



Appeal Decision

Site visit made on 17 September 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2024

Appeal Ref: APP/D3830/W/24/3340329

Willowbrook, Danworth Lane, Hurstpierpoint, West Sussex BN6 9LW

- 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 Mrs Sue Ockenden against the decision of Mid Sussex District Council.
 - The application Ref is DM/23/0746.
 - The development proposed is the conversion of a hay barn to create 1 no. one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has drawn my attention to the review of its Local Plan. The Regulation 19 draft of the Mid Sussex District Plan 2021-2039 has been subject to public consultation. The Council confirms there are unresolved objections to the majority of policies. 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. I attach the emerging plan very limited weight in my decision.

Main Issues

3. The main issues are:
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal living space;
 - the effect of the proposal on the character and appearance of the countryside; and,
 - whether the site is a suitable site for housing having regard to the adopted spatial strategy, with particular regard to the extent to which the proposal would contribute to the objectives of limiting the need to travel and offering a genuine choice of transport modes.

Reasons

Living Conditions

4. The proposed one-person, one-bedroom dwelling would comprise approximately 28.4 square metres, which would not meet the minimum standard of 39 square metres set out in the Nationally Described Space Standards (NDSS), as referred to by Policy DP27 of the Mid Sussex District Plan 2014-2031 (District Plan).

5. I acknowledge that the limitations of the existing structure would make it difficult for the building to meet the requirements of the NDSS, and the layout would be an efficient use of space. Whilst this may be the case, the scheme would fall significantly short of the minimum overall floorspace standards set out in the NDSS. District Plan Policy DP27 is clear that dwellings created through conversion would also be subject to these standards, and there is little substantive evidence of exceptional circumstances. The structural limitations and layout would not overcome the need to provide accommodation with sufficient overall space to achieve the minimum standard.
6. As such, the proposal would not provide acceptable living conditions for future occupiers with particular regard to internal space standards. The proposal would conflict with Policy DP27 of the District Plan insofar as it requires new residential development to comply with the NDSS.

Character and Appearance

7. Danworth Lane is in a rural location between the settlements of Hurstpierpoint and Burgess Hill. The area is characterised by farmland interspersed with some areas of woodland and sporadic clusters of dwellings. The appeal site comprises a traditional hay barn located within an equestrian use, set off to one side of the equestrian arena. There is a grassed area next to the barn, which contains a seating area, picnic bench, shed and various pieces of children's play equipment. There is an existing vehicular access to the site, and two parking spaces are proposed adjacent to this access. Although there is a substantial hedge next to the highway, the barn can be seen in limited views from the street through the entrance to the site.
8. The black stained timber barn has high-set eaves and a shallow pitched roof. There are window openings in its north and west elevations. Although capable of functioning for storage purposes, the barn is somewhat dilapidated. I consider it makes a neutral contribution to the character and appearance of the surrounding area. The degree of alteration proposed to its external appearance visible from the street would be limited. The most significant extent of glazing would be confined to the west elevation, towards which there would be no public vantage point. Nevertheless, the extent of glazing proposed would be consistent with alterations necessary to convert to a residential use and would not harm the character or appearance of the surrounding area. I am satisfied that the repair and alteration of the barn would lead to an enhancement of its immediate setting.
9. I note the Council's concern regarding residential curtilage and paraphernalia. The grassed area adjacent to the barn already contains seating areas and some play equipment typical of a residential garden. There would be minimal alteration to hardstanding and parking arrangements as a result of the proposed residential use. This area is largely screened from the street; I do not consider there would be a degree of change which would unacceptably harm the rural character of the area as a result of domestic paraphernalia within the grassed area.
10. I note the Council's view that a residential conversion would not be the only way of achieving improvements to the barn's appearance and function. Whilst this may be the case, my consideration is necessarily limited to the scheme before me. As set out above, the proposals would be an appropriate means of restoring the building and would be consistent with the rural character of the surrounding area.

11. For the reasons given above, the proposal would not be harmful to the character and appearance of the countryside, and would be in line with the aims of Policies DP12 and DP26 of the District Plan. Amongst other things, these policies require development to maintain or where possible enhance the quality of the rural and landscape character of the District, be well designed and to address the character and scale of the surrounding buildings and landscape.
12. The Council refer to principle DG38 of the Mid Sussex Design Guide Supplementary Planning Document 2020 in the reason for refusal. This relates primarily to the detailed design of new buildings and as such I consider it of limited relevance to the appeal scheme.

Suitable Location

13. The appeal site is not within a settlement boundary as defined in the District Plan. It is therefore in a countryside location for the purposes of planning policy. Policy DP12 of the District Plan sets out 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 District Plan, a Development Plan Document or relevant Neighbourhood Plan.
14. Policy DP15 allows for the re-use and adaptation of rural buildings for residential use 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. There is no specific requirement for the converted building to be in a sustainable location. This approach is broadly in line with the National Planning Policy Framework (the Framework), which in paragraph 84, sets out that the development of isolated homes in the countryside should be avoided unless certain circumstances apply, including where the development would re-use redundant or disused buildings and enhance its immediate setting. I acknowledge that the Framework promotes walking, cycling and the use of public transport, and the management of patterns of growth in pursuit of these objectives. However, given the specific allowances set out by the Framework for the re-use of rural buildings, the location of the proposed development would be in line with its overall aims.
15. I recognise that the appeal site's location is somewhat isolated in terms of its proximity to shops, services and public transport. However, the conversions allowed under Policy DP15 would by their nature often be in isolated locations due to the types of building to which the policy refers. Although Policy DP21 requires schemes to be sustainably located to minimise the need for travel, I do not consider this policy to be directly determinative to the appeal proposal given that there is no specific locational requirement in Policy DP15.
16. As I have concluded in the previous main issue, the proposed conversion would not be harmful to the character and appearance of the area, particularly given the limited views of the barn from public vantage points. I note the Council's view that there is little evidence as to whether the foundations of the existing building would be capable of supporting the extra weight of new flooring, insulation and windows which they consider would lend weight against the use of the building for residential purposes. Although the appellant has provided an initial structural

report about the barn, this is not a requirement of Policy DP15 in assessing the suitability of a building for conversion.

17. Given my findings regarding the location and effect on the character and appearance of the area, including its immediate setting, the proposal would be in line with the aims of District Plan Policies DP12 and DP15 and Policy HurstC1 of the Hurstpierpoint and Sayers Common Parish 2031 Neighbourhood Plan, made in 2015 (NP). Taken together, and amongst other things, they allow for the re-use and adaptation of rural buildings for residential use, and require development in the countryside to maintain or where possible enhance the quality of the rural and landscape character.
18. The Council also refer to Policy DP6 of the District Plan and Policy HurstH1 of the NP in their reason for refusal. I do not consider these policies are determinative. Although DP6 refers to development outside settlement boundaries, it does not address the re-use of rural buildings. NP Policy HurstH1 relates to new housing development in the neighbourhood plan area and has little direct relevance to the re-use or conversion of an existing rural building.

Other Matters

19. The Council is satisfied with the effect of the proposal on the living conditions of neighbouring residents. It has also raised no concerns in relation to biodiversity and ecology, access, drainage and building sustainability subject to appropriate conditions. I see no reason to disagree with these conclusions. However, an absence of harm in these respects is a neutral factor in my determination of the appeal.
20. I note the appeal site is near the Ashdown Forest Special Protection Area and Special Area of Conservation. As I am dismissing the appeal, I shall not pursue this matter further because it would not lead me to a different conclusion.

Planning Balance

21. The appeal proposal would have socio-economic benefits in the form of construction employment, subsequent maintenance and the use of local services by future residents. The dwelling would contribute to the Council's housing stock and the building would benefit from repair and would offer improved security to the equestrian use. There would also be some biodiversity benefits which could have been secured by condition had the appeal been allowed.
22. Given the proposed development would comprise only a single additional dwelling, the benefits described above are very small scale and the harm I have identified to the living conditions of future occupiers outweighs these benefits. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan.

Conclusion

23. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR