



Appeal Decision

Site visit made on 30 January 2023

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

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/D3830/W/22/3302631

Horsmanshoad, Pickwell Lane, Ansty, West Sussex RH17 5RH

- 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 John Verbeeten against the decision of Mid Sussex District Council.
 - The application Ref DM/22/1231, dated 16 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is Conversion of existing buildings to one 1-bed and one 2-bed dwelling houses.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the future occupiers would have reasonable access to local shops and services by means other than the private car.

Reasons

3. The appeal site is situated within the countryside and within the High Weald Area of Outstanding Natural Beauty. The site includes accesses from Pickwell Lane, outbuildings, soft and hard landscaped areas, and the 2 appeal buildings, which are close to the drive. The adjoining land under the control of the appellant includes the dwelling at Horsmanshoad, other parts of its grounds and ancillary buildings. One appeal building is fairly close to the dwelling to roughly west, and the other is further away to roughly east.
4. The appeal buildings are part of the development permitted by the Council, ref 10/01283/FUL, subject to Condition 3, which states that The buildings approved shall be used as incidental accommodation to Horsmanshoad only and for no other purpose (including use as living accommodation). The reason given for the condition is To protect the character and appearance of the countryside and High Weald Area of Outstanding Natural Beauty, and to comply with Policies C1 and C4 of the Mid Sussex Local Plan.
5. The Mid Sussex Local Plan has been superseded by the Mid Sussex District Plan 2014-2031 (LP). 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 Bolney as a Category 3 medium sized village. 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. The site is not contiguous with the built-up area boundary of Bolney, so it would be contrary to LP Policy DP6.

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. The Policy also aims to permit the re-use and adaptation of rural buildings for residential use in the countryside where the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.
7. The surrounding countryside has a rural character. There are a few sporadic dwellings in mostly large plots in Pickwell Lane. The detached dwelling at Horsmanshod is largely screened from Pickwell Lane by existing trees and other vegetation by the lane. The dwelling and its outbuildings including the appeal buildings are set in good-sized grounds that mostly slope down away from the lane.
8. Whilst the appeal buildings are located in the countryside, they are incidental to the dwelling. They are not buildings related to agriculture or forestry and there is no other special justification for them to be located in the countryside. Moreover, Condition 3 makes plain that the buildings should not be used as living accommodation. The appellant says that the likelihood is that the proposal would be occupied by family members or staff to help run the estate, but that would not amount to the special justification sought by LP Policy DP15.
9. There would be no external alterations to the appeal buildings and each of their compact gardens would include 2 parking spaces. These garden areas are presently well landscaped, and although cars parked in the proposed spaces could detract a little from the appeal buildings' settings, the appellant's suggested condition for landscape improvements attracts little weight because planting could not reasonably be controlled by condition for more than a few years. Moreover, as the appeal buildings were found to be acceptable, and I agree, they do not need to be screened. So, whilst the rural and landscape character of the District would largely be maintained, the proposal would not enhance their immediate settings. It would be contrary to LP Policy DP15.
10. The appellant says that the buildings are redundant, but as they appear to be in reasonable condition, they met the previous occupier's needs and future occupiers of the dwelling could also need them, they are not considered to be redundant or disused. Moreover, whilst the special circumstances in paragraph 80 of the National Planning Policy Framework (Framework) includes the re-use of redundant or disused buildings, the proposal would not enhance their immediate settings. As the appeal buildings are separate from the dwelling, the proposal would not involve the subdivision of an existing residential building.
11. LP Policy DP21 aims for schemes to be sustainably located to minimise the need for travel. The Policy notes that there might be circumstances where development needs to be located in the countryside, but there is no special justification for the proposal.

12. The site is mostly reached by narrow rural lanes without footpaths and street lights and is some distance from the village centre in Bolney and from the nearest bus stops, which are by the junctions of Broxmead Lane with London Road and Pickwell Lane with Bolney Road. Due to the distance, the occupiers would be likely to drive the roughly 6 miles to the comprehensive shops and services and railway station in the Category 1 settlement of Haywards Heath. Whilst the occupiers could walk to the village or the nearest bus stops, such day to day walking trips would be unattractive to most occupiers in inclement weather or after dark, especially for, say, an elderly person or a parent with a small child. As these trips would also be likely to be made using the private car, the location of the site would not be suitable for the proposal.
13. As almost all cars, whether electric or not, require energy from whatever source for propulsion that may be better used elsewhere, the proposal would not meet the Framework's aim of achieving sustainable development, which includes using natural resources prudently. Some occupiers may not need to commute to help with managing the existing dwelling's grounds, but the trips to meet their day to day needs, whether made by those occupiers or met by delivery services, would be likely to be greater than those from and within a settlement. So, the proposal would not amount to sustainable development in terms of LP Policy DP6. It would also be contrary to the Framework which aims to promote sustainable transport and to actively manage patterns of growth.
14. Highway safety was not a concern of the highway authority, and I see no reason to disagree. As almost no details of the other developments referred to by the appellant have been put to me, they attract little weight. The proposal's aims include to make effective use of the site and the appeal buildings. Its other benefits would include 2 welcome new homes, employment during construction and its future occupiers' likely support for local shops and services, but all of its benefits would not outweigh the harm identified above.
15. Therefore, I consider that the proposal would not have reasonable access to local shops and services by means other than the private car. It would be contrary to LP Policies DP6, DP12, DP15 and DP21, Policy BOLBB1 of the Bolney Neighbourhood Plan 2015-2031 which aims to not permit development outside the built-up area boundary unless it is in accordance with other planning policies applying to the Parish, and the Framework.

Conclusion

16. 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.
17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR