



Appeal Decision

Site visit made on 5 September 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/Y9507/D/23/3316776

Ashurst Barn Farm Lickfold Road, Fernhurst, West Sussex GU27 3JB

- 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 Louise Simmonds against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/02313/HOUS, dated 9 May 2022, was refused by notice dated 1 December 2022.
 - The development proposed is to extend an existing stable block and store and convert it into a two bedroom annex.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of an existing stable block and store and conversion to a 2 bedroom annex at Ashurst Barn Farm, Lickfold Road, Fernhurst, West Sussex GU27 3JB, in accordance with the terms of the application, Ref SDNP/22/02313/HOUS, dated 9 May 2022, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs was made by Mrs Louise Simmonds against South Downs National Park Authority. This application is the subject of a separate Decision.

Procedural Matters

3. The National Planning Policy Framework (the Framework) was updated on 5 September 2023. However, the sections pertinent to this appeal have not materially altered and I have referenced the revised version in my decision.
4. It is noted that the plan dates on the decision notice do not reflect the dates on the plans, but rather the date they were received by the Authority.

Main Issues

5. The main issues are whether the proposed development would constitute an annex; and its effect on the character and appearance of the area with regard to the Fernhurst Conservation Area (CA), and the South Downs National Park (NP).

Reasons

Whether the proposed development would constitute an annex

6. The appeal site constitutes a detached 2 storey dwelling positioned at right angles to Lickfold Road. To the front of the dwelling is a courtyard created by a

stable block, an outbuilding currently used as an office, and the boundary wall and gate, which also largely screen the courtyard and stable from the road. To the rear of the appeal dwelling, and only accessible through it, is a large garden.

7. The proposal seeks to extend the stable block in an L shape to meet the rear of the outbuilding. The outbuilding would be retained as a separate space, but the stable block and extension would be converted to provide a kitchen, living space and 2 bedrooms and bathrooms.
8. Policy SD31 of the South Downs National Park Local Plan 2014-2033 (LP) seeks to control extensions to existing dwellings, and the provision of annexes and outbuildings. Criteria 1 of this policy requires any extension, outbuilding or annex to a) not increase the floorspace of the existing dwelling by more than 30%; b) respect the established character of the local area; and c) not have a detrimental impact on the living conditions of nearby residents in relation to light and privacy. Criteria 2 specifically requires annexes to demonstrate a functional and physical dependency of the appeal dwelling, and this is further expanded on within the supporting text of Policy SD31. The other parts of Policy SD31 are not relevant to annexes.
9. The Authority considers the proposal to not exceed the existing floorspace by 30% and there is nothing before me to conclude otherwise. The proposed extension would not be taller than the existing outbuilding or stable and would only provide accommodation at ground floor level. The rear wall of the proposed extension, which would include an obscure glazed window, would be screened from the adjacent property, Ashurst Lodge, by the existing boundary wall and hedge which would be retained. All fenestration alterations and new windows, except the previously described obscure glazed window, would face into the courtyard. Therefore the proposal would not have a detrimental impact on the access to light or privacy of the residents of the adjacent properties.
10. Notwithstanding the office and storage, it is acknowledged the rest of the proposal could provide accommodation independent to the appeal dwelling. However, it is a matter of fact and degree as to whether it could be considered a separate planning unit to the appeal property. The proposal would be single aspect with all non-obscured windows overlooking the courtyard and would not have access to any private outdoor space. This lack of privacy for users of the proposal, the proximity to the appeal dwelling specifically its entrance, the subservient size in relation to that dwelling, and the requirement to share parking facilities, access and outdoor space combine to demonstrate a functional and physical link between the proposal and appeal dwelling.
11. In combination with the above findings, I have also found the proposal would respect the established character of the local area, as discussed below. Therefore, the proposal would comply with all relevant parts of LP Policy SD31 and would constitute an annex.

Character and appearance

12. The appeal site is in Fernhurst and sited in a part of the village which is characterised by pockets of development within a verdant and wooded setting. The appeal site forms one such pocket with the appeal dwelling and courtyard central to a group of 4 properties, 2 of which are on either side of the courtyard, further screening it from the wider area.

13. The appeal site is within the CA and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Paragraph 189 of the Framework requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and paragraph 199 confirms 'great weight' should be given to their conservation.
14. According to the CA's Character Appraisal and Management Plan (CAMP), its significance relates to its history as an iron smelting and metal working industrial centre, and location for traditional Wealden crafts. Although no longer prevalent in the CA the diffuse settlement pattern around the central green and church, and its verdant setting are key characteristics established by those historic uses.
15. The Authority has also identified the appeal dwelling as a non-designated heritage asset due to its age and characterful features providing a positive contribution to the CA. Although the Authority do not go as far as to call it a locally listed building within the CAMP. Paragraph 203 of the Framework states that in relation to non-designated heritage assets 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
16. The appeal site is part of a later extension to the CA and not specifically referred to within the CAMP. This extension focuses on several large dwellings and their settings. One such property is 'Ashurst' a well-preserved Edwardian small-scale country estate, to the south of the appeal site. Therefore, the significance of the appeal site would be as part of the setting of the Ashurst estate, and more broadly how it contributes to the overall character and appearance of the CA.
17. The proposal would retain the character of the courtyard at the front of the appeal dwelling and would retain the legibility of its layout by using a dark wood finish for the extension. This would ensure the extension would visually recede between the existing brick outbuilding and stable block. Whilst the continuation of the slate roof would ensure conformity between the old and new. It is acknowledged the two sets of patio windows would create larger areas of glazing than existing in the stable and outbuilding. However, they would not be so substantial as to overwhelm the stable and outbuilding, nor degrade the subservient relationship they have with the appeal dwelling.
18. With the roof being the most visible element of the proposal, the roof light and solar panels would have to be carefully designed and installed to maintain the rural character and simple linear form of the outbuildings, but I am satisfied this could be achieved and secured by condition.
19. The proposal would not, therefore, alter the relationship between the appeal dwelling and outbuildings and ensure the legibility of the appeal site. As such it would not have a detrimental impact on its character and appearance and on balance would not result in the harm or loss of the appeal dwelling as a non-designated heritage asset.
20. Turning to the setting of Ashurst, and the CA in general. The proposed extension would be screened from Lickfold Road by the existing outbuilding and boundary wall. In conjunction with the residential properties to the side and

rear, its modest size, location within the built footprint of the appeal site, and its relationship with the appeal dwelling, the proposal would not be so visually intrusive as to cause harm to the CA's settlement pattern, including the setting of Ashurst, or its verdant nature. Nor would it harm the understanding of the CA's historical uses.

21. The proposal would not, therefore, harm the character and appearance of the appeal site and the area, and would preserve the character and appearance of the CA. Consequently, it would comply with LP Policies SD5, SD12 and SD15, as far as they seek high quality design which respects the local character and historic environment; and the Fernhurst Neighbourhood Plan (FNP) to the extent it supports well designed proposals and the LP in this regard.

NP

22. National Parks are designated for the purposes of a) conserving and enhancing natural beauty, wildlife and cultural heritage, and b) promoting opportunities for the understanding and enjoyment of their special qualities by the public. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 places a duty upon me to have regard to these purposes in this decision. Paragraph 176 of the Framework also requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Park. Accordingly, the LP provides a suite of policies which seek to achieve this, in this case, regarding the NP's tranquillity, dark night skies, wildlife, natural resources and natural beauty.
23. The relative tranquillity and dark night skies are both intrinsic qualities of the NP and LP Policy SD7 and SD8 seek to protect these attributes. The appeal site is within a village and the proposal would be centrally located within an existing group of buildings all of which are residential in use. It would seek to extend the living space related to an existing dwelling and not introduce a new dwelling or alternative use to the area. Accordingly, the visual and aural environment would not be harmed by the proposal. It would not significantly increase the number of vehicle movements attributed to the appeal site and would be sufficiently screened from public view as to maintain the relative tranquillity of its surroundings.
24. The conditions proposed by the appellant in relation to low emissivity glass, and blinds for the proposed roof light would also negate any impact light emitted from that window would have on the dark night skies. Additionally, any light spill from other windows in the proposal would be towards the courtyard which is already affected by light from the existing stable, outbuilding and the appeal dwelling. A condition relating to external lighting would further ensure the Authority could retain control of such matters.
25. LP Policies SD9 and SD10 seeks to protect the wildlife and habitats of the NP, and LP Policy SD2 seeks to ensure new development has a positive impact on the NP's natural resources. Accordingly, the appellant submitted, during the application process, a Preliminary Roost Assessment Report and Ecosystems Services Statement (PRARESS), which sets out the potential impacts of the proposal on these matters. In proportion to the small scale of that proposed I am satisfied its recommendations which include the installation of bat and bird boxes, along with the conditions proposed by the appellant in relation to the installation of a hedgehog box and the roof light treatment, would ensure the proposal would not harm the wildlife, habitats or natural resources of the NP.

26. The Authority's Ecologist noted that the health of the hedge adjacent to the location of the proposed extension, which could be used by bats for foraging and commuting, could be compromised by the building of the extension. However, it is evident that the location of the extension has been covered in non-permeable surfacing and separated from the hedge by a wall for a considerable time, and I observed on site that it did not appear, visually, to have a detriment impact on the hedge's health. Consequently, I am satisfied the proximity of the proposal to the hedge is unlikely to cause its failure and its future retention could be secured by condition.
27. As the proposal would retain the existing hedge, is surrounded by existing development, small in scale, and well screened from public view, it would comply with LP Policies SD4, SD6 and SD11 as far as they seek to protect views and landscape character including trees, woodlands, and hedgerows. It would not, therefore have a harmful impact on the natural beauty of the NP either on a local or wider scale.
28. By compliance with LP Policies SD2, SD4, SD6, SD7, SD8, SD9, SD10, and SD11, the proposed development would conserve the landscape and scenic beauty of the NP and would not conflict with the first purpose of its designation. Accordingly, the proposal would also comply with LP Policy SD1 and the NP insofar as they seek to protect the purposes of the NP.

Other Matters

29. The appeal site is 6.5km from the Ebernoe Common Special Area of Conservation (SAC) and 12km from the Singleton and Cocking SAC. Both of which qualify for protection due to unique conservation features with specific regards to protected bat species.
30. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 require an appropriate assessment to ensure that the development would not adversely affect the integrity of the SAC. Notwithstanding the mitigation set out in PRARESS, as the proposal would not materially alter the use of the appeal site nor intensify its use, I am satisfied it would not have a likely significant effect on the internationally important features of the SPA either alone or in combination with other nearby development. The proposal would therefore comply with the parts of LP Policy SD10 which set out the strategic protection for internationally protected sites including SACs.
31. The Authority has not raised objections, amongst other things, regarding the living conditions of neighbouring occupants in relation to light and noise, parking, the installation of a flue, the capacity and location of utilities, and surface water drainage. Although it is appreciated some interested parties have concerns relating to these issues, on review of the evidence before me and the conditions proposed, I have found the proposal would not cause, or can adequately mitigate against, any harm in relation to these issues.

Conditions

32. The Authority and appellant have suggested a series of conditions, which I have considered against the Framework and Planning Practice Guidance. I have amended them for consistency and clarity, and combined those where requirements have been duplicated.

33. Condition 1 provides the standard time limit, condition 2 requires accordance with the approved plans, and condition 3 specifies the limitation of use of that approved, all of which provide clarity and certainty. I have also imposed conditions 4 and 7 requiring the submission of details of specific elements of the proposal to ensure its acceptable integration within the CA and NP, as described in paragraphs 18 and 24 of this decision. To promote biodiversity and safeguard habitats, as described in paragraphs 25 and 26 of this decision, conditions 5 and 6 have been imposed.

Conclusion

34. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

R J Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 375-00-01; 375-00-02; 375-21-01; 375-21-02; 375-21-03; and 375-21-04.
- 3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Ashurst Barn Farm.
- 4) No construction above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:
 - the materials to be used on the external surfaces of the development hereby permitted;
 - the solar panels; and
 - the roof light, including means to prevent light spill in perpetuity.

The development shall then be carried out in accordance with the approved details.

- 5) The development hereby permitted shall not be occupied until:
 - the recommendations set out in Section 5.6 of the Preliminary Roost Assessment Report and Ecosystems Services Statement prepared by Hampshire Ecological Services Ltd (June 2022) have been implemented; and
 - a hedgehog nesting box has been installed in accordance with details which have first been submitted to and approved in writing by the local planning authority.

The recommendations and nesting box shall thereafter be maintained.

- 6) The hedge adjacent to the extension hereby permitted shall be retained and if any part of that hedge (or previously replacement part thereof) is removed, uprooted, destroyed, dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, plants of the same size and species as that lost shall be planted at the same place within the hedge, within the first planting season following the removal, uprooting, destruction or death of the original plant.
- 7) Prior to installation of any external lighting, details shall first be submitted to and approved in writing by the local planning authority.

END OF SCHEDULE