



Appeal Decision

Site visit made on 5 February 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/Y9507/W/23/3321091

Foxbury Farm, West Burton Road, West Burton RH20 1HB

- 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 A Redman against the decision of South Downs National Park Authority.
- The application Ref SDNP/22/03527/FUL, dated 22 July 2022, was refused by notice dated 23 March 2023.
- The development proposed is described on the application form as, "Conversion of main barn into a four bedroom dwelling. Conversion of secondary barn to offices and storage purposes and use of smaller barn for storage purposes. Alterations to vehicle access from West Burton Road and new landscaping".

Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment and I have taken the comments received into account. I have had regard to the December 2023 version of the Framework in my decision.

Main Issues

3. The main issues are:
 - whether the proposed development would comply with relevant development plan policies relating to the conversion of redundant agricultural buildings outside of defined settlement boundaries to an alternative use; and
 - whether the proposed development would conserve and enhance the landscapes of the National Park.

Reasons

Suitability of conversion

4. The appeal site at Foxbury Farm comprises approximately 0.9 hectares of land situated to the north of West Burton, stated in the planning application form to be in agricultural use. Three agricultural barns on site, clustered together, are located near to West Burton Road. These barns are a Main Barn, a Secondary Barn¹ and a Storage Barn².

¹ Positioned to the south-west of the site

² Positioned to the south-east of the site

5. Development Management Policy SD41 (Policy SD41) of the South Downs Local Plan (2014–33) (adopted 2019) (Local Plan) relates to the conversion of redundant agricultural or forestry buildings. In this regard, the appellant has stated that the farmstead and built form were defined during the 1960's and were originally built to serve a much larger farm, which has since been subdivided. On this basis, the appellant's assertion that the number and size of the barns are redundant for their original purpose appears reasonable.
6. Although few details have been provided to illustrate to what use the buildings at Foxbury Farm have been put to in recent years and what the exact present-day storage requirements might be for the wider holding at Foxbury Farm, I note that a local resident has referred to the land surrounding these buildings, and the buildings themselves, as not being used in any material agricultural way for at least 20 years. The Inspector in appeal decision Ref APP/Y9507/C/18/3209193, issued in May 2019, mentioned that the Local Planning Authority (LPA) noted little evidence of activity for agriculture on the surrounding agricultural land or at the associated buildings. The appellant has also stated that the barns on site are not currently in any active agricultural use.
7. As such, based on the information before me, on a balance of probabilities it appears that the buildings on site which are proposed to be converted are presently redundant for agricultural use within the terms of Policy SD41.
8. Given the fairly modest size of the wider holding (stated to be approximately 22 acres), the limited agricultural activity presently taking place on the holding (referred to above), and that the proposed development includes the retention of the Storage Barn to be used (in part) for the maintenance of the agricultural land, it is unlikely that the proposed development would result in the need for another agricultural building on the wider holding. Hence, no conflict would arise with Part 1. d) of Policy SD41. In coming to this conclusion, I have taken account of the requirements of paragraph 7.202 of the Local Plan.
9. The appellant has confirmed that there are no traditional buildings at Foxbury Farm, and I did not observe any traditional buildings within the wider holding associated with Foxbury Farm. Thus, no conflict would arise with Part 1. e) of Policy SD41 which provides that, amongst other things, the conversion of redundant agricultural buildings outside of defined settlement boundaries to an alternative use will be permitted where if the building proposed for conversion is not a traditional one, there are no redundant traditional buildings within the holding capable of being reused in the first instance.
10. The LPA have referred to the need for a new roof for the Secondary Barn, in order to comply with Building Regulations, but as no details have been provided to substantiate this assertion, I have based my decision on the submitted plans. In this regard, part of the eastern and southern elevations of the Secondary Barn are open to the elements, but the remainder of the barn is enclosed. As the proposed horizontal timber boarding to the elevations would not replace the existing walls, and the roof is shown as remaining on the submitted plans, the works to the Secondary Barn would not amount its substantial reconstruction.

11. I observed that the Main Barn, described in the submitted Planning, Design and Access Statement³ as being a concrete framed structure, lacked walls on its southern elevation above the adjacent ground level. The eastern elevation also contains 3 large gaps, which are devoid of walls. It is clear from this that a considerable amount of works to the Main Barn would be required for it to effectively function as a residential dwelling.
12. The proposed development would entail the installation of new vertical timber cladding (above brick plinth) to the elevations of the Main Barn, together with the installation of windows and doors, in effect creating new walls across the whole of the Main Barn. Additionally, the existing roof covering would be removed and replaced with a standing seam zinc roof (or similar). All-in-all, whilst the Main Barn would not be extended and its overall structure and form would remain the same, the amount of works involved would amount to its substantial reconstruction.
13. For these reasons, even if I were to find that the Main Barn would be structurally capable of supporting the intended works, the proposed development would nevertheless conflict with Part 1. c) of Policy SD41 which provides that, amongst other things, the conversion of redundant agricultural buildings outside of defined settlement boundaries to an alternative use will be permitted where the original building is worthy of conversion with regard to its current character, scale and condition, without the need for substantial reconstruction.
14. Paragraph 7.210 of the Local Plan mentions that conversion to open market housing is often likely to be inappropriate, and stresses that when a farm building is converted, the use should reflect as closely as possible the cascade set out in Part 1. g) of Policy SD41. The size of the relevant agricultural holding is modest, and taking account of the limited agricultural activity presently taking place on the holding (referred to above), there may be no requirement for agricultural workers, and farm diversification at a greater scale than that proposed on site may not be feasible.
15. The appellant has stated that the provision of affordable housing would not be practical or viable, but no details have been provided to substantiate this assertion. Accordingly, I find that it has not been shown that the use of the Main Barn for affordable housing would be either unviable or unachievable. In these circumstances, the proposed development would conflict with Part 1. g) of Policy SD41, which lists a cascade of viable uses for buildings proposed to be converted.
16. I therefore find that the proposed development would not comply with relevant development plan policies relating to the conversion of redundant agricultural buildings outside of defined settlement boundaries to an alternative use. It would conflict with Part 1. c) and g) of Policy SD41 of the Local Plan, the relevant parts of which have been summarised above.
17. Strategic Policies SD6, SD9, SD10, SD17, SD48, and Development Management Policy SD11, referred to by the LPA in their decision notice, relate to matters which are not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

³ Planning, Design and Access Statement (NJA Town Planning Ltd) (July 2022)

Landscapes of the National Park

18. The site is located on an elevated east-facing slope which, as stated in the submitted Landscape and Visual Appraisal⁴ (LVA), offers panoramic views towards the chalk escarpment about Amberley Mount over the Arun valley, from the east of Foxbury Farm. A sunken lane is present to the west of the site. Scattered woodland and a residential property lie to the north of the site. Hedgerow is present to the south of the site, beyond which lies a strip of green space which is adjacent to Cross Street Farm.
19. The LVA notes that the local contribution which the site makes to the East Meon to Bury Greensand Terrace Landscape Character Area (LCA) includes, amongst other things, its rural character, moderate levels of tranquillity experienced from the public footpaths to the south-east, the sunken lane which extends northwards from West Burton along the western edge of the site to the intimate scale and secluded rural and tranquil character of the LCA, and the presence of dark night skies within the South Downs National Park in this location within the Dark Sky Core.
20. As visibility is currently acceptable when exiting the site and looking towards the north, and considering that much of the bank is presently mostly sparsely-populated by vegetation, I consider that the introduction of the realigned accessway and the implementation of the necessary visibility splay would not cause conflict with Part 1. b) of Policy SD41 of the Local Plan which provides that, amongst other things, the conversion of redundant agricultural buildings outside of defined settlement boundaries to an alternative use will be permitted where the existing vehicular access is suitable in landscape terms for the use proposed.
21. For the same reasons, conflict would not occur with BNDP Policy 5 of the Bury Neighbourhood Plan (for the period 2017 – 2032) (Submission Version) (2017) (Neighbourhood Plan) which provides that, amongst other things, any proposal that would result in a loss or alteration of, create a cutting into the bank along a sunken lane or erode the distinctiveness of a sunken lane will not be supported and should be refused.
22. Whilst Policy SD41 supports the conversion of redundant agricultural buildings in principle, Part 1. f) of Policy SD41 makes clear that there must be no adverse impact on the character of the setting of the building to be converted, in particular its agricultural/forestry character.
23. The proposed development would involve the insertion of large areas of glazing on both the western and eastern elevations of the Main Barn, a modern structure which is currently in a poor state of repair. As shown in the Landscape Masterplan⁵, a considerable proportion of the area around the buildings to be converted would be composed of hardstanding, including permeable reinforced gravel and sandstone slabs.
24. Residential properties in plots stemming from West Burton Road are present further to the north of the site. These are well-designed and attractive buildings. The Main Barn as converted would bear little resemblance to these properties in terms of its architectural design.

⁴ Landscape and Visual Appraisal (Lizard Landscape, Design and Ecology) (July 2022)

⁵ Landscape Masterplan (Drawing No. LLD2679-LAN-DWG-010) (Rev. 01)

25. More importantly, although the hedgebank proposed to the western side of the site would reinforce the separation of the built form on site from the road and none of the barns would be extended, and the quality of the hardstanding across the site would be improved, the above-mentioned works would significantly formalise and domesticise the appearance of the site, even taking account of the fact that the existing cables across the site would be placed underground. This would erode much of the site's informal and agricultural appearance which presently significantly contributes to the rural character of the area.
26. The new native planting along the top of the existing bank, shown on the Proposed Site Layout⁶, would take time to establish and mature, as would the proposed areas of orchard and woodland planting, meaning that these adverse impacts would likely persist for some time.
27. Although the proposed Ha-Ha wall to the east of the Main Barn would delineate the boundary of the site and the agricultural land to the east of the site would not be used for residential purposes, it is likely that domestic paraphernalia around the Main Barn (particularly its patio area facing towards the agricultural land to the east) would be visible in views from the public footpaths to the east and south-east of the site, which are presently accessible via the permissive footpath to the south of the barns on site. This would further emphasise the domestication of the site, referred to above.
28. The small roof lights on the Main Barn would be fitted with electronically operated dusk-dawn internal blackout blinds, thereby minimising light spill from those windows. However, the use of blackout blinds / curtains for the windows of the Main Barn could not be mandated and could be removed at any time by the occupiers of the Main Barn.
29. In these circumstances, during the hours of darkness, light spill would occur from the Main Barn, which, as mentioned above, is situated in a prominent position on an east-facing slope. The occurrence of light spill would likely unduly erode the contribution which the site presently makes to the sense of remoteness and isolation in this rural area, and its contribution to the presence of dark night skies, referred to above. Few details have been provided to demonstrate that the proposed brise soleil architectural detailing, to be installed to some of the windows, would effectively mitigate light spill to an acceptable level. Hence, my findings remain unchanged.
30. The Secondary Barn is proposed to be used partly as an office, and partly as a parking / storage area, to be used in association with the appellant's existing established business as a property developer. The Storage Barn would be used for storage of machinery and plant and general storage in association with the use and maintenance of the agricultural land and the appellant's business. The office element is stated to be for ancillary / incidental purposes, as a home office.
31. The appellant has confirmed that no heavy goods vehicles (HGV) would access the site, and that no industrial activities would be undertaken. Nevertheless, 2 separate office rooms, a large 'open office area', 2 separate stores, and a covered parking / storage area would be created, which goes beyond the usual requirements for a home office. Baseline figures have not been provided

⁶ Proposed Site Layout (Drawing No. 1123/07) (Rev. B)

relating to the current level of vehicle movements to and from the site. Few details have been provided to illustrate the likely numbers of comings and goings to the site (if any) generated via the office and storage use, including from visitors and non-HGV vehicles. As such, it has not been demonstrated that the office element of the proposed development would not serve to compromise the tranquillity of the area, referred to above.

32. I therefore find that the proposed development would not conserve and enhance the landscapes of the National Park. It would conflict with Part 1. f) of Policy SD41 of the Local Plan which provides that, amongst other things, the conversion of redundant agricultural buildings outside of defined settlement boundaries to an alternative use will be permitted where there is no adverse impact on the character of the building and its setting, in particular its agricultural character.
33. The proposed development would conflict with Part 1. b) of Strategic Policy SD4 of the Local Plan, which provides that, amongst other things, development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that the design, layout and scale of proposals conserve and enhance existing landscape character features which contribute to the distinctive character, pattern and evolution of the landscape. It would conflict with Part 1. a) of Strategic Policy SD5 of the Local Plan which provides that, amongst other things, development proposals should integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context.
34. The proposed development would conflict with Part 2. of Strategic Policy SD7 of the Local Plan which provides that development proposals in highly tranquil and intermediate tranquillity areas should conserve and enhance, and not cause harm to, relative tranquillity, and with Part 1. of Strategic Policy SD8 of the Local Plan which provides that, amongst other things, development proposals will be permitted where they conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core.
35. The proposed development would conflict with BNDP Policy 15 of the Neighbourhood Plan which provides that, amongst other things, development proposals should not negatively impact the tranquillity of the Parish once construction is complete, and with BNDP Policy 16 of the Neighbourhood Plan which provides that, amongst other things, development should not be to the detriment of Dark Night Skies.
36. The proposed development would also conflict with chapter 15 of the Framework which seeks to, amongst other things, conserve and enhance the natural environment.
37. Strategic Policies SD6, SD9, SD10, SD17, SD48, and Development Management Policy SD11, referred to by the LPA in their decision notice, relate to matters which are not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Other Matters

38. It is common ground between the main parties that the proposed development would not affect the setting or significance any listed buildings, including those within the West Burton Conservation Area (conservation area). I have no substantive evidence before me that points to a different conclusion.

Planning Balance

39. The site is near to development to the south, and is located a short walk from West Burton. It follows that the site is not in an isolated location in the terms of paragraph 84 of the Framework, meaning that the 5 exceptions listed under paragraph 84 are not applicable to the proposed development. Accordingly, those provisions do not provide support for the proposed development.
40. Although I note that the proposed development is intended to make an efficient use of land, the weight given to this matter is necessarily limited as a consequence of my finding on the second main issue above, in the context of paragraph 128 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed places.
41. The proposed development would retain and re-use the barns on site, thereby ensuring that their embodied energy is not lost. The proposed development also includes renewable energy technology (including solar panels and the potential for a ground source heat pump). However, even if I were to find that the proposed development would be water neutral, given the substantial reconstruction of the Main Barn, identified on the first main issue above, it has not been demonstrated that the benefits of the proposed development in relation to reducing the effects of climate change would be significant.
42. I am mindful of the in-principle policy support provided for the proposed development, including support for rural housing and the rural economy provided by the Framework, for farm diversification by Development Management Policy SD40 of the Local Plan, and for development proposals that foster the economic and social well-being of local communities within the National Park by Strategic Policy SD34 of the Local Plan. Of particular relevance is paragraph 70 of the Framework, which provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
43. However, few details have been provided to quantify the benefits of the proposed development in relation to employment maintained / generated or the economic benefits arising via the agricultural activities proposed to be undertaken. Similarly, few details have been provided to accurately quantify the extent of any biodiversity net gain. The provision of one new dwelling located near to the existing settlement of West Burton would provide a very limited contribution to supporting the Government's objective of significantly boosting the supply of homes (mentioned at paragraph 60 of the Framework). Consequently, whilst the LPA have not referred to any potential conflict with Strategic Policies SD25 and SD26 in their decision notice in relation to the LPA's development strategy for the supply of homes, limited weight has been given to the identified benefits of the proposed development.

44. The Framework provides at paragraph 182 that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The adverse impacts identified on both main issues accordingly attract great weight in opposition to the proposed development. Additionally, it is clear that the proposed development would not accord with the first purpose of the National Park, specifically with respect to conserving and enhancing the natural beauty of the area, which is referred to in Core Policy SD1 of the Local Plan.
45. Taking account of the limited weight given to the identified benefits of the proposed development, I find that the other considerations, which include the provisions of the Framework, do not indicate that the appeal must be determined otherwise than in accordance with the development plan.
46. The LPA raised concerns in their appeal statement in relation to protected species, Special Areas of Conservation, and the setting of the conservation area. However, none of these matters formed part of the LPA's reasons for refusal in their decision notice, and as the appeal is being dismissed for other reasons, there is no need to consider the potential implications of the proposed development in these respects. I therefore make no further comments on these matters.

Conclusion

47. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR