



Appeal Decision

Site visit made on 11 July 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Appeal Ref: APP/Z3825/W/22/3300138

Holmbush Manor Farm, Hayes Lane, Slinfold, West Sussex RH13 0SL

- 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 Dr Labib Fanous against the decision of Horsham District Council.
 - The application Ref DC/21/2575, dated 8 November 2021, was refused by notice dated 15 March 2022.
 - The development proposed was originally described as 'demolition of existing barn and construction of new dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a separate, cojoined appeal before me by the same appellant relating to a site near the current appeal site¹. Though for a different residential development some considerations are common to both appeals. It is subject to a separate decision and I have determined each appeal on their respective individual planning merits.
3. The 'existing' barn on the site has collapsed.

Main Issues

4. The main issues in this case are:
 - whether the site is an appropriate location for a dwelling by new build having regard to local and national planning policy for residential development;
 - the effect of the proposal on the internal and external living conditions of the existing or future occupants of Orchard End and Holmbush Manor, having regard to outlook and privacy; and
 - its effect on the character and appearance of the area.

Reasons

5. The site would be cleared of the barn remnants and redeveloped with a detached two-storey dwelling. There are no elevation plans of the barn, just photographs. It is common ground that the dwelling would be similar in footprint and height to eave and ridge levels as the barn was. However, that building no longer stands and the site is now essentially open.

¹ APP/Z3825/W/22/3301126

Location

6. The Council's development plan spatial strategy for residential development includes the objectives of Policies 2, 3, 4 and 26 of the Horsham District Planning Framework 2015 (HDPF). These seek to meet the needs of communities through sustainable growth and suitable access to services and facilities by development within or next to the defined built-up area boundaries of villages such as Slinfold. Outside of these boundaries development could meet housing need provided, amongst other things, a site is allocated in the development plan and it adjoins an existing settlement edge. Elsewhere in the countryside development must be essential to its rural location and at least enable sustainable development of rural areas.
7. However, the site is in the countryside, about 350m from the defined built-up area boundary of Slinfold with no direct visual or spatial relationship to the village. As a result, it is not in this settlement nor does it adjoin the village edge. It is not allocated for development in the development plan and the dwelling would not be essential in the countryside for any reason recognised by the development plan.
8. Slinfold is a 'medium village' with a moderate level of services and facilities. While a public footpath from the site to Hayes Lane is surfaced, it is unlit, narrow, sinuous in places and is shared with vehicles, albeit likely low in frequency and speed. Hayes Lane is a reasonably fast 40mph main route for traffic into the village from the south. This narrow country lane has no pavements, no street lighting and grass verges are tight against hedgerows for most of its length from the footpath into the village.
9. The significant walk (about 1.5km) from the site to most of the services and facilities in the core of the village is not therefore conducive or safe for pedestrians. While some cyclists could travel to Slinfold, the occupants of the dwelling would be mainly reliant on a car to meet daily living needs. Even if this helped to enhance or maintain the vitality of Slinfold, a single household (or even three taken with the cojoined appeal) would have a limited proportionate effect in these regards. There is no evidence that the dwelling would support or grow Slinfold or any other rural settlement in a significant way to meet community needs.
10. The site is near dwellings at Orchard Cottage, Holmbush Manor and Wild Harry's, the redundant stable block in the cojoined appeal and some redundant farm buildings. Even if the stable block was converted to two dwellings, three of the farm buildings were converted to dwellings permitted by an extant Class Q prior approval² and permission was granted for the dwelling in this current appeal and two dwellings in the cojoined appeal, this small cluster of buildings would still be scattered or sporadic development in the countryside so not in, or form, a settlement. The barn was an agricultural building so the site is not previously-developed 'brown field' land as defined in the National Planning Policy Framework (Framework)³. The proposal is not to convert the barn (even if it were still standing) and the Class Q prior approval should not have been determined against the development plan so it does not set a precedent for the dwelling in this appeal. Nor does the cojoined appeal because it relates to the conversion of an existing building.

² DC/21/0314 – referred to as the Stone Barn (or the Barn), the White House and the Granary

³ Annex 2: Glossary

11. Taking account of all the above, the site would not be an appropriate location for a dwelling by new build having regard to local planning policy for residential development. Consequently, the proposal is contrary to HDPF Policies 2, 3, 4 and 26.

Living conditions

Orchard Lodge

12. The structure and fabric of this bungalow is in poor condition and it is currently not occupied but it could be brought back into residential use. The dwelling would stretch across most of the width of the site, two storeys high with a reasonably steeply pitched gabled roof. This significant scale and massing of built form in such proximity on elevated ground would overwhelm views from front facing habitable room windows of the bungalow and be unduly overbearing in relation to use of its small, enclosed front garden.
13. At first floor level, a condition could ensure that rear bathroom windows were obscured glazed. However, if used in the lower (majority) part of the rear bedroom window this glazing would severely restrict views out of this habitable room and be unduly oppressive. Albeit from a bedroom there would therefore be direct overlooking of front habitable room windows and the front garden of the bungalow. There is no cross-section plan to show a sill level or demonstrate that there would be no intrusive views from large second floor rear bedroom rooflights, even if non-opening. Obscured glazing would also restrict outlook from these rooms.

Holmbush Manor

14. This two-storey house is on lower ground but faces away from the site, divided by a high boundary wall and tall shrubs. It is not currently permanently occupied but it could be. While the dwelling would be quite close to it opposing corner to corner, the two rear elevations would be roughly in-line on a similar plane. As such, views from ground and first floor rear habitable room windows towards this house would be very oblique so not intrusive. Conversely the upper part of the dwelling would not be overly noticeable from the house, including as there are no first floor side windows facing the site.
15. The large rear garden of the house is spacious with an open aspect in two other directions, so despite the height of the dwelling the otherwise narrow side elevation would not appear overbearing. The juxtaposition between the house and the dwelling would also ensure no significant overlooking of any habitable rooms or the most private parts of the garden of the house.
16. The dwelling would therefore cause significant harm to the internal and external living conditions of the future occupants of Orchard End, having regard to outlook and privacy. Accordingly, the proposal does not comply with HDPF Policy 33(2) because it would not avoid unacceptable harm to the amenity of the occupiers of a residential property.

Character and appearance

17. The barn was part of Holmbush Manor Farm which is no longer in operation. The disused farm buildings are mostly in poor condition. Some are traditionally designed with brick, stone or timber elevations, clay tile hanging and clay tiled roofs. Others are more utilitarian and simpler in form, including a modern

portal frame barn, with fibre cement roof panels and another building with white painted brickwork. They meander intermittently along either side of the footpath in discrete pockets amongst trees and overgrown dense vegetated understory. The dwelling would not reflect the vernacular of many of these buildings, including the collapsed barn, a barn next to it and the other buildings with approval for Class Q conversion to dwellings. It is also no longer likely to be possible to salvage and re-use many materials from the barn.

18. However, contemporary design or materials are not inherently unacceptable or uncommon in rural areas. Taken with the simple, uncluttered rectilinear floor plan and overall form, the building would give the impression of a barn converted to residential use. Though plate glass would be more evident in places (including as omitted in error from the elevation plans) it would not dominate or detract from the overall integrity of this well-designed building. Most of the garden and associated domestic paraphernalia would be to the side of the dwelling, set back from the footpath and site boundary, so not be unduly conspicuous. The proposal would not be overly prominent in any views from the footpath, nor would it intrude visually or spatially in the wider surrounding landscape.
19. Nevertheless, infilling the site with a dwelling would have a small, localised innate urbanising effect on this part of the countryside. Albeit to this limited extent, the proposal would as a result have a harmful effect on the character and appearance of the area. As such, it does not comply with HDPF Policies 25, 32 and 33 which amongst other things seek to protect distinctive landscapes and development pattern and ensure development complements locally distinctive character and is sympathetic to its built surroundings and setting.

Other Matters

Personal circumstances

20. As well as the site, the farm is owned by the appellant (as is Orchard Lodge, Holmbush Manor and the Class Q buildings). It became unviable and ceased use over 10 years ago. The barn and other buildings were not maintained or suffered unauthorised anti-social use and vandalism. The appellant has been advised by the Police to increase the number of dwellings on or near the site. I sympathise with these circumstances but there is no objective evidence that redeveloping the site with a dwelling is the only way to make it safe or remedy the visual impact of the collapsed barn, make Orchard Lodge or Holmbush Manor more attractive for occupation or lead to implementation of the Class Q dwellings. The Class Q dwellings taken with maintaining and permanently occupying Orchard End and Holmbush Manor would give a residential presence to help deter vandalism or anti-social behaviour in the area.

Water neutrality

21. The site is in the Sussex North Water Supply Zone (SNWSZ) and a zone of influence of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site (the European protected sites). A likely significant effect on the integrity of habitat and species in the European protected sites would occur from the proposal alone, or in combination with other development, in an area which is sensitive to increased abstraction of drinking water.

22. I have consulted Natural England who inform me that development in the SNWSZ must not add to this impact on the European protected sites. One way to do this is to demonstrate water neutrality so that use of water before the development is the same or lower after the development is in place. The appellant claims a net reduction in water demand compared to the historic use of the whole farm and on this basis considers the proposal would be 'water negative'.

Compulsory purchase

23. It has been suggested that buildings at Holmbush Manor Farm are, or will be, subject to compulsory purchase by others and result in alleged discrimination against the appellant. However, these are private matters between the respective parties and outside the remit of this appeal.

Planning Balance

24. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites and its suggested 4-year supply is not disputed by the appellant. By virtue of footnote 8, Framework paragraph 11(d) is therefore engaged. The starting point is that planning permission should be granted.
25. A family sized dwelling on this small windfall site would make efficient use of this land and it could be built relatively quickly, creating employment during construction. It would also improve the visual appearance of the site. These outcomes would be aligned with objectives of the Framework to significantly boost the supply of homes, support the economy, achieve well-designed places and enhance the natural environment. While notable, these would be modest social, economic and environmental benefits from a single dwelling so have limited weight in support of the proposal.
26. However, the site is not an appropriate location for a dwelling by new build. Given the housing land supply position, reduced, moderate weight applies to this conflict with the development plan. The proposal would not promote walking, cycling or public transport in any meaningful way or result in a pattern of development that supported these aims or ensured the safety of pedestrians. While transport opportunity varies between urban and rural areas, the dwelling would not be in a location that is or could be made sustainable by limiting the need to travel or offer a genuine choice of travel modes. It would undermine the Council's development plan objectives in these respects, which are consistent with rural housing and sustainable transport objectives of the Framework.
27. Furthermore, the proposal would adversely affect the living conditions of future occupiers of Orchard Lodge and result in a permanent, localised adverse change to the character and appearance of the area. This would respectively be at odds with objectives of the Framework for a high standard of amenity for future occupiers and to conserve the natural environment by recognising the intrinsic character and beauty of the countryside.
28. In my view, these social, environmental and economic impacts have significant individual and cumulative weight against the proposal. The benefits of the proposal would not, therefore, outweigh the harm.
29. As the competent authority in this appeal, it would ordinarily be necessary for me to undertake Appropriate Assessment with respect to water neutrality and

the European protected sites. However, since I intend to dismiss the appeal there is no need for me to consider these matters any further. Even if the proposal did not adversely affect the integrity of the European protected sites, so not provide a clear reason for refusing it, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In these circumstances the presumption in favour of sustainable development would not apply so water neutrality and the European protected sites would not affect my decision or alter the outcome of the appeal.

Conclusion

30. The proposal does not accord with the development plan taken as a whole and conflicts with relevant provisions of the Framework. There are no other material considerations which override these findings. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR