



Appeal Decision

Site visit made on 30 October 2023

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

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/C3810/W/23/3319337

Bilsham Manor, Bilsham Lane, Bilsham, Yapton, West Sussex BN18 0JX

- 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 Mr David Robinson against the decision of Arun District Council.
- The application Ref Y/139/22/PL, dated 9 November 2022, was refused by notice dated 10 February 2023.
- The development proposed is new dwelling including the reuse of part of the existing outbuilding. Within the site the existing leylandii boundary hedge will be removed and replaced with a 1.8m close boarded fence, planted with native hedgerow and garden redesign.

Decision

1. The appeal is dismissed.

Preliminary matter and main issues

2. Bilsham Manor and Manor Cottage (the listed building) is listed in Grade II for its special architectural or historic interest. The main issues are:
 - whether the proposed development would preserve the setting of the listed building, and
 - whether the proposal would be safe from flooding.

Reasons

Listed building

3. The appeal site is situated in the historic rural hamlet of Bilsham. The site is outside the built up area of Yapton, so it is, in policy terms, in the countryside. The site includes the far end of the back garden of Bilsham Manor, which is sited fairly close to the roughly north east side of Bilsham Lane. Bilsham Manor faces roughly south east over the drive through its mainly open grounds, the attached Manor Cottage lies roughly north east, and Bilsham Manor's back garden lies to roughly north west. The site slopes down at the back to Ryebank Rife and the lane. Lengthy ranges including mostly C19 former barns and other buildings form a historic farmyard group to roughly north east of the listed building, and most have been converted to dwellings. Fairly close to the lane and a little beyond the rife lies the dwelling at The Chapel, which is listed in Grade II. The historic settlement pattern, which includes the openness and greenery between the few sparsely sited mostly historic buildings and building groups in and by the north east side of Bilsham Lane, and its setting within the broadly flat mainly open agricultural landscape, are important to the local rural character, and to the wider setting of the listed building. The Neighbourhood Plan review aims to recognise the locality as an Area of Character.

4. The listed building is mainly characterised by its historic architecture and phased evolution. It includes a 2 storey roughly C17 partly brick faced hipped roofed dwelling, and a later taller 2 storey plus basement classical style addition. Bilsham Manor is mainly within the latter part although it wraps around part of Manor Cottage at the back. The early C20 flat roofed extension at Manor Cottage was part of the building before it was included in the statutory list, so it is part of the listed building, which it is desirable to preserve. The historic styles, forms and features of the listed building, and its setting within mainly open grounds, with most buildings in the farmyard cluster some way from it, are important to its special architectural interest, and to its significance as a historic rural dwelling, which is now a pair of dwellings.
5. The proposed roughly south west facing mainly 2 storey 3 bedroom dwelling would be sited near the boundary with the grounds of Manor Cottage, and it would be reached by a new access from Bilsham Lane. Most of the existing pool building would be included in its single storey side outshoot.
6. Bilsham Manor's back garden is part of the listed building's historic grounds, and its proportions reflect those of the handsome Bilsham Manor, and the listed building as a whole. Its scale is consistent with the grounds at the front of Bilsham Manor, and the openness and greenery within its back garden contributes positively to the outlook from the rooms in the upper floors in the back of the listed building. Because the back garden is edged by the lane and the rife, the openness within it enables the significance of the listed building, including its relationship with the local landform, to be appreciated from its grounds and from the lane. As the listed building and The Chapel can be experienced in views in both directions along the lane, their siting enables the historic development pattern to be understood. So, the verdant appearance and spacious character between Bilsham Manor and The Chapel are important to the character of the historic hamlet and the surrounding countryside.
7. The site would be separated from the existing back garden. So, the listed building's back garden would be significantly reduced, its historic relationship with the rife would be lost, and the ability to appreciate the significance of the listed building from its private garden and the lane would be harmfully eroded. As its proposed back garden would be at odds with the scale of the accommodation in Bilsham Manor, and the grounds at the front, the proposal could make the dwelling less attractive to future occupiers.
8. The dwelling aims to reflect a converted former ancillary building, but because it would be sited within the historic dwelling's private garden, and away from the other historic ancillary buildings including the farmyard group, it would be incongruous. The scale, bulk and materials of the dwelling would contrast starkly with the elegant stucco finished Bilsham Manor and the mostly traditional forms and features at Manor Cottage. Its generous glazing would be at odds with the character of most nearby historic buildings, so reducing the size of one opening would not mitigate the dwelling's dissonant appearance.
9. In contrast to the low-key pool building, the bulk and scale of the shallow but wide fronted mostly barn hipped roofed dwelling on its partly man-made mound, along with its drive, other hard surfaces, and tall fences, would diminish the important openness between the listed building and the rife. Whilst the dwelling would not intrude into most views of The Chapel, the proposal would be harmfully discordant in the views from the upper floor rooms

