



Appeal Decisions

Site visit made on 16 January 2024

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal A Ref: APP/Y9507/W/23/3317446

Scrub House Farm Cottage, Crimbourne Lane, Kirdford, West Sussex RH14 0HX

- 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 Sam Cookman against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/02936/HOUS, dated 6 June 2022, was refused by notice dated 6 December 2022.
 - The development proposed is construction of link to join house with annex (4 metres).
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Appeal B Ref: APP/Y9507/Y/23/3317448

Scrub House Farm Cottage, Crimbourne Lane, Kirdford, West Sussex RH14 0HX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Sam Cookman against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/03441/LIS, dated 20 July 2022, was refused by notice dated 6 December 2022.
 - The works proposed are a 4m single storey link between existing annex and Grade II listed house.
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These decisions are issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersede those issued on 25 January 2024.

Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. For the sake of clarity, I have used the address set out on the application forms and Council's decision notices in preference to that used on the appeal forms. The postcode was identical on all the submitted forms.
3. Although the proposal is described differently in the applications for planning permission and listed building consent they relate to the same scheme. The two appeals are therefore made in respect of the same scheme under different, complementary legislation. I have dealt with them together in my reasoning.
4. The Government published a revised National Planning Policy Framework (the Framework 2023) on 19 December 2023. I am satisfied that none of the revisions are material to this appeal which I have determined in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the relevant section of the Framework (with revised paragraph numbers) and the policies in South Downs National Park Local Plan 2019 (Local Plan).

5. The Council referred to the Extensions and Replacement Dwellings Technical Advice Note (TAN) when determining the application. The appellant also did so when submitting the appeals in February 2023. However, following legal advice the South Downs National Park Authority withdrew the TAN in July 2023. The Council set out its revised position in its appeal statement and the appellant has had an opportunity to comment on any implications of this change in his final comments. I have determined the appeal having regard to current planning policy and associated guidance.

Main Issues

6. The main issues are:
 - a) The effect of the proposed development and works on the special architectural and historic interest of Scrubb House Farm Cottage, a Grade II listed building.
 - b) The effect of the proposed link on the overall size of the dwelling.

Reasons

Significance of heritage asset

7. When listed in 2004 Scrubb House Farm Cottage was a substantially intact, late 18th century brick cottage built mainly of rat trap bond under a tiled roof with catslide to the rear. It was two bays with an integral outshot. A substantial extension was constructed in 2010. This aligns with the original cottage and is connected to it by a link which is recessed on both elevations and has a lower roofline. This gives the appearance of two small, cojoined buildings. The enlarged cottage is approached up a drive and its front entrance is now within the link between the original dwelling and the extension. This side of the property appears diminutive as it is dominated by the catslide roof. The two-storey elevation, which is the more interesting and attractive one, and seems likely to have been the original front elevation, is now at the rear of the house.
8. A detached garage/outbuilding was initially permitted in 2004 but was varied several times prior to its construction in 2010. In 2020 permission was granted to extend this outbuilding, adding 3 dormer windows, and changing the use of the first floor to ancillary accommodation. This work has yet to be fully completed but already provides a bedroom and bathroom.
9. The scale, mass and bulk of the extension, together with the introduction of the additional large, outbuilding close to the extension has already diminished the significance of the original, small cottage within its generously proportioned plot. However, the outbuilding's utilitarian design and function and the use of weatherboarding in its construction ensure that it is seen as separate and distinct from the cottage in terms of its use and appearance.
10. Notwithstanding the extension and construction of the outbuilding the cottage derives its significance from its modest proportions and its historic role as a worker's cottage associated with Scrubb House Farm. It also has significant architectural features which include an unusual brick bond, the retention of its original plan form and the survival of internal joinery. The latter probably indicates its origin as a timber framed building later encased by brickwork.

Assessment

11. The proposal seeks to construct a permanent link between the outbuilding and the extension. This would, to some extent, reflect the relationship between the original cottage and the extension. It would enable the two buildings to operate as an integrated dwelling. Users of the ancillary accommodation would be able to enter the rest of the property without going outside. The link would be single storey constructed of heritage brick and oak weatherboarding with openings on both elevations.
12. However, unlike the relationship between the extension and the original cottage, the extension and the outbuilding are offset from one another. Consequently, to provide a route between the existing door of the outbuilding and the proposed door in the extension, the link would project beyond the rear elevation of the extension. Although this would only be apparent from the rear of the house, it would create an awkward relationship between the adjacent buildings. It would increase the prominence of the extension vis a vis the original house. Although the outbuilding is a substantial size, its design and appearance ensures that it remains subservient in its functional relationship to the host property. This would be significantly changed by the link, giving the outbuilding a disproportionate level of importance. Closing the gap between them would result in a linear, sprawling form of development which would harm the character of the listed building, further diminishing its significance.
13. The cottage is set within a remote area of the South Downs National Park and surrounded by woodland. Although it is not visible from any public viewpoints, this setting, which includes the cottage's front and rear gardens, is an important part of its character. At present the separation of the buildings creates permeability around the house, helping to distinguish it from the ancillary function of the garage. This legibility would be lost causing the cottage to be overwhelmed by additions, harmfully eroding the significance of the historic core of the cottage and its setting. The canopy which currently spans the gap between the two buildings is no more than an incidental garden feature and is not comparable with the proposed permanent and enclosed link.

Public benefits

14. The existing extension and the construction of the outbuilding have already reduced the significance of the original dwelling. However, that is not a justification for permitting development and works which would harmfully erode it even more. Although I consider this harm may be quantified as less than substantial, it still amounts to a significant objection. It is therefore necessary for me to weigh this harm against the public benefits of the proposal as required by paragraph 208 of the Framework 2023.
15. I understand that the principal reason for creating the link between the two buildings would be to enable elderly relatives who visit regularly and may, in the longer term, wish to live in the outbuilding supported by their family, to move between different parts of the house. However, the accommodation is on the first floor, accessed by a turned staircase. It would not be suitable for elderly people with mobility impairments without other significant alterations to the building. In any event, these private benefits and personal circumstances do not amount to a public benefit that can be weighed against the identified harm to the designated heritage asset.

16. Consequently, the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard and pay special attention to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The works would also fail to comply with paragraph 205 of the Framework 2023 which states that great weight should be given to conserving a designated heritage asset's significance.
17. The scheme would also fail to comply with Policies SD12 and SD13 which only permit proposals which preserve and enhance the significance of a listed building or its setting unless justified by public benefits. There would also be conflict with Policy SD5 due to cumulative effect of the proposal on the character and appearance of the buildings.
18. Whilst I appreciate that the site is within the National Park, a highly sensitive designated landscape, I find no conflict with Policies SD4, SD6, SD7, SD8, SD9 or SD11 which deal with landscape character, safeguarding views, tranquillity, dark night skies, biodiversity and trees. The site is close to the Mens Special Area of Conservation, but no evidence has been presented to indicate that the proposal would affect this protected Habitats Site. I therefore find no conflict with Policy SD10.
19. In reaching my conclusion I have had regard to an appeal decision where a link between two historic buildings was allowed. However, the design of that scheme, and the other circumstances of that case, were materially different from the proposal before me which I have determined on its own merits.

Overall size of dwelling

20. Policy SD31 of the Local Plan addresses extensions to existing dwellings, and the provision of annexes and outbuildings. This states that proposals which increase the floor area of existing dwellings by more than approximately 30% will not be permitted unless there are exceptional circumstances. The supporting text at paragraph 7.92 defines the 'existing dwelling' for the purpose of the policy as its size on 18 December 2002.
21. The extension to Scrubb House Farm Cottage, was initially permitted in 2004, although not implemented until 2010. In these circumstances there can be no doubt that the size of the house for the purpose of applying the policy is 83sqm. The permitted extension more than doubled the size of the dwelling, which is now 170sqm, but this was assessed as acceptable against the different planning policies which pertained at the time. Any further increase in the floor area would breach the limits set out in Policy SD31, as the existing extension has already exceeded the policy's permitted allowance. Furthermore, although the link itself would only occupy 8sqm, it would have the effect of incorporating the ancillary accommodation into the overall living space of the dwelling, taking the total far beyond that which is now permitted in the absence of exceptional circumstances.
22. Policy SD31 also deals with the issue of ancillary accommodation that may be found within an annexe or outbuilding. An outbuilding must demonstrate that it is required for purposes incidental to the use of the host dwelling. The use of the ground floor of the outbuilding for garaging and storage is therefore

compliant with this requirement. However, the proposal before me seeks to use the ancillary accommodation as an annexe and where occupation would be of a more permanent nature. This would be contrary to Condition 4 of the planning permission for the outbuilding¹, which specifically restricts its use to 'occasional overnight accommodation'. In these circumstances there is no justification for constructing a permanent link between the buildings to facilitate the movement of people between them.

23. For all the above reasons, the proposal would conflict with Policy SD31 and the Local Plan's objective of strictly controlling incremental increases in the size of dwellings within the National Park.

Other Matters

24. I understand that the appellant wishes to care for elderly relatives and that being able to do so by having them living close by would provide a good solution for the family. However, this is a situation faced by many families and from the evidence presented, including some limited information about medical conditions, there is nothing exceptional about their circumstances.
25. Planning decisions are primarily concerned with the use of land in the public interest. Works to listed buildings are governed by a recognition that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance, enabling them to be enjoyed by existing and future generations. Great weight should be given to the conservation of a designated heritage asset.
26. By contrast the personal circumstances of the appellant will change over time. Therefore, whilst the appellant wishes to prepare and plan for caring for family members as they age, become frail or have significant health challenges, that does not amount to exceptional circumstances. It is not a justification for permitting permanent alterations to a building which would harm its significance and conflict with the provisions of the development plan.

Conclusion

27. The development and works would fail to preserve the special architectural and historic interest of Scrubb House Farm Cottage and its setting, a Grade II listed building, contrary to the Act, which requires me to have special regard to this designated heritage asset. The development would also be contrary to the Local Plan policies referred to above which seek to protect heritage assets and resist the incremental and cumulative increase in the size of dwellings in the National Park.
28. The development and works are therefore unacceptable and for this reason, both appeals are dismissed.

S M Holden

INSPECTOR

¹ SDNP/20/05870/HOUS