



Appeal Decision

Site visit made on 4 June 2025

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2025

Appeal Ref: APP/D3830/W/24/3355042

Medvale Farm, Turners Hill Road, Turners Hill RH10 4QA

- 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 Nick Lutman against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/1741.
 - The development proposed is conversion of rural barn to one 3-bed dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council is currently in the process of updating its district plan. The examination of the emerging plan concluded in October 2024. I understand there are unresolved objections to many policies. Although the relevant policies have been highlighted to me, the Council has not concluded against them. As such, very limited weight can be attached, and my determination is made against the current development plan policies.

Background and Main Issues

3. During the course of this appeal, an executed unilateral undertaking (UU) dated 12 March 2025 has been submitted by the appellant, pursuant to Section 106 of the Town and Country Planning Act 1990. The UU contains a planning obligation to secure a Strategic Access Management and Monitoring (SAMM) contribution of £1,170, and a Suitable Alternative Natural Greenspace (SANG) contribution of £5,253 in relation to the Ashdown Forest Special Protection Area (SPA). I shall return to this matter later in my decision.
4. Notwithstanding the second refusal reason, relating to the lack of a suitably detailed surface and foul water strategy, there is a suitably worded planning condition before me, that could address the matter. There is agreement between the main parties that this is sufficient to address the second reason for refusal, and as such it is not necessary for me to consider the matter further.
5. The main issues are therefore:
 - the effect of the development on landscape character, and the intrinsic beauty of the countryside, and
 - whether or not the proposal would be in a sustainable location having regard to sustainable transport options.

Reasons

Landscape character

6. The site lies within the High Weald National Landscape (HWNL). The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) now includes the duty on relevant authorities that they must seek to further this purpose when exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty (now National Landscapes).
7. The HWNL is valued for its peaceful, rural setting, scenic views and dark skies. The area is interspersed by scattered agricultural buildings and small clusters or individual residential properties. The appeal site positively contributes to this character through its quiet, undeveloped nature, wide views across the valley and limited built form. The existing barn and remains of another structure are utilitarian, typical of rural buildings and blend into the landscape. Although the site appears overgrown, this contributes to its natural, unspoilt rural character.
8. The proposed development would introduce new window and door openings. Although I understand that the amount of glazing has been reduced from earlier versions of the proposal, a significant number of windows – many of which are full height – are proposed. These would considerably alter the barn's functional character and give it a more domestic appearance. The use of a sympathetic colour palette and retention of existing materials would not mitigate this impact.
9. These changes would also increase light emissions, which is particularly concerning in a landscape valued for its dark skies. While the appellant's lighting report states that light spill at ground level would fall below 0.2 lux within 7.5 metres of the house, it assesses the impact using ILP guidance for Environmental Zone E2. This zone applies to rural or semi-rural areas, but the site more appropriately aligns with Zone E1, which covers natural areas such as National Landscapes. The report provides little justification for using the less stringent E2 classification.
10. Even accepting that lighting levels would be low, they would still represent a noticeable increase compared to the current situation. The resulting light pollution, combined with the barn's altered appearance, would negatively affect both the character of the building and the wider site and countryside.
11. The proposed development includes a substantial residential curtilage extending from the road to below the barn. This area significantly exceeds what could reasonably be considered necessary for residential amenity. While the appellant indicates there are no current plans for formal landscaping, future ownership could introduce changes, and planning conditions would offer only limited long-term control.
12. The change of use would introduce residential activity across a broad area, fundamentally altering the site's current wild and undeveloped character. The scale of the curtilage, combined with the potential introduction of domestic features, would markedly diminish its rural quality. Additional elements such as an extended resurfaced access, parking areas, and a patio would further exacerbate this impact.
13. The removal of the remaining barn structure may offer some limited visual benefit. However, the structure is typical of rural outbuildings and is partially screened by

the barn to be retained and existing vegetation. Its presence therefore has minimal visual impact despite its poor condition.

14. While the proposed landscaping measures—such as native hedgerow planting, mixed scrub, and the removal of invasive species—could enhance the site in the short to medium term, their long-term retention cannot be assured. Consequently, the risk of further domestication of the site remains. In any event, the proposed landscaping and removal of the existing structure do not outweigh the harm arising from the barn's conversion, which would fundamentally alter the site's rural character.
15. Public vantage points of the proposed development would be very limited. The main opportunities would be from the site entrance, although there is no public footpath at the entrance, and given the difference in land levels, the converted building itself would not be visually prominent. Due to the undulating nature of the landscape, I cannot rule out views from facing hillsides. Furthermore, the presence of increased light has the potential to be perceived from a long distance. In any event, although the lack of views reduces the magnitude of harm, it does not avoid harm.
16. While Policy DP15 of the Mid Sussex District Plan 2018 (MDP) allows for the re-use of rural buildings, it makes clear that such conversions are only acceptable where they enhance the immediate setting and preserve the rural character. Although some degree of domestication is to be expected, this proposal fails to meet those criteria. As outlined above, the development would neither preserve the site's rural character nor enhance the natural beauty of the HWNL.
17. The proposal would result in harm to the landscape character and scenic beauty in the HWNL and so would not protect the intrinsic character and beauty of the countryside, contrary to Policy DP12, DP15, DP16 and DP26 of the MDP and Policies THP4 and THP8 of the Turners Hill Neighbourhood Plan 2016 (NP). These policies, taken together and insofar as relevant, require that the landscape character of the area is maintained, and natural beauty is conserved or enhanced. The Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes.

Sustainability

18. The appeal site lies south of East Street (B2110), outside any developed area and within the countryside. The nearest services are in Turners Hill village, about 0.6 miles away. The entrance is slightly set back from the road, with a small verge; opposite, there's a narrow footpath and bench. Within the site, the barn sits much lower than the road and is accessed via a steep, winding track.
19. Policy DP21 of the MDP requires development to support the West Sussex Transport Plan (2011–2026) by being sustainably located to reduce the need to travel. While some countryside development may be necessary, proposals should enable safe, convenient access to walking, cycling, and public transport. This aligns with the National Planning Policy Framework (NPPF), which prioritises sustainable transport based on development type and location, recognising that opportunities vary between urban and rural areas.
20. Although the site is within walking distance of Turners Hill village—which offers key services such as play areas, a primary school, shops, and bus links to larger

settlements—access is poor. During my visit, I noted that the only footpath is on the opposite side of an unlit, 40mph rural road, with minimal space for pedestrians to wait before crossing. The speed and geometry of the road make walking an unattractive option, especially in poor weather or at night.

21. While bus stops in the village, and at Turners Hill Park, provide access to larger settlements like East Grinstead and Crawley, the barriers to walking mean that regular use of public transport is unlikely. Within the site, the long, and steep access track would further discourage walking and cycling. Although confident cyclists might manage the route, it cannot be assumed that future residents would be among them. These factors suggest that most journeys would be made by private car, particularly for young families, older people, or those with limited mobility.
22. The proposal includes provision for electric vehicle charging points. However, the provision of these is a requirement of building regulations, and as such, this does not alter my findings in terms of access to sustainable modes of travel.
23. Accordingly, I find that the proposal would not be in a sustainable location having regard to sustainable transport options, and thus would conflict with Policy DP21 of the MDP and the requirements of the Framework relating to sustainable travel.

Other Matters

24. The appellant has drawn my attention to paragraph 82 of the Framework, which refers to the need to support housing developments that reflect local needs, including community-led development and through rural exception sites. However, there is no evidence to suggest that the proposal constitutes a community-led development or qualifies as a rural exception site. Accordingly, this consideration has not been determinative in my assessment.

The mobile home

25. My attention has been drawn to a mobile home, which I witnessed on my site visit. This does not form part of the description of development, and it is not shown on the plans before me. The Council has suggested there is no current planning permission or certificate of lawfulness for the mobile home, however, this has not affected my determination of the appeal.

Ashdown Forest SPA

26. The proposal would lead to a net increase in residential dwellings within the zone of influence of the Ashdown Forest SPA, a European-designated site protected under the Conservation of Habitats and Species Regulations 2017 (as amended).
27. The SPA is vulnerable to recreational pressure, and the development would have a likely significant adverse effect on its habitats, through disturbance to ground and near-ground nesting birds.
28. The submitted UU includes obligations to provide financial contributions towards SANG and SAMM. In principle, these measures would provide appropriate mitigation to avoid a likely significant effect on the SPA. However, as the appeal is being dismissed on other grounds, it is not necessary to undertake an appropriate assessment.

Biodiversity Net Gain

29. The statutory Biodiversity Net Gain (BNG) requirement, introduced under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), is now mandatory.
30. The appellant contends that the proposal qualifies as a self-build development and is therefore exempt from the BNG requirement. While the Council has not challenged this claim, there is no mechanism before me to secure or ensure the dwelling remains a self-build unit. Accordingly, the exemption does not appear to apply.
31. However, as the appeal is being dismissed on other grounds, I have not considered this matter further.

Planning Balance and Conclusion

32. The proposal would result in harm to landscape character and scenic beauty in the HWNL and so would not protect the intrinsic character and beauty of the countryside. Furthermore, the proposal would not be suitably located relative to sustainable transport options. Paragraph 189 of the Framework identifies that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Landscapes whilst paragraph 115 requires sustainable transport modes to be prioritised. Although the Council cannot currently demonstrate a five-year supply of deliverable housing sites¹, the proposal would conflict with policies of the Framework in relation to a National Landscape. The application of these policies provides a strong reason for refusal, and the presumption in favour of sustainable development in terms of paragraph 11 of the Framework does not apply.
33. The proposal would make a modest but meaningful contribution to housing supply. Whilst the scheme only involves the delivery of a single dwelling, it would still support the government's target to significantly boost the supply of homes, at a time when the Council cannot demonstrate a Framework supply of housing land. In addition, the proposal would make a modest contribution to self-build homes, if this was able to be secured and there is no evidence before me that the Council is meeting its statutory duty to provide sufficient permissions to meet the supply for self-build and custom build in its area. Further benefits include a voluntary biodiversity net gain, an improvement to the overall condition of the site, together with temporary economic benefits during construction and longer-term gains through local spending.
34. I have found the proposal to be acceptable in principle in respect of its effect on the Ashdown Forest and in respect of surface and foul water, however these are neutral matters.

¹ Position confirmed by the Council in relation to another appeal in the district

35. To conclude, the proposal would deliver a number of worthwhile benefits, but given the scale of the development, these carry only moderate weight. The harm and policy conflicts, in particular regarding the HWNL, would outweigh the benefits. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

R. Lawrence

INSPECTOR