The Planning Inspectorate

Appeal Decision

Site visit made on 15 February 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date:1st March 2024

Appeal Ref: APP/Z3825/D/23/3328557
Ebbsworth Cottage, The Street, Nutbourne, West Sussex RH20 2HE

- 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 Tristin Lambeth against the decision of Horsham District Council.
- The application Ref: DC/23/0339 dated 23 February 2023, was refused by notice dated 29 June 2023.
- The development proposed is detached car-port and log store.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, works to level the land to the west of Ebbsworth Cottage to create a hardstanding with retaining walls to the rear and to the side of the hardstanding had been undertaken. However, as the development has not been completed, I am required to consider the appeal as a proposed development and on the basis of the plans as submitted.

3. Planning permission was granted by the Council under its Ref: DC/20/1972 for the erection of a detached double garage and a bin and log store. The works undertaken at the site do not relate to the siting approved under that permission. The Appellant has advised that the scheme for which permission had been granted could not be implemented for a number of reasons including health and safety reasons, impact on a number of trees and encroachment onto a neighbouring property.

4. The application forms described the works as a detached garage and log store but indicated on the forms that a new access would be created. That access would now appear to be in place. It may be that the access that has been created has been implemented as a result of the earlier permission, but that information is not before me. The Council's description of development on the decision notice included the creation of a new access onto the highway. I have therefore taken the creation of a new access onto the highway into account in my decision.

5. The National Planning Policy Framework (Framework) was revised in December 2023. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to

this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issue

6. The main issue is whether the proposal would preserve the setting of a Grade II listed building, and whether it would preserve or enhance the character or appearance of the Nutbourne Conservation Area.

Reasons

7. The appeal property is a Grade II listed dwelling on the north side of The Street and within the small rural settlement of Nutbourne. The dwelling sides onto The Street with its curtilage extending around both sides of and to the rear of the dwelling. The attractive building dates from the 17th century or earlier and is a modest timber framed building with plaster infilling and some stone rubble with casement windows. The listing description refers to a thatched roof whereas the main roof is now tiled. It is an attractive dwelling, and its significance relates both to its historic age and related architectural appearance.

8. The appeal site also falls within the Nutbourne Conservation Area and its significance relates to the range of attractive houses in a very rural setting, with grassed verges and banks and planting along the street frontages. The absence of pavements along The Street also contributes to its rural character and appearance. Both the listed building and the Conservation Area are defined as designated heritage assets under the Framework.

9. In considering whether to grant planning permission with respect to any proposal affecting a listed building or its setting, Section 66 (1) of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires, in respect of development within a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that conservation area.

10. The proposal relates to the provision of a car port which would be open at the front but with retaining walls to the sides and rear and under a barn hipped roof.

11. I consider that the scale of the proposed car port in terms of its footprint and height and overall massing would overwhelm the modest proportions of the adjoining listed building. Its siting so close to the listed building would add to the harm and over dominance of the proposed car port in relation to the scale and proportions of the listed building. The car port would be cut into the sloping ground but nonetheless it would be a tall and bulky structure in relation to the modest proportions and appearance of the listed building. The proposed car port in terms of its siting, dimensions, scale and massing as well as its appearance would fail to protect the setting of this designated heritage asset.

12. The proposed carport would be very visible in the street scene when passing along The Street. Its harmful relationship with the listed building, in terms of its siting, dimensions, scale and massing as well as its appearance would also be visually intrusive and detract from street scene views. It would therefore also detract from the character and appearance of the Nutbourne Conservation

Area and in particular the attractive and distinctive relationships between built forms and open spaces.

13. I therefore conclude that the proposed development would neither preserve the setting of this Grade II listed building nor preserve the character or appearance of the Nutbourne Conservation Area. This would conflict with Policies 33 and 34 of the Horsham District Planning Framework as well as the Framework and in particular Section 16, all of which, amongst other matters, seek a high quality of design which respects the significance of heritage assets.

14. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Consistent with that approach, paragraph 206 says that any harm to, or loss of, the significance of a designated heritage asset, including from its alteration, should require clear and convincing justification.

15. I have identified harm to the special interest of the listed building and to the character and appearance of the Conservation Area. Given the relatively small scale of the proposal, the level of harm would in respect of both heritage assets and using the language of the Framework, be 'less than substantial'. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing of optimal viable use of listed buildings.

16. I have taken into account that permission was recently granted for a garage with a different siting but the Appellant has confirmed that this earlier permission could not be physically carried out for a number of reasons. Although I understand that the proposed structure would be more open than the previous permission granted, the proposal before me would bring the structure much closer to the listed building. From the limited information before me it would appear that the proposed change to the siting of the structure would be largely a private benefit only and would not in my view offer any public benefits. No other public benefits have been put forward by the Appellant. Therefore, I have not been made aware of any public benefits that would be sufficient to outweigh the harm, which although 'less than substantial' still attracts 'great weight'.

Other Considerations

17. A number of representations have raised concerns regarding other works at the property, including the roof tiles used on the main house and the removal of a front boundary wall. Whilst the new access is before me, I do not have any information regarding the boundary wall and if and when it was removed, and whether this formed part of the works relating to the earlier permission. These concerns would therefore need to be referred to the Council.

18. The Appellant has also requested that listed building consent be granted for the proposed works but the application made and appealed only related to a householder application and this is the only basis upon which I am able to consider the proposal before me.

Conclusion

19. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR