



## Appeal Decision

Site visit made on 25 November 2022

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 December 2022**

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### **Appeal Ref: APP/L3815/W/22/3298685**

### **Howfold Barn, Howfold Farm, Newpound Lane, Wisborough Green RH14 0EG**

- 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 A Van Leeuwen against the decision of Chichester District Council.
  - The application, Ref. WR/21/03424/FUL, dated 2 November 2021 was refused by notice dated 8 March 2022.
  - The development proposed is the erection of 1 No. custom / self-build dwelling – alternative to permission WR/20/01036/PA3Q.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of 1 No. custom / self-build dwelling – alternative to permission WR/20/01036 /PA3Q at Howfold Barn, Howfold Farm, Newpound Lane, Wisborough Green RH14 0EG in accordance with the terms of the application, Ref. Ref. WR/21/03424 /FUL, dated 2 November 2021 and subject to the conditions in the attached Schedule.

### **Main Issues**

2. The main issues are firstly whether the planning history of the site in the form of the prior approval change of use from an agricultural building to a dwellinghouse can reasonably be regarded as a 'fall back' position comprising a material consideration in the appraisal of the proposed development and secondly the effect of the proposal on the character and appearance of the surrounding area.

### **Reasons**

3. The background to this case is the prior approval permitted on 12 June 2020 for a change of use of Howfold Barn to a dwelling under reference WR/20/01036 /PA3Q. A subsequent application for an alternative dwelling was withdrawn.
  4. The appellant considers that the prior approval under Class Q of the GPDO represents a fall back position which would support the appeal scheme. This would be superior to the approved conversion of the agricultural building in terms of sustainability and its effect on the character and appearance of the area. However, whilst the officer's report recognises the existence of the fall back to the extent that it carries significant weight and that '*an appropriate replacement dwelling is likely to be acceptable in principle*', the Council has refused permission for the appeal proposal.
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5. This is firstly because it considers that any replacement dwelling should reflect the scale, design and proportions of the existing building and secondly because of harm that would be caused to the rural character and appearance of the locality in conflict with local and national policy.
6. From the evidence in this appeal, I consider that there is a real prospect that the prior approval development would be implemented because the appellant owns the land and wishes to realise the benefit that has been established on the site. In these circumstances I can see no reason why an absence of similarity with the GPDO Class Q approval should *in itself* be a reason for the refusal of permission of the appeal development.
7. Instead, the appropriate course of action is to evaluate the alternative scheme in terms of the second main issue, the effect on the character and appearance of the area. Case Law, including *Mansell v Tonbridge and Malling Borough Council (2017)* and an appeal decision at Taunton, Somerset (Ref. APP/W3330/W/20/3248009), both cited for the appellant, support this fall back approach and the appropriateness of assessing the proposed new building as an alternative option. I am also aware of other decisions by the Courts and by Local Planning Authorities that take the same view.
8. In making this assessment I note that the appeal proposal at Howfold Barn is again for a single dwelling but that the Council alleges harmful uplifts in size and scale compared to the approved development. However, the appellant's statement refers specifically to comparative volumes in cubic metres, with the existing farm building at 1,495, the Prior Approval scheme at 1,367 and current appeal proposal the smallest at 1,175. These figures have not been contested by the Council.
9. Furthermore, the maximum height of the currently proposed dwelling would only slightly exceed that of the existing farm building. And although there is an increase in the amount of roof at this height, I consider that any perception of bulk would be offset by the inclusion of the hipped elements in the roof design and the inverted 'U' shape of the proposed building. This enables the massing of the development to be more evenly distributed within an extent of a footprint of similar size and essentially in the same position as the existing building retained in the conversion under the Prior Approval.
10. The Council's evidence concedes that '*the architectural quality of the proposed dwelling is not disputed*' and that because it is a new build the sustainable construction methods and technologies would reduce the environmental impact of the dwelling compared to the approved scheme. These are clearly considerations that carry weight in favour of the appeal proposal, but in the Council's view they would be outweighed by the significant differences in appearance that would fail to integrate with its surroundings and would '*cause harm and detriment to the low key rural character of the site and locality*'.
11. I acknowledge that ostensibly a new build may appear counter-intuitive, given both the general and detailed restrictions of Class Q that have established the principle of development. However, I support the appellant's view that the design, courtyard layout and external materials would be in keeping with the Sussex rural vernacular. The bulky 'A frame' gable of the existing building that would be retained in the existing Class Q approval is prominent from the site

entrance in Newpound Lane and the buildings at or close to Granary Cottage diametrically opposite can be seen from a number of vantage points. Neither example appears to be particularly 'low key'.

12. I also consider that the substantial size of the appeal site is such that it would result in the revised development being proportionate and able to accommodate landscaping to assist in enabling the proposed dwelling to blend with the local landscape. The Council criticises the development as having a 'domestic' appearance, but as the building would be a dwelling I can see no objection to this. The allied opinion of a 'suburban' appearance is in my view not borne out by the scheme's barn style appearance and farmyard layout within a generously sized site.
13. As regards the conflict with local and national policy in terms of the location and type of a dwelling in the open countryside, this carries less weight in the proposed development because of the existing approval of a dwelling on the site. Bearing this in mind and having regard to my conclusion that the proposed building would comprise a significant betterment of the Class Q approval, I conclude that there would be no harmful conflict with Policies 1, 2, 33, 45, 47 & 48 of the Chichester Local Plan: Key Policies 2014-2029 or with Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.
14. I shall therefore allow the appeal. The Council has suggested a number of conditions but some of these are standard conditions more appropriate to developments of more than one dwelling or indeed flats. I have therefore made amendments to impose only those conditions that I consider are reasonable and necessary for a single dwelling on this site, and also to remove the discretionary elements which are contrary to Government guidance on conditions.
15. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition in respect of ensuring that the building and its occupants are able to minimise energy consumption will reduce the impact on climate change. Conditions relating to external materials and landscaping will safeguard visual amenity.
16. A condition requiring refuse and recycling facilities will also safeguard amenity and encourage sustainable management of waste. Conditions in respect of cycle storage and an electric vehicle charging will encourage sustainable travel options and limit carbon emissions.
17. A condition requiring the development to incorporate the recommendations of the Ecology report submitted as part of the application will protect the ecology of this rural location and maintain a diversity of flora and fauna. Finally, a condition restricting permitted development will ensure that the architectural quality of the dwelling is not undermined and that the character of the site and its landscape setting are retained.

*Martin Andrews*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 01 P1; 04 P1; 05 P1; 06 P2; 07 P2 & 08 P2;
- 3) No development shall commence until a strategy outlining details of the sustainable design and construction for the dwelling, including water use, building for life standards, sustainable building techniques and technology, and energy consumption maximising renewable resources has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented as approved, prior to first occupation of the dwelling;
- 4) Notwithstanding any details submitted, no development/works above ground level shall commence until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes;
- 5) The dwelling hereby permitted shall not be occupied until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully carried out in accordance with the approved details not later than the end of the first planting season after occupation;
- 6) The dwelling hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity;
- 7) The dwelling hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details first submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking shall be retained in perpetuity;
- 8) The dwelling hereby permitted shall not be occupied until an Electric Vehicle (EV) charging point has been provided in accordance with plans and details first submitted to and approved in writing by the Local Planning Authority. Thereafter the EV charging point shall be retained in perpetuity;
- 9) The implementation of this planning permission shall be carried out strictly in accordance with the recommendations of the report prepared by the Ecology Co-op Environmental Consultants dated 17th May 2021;
- 10) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A and E of Part 1: Schedule 2 shall be erected or made on the application site without a grant of planning permission.