



Appeal Decision

Site visit made on 5 September 2023

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

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/D3830/W/23/3319363

The Barn, Nyes Hill Farm, Wineham Lane, Bolney, West Sussex RH17 5SD

- 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 Mrs K Henderson against the decision of Mid Sussex District Council.
- The application Ref DM/22/3185, dated 14 October 2022, was refused by notice dated 12 December 2022.
- The development proposed is "Change of Use of land to residential garden and retention of part-built garden annexe building".

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - whether the occupiers would have reasonable access to local shops and services by means other than the private car, and the effect that the proposed development has and/or would have on:
 - the character and appearance of the surrounding rural area, and
 - the nearby ancient woodland.

Reasons

Access to local shops and services

3. The appeal site is situated outside the built-up area boundary of any settlement designated in the Mid Sussex District Plan 2014-2031 (LP), so it is, in policy terms, in the countryside. The site is reached by a track on the south east side of Wineham Lane. It includes the existing dwelling, which is a converted barn and related former farm buildings near its north west boundary, and its grounds. The site is bounded by Nyes Hill House and Wineham Cottage to roughly north west, the track, which is a public right of way, to roughly north east, and a block of ancient woodland to roughly south east. An agricultural field, which slopes gently down to roughly south west, and which is under the control of the appellant, lies to south west. A long narrow wedge shaped part of that field by the south west boundary of the existing dwelling's grounds is included within the site. The development has been largely completed, and it appears to be generally in accordance with the plans.
4. 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. None are applicable to the development. The Policy states that new 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements.

5. 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. As the site is not contiguous with the built-up area boundary of Bolney, the development is contrary to LP Policy DP6.
6. LP Policy DP12 seeks to protect the countryside in recognition of its intrinsic character and beauty. The Policy 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.
7. The good-sized single storey low pitched roofed appeal building, which, the main parties agree, is not a mobile home, is sited well away from the existing dwelling in the far southern part of the site. Part of the building is within the adjoining field and a post and rail fence has been erected to south west beyond it. So, it is proposed that the use of the wedge shaped piece of agricultural land within the site would change from agriculture to residential use.
8. The building includes a hall, living/dining area with a kitchenette, a bedroom and a bathroom. The kitchenette includes the facilities needed to make a beverage or snack, but, as it could not reasonably be controlled by condition, there would be nothing to prevent more cooking and laundry facilities from being installed in future. So, as the building could include all of the facilities needed for day to day living, it is little different to a small dwelling.
9. The building can be reached from the existing dwelling by walking across its good-sized lawn and past some fruit trees, and whilst that would not suit everyone including an elderly person with mobility issues, there is an existing or likely vehicle access from the track near the building. As the building and this other access are both at the far end of the site, the building and independent access to it could be readily separated from the site.
10. The building would be occupied from time to time by the appellant's relatives or guests, one or more of whom may seek peace and quiet. However, there is little to explain why, say, part of the existing dwelling, or an extension to the existing dwelling, would not be acceptable for relatives or guests intending to dine with the appellant in the existing dwelling.
11. The appellant has suggested that a condition could be imposed to prevent the building from being used as a separate dwelling. However, as future occupiers of the existing dwelling not requiring the accommodation in the development could reasonably apply to the Council for such a condition to be removed, and the Council could find that application hard to resist, it would not be reasonable to impose the condition in the first place. So, having regard to the scale and characteristics of the building, the site specific circumstances, and the

requirement of LP Policy DP15 that the building should be considered as a new dwelling, the development should be considered on that basis.

12. The built up area of Bolney lies roughly 2 miles away, but the village has relatively few shops and other local services. So, occupiers seeking to meet their day to day needs would be more likely to travel to Cowfold, roughly 2 miles away, or the Category 2 settlement of Cuckfield, roughly 4.5 miles away. As there are almost no pavements or street lights on the busy A272 between Cowfold and Cuckfield, and none in Wineham Lane nearby, walking would not be a viable option for most trips, cycling would be unattractive for all but experienced cyclists, and there are no public transport services near the site. As the occupiers of the development would be likely to be reliant on the private car for most trips, the site would not be in a reasonably accessible location. Whilst some users of the building could share vehicle trips with occupiers of the existing dwelling, independent trips could not reasonably be prevented.
13. Therefore, I consider that the occupiers of the development would not have reasonable access to local shops and services by means other than the private car. It is contrary to LP Policies DP6, DP12, DP15 and Policy BOLBB1 of the Bolney Neighbourhood Plan 2015-2031 (NP) which reflects the thrust of LP Policy DP12, and the National Planning Policy Framework (Framework) which aims to promote sustainable transport and to actively manage patterns of growth.

Character and appearance

14. Due to its siting and former use, the existing dwelling is part of the group of dwellings and farm-type buildings near the lane, which have the character and appearance of a farmstead group. Away from the lane, the openness between the scattered farmsteads contributes positively to the character of the countryside, which is mainly characterised by open fields partly edged by hedgerows with occasional trees and woodland blocks. The track also leads to Dawes Farm, but it cannot easily be seen from the site and its immediate surroundings.
15. The building's form is suggestive of a modern barn, but there are few standalone barns in the local landscape. Due to its form, the domestic appearance of its well-glazed north west gable end, largely dark materials and modern style, the character and appearance of the building contrasts starkly with the traditional farmstead group. Because the building is sited at the far end of the lengthy site, it looks unconnected to the group. The building's dominant man-made form is only partly screened by the trees, when in leaf, in nearby roughly westward views along the public right of way, and, when seen against the natural forms in the sylvan backdrop, it harmfully intrudes into the nearby roughly southward views along the track. Due to its discordant form, bulk, scale, materials and siting, and because the building encroaches into the important openness beyond the farmstead group by Wineham Lane, it looks incongruous in the rural scene in roughly eastward views over the nearby bank and hedgerow by the lane. As it could not reasonably be controlled by condition for more than a few years, the suggested condition for planting to partly screen the building attracts little weight.
16. Thus, I consider that the development harms the character and appearance of the surrounding rural area. It is contrary to LP Policy DP12, LP Policy DP26 which seeks high quality design and respect for context, NP Policy BOLE2 which

aims to protect the landscape outside the built up area, and the Framework which recognises the intrinsic character and beauty of the countryside.

Ancient woodland

17. Part of the development has been built within the 15 m buffer zone of the adjoining ancient woodland. As ancient woodland takes hundreds of years to establish, it is an irreplaceable habitat. It is important for biodiversity and other interests including wildlife, soils, its contribution to the seed bank and genetic diversity, and its cultural, historical and landscape value.
18. The development is said to have been built on ground screws, and whilst the buffer zone of at least 15 m from the boundary of the ancient woodland is intended to avoid root damage, other impacts also need to be considered. However, no arboricultural or ecological assessment has been put to me to show that the part of the development within the buffer zone needs to be there, or that matters such as activity, compaction and light spillage related to the development do not and would not adversely affect biodiversity or other interests on or near the site in relation to the ancient woodland. So, whilst there is a shallow ditch near the woodland, there is little technical evidence regarding its likely age or effects on the ancient woodland or its buffer zone, or to show that the suggested soil translocation scheme would be necessary.
19. So, I consider that there is insufficient evidence to show that the development does not and would not be likely to harm the adjoining ancient woodland or its related biodiversity and other interests. It is contrary to LP Policy DP37 which states that development should be positioned as far as possible from ancient woodland with a minimum of 15 m maintained between ancient woodland and the development boundary, NP Policy BOLE1 which seeks to protect, and where possible, enhance biodiversity, and the Framework which aims to conserve and enhance the natural environment.

Other matters

20. The building is largely screened from the Grade II listed building at Wineham Cottage by the existing dwelling, and the listed building's wider setting would be expected to evolve to some extent over time. So, due to the relationships between the listed building and the development, including the distance between them, the setting of the listed building would be preserved. The aims of LP Policy DP30 were not a concern of the Council in its reasons for refusal, and I agree. All of the other matters raised by the appellant, including the personal circumstances of a relative who lives elsewhere, and the support of a local occupier have been considered, but they do not outweigh the harm identified in my main issues.

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