



Appeal Decision

Site visit made on 15 May 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/Z3825/W/22/3304029

The Barn, Capel Road, Rusper, West Sussex RH12 4PY

- 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 Ben Jones against the decision of Horsham District Council.
 - The application Ref DC/21/1832, dated 2 August 2021, was refused by notice dated 17 May 2022.
 - The development proposed is described as 'insertion of windows and doors following the re-cladding of the existing Agricultural Storage Building (DC/19/1431)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's Planning Appeal Statement (PAS) was not submitted on time. It largely reiterates the appellant's Supporting Planning Statement (SPS) submitted with the application, including in response to the Council's reasons for refusal. I have therefore taken the PAS into account in determining the appeal and consider that this does not prejudice the Council.
3. The appellant contends that The Barn still has an extant deemed consent for a proposed change of use from an agricultural building to two dwellings, further to a prior approval issued by the Council on 20 June 2014¹. Alternatively, or additionally, that as The Barn was last in agricultural use it could anyway be converted to a single dwelling under the prior approval procedure, including with the benefit of re-cladding and re-roofing works approved by the Council and since carried out². Either way, the proposed windows and doors are to facilitate residential use of The Barn as a dwelling.
4. There is an apparent disparity between the terms of the 2014 deemed consent for two dwellings and the intention to create a single dwelling. Until a prior approval is granted for a single dwelling there is no fall-back position in this regard. There is no objective evidence, such as a certificate of lawful use or development, that The Barn can be used as a single dwelling (or for any dwelling) and the re-cladding and re-roofing works were in relation to the existing agricultural storage building, not a dwelling. In any event, the description of the proposed development in the banner above, which is taken from the application form, does not include change of use to a dwelling. Besides which, there are no floorplans or other details before me to this effect.

¹ DC/14/0882

² DC/19/1431

5. Notwithstanding what is stated in the appellant's SPS and PAS – 'development proposal consisting of the insertion of windows and doors to allow for the building to be utilised for its intended purpose as a residential dwelling' – the appellant's objective to occupy The Barn as a dwelling is not within the scope of this appeal. There is no evidence that granting planning permission for the proposal in this appeal would 'regularise' or allow the appellant to 'complete' use of The Barn as a dwelling, as he otherwise suggests. The application form, SPS and PAS confirm the existing use of The Barn is as an agricultural storage building. Accordingly, I have determined the appeal on this basis.

Main Issue

6. The main issue in this appeal is the effect of the proposal on the character and appearance of The Barn and on the surrounding countryside.

Reasons

7. The Barn has a single internal volume with a relatively narrow but long rectangular floorplan and a tall (two-storey height) eaves level with a shallow dual pitched roof. The elevations are clad in horizontal timber boarding with a single large opening at one end. The roof appears to be slate tiles or sheeting with the appearance of slates. It has the form and appearance of a large agricultural storage building set within the appeal site, which is a small surrounding apron of mainly grassland in the countryside next to Capel Road. It is bounded by post and wire fences facing large fields over lower ground to the west with an open panoramic aspect. A hedgerow along the road includes a gated vehicular access. The Barn is isolated from the nearest domestic and rural buildings, which are scattered and sporadic in nature along the road.
8. The proposal would create new openings for 13 dual pane windows in the lower or upper parts of each elevation of the resulting building and 5 pairs of double doors (6 including the existing opening) in three elevations. These would be timber framed and each identical in size and proportion – windows 1.1m high and 2.7m wide, doors in unspecified materials 2m wide and 2m high.
9. Appropriate windows or doors are not unusual or unexpected in working rural buildings, requisite for their rural use. There is no in principle objection to such development in this case, but no need or justification has been given in this regard for what is proposed. The large number and size of windows and doors, together with their regimented arrangement and placement in the lower and upper parts of The Barn would result in a significant area and portion of blank timber cladding being lost. The apparent style of the windows and doors would also give a tangible domestic feel to the building. Punctuating the fabric of the building in this way and to this extent would seriously detract from this intrinsic prevailing feature of The Barn. These alterations would, therefore, fundamentally undermine and erode its distinct visual and physical integrity as a typical agricultural storage building.
10. The Barn is set back from the road but it is substantial in scale and massing with a largely open setting in the surrounding landscape context. Three elevations are prominent and conspicuous in views from the road in both directions, especially the tall upper part of the building over the roadside hedgerow. An end and one side elevation would be seen together from each direction. The side elevation facing the road, with the most windows and doors (combined) and least amount of retained timber cladding, would also be clearly

visible in unobstructed views from the gap in the hedgerow at the vehicular access, including the lower part of the building. While its shape would not change, the proposed windows and doors would, therefore, render The Barn manifestly out of keeping and incompatible with its rural context.

11. I find that the proposal would unacceptably diminish and detract from the rural utilitarian external design of The Barn and cause substantial harm to its character and appearance; in turn, erode the positive contribution it makes to the character and appearance of the surrounding countryside. Consequently, it conflicts with Policies 25, 26, 32 and 33 of the Horsham District Planning Framework November 2015 (the DPF). These policies include that the design of buildings should contribute to a sense of place and integrate sympathetically with their surroundings. Additionally, that essential development in the countryside should protect landscape and rural character.
12. The Council also cited DPF Policy 30 in its decision notice. However, there is no evidence that the appeal site is in, adjoining or close to a protected landscape so this policy is not relevant.

Other Matters

13. The proposal would not have an adverse effect on the living conditions of the existing occupiers of any nearby dwellings and there would be no effect on any highways related consideration. The absence of harm in these respects is a neutral factor in my decision.
14. There is no proposal for a dwelling in this appeal and no other dwelling has been demonstrated on the appeal site, so there would be no addition to the Council's housing stock. Similarly, conditions suggested by the appellant to require subsequent approval of details of the internal layout of The Barn as a dwelling and to remove residential permitted development rights are not necessary or relevant to the proposed development; nor, anyway, would such conditions overcome the harm that I have identified. There is no apparent reason why this currently under-utilised building could not be used effectively and efficiently for agricultural storage.
15. There is a complex planning history to The Barn. The appellant considers that he has not been professionally well-advised in the past and that the Council has not engaged with him in the planning process. He has acted in good faith. He has connections to the local area and has invested in The Barn, including high quality materials to improve its structure and fabric for its occupation by his family. Nevertheless, these matters are not within the remit of this appeal, which I have considered on its individual planning merits and the evidence before me.

Conclusion

16. The proposal does not accord with the development plan. There are no material considerations to indicate that the decision should not be made otherwise than in accordance with the development plan. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR