
Appeal Decision

Site visit made on 4 May 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/Z3825/W/22/3293640

Wiltshire Farm, Pickhurst Lane, Pulborough, West Sussex RH20 1DA

- 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 Sir John Ritblat against the decision of Horsham District Council.
 - The application Ref DC/21/1264, dated 27 May 2021, was refused by notice dated 3 September 2021.
 - The development proposed is demolition of agricultural building and erection of a dwelling with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A Unilateral Undertaking has been submitted with the appeal, dated 12th May 2022 (the UU). I have had regard to this document in the determination of the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site forms part of a large field of open grassland, which includes a barn to its eastern side, close to the site access and positioned broadly parallel to the adjacent track. This eastern side of the site includes various paraphernalia close to the barn and associated with its use, such as enclosures and areas of hard surfacing.
5. The surrounding area is distinctly rural, comprising a patchwork of open fields and arable land, interspersed by hedgerows, tree belts and woodland. There are few other built forms in the surrounding area, the nearest being the two storey stone house of Wiltshire Farm Cottage and some low level outbuildings to the south of the appeal site. Clusters of more dense development exist further to the south east, around the A29 and including Codmore Hill.
6. Further to the south, Hill Farm Lane runs along an elevated wooded ridgeline, from where the site can be seen from various points, from the road itself as well as from the public footpaths which lead from it. The site can also be seen to varying degrees from other public footpaths near the site.

7. Several landscape character assessments cover the site, as set out in the appellant's Landscape and Visual Impact Appraisal (LVIA). The site falls within the Wealden Greensand National Character Area¹, described as including extensive belts of woodland and more open areas of heath, and having an outstanding landscape, geological, historical and biodiversity interest. The site is in the Low Weald area of the Landscape Character Assessment of West Sussex² which sets out its key characteristics as including a flat to gently undulating landscape, intricate patterns of small pastures and large arable fields and variable hedgerow network, fragmented and depleted in places. Similar characteristics are described by the Horsham District Landscape Character Assessment 2003 and Pulborough Design Statement 2013, focusing on the flat landform and patterns of fields and hedgerows. To the north, the appeal site adjoins dense deciduous woodland and the edge of the South Downs National Park (the SDNP), which extends away to the north and north west.
8. In its current form, the open nature of the appeal site, together with its typically agricultural forms contained to its eastern side, expanse of grassland reaching to the west and verdant boundaries, contributes positively to the character and appearance of the area, and to those attributes described by the above mentioned landscape character assessments.
9. The proposal would introduce a substantial dwelling set centrally on the appeal site and comprising various single storey projections extending from a central two storey component, with tall pitched roofs over most elements. As such, the character of the site would be dramatically changed to that of residential development.
10. The appellant's LVIA identifies viewpoints from where the visual effects of the proposal may be apparent. I consider the views from where the effects of the development would be the most significant are those on higher ground to the south (viewpoints V04, V05 and V06) which would be experienced by users of the public footpaths as well as traffic using Hill Farm Lane.
11. The LVIA considers that the distance and scale of the built form and its woodland backdrop contribute to a negligible effect. I note the LVIA shows views 04 and 06 to be partially obscured by nearby vegetation, which may be subject to change. Despite this, in those views the open nature of the appeal site is apparent, with the barn tucked to its eastern side. The appeal site can be seen to sit comfortably among the patchwork of agricultural land to the south, with minimal intrusion by built forms. By reason of its scale and design including central gable feature and extensive areas of glazing to its west facing elevation, the development would appear prominent in those views and in stark contrast to the rural character of the area described above, resulting in worse than a negligible effect.
12. The proposed landscaping works would be positioned predominantly behind the development in those views and it would elongate the appearance of the woodland belt behind, appearing to wrap around the back of the development. However, the presence of that planting and the woodland belt behind, would do little to mitigate for the stark visually effects of the proposal in those identified views.

¹ National Character Areas, September 2014

² Landscape Character Assessment of West Sussex: Land Management Guidelines November 2003

13. The LVIA acknowledges the landscape of the adjoining SDNP to the north to comprise a landscape of apparent large and expansive scale as a result of the flat landform, consistent pasture land cover, lack of vertical elements and far reaching views contained by the adjacent valley sides. I observed that views towards the SDNP are possible from the higher ground to the south, discussed above, and in those views the appeal site forms a part of its rural setting and its ability to be appreciated. For the reasons set out above, through the loss of the rural character of the site, the proposal would also cause harm to the setting of the SDNP.
14. An extant planning permission exists for the removal of the existing barn and erection of a dwelling³ (the 2019 scheme). As this scheme has been implemented this is a legitimate fall back position for the appellant, which could otherwise be constructed in full. This would be set closer to the northern side of the site and comprise low eaves levels and a series of shallow pitched roofs, along with a design approach informed by the historic relevance of the site and the surrounding area for sheep farming.
15. By comparison, the appeal scheme would be set a greater distance from the woodland to the north, which would assist in severing its connection with the woodland. Less ground works would also be necessary close to the woodland and together these are benefits of the proposal beyond the 2019 scheme. I also note the architectural quality of the proposed development, and the intended use of traditional materials as positive attributes of the proposal.
16. However, the appeal scheme would have a much more prominent position on the site and its two storey central section would adopt an appearance more akin to a manor house. By contrast to the 2019 scheme, it would sit proudly on the site, rather than quietly and more subserviently to the northern site edge. The 2019 scheme would inevitably experience visibility in those views identified above, however, given its attributes, and in the absence of convincing evidence to the contrary, its visual effects would be less harmful. Given the visual connections to the settlement pattern arising from the attributes of the 2019 scheme set out above, any harmful effects of that scheme on the landscape character would also be less.
17. Overall, the effects of the appeal scheme would be more significant and harmful to the character and appearance of the area than the fall-back position. Despite being set further from the northern site boundary, given the increased visual prominence of its built forms, the appeal scheme would be harmful to the setting of the SDNP. Consequently, the fall back position does not weigh in favour of the proposal.
18. There is little information before me regarding the effects of a scheme for conversion of the existing barn and as such I cannot draw a comparison of its effects against the appeal scheme.
19. The proposal would cause harm to the character and appearance of the area, and would conflict with policies 25 and 33 of the Horsham District Planning Framework 2015 (the HDPF) which seek, among other things, to protect the natural environment and landscape character of the district, conserve the setting of the SDNP and require development to relate sympathetically with the landscape. There would also be conflict with the National Planning Policy

³ Horsham District Council ref DC/19/0591 and as amended by ref DC/22/0992

Framework (the Framework) insofar as it requires decisions to recognise the intrinsic character and beauty of the countryside, and states that development in the setting of National Parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

Other Matters

20. The main parties dispute the relevance of Policy 28 of the HDPF. In the absence of an existing dwelling on the site, I do not consider this to be directly relevant to the appeal scheme and neither is it referred to in the Council's reason for refusal. Even if it were to be applicable, and the 2019 scheme treated as an existing dwelling, for the reasons given the proposal would not be in keeping with the scale and character of the existing dwelling and the proposal would be in conflict with the policy. I note the supporting text includes that the policy seeks to ensure that such developments have due regard to the countryside setting.
21. The UU would effectively prevent both the appeal scheme and the 2019 scheme from being implemented together if the appeal were allowed. As the appeal is being dismissed for other substantive matters, I have not considered this obligation further.
22. The proposal has the potential to have an adverse effect on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites through water abstraction in the Sussex North Water Supply Zone. I note the appellant's responses to the Council's concerns. However, Regulation 63(1) of the Habitats Regulations⁴ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not therefore necessary to address this in any further detail.

Planning Balance

23. The Council accepts that it cannot demonstrate a five year land supply for housing and as such the provisions of paragraph 11d) of the Framework are relevant to the appeal. Even if the policies in the Framework insofar as they relate to irreplaceable habitats did not provide a clear reason for refusing the development proposed, 11d)ii) requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
24. The proposal would cause harm to the character and appearance of the area, including harm to the setting of the SDNP. The result of this harm would be significant and long lasting, resulting in conflict with the Framework. I ascribe this harm substantial weight.
25. The proposal would contribute towards the district's housing stock but as a single dwelling, and as a less harmful alternative to provide a new house exists, this attracts limited weight. The proposal would deliver native landscaping and biodiversity enhancements through measures including new planting and reinforced hedgerows, providing an enhanced wildlife corridor. This would also benefit some views from the adjoining track. The building itself could incorporate high quality materials and finishes and respect the

⁴ The Conservation of Habitats and Species Regulations 2017

architecture of other houses found across the wider area. In addition, the proposal would make better use of the land for its future occupiers, and provide a high standard of accommodation. Taken together, I ascribe these benefits moderate weight, given the scale of the proposal.

26. The house itself could incorporate energy and water saving measures, however there is not substantive evidence to suggest these would exceed the policy requirement. Where the proposal may be policy compliant in other respects, these are neutral matters and do not weigh in favour of the proposal.
27. Overall the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

Conclusion

28. With the above in mind, there are no material considerations, including the approach of the Framework, that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

C Shearing

INSPECTOR