



Appeal Decision

Site visit made on 21 December 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/C1435/W/23/3317658

Birchden Barn, Park Corner Lane, Groombridge, East Sussex TN3 9NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Baker against the decision of Wealden District Council.
 - The application Ref WD/2022/0633/F, dated 4 May 2022, was refused by notice dated 7 October 2022.
 - The development proposed is conversion of barn to create a two bed property with change of use of land to create residential curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2023 version of the Framework.
3. A Unilateral Undertaking dated 27 July 2023 has been submitted (the UU) which considers the matter of mitigation for effects on the Ashdown Forest Special Protection Area (SPA). This has been taken into account in the determination of the appeal. As this is no longer a matter in dispute between the main parties it is considered under Other Matters.

Main Issues

4. The main issues are: (i) the effects of the proposal on the character and appearance of the area including the High Weald Area of Outstanding Natural Beauty (AONB), and (ii) whether the site is suitably located for a new house, having regard to the Council's spatial strategy and the site's accessibility to services and facilities.

Reasons

5. The appeal site is in the High Weald AONB National Landscape. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas, which have the highest status of protection in relation to these issues. The High Weald AONB Management Plan 2019-2024 acknowledges the key characteristics of the AONB to include, among other things, small, irregularly-shaped productive fields often bound by hedgerows and small woodlands.

6. The area surrounding the appeal site is distinctly rural in its character, comprising country lanes which run between areas of open fields and woodland. There are some properties a short distance from the appeal site, which vary in their appearance, age and degrees of separation from the street. The existing barn on the appeal site sits at the edge of a wider open field bound by hedgerows and trees. It is not in use and has some sections of its metal cladding missing. However its simple form, materials and utilitarian appearance are typical of a rural agricultural structure and reflect the agricultural use of the land. In combination, the attributes of the appeal site as a whole contribute positively to the landscape setting and to those key characteristics identified by the AONB Management Plan. The Wealden Design Guide 2008 also acknowledges the importance of traditional agricultural buildings to Wealden's character.
7. As a result of the proposal, the building would take on a distinctly residential appearance particularly due to its sections of full height glazing and roof level flues. The creation of the associated curtilage would also introduce domestic features to the site including new dividing boundary treatments, lawn and planting, hard surfacing and refuse storage, as well as other residential paraphernalia which would be introduced to the site over time by its future occupants. Despite the presence of other properties a short distance away, the proposal would result in the spread of domestic character and dilution of the rural landscape character.
8. These effects would be apparent in views from the surrounding roads, from where views into the site are possible through the hedgerows and between the trees. Additional planting to the hedgerows could provide low level screening, however, the visual effects would remain apparent above the hedgerow and in winter months. Visibility would also remain at the point of access. The visual effects of the proposal would, however, be limited to these localised views and given the scale of the development the harm arising would be at the lower end of the scale. Nonetheless, some harm would arise to the open and rural character of the area and the proposal would neither preserve nor enhance the landscape and scenic beauty of the AONB.
9. In conclusion on this main issue, the proposal would cause harm to the character and appearance of the area and would neither conserve nor enhance the AONB landscape and scenic beauty. It would conflict with Strategic Planning Objective SPO1 of the CS¹ and Policy EN6 of the LP² which relate to protection of the distinct landscapes of the District, LP Policy DC8 insofar as it relates to the visual effects of conversions, and the objectives of the Framework relating to AONBs and the need for development to be sympathetic to landscape setting. There would also be a degree of conflict with the Wealden Design Guide 2008 insofar as it guides the conversion of rural buildings to reduce impacts on the rural setting.

Suitability for Housing

10. The appeal site is located outside any development boundary as defined by the LP. Saved policies GD2 and DC17 of the LP seek to restrict development to within defined development boundaries unless it conforms with other policies in the plan. Policy DC8 of the LP includes provisions for the conversion of existing

¹ Wealden District Core Strategy Local Plan 2013 (the CS)

² Wealden Local Plan 1998 (the LP)

rural buildings into residential use and lists criteria with which they should comply.

11. For the reasons above, the proposal would not be in keeping with its surroundings, would materially change the building's appearance as a rural building and would detract from the rural setting of the building. As such, the proposal would conflict with several of the criteria set out in the second part of Policy DC8.
12. In addition, DC8 requires the building to be of sound construction and capable of conversion without significant rebuilding, modification or extension. The appellant's structural report demonstrates the building is of sound construction and I have no reason to reach a different view. However, while its frame would be retained it is clear that the works necessary to convert the building would be extensive and that the building would require significant modification as shown on the plans. The proposal would not, therefore, comply with paragraph 2 of the second part of Policy DC8.
13. There is not evidence of attempts to secure a business use of the site, as required by policies DC6 and DC8. However, this sequential approach which prioritises business uses is not entirely consistent with the provisions of the Framework and as such the conflict with these elements attracts little weight. Despite its age, I do not find Policy DC8 otherwise to be inconsistent with the Framework, and for the above reasons the proposal would conflict with Policy DC8 when read as a whole. Drawing the above factors together, the proposal would not comply with Policy DC8 of the LP, and in turn it would not comply with policies GD2 and DC17.
14. Turning to the matter of accessibility, Policy EN1 of the LP states, among other things, that the Council will pursue sustainable development in considering the location of development, and SPO7 of the CS sets out that the Council will encourage reduction of the need to travel by car by concentrating development where it can most closely relate to public transport opportunities. I find these policies to have a degree of consistency with the Framework where it seeks to identify and pursue opportunities to promote walking, cycling and public transport, and manage patterns of growth in support of that objective, among others.
15. The appeal site is approximately 1 mile from Groomsbridge, which is defined as a Local Service Centre by the CS and contains services and facilities which could meet some of the day to day needs of future occupants, as well as onward public transport links. However, the services available in Groomsbridge are only accessible via country lanes, which are predominantly narrow and lacking footpaths and lighting. These features would deter future occupants from travelling on foot, and travel by bicycle would not be a reliable alternative throughout the year. Future occupants would instead be heavily reliant on private cars to fulfil their day to day needs.
16. The Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. While the proposal would add an additional home close to some others, there is not evidence of facilities or services within this cluster which the residents of the proposal would reasonably be expected to use and support. The Framework also highlights that opportunities to maximise sustainable transport will vary between urban and rural areas. However, this alone does

not convince me that the location is suitable for new housing given the combination of the above factors. While a degree of car reliance is generally assumed in rural areas, the appeal scheme would offer no reasonable alternative and the existence of other properties which rely on private cars does not satisfy me that the proposal would be acceptable in this regard.

17. Paragraph 84 of the Framework supports the re-use of redundant or dis-used buildings in isolated locations. However, even if I were to consider the site to be isolated for this purpose, the proposal would not enhance its immediate setting for the reasons given.
18. Overall, the proposal would conflict with the Council's spatial strategy and would not be suitably located in terms of its accessibility to services and facilities. The proposal would conflict with policies GD2, EN1, DC17 and DC8 of the LP, as well as Strategic Planning Objective SPO7 of the CS and the objectives of the Framework set out above. I do not find conflict with Policy WCS6 of the CS, which relates to development in rural settlements, which do not include the area surrounding the appeal site.

Other Matters

19. The appellant has highlighted other approvals relating to agricultural buildings. In the case of the proposals at Hollambys³, the Officer's Report notes extant planning permissions for a new home as well as limited visibility and proximity to other buildings. The proposal at Hammond Lodge Farm⁴ was a significant distance from the appeal site and appears not to be in the AONB. As such I cannot be satisfied that these proposals were directly comparable to the appeal scheme.
20. The further examples evidenced in the Design and Access Statement include Mount Pleasant Farm⁵ where the proposal was for a holiday let. There are no substantive details given of the circumstances of that site or why it was accepted. The case of 6 Halfway Firs⁶ was a prior approval relating to a site a significant distance away and assessed by a different local planning authority. Based on the information before me, these schemes would appear to be very different to this appeal. The appellant accepts that a conversion under permitted development could not be carried out here given the AONB designation. As such this does not represent a legitimate fall back position in favour of the development.
21. The Council accept that it cannot demonstrate an appropriate land supply for housing and therefore the provisions of paragraph 11d) of the Framework apply to the appeal. However, the application of policies in the Framework which protect AONBs provide a clear reason for refusing the development proposed. The proposal does not therefore benefit from the presumption in favour of sustainable development. This finding is consistent with Policy WCS14 of the CS which similarly relates to the presumption in favour.
22. The provision of new housing nonetheless weighs in favour of the development, given the acknowledged and significant under supply of homes in the area. The new house would make use of an existing under-utilised building which is

³ Council's reference WD/2018/0064/F and WD/2018/2271/FA

⁴ Council's reference WD/2021/2097/F

⁵ Council's reference WD/2019/1516/F

⁶ Wiltshire Council reference 16/1095/PNCOU

supported by paragraph 124 of the Framework, and it would be on a small site and could be built out quickly. There would also be economic benefits arising from the construction process and ongoing expenditure into the local economy by future occupants. Given the scale of the proposal, however, the weight of these benefits would not outweigh the harm identified to the AONB and to the conflicts with the development plan arising from the site's location, of which the effects would be significant and long lasting.

23. The proposal would entail a new residential dwelling close to the Ashdown Forest Special Protection Area (SPA) which is afforded protection under the Conservation of Habitats and Species Regulations 2017. However, Regulation 63(1) 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

24. 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. The appeal is therefore dismissed.

C Shearing

INSPECTOR