Warren Wood Barn

Hammerpond Road

RH13 6PE

Forestry barn windows

Appeal: Refusal of DC/24/1615

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1. Introduction

1.1 This appeal statement sets out the case of the appellant, Mr Cook ('*the Appellant'*), for permission to insert windows and one dormer window to an existing forestry barn ('*the Proposal*') at Warren Wood Barn, Hammerpond Road, Plummers Plain, RH13 6PE.

1.2 The Site is located in the countryside on the north side of Hammerpond Road. It comprises two forestry buildings and an access track enclosed by the woodland of Warren Wood. Natural England has designated the northern part of the woodland as Ancient Replanted Woodland. The Applicant undertakes forestry on the land according to a Woodland Management Plan and Felling Licence approved by the Forestry Commission in March 2020. A large proportion of the timber removed is processed on-site for charcoal, bulk and bagged sawn firewood, chip wood and dried oak beams, with felled wood also brought from off-site and processed at the Site. Furniture and other wood products are also made on-site.

1.3 Nearby is a steel forestry barn ('*Barn 1*'). Barn 1 was constructed around 2011 and is used for drying timber, storing equipment, and providing staff welfare facilities. The forestry barn subject to this appeal was built around 2019 and is the subject of the current application ('*Barn 2*'). The ground floor is used for plank wood drying, storage, and an equipment store. The first floor, in the roof space, is used for timber drying. In early 2024, the Council permitted a lawful development certificate confirming that the creation of an ancillary office serving the forestry business was not developed within the definition of the Act.

1.4 The Proposal seeks to insert windows and one dormer window into Barn 2 to facilitate natural daylight and ventilation (five total). The windows would improve the working conditions of workers and the ancillary office staff within the building.

1.5 The local planning authority is Horsham District Council ('*the Council*'). The Appellant submitted a planning application ref. DC/24/1615 15 October 2024. The Council refused the application by notice dated 18 December 2024. One refusal reason was given:

"*The development would introduce a series of window openings and a dormer window which would detract from and dilute the rural utilitarian character of the existing building, introduce features with of an overtly domestic character and appearance within this rural countryside location. The development is therefore contrary to Policies 25, 26, 30, 32 and 33 of the Horsham District Planning Framework (2015),*

which state that development must be of a scale appropriate to its countryside character and location, conserve and enhance the natural beauty of the High Weald Area of Outstanding Natural Beauty and complement locally distinctive character. For similar reasons, the proposal does not align with Paragraph 187 of the National Planning Policy Framework, which identifies that countryside should be recognised for its intrinsic character and beauty, including trees and woodland." [emphasis added]

1.6 The matter between the Council and Appellant is the proposed windows' impact on Barn 2's visual appearance. The Council's preference is for a utilitarian appearance and a non-domestic appearance. Including windows and, therefore, light for the intended purposes is not an issue. Instead, it is a feeling that the windows make the forestry barn a house. Barn 2 was never utilitarian. Nor is a utilitarian appearance a policy requirement. Conversely, guidance, as will be referenced, seeks for good design in the National Landscape area. Utilitarianism is a mechanism to control future residential uses. Speculation and fear are no reason to refuse good design alterations to a building that was permitted and built to a very high standard.

1.7 In light of the above, the Appellant believes that a high-quality building should benefit from high-quality windows to allow the forestry estate to grow. It makes no sense to apply bad design. The appeal should be allowed.

2. Planning History

2.1 The planning history for the Site is available online from the Council's website. The following records are relevant to the Proposal:

DC/19/0883 Prior Notification for proposed forestry building to provide timber processing and drying shed, machinery/implement store and staff welfare area. Prior Approval Required and Permitted September 2019. This was built out.

DC/21/1895 Erection of a twostorey detached barn (Part-Retrospective).Refused January 2022. This was for design alterations to DC/19/0883.

DC/23/1443 Retrospective planning: Erection of a forestry drying and processing barn. Permitted September 2023. This regularised the barn on Site today.

DISC/23/0255cApproval of details reserved by condition 2 to approved application

DC/23/1443. Permitted February 2024.

DC/24/0808 Internal alterations to create an office and WC (Lawful Development Certificate - Proposed). Permitted July 2024

3. The Refusal

3.1 The officer report ('*the OR*') to planning application ref. DC/24/1616 ('*the Refusal*') deals with the relevant planning matters summarised as the principle of development, design and appearance, water neutrality and Biodiversity Net Gain. On principle, the OR explains that the principle of Barn 2, being used in the intended manner, as part drying barn and part administrative office ancillary to the functioning of the forestry estate, would align with policy objectives to promote forestry in the countryside and sustainable rural development. The OR states:

"*[...]*

3.2 The application relates to an existing building which was originally approved and constructed to support forestry activities taking place on the wider site. The proposal is put forward as a series of alterations to the existing building which are intended to support these existing activities. In principle, the proposal would be supported by the above policies."

3.2 When considering design and appearance, the OR states that the Proposal is small-scale and limited. Then goes on to reference that the change to the utilitarian design would resemble a dwellinghouse and is an inappropriate development to a forestry barn, detracting from the ethos of a barn and harming the National Landscape:

"*Though the proposals development is limited and consist of small additions to the barn, the design and appearance of these works would change the form of the utilitarian nature of the barn to one that would be considered akin to a dwellinghouse. This would be resisted as it would be an inappropriate development to an agricultural / forestry barn and would detract from the utilitarian ethos of the barn.*

The proportions and placement of windows across the building together with the first-floor dormer would give a tangible domestic feel to the building. As a result, there are

significant concerns that the alterations would fundamentally undermine and erode the distinct visual and physical integrity as a typical forestry building. For the same reasons the proposed alterations would not serve to conserve or enhance the special quality of the High Weald AONB." [emphasis added]

3.3 Doubt is then raised over whether the windows are needed to facilitate usage. The report concluded that the Proposal would be acceptable if roof lights were proposed instead. This hinges on whether the insertion of windows makes the barn houselike in appearance and whether that is harmful to the National Landscape.

4. Policy Justification

4.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires the decision maker to take account of (a) the provisions of the development plan, (b) local finance considerations, and (c) any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act requires the determination of applications to be in accordance with the plan unless material considerations indicate otherwise. The National Planning Policy Framework 2024 ('*Framework*') is a material consideration in planning decisions. Relevant Framework policy is referred to further as necessary below.

4.2 The Horsham District Planning Framework ('*the DP*'), adopted in November 2015, is the development plan for the Horsham District Council. A new Local Plan is being reviewed, covering the period from 2023 to 2040. The Horsham District Local Plan 2023 – 2040 was submitted to the Planning Inspectorate on July 26, 2024. This emerging plan is still in the examination stage, so emerging policies will only carry minimal weight in the planning balance. The proposed development should be assessed against the policies of the adopted District Plan.

4.3 The topics of discussion relevant to the Proposal will include the principle of development, the design of the building, and water neutrality.

Principle of development – Forestry use

4.4 The Site hosts a forestry business in a rural area of Horsham District. The Framework supports the growth of such businesses, and in paragraph 88, titled 'Supporting a prosperous rural economy', it states:

"*88. Planning policies and decisions should enable:*

(a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed, beautiful new buildings;

(b) the development and diversification of agricultural and other land-based rural busi-nesses;

…"

4.5 DP policy 10, Rural Economic Development, is consistent with the Framework. It states:

"*Sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and envi-ronmental benefits for local communities.*

In the countryside, development which maintains the quality and character of the area, whilst sus-taining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must:

1. Contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside; and either

a. Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or

b. Result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.

2.Demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is

proposed.

Proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance."

4.6 DP policy 26, Countryside Protection, is also relevant, and it states:

"*Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:*

1.Support the needs of agriculture or forestry;

2.Enable the extraction of minerals or the disposal of waste;

3.Provide for quiet informal recreational use; or

4.Enable the sustainable development of rural areas.

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including;

1.The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;

2.The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and

3.The landform of the area."

4.7 The application Site is in the High Weald Area of Outstanding Natural Beauty ('*National Landscape*') and countryside. Since November 2023, National Landscape has adopted the new name National Landscapes. Paragraph 189 of the Framework explains that:

"*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*"

4.8 DP policy 30, Protected Landscapes, includes:

"*1.The natural beauty and public enjoyment of the High Weald and the adjoining South Downs National Park will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages.*

2.Proposals should have regard to any management plans for these areas and must demonstrate:

a. How the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures.

b. How the public enjoyment of these landscapes will be retained.

c. How the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.

…"

4.9 The Proposal seeks additional windows for an existing forestry barn. The barn is located within Warren Wood and is not visible from the public highway or public rights of way. The question is whether the windows would harm the National Landscape because Barn 2 would not appear utilitarian. Five windows are proposed. They are extremely simple in design. The problem with the Council's comments on roof

lights and other ways to bring light into the building is that there is no better way. Other window configurations and styles all enhance building lighting but introduce openings. Whether openings are domestic or not misses the point that many more changes would be needed for the barn to appear domestic. It is hard to see what alternatives exist that are not potentially domestic. Three windows serve the first-floor office and cannot be said to be more domestic than roof lights. Two side elevation windows serving the ground floor provide minimal light to a section of the building that is used more actively for some processing activities. Collectively, five windows do not make a dwellinghouse nor undermine the National Landscape.

Water Neutrality and biodiversity net gains

4.10 The Appellant commented on these matters in the original submission to the Council. The OR and accompanying decision notice confirm that both parties are in agreement that these matters are policy compliant.

5. Summary

5.1 The application seeks approval to insert windows into Barn 2 to allow for natural light, mainly to the first-floor office. The staff facilities in the building are ancillary to the forestry use, which the CPLUD confirmed. The proposed windows would benefit forestry employees by providing natural light to the barn. The barn's forestry use has been established for almost five years. The 2024 Refusal confirmed the Council's opinion that windows would give the building a residential appearance. The forestry barn is not readily visible to the public. If the Council's theory is that windows erode utilitarianism and make the barn domestic, then no windows at all could be achieved. The number of windows is minor compared to the barn's scale. Five windows read against the context of the building and cannot harm the design objectives of the National Landscape. Controlling windows is not the correct way to control use. The Proposal will support a rural forestry business, allowing an essential ancillary office space. Planning permission should be given.