in the back of the listed building and its proposed back garden, and in the longer views in both directions along the lane. Due to its siting between the listed building and The Chapel, and within the historically largely undeveloped back garden, the proposal would fail to respect the historic development pattern. As the access would disrupt the laneside boundary, and parts of the proposal would be seen from parts of the lane, it would erode the rural character in the lane.

10. The former agricultural building at Sheepfold is some distance away, and as its form contributes to the intrinsic character of the countryside, it has a neutral effect on the listed building's setting. As The Chapel is set within its own grounds, and its surroundings would be expected to change to some extent over time, its setting would be preserved. The Reason for Listing Bilsham Manor in Appendix 1 of the Yapton Neighbourhood Plan 2014-2029 (NP) repeats the description in the statutory list, but as that description is mainly an aid to identification, the absence of reference to any feature does not indicate that it is not of interest. The existing hedge screens much of the back garden from the lane, but the exercise of my statutory duty is not dependent on the ability of the public to experience the listed building's setting. Whilst informal advice was sought from the Council's officer, it is a well-established principle that the advice of its officers cannot bind the decision of the Council.
11. The justification for NP Policy E9 says that development should not have an unacceptable impact on the setting of a listed building. Even so, as NP Policy E9 states that permission will not be granted for development that would result in the loss of listed buildings, it is not the most relevant policy.
12. In the terms of the National Planning Policy Framework (Framework) the proposal would cause 'less than substantial harm' to the significance of the heritage asset. However, the public benefits including jobs during construction would not be enough to outweigh the harm that the proposal within its setting would cause to the special interest of the listed building. Moreover, insufficient clear and convincing justification has been put to me to explain why the proposal would be necessary to conserve the significance of the heritage asset.
13. Therefore, I consider that the proposed development would fail to preserve the setting of the listed building. It would be contrary to Policy HER SP1 of the Arun Local Plan 2011-2031 (LP) which aims to conserve or enhance the historic environment, LP Policy HER DM1 which reflects the thrust of my statutory duty, and the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Flood risk

14. LP Policy W DM2 aims for development in areas at risk from flooding, identified on the latest Environment Agency (EA) flood risk maps and the Council's Strategic Flood Risk Assessment, to only be permitted where it satisfies all of several criteria, including that the sequential test in Planning Practice Guidance (PPG) has been met, and that a site specific flood risk assessment (FRA) demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere. Reports prepared as part of the criteria must take into account contingency allowances, taking climate change into account as set out in PPG.

15. LP Policy W DM2 is in line with the Framework, which advocates a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change. The Framework adds that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, and that a site-specific FRA should be provided for all development within Flood Zones 2 and 3.
16. The appellant's representations say that the site is not at risk from flooding, and no site specific FRA has been put to me. However, EA maps show that the north west and south west parts of the site, including the access and the lane close by, are within Flood Zones 2 and 3, and when climate change data is applied the entire site would be within Flood Zone 3a by 2111. There is almost no evidence to show that all criteria in LP Policy W DM2 would be met, including that the proposal would not increase flood risk elsewhere. Foul and surface water drainage details could be dealt with by condition if the proposal were to be otherwise acceptable. However, even if the land levels were to be raised sufficiently for the dwelling to be safe from flooding from all sources throughout its lifetime, the access and the nearby part of the lane would be likely to flood, so safe access to and egress from the dwelling would not be assured.
17. Thus, I consider that the proposal would not be safe from flooding. It would be contrary to LP Policy W DM2 and the Framework which aim for development to avoid flood risk.

Other matters

18. The appellant's concerns about the Council's handling of the application are not relevant to my findings. The Council cannot demonstrate a 5 year supply of deliverable housing sites and the shortfall is acute. Even so, as the proposed development would fail to preserve the setting of the listed building, and the proposal would not be safe from flooding, the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed. So, planning permission should not be granted.

Conclusion

19. 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.
20. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR