



Appeal Decision

Site visit made on 6 May 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Appeal Ref: APP/D3830/W/24/3352371

Philpots Manor School, Hook Lane, West Hoathly, West Sussex RH19 4PR

- 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 Steven Ogilvie of Philpots Manor School against the decision of Mid Sussex District Council.
 - The application Ref is DM/23/1973.
 - The development proposed is the conversion of two existing barns (used as equestrian stables) to create two detached dwellings, together with associated car parking, landscaping and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of two existing barns (used as equestrian stables) to create two detached dwellings, together with associated car parking, landscaping and amenity space at Philpots Manor School, Hook Lane, West Hoathly, West Sussex RH19 4PR in accordance with the terms of the application, Ref DM/23/1973, subject to the conditions in the attached Schedule.

Preliminary Matters

2. As part of the appeal, the appellant has submitted a Noise Impact Assessment¹ (NIA). I have given due consideration to guidance in the 'Procedural Guide: Planning Appeals - England' 2025, and the 'Wheatcroft Principles' referred to in the guidance, which addressed the matter of amendments being submitted with an appeal, along with other case law, in deciding whether to accept the NIA.
3. The proposal before me, should the NIA be included, is essentially the same as the scheme that was considered by the Council and therefore the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this information. As such, the additional information does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the NIA.
4. A signed Unilateral Undertaking dated 23 December 2024 has been submitted during the appeal process. This would secure a financial contribution to mitigate the effect of the development on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The Council considers the legal agreement addresses its fifth reason for refusal and has advised that the reason for refusal is no longer contested. The appeal will be determined on this basis, and I shall return to the legal agreement later in my decision.

¹ Dated August 24, prepared by e3p

5. The Regulation 19 draft of the Mid Sussex District Plan 2021-2039 has been subject to Examination and Stage 1 hearings were concluded in October 2024. I have not been referred to any specific policies relevant to this appeal and no emerging policies were referred to in the reasons for refusal. In any case, the Council confirms there are unresolved objections to the majority of policies and, as such only minimal weight can be given to the policies within the emerging plan.

Main Issues

6. The main issues are:
- the effect of the proposed development on the character and appearance of the area, including the High Weald National Landscape;
 - whether the site is a suitable location for the proposed development having regard to development plan policy and accessibility to services and facilities;
 - whether suitable living conditions would be provided for future occupants of the development, with regard to noise; and
 - the effect of the proposed development on the integrity of the Ashdown Forest SPA and SAC.

Reasons

Character and appearance

7. The appeal site comprises two buildings either side of a central yard. The site is within a group of buildings, including buildings associated with the school and a two-storey dwellinghouse, as well as areas of hardstanding and parking. The buildings are primarily viewed within this context. The buildings have a simple rectangular form with have a utilitarian appearance and are finished in a mixture of red brick, blockwork and timber boarding. Given their functional appearance and their position to the centre of a collection of buildings, the buildings make a neutral combination to the character and appearance of the area and the wider landscape.
8. The site is within the High Weald National Landscape (NL). Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purposes of NLs, which is to conserve and enhance the natural beauty of the area of outstanding natural beauty. In addition, paragraph 189 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the NL.
9. The proposal is for the conversion of the existing buildings to two dwellinghouses. The development would include the reduction in size of Unit 2 through the demolition of part of the front and rear of the building. The external walls and roofs of each building would be finished with vertical timber cladding, which would reflect the timber boarding used on the school building opposite the site. The cladding would replace the unsympathetic roof materials on both buildings and blockwork wall to Unit 1. This would represent a modest enhancement of the appearance of the buildings.

10. To facilitate the residential use of the buildings, new windows and doors are proposed. While there would be windows within the elevation fronting the access track, they would be minimal in size and amount and would not lead to a significant domestication of the buildings. The other new openings would be limited in size and number and would largely be contained within the elevations facing into the site. The retained rectangular form of the buildings and the limited openings beyond the enclosed part of the site, would maintain the rural aesthetic of the buildings.
11. The proposed gardens for each plot would be in a discreet position within the site and would be largely to the rear of the buildings. The provision of the garden areas would alter the character of the site to the rear of the buildings. However, the gardens areas are limited in size and are enclosed by the existing buildings. Moreover, the gardens would be close to the garden of the neighbouring dwelling. Consequently, the domestic character of the gardens and the associated paraphernalia would not harm the rural character and appearance of the area.
12. The buildings are parallel with each other with limited space to the centre of the site. The dwellings would be close together and with smaller garden areas than other properties in the area. Nonetheless, the proposal would respond to the characteristics of the site and would maintain the character of the existing buildings and the surrounding area.
13. I conclude that the proposal would not harm the character and appearance of the area and would conserve the natural beauty of the NL. The development therefore complies with Policies DP12, DP15, DP16 and DP26 of the Mid Sussex District Plan 2014 – 2031 2018 (MSDP), which collectively require development to maintain or where possible enhance the quality of the rural and landscape character of the District, conserve natural beauty within the NL, be well designed and to address the character and scale of the surrounding buildings and landscape.

Suitable location

14. The appeal site is outside of a settlement boundary as defined in the MSDP and is therefore in a countryside location for the purposes of planning policy. Policy DP12 of the MSDP states that the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted within the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District and it is either necessary for the purposes of agriculture or supported by a specific policy reference either elsewhere in the MSDP, a Development Plan Document or relevant Neighbourhood Plan.
15. Policy DP15 allows for the re-use and adaptation of rural buildings for residential use in the countryside, subject to various criteria including that the re-use would lead to an enhancement of the immediate setting and that the quality of the rural and landscape character of the area is maintained. Based on my findings on the first main issue, the proposal would accord with Policy DP15 and would lead to an enhancement of the immediate setting and maintain the quality of the rural and landscape character of the area. In addition, the proposal would maintain the quality of the rural and landscape character of the District, thereby complying with Policy DP12.

16. There is no specific requirement in Policy DP15 for the buildings to be in a suitable location with regard to access to shops, services and public transport. Rural buildings are, by nature, typically in isolated locations and remote from everyday facilities and services. Policy DP21 of the MSDP requires development proposals to take account of whether the scheme is sustainably located to minimise the need for travel, however it notes that there might be circumstances where development needs to be located in the countryside. Moreover, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
17. Given my findings regarding the effect on the character and appearance of the area, including the immediate setting, the proposal would be a suitable location for the proposed development. The development therefore accords with Policies DP15 and DP21 of the MSDP, as set out above.

Living conditions

18. The appeal site is close to buildings and land used for agriculture and for equestrian purposes. To the front of the site, a narrow track provides vehicular access to Philpots Farm. The Council state that vehicle movements on the access take place during unsociable hours, including lorries delivering feed to the nearby buildings. The movements associated with this typically take place up to twice per week between 0600 and 0800.
19. While noise would be generated by traffic to the front of the site, including the infrequent feed deliveries, and by animals within the area, the NIA recommends measures to reduce the effect of the noise generated on future occupants. The measures include double glazed and non-opening windows on certain elevations. In addition, ventilation and overheating prevention measures would enable a good standard of accommodation. Measures for mitigating the effect of noise could be secured by a condition, if I were minded to allow the appeal.
20. I conclude that suitable living conditions would be provided for future occupants of the development, with regard to noise. The proposal therefore accords with Policies DP26 and DP29 of the MSDP, which

Ashdown Forest SPA and SAC

21. Policy DP17 of the MSDP highlights that mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km Zone of Influence (Zol) of the Ashdown Forest SPA and SAC. The appeal site lies within the Zol of the Ashdown Forest SPA and SAC. The Conservation of Habitats and Species Regulations 2017 requires me as the decision maker to undertake an Appropriate Assessment where there are likely significant effects from the proposal, either alone or in combination with other plans or projects, on the integrity of the sites.
22. It has been established that residential development within the Zol would likely result in harm to the protected area through additional recreational disturbance. The proposal would create a net gain of dwellings and in combination with other developments permitted in the area there would be a likely significant effect on the integrity of the SPA and the SAC.

23. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed and agreed with Natural England. These require the provision of a SANG, either on the development site itself or through a financial contribution to a strategic SANG elsewhere, and a separate financial contribution towards a SAMM strategy.
24. The Planning Practice Guidance (PPG) on Appropriate Assessment indicates that any measures used to inform the decision about the effects on integrity need to be sufficiently secured and likely to work in practice. The appellant has submitted a signed UU, under Section 106 of the Town and Country Planning Act 1990 that would ensure a payment towards the mitigation strategy that is acceptable to the Council. Therefore, taking into consideration the submitted UU which would mitigate the proposed development, I conclude that the proposal would not have an adverse effect on the integrity of the SPA and the SAC.
25. In this way harmful effects would be prevented. As a result, following an Appropriate Assessment, the proposals would not adversely affect the integrity of the SPA. There would therefore be no conflict with Policy DP17 of the MSDP, as set out above.

Other Matters

26. The Council consider that the proposal is acceptable in respect of parking and the effect on the local highway network. In addition, the Council has not raised concern in respect of the effect on the living conditions of occupants of neighbouring properties and the operation of the farm. Given the proposed layout, including the provision of parking and fenestration, I find no reason to take a different view.

Conditions

27. Suggested planning conditions have been provided by the Council. I have considered the conditions having regard to the Framework and advice contained in the PPG. I have adjusted the wording of some conditions to improve precision.
28. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
29. A condition is required to ensure that appropriate noise measures are provided to safeguard the living conditions of future occupants. In order to protect the character and appearance of the area, I have also imposed a condition requiring the details of the external materials to be used and landscaping to be submitted. Given the existing use of the building, conditions regarding contamination are necessary.
30. As the conditions relating to noise, materials, landscaping and contamination would affect the early stages of construction, they need to be discharged prior to the commencement of the development.
31. Conditions are included to provide the car parking space and details of the covered and secure cycle parking spaces. The quality of the environment would be protected and enhanced by conditions in respect of the approved ecological appraisal, biodiversity enhancements and external lighting. In addition, a condition

setting out the construction working hours is required to safeguard the living conditions of local residents during the construction phase.

32. Conditions removing permitted development rights for the enlargement, improvement or other alteration of the dwellinghouses and for development in the curtilages of the dwellinghouses are included as they are necessary and clearly justified to safeguard the living conditions of future occupants of the development and in order to preserve the character and appearance of the area, including the NL.

Conclusion

33. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 181A.00.01 Revision A, 181A.01.02 Revision G, 181A.01.13 Revision F, and 181A.01.14.
- 3) Prior to the commencement of the development hereby permitted, a scheme for protecting the residential and other noise sensitive units from noise generated by road traffic or other external sources, shall be submitted to and approved in writing by the local planning authority.

Where habitable rooms do not have openable windows, or where windows must remain closed for acoustic purposes, an overheating assessment must be undertaken with accordance with CIBSE. The cooling hierarchy below shall be applied to the scheme:

1. Minimise internal heat generation through energy efficient design
2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
3. Design the properties to enable passive ventilation (e.g. cross ventilation)
4. Provide mechanical ventilation
5. Provide active cooling (ensuring they are the lowest carbon options).

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling. If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with recommended internal noise levels while providing sufficient ventilation.

- 4) Prior to the commencement of the development hereby permitted, samples and a schedule of materials and finishes to be used for all external materials, including the walls, roofs and rainwater goods, of the proposed development shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.
- 5) Prior to the commencement of the development hereby permitted, full details of a hard and soft landscaping scheme shall be submitted to and approved by the local planning authority. The scheme shall include full details of the materials to be used for the hard landscaping as well as boundary treatments. These works shall be carried out as approved prior to the occupation of any part of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) Prior to the commencement of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved in writing by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 7) Prior to occupation of the development hereby permitted, a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details shall be submitted to and approved in writing by the local planning authority. Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.
- 8) If during construction, contamination not previously identified is found to be present at the site then no further development shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the local planning authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the local planning authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the local planning authority.
- 9) Prior to occupation of the development hereby permitted, the car parking shall be constructed in accordance with the approved site plan. The car parking spaces shall thereafter be retained at all times for their designated purpose.

- 10) Prior to occupation of the development hereby permitted, details of the covered and secure cycle parking spaces shall be submitted to and approved by the local planning authority. The covered and secure cycle parking spaces shall be constructed prior to occupation of the development hereby permitted and shall thereafter be retained at all times for their designated purpose.
- 11) All mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Marsh Environmental, July 2023), as submitted with the planning application.
- 12) A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Marsh Environmental, July 2023), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

- 13) Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

- 14) No construction activities shall be undertaken, and no commercial goods or commercial waste shall be loaded, unloaded or otherwise handled within the application site outside the hours 08:00 - 18:00 Hours Monday – Friday, 09:00 - 13:00 Hours, Saturday, no work permitted on Sundays or Bank/Public Holidays.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house).
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no new windows or doors shall be installed.

End of Schedule