with the appeal mean the Council has accepted the issue of drainage could be resolved by condition, though nonetheless considers there is still a risk in such an approach as the ground conditions remain unknown. Overall though in principle it has no objection to the details now before me, subject to the requirement of additional information. I appreciate that various measurements and calculations are still outstanding. However, I draw sufficient comfort from what is before me to mean that, with the use of a pre-commencement condition to ensure maximum flexibility in the approach to this matter, it is not, of itself, a justification to resist the development.
20. The lane connecting the site to the village has no pavements or lighting. However, it is not a significant distance to Barns Green and the lane has good forward visibility, and so there is a reasonable prospect of trips to and from the

village being made by means other than by motorised transport. I find the location of the site in this regard is not unacceptable.

21. Being in the countryside it is to be accepted that animals, insects and birds cross the site and use it for foraging. However, there is insufficient basis before me to find the habitat value or protected species would be harmed to any material extent by the works.

Balances

The Heritage Balance

22. The Framework says that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm to its significance requiring clear and convincing justification. Under the Act the decision-maker is required to have '*special regard to the desirability of preserving the building or its setting*', while the Framework says that if less than substantial harm is identified to a designated heritage asset, it should be weighed against the scheme's public benefits.
23. In this instance there is an acknowledged and significant shortfall in the supply of gypsy and traveller pitches in the District. Moreover, as the Council has accepted there is a lack of an adopted Development Plan Document concerning this matter and no relevant up-to-date policy, I see no prospect of this situation being turned around in the near future.
24. Although the delivery of 4 pitches amounts to a valuable public benefit, given the thrust of the Framework in relation to protecting designated heritage assets I consider it fails to outweigh the less than substantial harm identified. No other public benefits have been cited that would lead me to a different view in this regard.
25. Accordingly, I conclude that the development would cause less than substantial harm to the significance of the Grade II listed Valewood Farmhouse by reason of its effect on the setting of that designated heritage asset, which would not be outweighed by public benefits. Consequently, the proposal would conflict, in this regard, with the Framework and with HDPF Policy 34 that concerns safeguarding heritage assets.

The Planning Balance

26. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan unless material considerations indicate otherwise. A development plan conflict has been found in relation to the impact on the character and appearance of the area, the impact on the significance of the listed building and the likely significant effect on the Arun Valley SPA and SAC.
27. The size of the shortfall in the delivery of gypsy traveller sites is clearly a significant material consideration. Given this, mindful that addressing such a shortfall can often involve the use of land in the countryside, and taking into account the scale and relatively concealed nature of the development, to my mind the delivery of 4 further pitches is sufficient to outweigh the limited harm identified to the character and appearance of the area.

28. However, noting the high level of protection attributed to European designated sites and designated heritage assets, and recognising the lasting harm that can be caused to them, I consider this material consideration does not justify a decision otherwise than in accordance with the development plan in relation to those 2 issues. Moreover, I am aware of no other benefits that, taken with the issue of supply, would be sufficient to justify the development in the light of the harm identified. Indeed, even allowing the development for a temporary period, with the conflict being time-limited, would not be sufficient to mean these benefits would lead to a decision other than in accordance with the development plan.

Conclusion

29. Accordingly I conclude the appeal is dismissed.

JP Sargent

INSPECTOR