



Appeal Decision

Site visit made on 10 July 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2024

Appeal Ref: APP/D3830/W/23/3333182

Playdells Farm, Colwood Lane, Warninglid, West Sussex RH17 5UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr I Flitcroft against the decision of Mid Sussex District Council.
 - The application Ref is DM/23/0976.
 - The development proposed is erection of detached building for a self-contained holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The main parties have had the opportunity to comment on the implications of the consultation and I have taken into account the responses received.
3. The Council submitted its District Plan 2021-2039 for independent examination on 8 July 2024, which is a review of the currently adopted District Plan. The Council acknowledge that there are unresolved objections to the policies relevant to this appeal and as such it states that only limited weight should be given to the emerging District Plan.

Main Issue

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area including the High Weald Area of Outstanding Natural Beauty (AONB) and effects on nearby trees and hedgerows, and;
 - the setting of the designated heritage assets.

Reasons

Character and Appearance

5. The appeal site lies within a distinctly rural location and within the High Weald AONB. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, among other designated areas, have the highest status of protection in relation to these issues.

6. The area of the proposed development lies to the northern side of a historic farmstead. These form a relatively compact cluster of buildings set among a central courtyard and accessed via a long driveway from Colwood Lane. Beyond the farmstead are predominantly open grass fields of irregular shape and bound by hedgerows and tree belts. These are characteristics of the surrounding landscape which are acknowledged by the High Weald AONB Management Plan, which also acknowledges a settlement pattern including isolated farmsteads dotted across the countryside. At Playdells Farm domestic paraphernalia has spread to some extent beyond the confines of the historic farmstead, particularly to its north eastern edge, where a modern garage and enclosed tennis court sit beyond an area of gravel for car parking. A public footpath crosses the driveway of Playdells Farm and runs to the west of the tennis court and the area of the proposed development.
7. The proposed building would be positioned at the far end of the tennis court, further from the existing farmstead cluster and modern garage, where it would encroach into the more open, verdant and rural character of the landscape which surrounds the farmstead. Its effects would be exacerbated by its width across this parcel of land together with its substantial roof form and domestic appearance including porch, dormer windows and rooflights. In combination these factors would result in a building of residential character encroaching substantially beyond the existing cluster and it would detract from the rural character surrounding the farmstead.
8. The extent to which the proposal would be visible from the public footpath would vary throughout the year according to the amount of foliage on the adjacent trees and hedgerow. However, even if only visible in glimpses from the footpath, the spread of domestic development into the countryside would be apparent and the effects would be long lasting.
9. The existing building in this position has a traditional and agricultural appearance as a low level and open sided barn and would appear typical of a rural setting. There are also a number of shipping containers on this part of the site which are unattractive and there is doubt as to whether they have planning permission. Even if they could be retained on the site, these are relatively low level with a simple and utilitarian appearance and their presence would not amount to justification for the effects of the appeal scheme.
10. While the proposal would necessitate the removal of some low quality shrubs and trees behind the building, it would be further away from the hedge line which would give the opportunity for replacement planting to reinstate the line of the hedgerow. Given the reported quality of those existing trees and shrubs, further details to secure appropriate replacements and enhancement of the hedgerow could reasonably be secured by condition, as well as amended drainage details, if the appeal scheme were otherwise acceptable. The proposed building is not shown as having any vehicular or pedestrian access at present, however I am unable to speculate about how this may otherwise be achieved and its associated landscape effects.
11. However in conclusion on this main issue as a whole, the proposal would cause harm to the character and appearance of the area and to the landscape character of the AONB. The proposal would conflict with policies DP12, DP16, DP19 and DP26 of the District Local Plan 2018 (the DLP) insofar as they require protection and enhancement of the countryside and landscape character. It

would also conflict with policies BOLBB1, BOLE2 and BOLD1 of the Bolney Neighbourhood Plan made 2016 (the BNP) which require, among other things, maintenance of the rural landscape character of the parish. There would also be conflict with the objective of the Framework set out above, insofar as it relates to development in AONBs, and with the Mid Sussex Design Guide Supplementary Planning Document 2020 where it sets out principles for respecting landscape character.

12. Insofar as the matter of the adjacent trees and hedgerows are concerned, I do not find conflict with policy DP37 of the DLP, which supports the protection and enhancement of trees and hedgerows and encourages new planting.

Setting of Heritage Assets

13. Playdells Farm is a historic farmstead comprising listed and curtilage listed buildings. It includes the Grade II listed late 16th Century Farmhouse, which is a small timber framed building with red brick infilling exposed at the back but refronted with brick and tile-hung sides. The Granary lies to the south west of the Farmhouse and comprises a 16th century timber-framed barn with tile hanging and a half-hipped tiled roof. This is also Grade II listed. The Council consider the Granary and the Farmhouse to be good examples of their type and period and together the buildings maintain their value as a group as a former farmstead.
14. While the use of the farmstead has moved on from being agricultural, its rural setting described above is agreed to contribute positively to the special interest of the listed and curtilage listed buildings. The more open and verdant character of the surrounding parcels of land have a visual and historic relationship with the farmstead buildings, and contribute to how the significance of those buildings is appreciated.
15. As set out, parts of the immediate setting of the historic group of buildings have been subject to change in connection with the change of use of the buildings to holiday lets, particularly to its north eastern side close to the area of the proposed development. The appellant has sought to position the proposed development as far from the listed buildings as possible to minimise its impact and behind the tennis court. However this area maintains its rural character, albeit to a lesser degree, and continues to contribute to the setting of the listed buildings.
16. For the reasons set out above relating to its scale and design and through adding substantially to the spread of domestic character, the proposal would substantially detract from the rural setting of the listed buildings and the way in which they are appreciated. Although I consider this to be at the lesser end of the scale, for the purposes of the Framework this harm is less than substantial and should therefore be weighed against the public benefits of the proposal.
17. The proposal would entail the removal of the existing timber framed outbuilding which is simple in its character and typical of a rural setting. A number of shipping containers would also be removed and, as above, despite concerns relating to their ability to stay on the site, by reason of their scale and appearance they are less visually harmful than the proposed development. Taken together, the removal of the existing building and containers therefore attracts little weight as a public benefit of the proposal. The proposal would

provide a holiday let which would contribute to local tourism and the rural economy by local expenditure by future occupants. It could also improve the adjacent hedgerow through the replacement of low quality plants. While these are important benefits, their weight is limited by the scale of the proposal and together they attract moderate weight.

18. The proposal would support the existing enterprise at Playdells Farm which is a small business providing tourist accommodation. However it is not apparent that this would be a public benefit, rather than a private one. While there are development plan policies and provisions in the Framework which support the rural economy and sustainable tourism, these require that such developments respect the character of the countryside. As such those policies do not add additional weight in favour of the proposal.
19. Overall, and in conclusion on this main issue, there are not public benefits that would outweigh the less than substantial harm to the heritage assets, to which I must give great weight. The proposal would conflict with policy DP34 of the DLP and policy BOLD1 of the BNP which require development to protect, and not have an unacceptable impact on, listed buildings and their settings. The proposal would also conflict with the objectives of the Framework relating to heritage assets.

Other Matters

20. Where the proposal has been found to be acceptable in other respects, for example highway safety, this is neutral in the planning balance and does not weigh in favour of the development.
21. There is not substantive evidence to suggest why the balancing exercise in paragraph 11d) of the Framework should apply here. However, even if it did, the application of policies in the Framework which protect AONBs and heritage assets provide a clear reason for refusing the development proposed. Consequently the proposal would not benefit from the presumption in favour of sustainable development.
22. The site is close to the Ashdown Forest Special Protection Area and Special Area of Conservation, which are designated sites for their important habitats. However, Regulation 63(1) of the Habitats Regulations¹ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is dismissed on other grounds it is not therefore necessary to address this in any further detail.

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

¹ The Conservation of Habitats and Species Regulations 2017