



Appeal Decision

Site visit made on 30 January 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

Appeal Ref: APP/L3815/W/23/3319322

Wardley Farm Cottage, Wardley Lane, Milland, West Sussex GU30 7LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Robina Farley against the decision of South Downs National Park Authority.
- The application Ref SDNP/22/03718/CND, dated 8 August 2022, was refused by notice dated 3 October 2022.
- The application sought planning permission for demolition of the existing residential dwelling and replacement with two storey three bedroom residential building, without complying with a condition attached to planning permission Ref SDNP/21/05788/FUL, dated 4 May 2022.
- The condition in dispute is No 2, which states that: 'the development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of this Application.'
- The reason given for the condition is: 'For the avoidance of doubt and in the interests of proper planning.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Authority issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issue

3. The main issue is the effect of varying the condition on the character and appearance of the area, having particular regard to the South Downs National Park (SDNP) and designated and non-designated heritage assets (NDHAs).

Reasons

4. Planning permission was granted in May 2022 for a replacement dwelling on the appeal site (Ref: SDNP/21/05788/FUL) (the original consent). The appeal site forms part of a historic farmstead, which includes a farmhouse and large timber barn. The Authority states that Wardley Farmhouse and Wardley Farm

Barn are NDHAs due to their age, vernacular appearance, use of traditional materials and design. Wardley Farm Cottage, which is the subject of this appeal, is not deemed to be a NDHA. With the exception of the farmhouse, the buildings within the historic farmstead typically have uninterrupted roofscapes, although some rooflights are present.

5. The proposal seeks to vary Condition 2 of the original consent, which requires that the development is carried out in accordance with the plans listed on the decision notice. The proposal seeks to add a dormer window on the east facing roof slope of the replacement dwelling. Since the Authority issued its decision notice on the scheme before me, planning permission has been granted to relocate one of the originally consented rooflights to the east facing roof slope.
6. The appeal site lies within the SDNP, which has the highest status of protection in relation to landscape and scenic beauty. The Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks. The surrounding landscape is predominantly in agricultural use and characterised by irregular shaped fields that are typically bound by hedgerows and trees. There are areas of woodland interspersed within the landscape. The area has a tranquil and remote character. The appeal site and surrounding landscape are picturesque and make a positive contribution to the landscape and scenic beauty of the SDNP.
7. The replacement dwelling would be modest in size and has been designed to respect the agricultural heritage of the locality. It would have a low ridge height and Sussex hips, which would complement the other buildings within the historic farmstead. The replacement dwelling would utilise traditional materials and have a largely uninterrupted roof form, constructed from handmade clay tiles.
8. Opposite the site is a public bridleway, which runs between 2 fields and leads to the Wardley Conservation Area (CA). The appeal site lies a short distance from the boundary with the CA. The CA comprises of a small cluster of buildings, which includes a village primary school and sporadic residential development. The significance of the CA insofar as is relevant to this appeal is derived from the presence of high quality, historic buildings, which feature traditional materials and its verdant and open character. The surrounding agricultural landscape, in which the historic farmstead and appeal site form part, make a positive contribution to the setting and therefore the significance of the CA.
9. While consent has been granted for a rooflight in a similar position to the dormer window, rooflights are not uncommon features on former agricultural buildings or buildings of an agricultural character. The proposed dormer would be larger in size than the consented rooflight. It would have a flat roof design and its projecting form would interrupt and harm the simple roof form of the replacement dwelling. The proposed dormer would be more prominent in views from the lane, public bridleway and CA, than the consented rooflight, where it would appear as an incongruous and overly domestic addition on the roof of the replacement dwelling. As a result, I find that the proposal would be harmful to the character and appearance of the SDNP and the historic farmstead, which includes NDHAs. The proposal would also harm the setting and therefore the significance of the CA.

10. While I noted other dormer windows in the locality, these were all on houses that were far more domestic in appearance and are therefore materially different in character than the appeal property.
11. As required by the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the harm identified. I find the harm to be less than substantial to the significance of the CA, but nevertheless of considerable importance. In accordance with paragraph 208 of the Framework, this harm should be weighed against any public benefits of the proposal. While I appreciate that the proposal would provide additional light to the master bedroom, this room would be served by another window and a rooflight and would be well lit. The appellant argues that the dormer would be more attractive than the rooflight it would replace. However, I find that the proposed dormer would be a discordant feature on the roofslope of the replacement dwelling. Overall, I find that there are limited public benefits before me that do not outweigh the harm that I have identified.
12. The appeal site falls within the Dark Sky Core on the Local Plan Policies map. In such areas, the skies are classified as intrinsically dark and contain some of the darkest areas of the SDNP. The proposed dormer would be larger in size and occupy a greater proportion of the east facing roof slope than the consented rooflight. It would also result in an additional window at roof level, when compared to the consented scheme, which would result in a greater level of light spillage. As a result, I find that the proposal would fail to preserve the dark skies of the National Park.
13. While a timer controlled electronically operated blackout blind could be installed to help mitigate this impact, Policy SD8 of the South Downs Local Plan 2014-33 (the Local Plan), adopted July 2019 is clear that any adverse impacts should be avoided in the first place, rather than rely on mitigation. In this case, I find that the adverse impacts could be avoided by implementing the consented scheme.
14. For the reasons given above, I conclude that the proposal would be harmful to the character and appearance of the SDNP and historic farmstead, which includes NDHAs. The proposal would also harm the setting and therefore the significance of the CA. The public benefits of the scheme do not outweigh the harm that I have identified. The proposal would conflict with Policies SD1, SD4, SD5, SD8, SD12 and SD15 of the Local Plan. These policies among other things require that development conserves and enhances the landscape character of the area, the historic environment and the intrinsic quality of dark night skies. These policies also require that development is of high quality design and utilises architectural design which is sympathetic to its setting in terms of roof form and vernacular detailing.
15. The proposal would conflict with Policies EN1 and EN2 of the Milland Neighbourhood Development Plan 2016 – 2030, made June 2016. These policies among other things seek to conserve the high environmental quality of the SDNP. The proposal would also conflict with the first purpose for designation of the SDNP, as set out in the SDNP Partnership Management Plan 2020-2025, which seeks to conserve and enhance the natural beauty and cultural heritage of the area. Furthermore, the proposal would fail to accord with the Framework, which seeks to protect and enhance valued landscapes and conserve and enhance the historic environment.

16. The provision of a new dormer would not affect the tranquillity of the SDNP. Consequently, I find no conflict with Policy SD7 of the Local Plan.

Other Matters

17. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of a listed building during the determination of an appeal. The appeal site lies approximately 100 metres away from The Old Cottage, which is a Grade II listed building. The significance of The Old Cottage insofar as is relevant to this appeal derives from its 18th century architecture, use of traditional materials including coursed stone with red brick dressing, quoins and tiled roof.
18. Both parties agree that there would be no harm to the setting of this listed building. Given the distance between the two properties, the oblique angle and intervening trees/hedgerow, I do not find that the proposal would harm the setting and therefore the significance of the listed building.
19. The appeal site lies partially within the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). However, there is no need for me to consider the implications of the proposed development on the SAC or protected species because the scheme is unacceptable for other reasons.
20. While I note that no objections were received from the Parish Council or neighbouring residents, this does not alter my findings set out above.

Conclusion

21. For the reasons given above, the proposed development conflicts with the development plan as a whole and there are no material considerations, including the Framework, which outweigh that conflict. Therefore, the appeal is dismissed.

A James

INSPECTOR