



Appeal Decision

Site visit made on 5 June 2023

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

an Inspector appointed by the Secretary of State

Decision date: 16th June 2023

Appeal Ref: APP/D3830/W/22/3309918

Bolney Park Farm, Broxmead Lane, Bolney RH17 5RJ

- 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 Miss Anne-Marie Rawlins against the decision of Mid Sussex District Council.
 - The application Ref DM/22/0157, dated 17 January 2022, was refused by notice dated 4 May 2022.
 - The development proposed is conversion of barn with associated works to create a two bedroom dwelling along with alterations to adjacent stable buildings.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant submitted revised plan PL1F during the appeal process to correct a drafting error on application plan PL1E. As plan PL1F has been available to interested parties during the appeal process, and as I do not consider that anyone's interests would be prejudiced, I shall consider plan PL1F.

Main issues

3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area,
 - whether the future occupiers would have reasonable access to local shops and services by means other than the private car, and
 - the future occupiers' living conditions, regarding noise and disturbance.

Reasons

Character and appearance

4. The appeal site is situated outside any settlement boundary designated in the Mid Sussex District Plan 2014-2031 (LP), so it is, in policy terms, in the countryside. The site is also within the High Weald Area of Outstanding Natural Beauty, which has the highest status of protection in relation to landscape and scenic beauty. The site is reached from the roughly north side of Broxmead Lane. It includes parts of existing drives and adjoining land, the existing 'barn' (appeal building), and land towards the roughly south west corner of a group of farm and equestrian buildings, which are set well back from the lane by a paddock and a strip of grassland.

5. 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.
6. The surrounding countryside has a rural character. The wider undulating landscape is mainly characterised by irregular shaped fields edged by hedgerows with occasional trees and woodland blocks. There are a few dwellings next door and in the nearby part of Broxmead Lane, but further along the lane they are much more sporadic. The hedgerows by the lane, the verdant openness in the land between the lane and Bolney Park Farm's farm and equestrian buildings, and the simple forms and utilitarian character of those buildings, are important to the local rural character. The existing well-managed mainly open land between the appeal building and the lane provides a suitable setting for the appeal building, which is sympathetic to the rural context.
7. The appeal building includes a modest partly stone walled building and a deeper but narrower pitched roofed north outshoot by the site's roughly west boundary, both of which are traditional in form, and an unroofed cellular arrangement of walls by the outshoot. The proposal would retain much of the hipped roofed form of the south part of the appeal building, but the outshoot's roof would be replaced. Due to its substantial scale, low pitch and broad span, the proposed gabled roof to the larger north part of the appeal building would be unacceptably discordant. Moreover, due to the scale, proportions, number and layout of the rooflights, and the domestic appearance of most windows and doors, the rural character of the appeal building would be harmfully eroded. So, the proposal would harm the character and appearance of the appeal building, and that harm would be seen from the lane and neighbouring dwellings.
8. The south part of the yard to roughly north of the appeal building would become part of the dwelling's private garden. However, due to its orientation, relationship with nearby buildings, and the tall solid boundary treatment that would be necessary to ensure the future occupiers' privacy, the dwelling and its private garden would be uncomfortably hemmed in. Whilst landscaping and boundary treatment could be controlled by condition, planting could not be relied upon to ensure the future occupiers' privacy or to screen the proposal in the long term because it could not reasonably be controlled by condition for more than a few years.
9. The area roughly south and south east of the appeal building would include a drive with parking and turning spaces and well sunlit landscaped areas, and thus, the associated hard surfaces, and parked vehicles for some of the time. Because the proposal would bring the development closer to the lane, and because the development's residential character and appearance would be seen from the lane, the proposal would be detrimental to the rural and landscape character of the countryside, and to the natural beauty of the Area of Outstanding Natural Beauty. For the same reasons, the proposal would not lead to an enhancement of the appeal building's immediate setting.

10. Old Park Farm Stables could be lived in independently, had its own access, and, amongst other things, had been occupied for residential purposes for at least 10 years, so its planning circumstances differed from those of the proposal before me. Moreover, as the appeal building could be repaired without the need to allow this damaging proposal, the repairs attract little weight.
11. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area, and that it would fail to conserve or enhance the natural beauty of the Area of Outstanding Natural Beauty. It would be contrary to LP Policy DP12 and Policies BOLB1 and BOLE2 of the Bolney Neighbourhood Plan 2015-2031 which reflect the thrust of LP Policy DP12, LP Policy DP15, LP Policy DP16 which aims to conserve or enhance natural beauty in the Area of Outstanding Natural Beauty, LP Policy DP26 which seeks high quality design and respect for context, and guidance in the Mid Sussex Design Guide Supplementary Planning Document SPD. It would also be contrary to the National Planning Policy Framework (Framework) which aims to achieve well-designed places, and which recognises the intrinsic character and beauty of the countryside.

Access to local shops and services

12. LP Policy DP21 aims for schemes to be sustainably located to minimise the need for travel. Whilst LP Policy DP21 explains that there might be circumstances where development needs to be located in the countryside, and the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, there is no special justification for the proposed dwelling to be located in the countryside.
13. The site is roughly 850 m from the centre of Bolney, which includes a primary school and a few essential local services and facilities, but parts of the routes to the village are unlit and/or lack footpaths. So, whilst most occupiers could walk to and from the village, such day to day walking trips would be unattractive in inclement weather or after dark, especially for, say, a parent with a small child or an elderly person. The bus stops in Broxmead Lane and the nearby London Road only offer limited services towards the large settlements of Crawley, Brighton, Horsham and Haywards Heath. Cycling to the village and to the train station at Haywards Heath, roughly 5 miles away, could be an option for experienced cyclists, but this would not suit all occupiers. As trips to the village and further afield, including those to access key services and facilities in the nearest large village of Cuckfield or in the town of Haywards Heath, would be likely to be made using the private car, the location of the site would not be suitable for the proposed dwelling.
14. Highway safety was not a concern of the highway authority, and I see no reason to disagree. Insufficient details of the other rural developments referred to by the appellant's transport consultant have been put to me, so they attract little weight.
15. Thus, I consider that the future occupiers of 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 Policy DP21, and the Framework which aims to promote sustainable transport and to actively manage patterns of growth.

Living conditions

16. The north end of the appeal building is close to a barn style stable building, which includes stables, a store and an indoor yard. There are stables in the west side of the modern barn on the other side of the open yard to roughly north east. The southernmost opening and window in the stable building and all west facing openings to the stables in the modern barn would be blocked up, and the ramp, access and canopy to the latter stables would be removed.
17. The proposal's private garden, and the north facing bedroom window, which should receive adequate natural light, would be close to the tall wide east facing opening into the stable building from the yard. So, if the stables in the stable building were to be used, the future occupiers would be subjected to noise, including the comings and goings of people, animals and vehicles, and activity in the stable building and the yard at any time, and could be subjected to disturbance, due to matters including odours, dust and flies related to the use of the stable building and the yard, which would harm their living conditions in the nearby parts of their home and in their garden.
18. The appellant says that the stables in the stable building would not be used, but circumstances could change, and there is no acceptable mechanism before me to control when the stables could be used, or to control the number of animals kept there at any time. Few details of the dwelling next door, which is beside the stable building, have been put to me, and whilst no complaints have been made or issues raised, that dwelling pre-dates current planning policy, so its circumstances differ from those of the proposal.
19. So, I consider that the proposal would harm the future occupiers' living conditions, regarding noise and disturbance. It would be contrary to LP Policy DP26, LP Policy DP29 which aims to protect the quality of people's life from unacceptable levels of noise, light and air pollution, and for development on land adjacent to an existing use which generates odour to not cause any adverse effect, and the Framework which seeks a high standard of amenity for future users.

Other matters

20. The benefits of the scheme would include a new home, which would make a windfall contribution to the Council's 5 year supply of deliverable land for housing, jobs during construction and its future occupiers' likely support for local shops and services. However, all of the benefits would not outweigh the harm identified in the main issues. Moreover, whilst all of the appellant's suggested conditions have been considered, they would not be enough to make the proposed development acceptable.

Conclusion

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

J Reid

INSPECTOR