

Appeal Decision

Site visit made on 16 January, 2016

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January, 2017

Appeal Ref: APP/M2270/W/16/3154636

St Cubys Yard, Blind Lane, Goudhurst, Cranbrook, TN17 1EL

- 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 Jane Durr against the decision of Tunbridge Wells Borough Council.
 - The application Ref 15/508804/FULL, dated 19 October, 2015, was refused by notice dated 15 January, 2016.
 - The development proposed is the conversion of equestrian building to a single dwelling including landscape and biodiversity enhancements.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site has been subject to a previous appeal Ref APP/M2270/A/13/2199863, also relating to the conversion of the equestrian building to a single residential dwelling. While I have not been provided with a full copy of that appeal decision, numerous extracts from it have been quoted by the appellant and the Council. The Council's report advises that, in comparison to the earlier proposal, the material changes to the current scheme include that: the proposed dwelling would have a smaller curtilage that would not encroach into the adjacent field; the existing building would not be extended; the overhang feature of the stable building would not be in-filled; and the number of windows and doors in the resulting dwelling would be reduced and more closely reflect the existing openings. I have had regard to the previous appeal, as a material consideration, but I have made my decision on the basis of the merits of the scheme and policy framework before me.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty.

Reasons

4. St Cubys is an equestrian property, located about 0.6km south of Goudhurst and accessed from Blind Lane, which is steep, narrow, with no footway. The property includes several stables, a hay store and other ancillary storage arranged in a cluster of timber buildings, together with an outdoor manège, paddocks and a significant concrete parking area. A hedge and close-boarded
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gates separate the site from Blind Lane, from where the top section of the appeal building is visible from the lane.

5. The proposed development is to convert the largest timber building, which is a purpose built stable block with subterranean foundations, into a single –storey, two bedroom dwelling. The dwelling would take the existing access from Blind Lane and would be provided with parking at the front. A small private garden area would be created at the rear of the building, next to the common boundary with the adjacent property, Fahrenhurst. The remaining buildings are proposed to be retained for equestrian and ancillary purposes for use by the occupants of the dwelling. A scheme of landscape and biodiversity enhancement is also proposed. This would include the removal of hard standing and galvanised fencing and the introduction of new native hedgerows, natural regeneration areas, invertebrate log piles, a barn owl nest box and bat boxes.
6. The site is situated in an attractive area of rolling countryside, which forms part of the High Weald Area of Outstanding Natural Beauty (AONB). There is a strong rural character to the area, despite occasional dwellings and the ridge-top village of Goudhurst. This character is emphasised on entering St Cubys Yard from where there are extensive views over undulating fields and woodland, particularly towards the north. Even with the predominantly equestrian use of St Cubys Yard and the associated paddocks over recent years, which I am advised has diminished from a competition yard some years ago to one retired pony, there is an overriding agricultural and undeveloped character and appearance to the immediate setting and wider landscape. The site lies outside the defined Limits to Built Development (LBD) and is therefore considered to be countryside in policy terms.
7. The existing buildings on the site are unassuming and visually unremarkable in the landscape as a result of their simple utilitarian design, modest scale and lightweight structure. However, they are entirely typical of their original equestrian purpose and support a countryside activity which is consistent with the countryside character and appearance of the area.
8. The appellant maintains that the current proposal is materially different from the previous appeal scheme and that it is supported, in particular, by national policy. It is also put to me that more general support can be taken from government approaches to permitted development rights, particularly in relation to the conversion of agricultural buildings to residential use¹, albeit accepting that such circumstances do not apply in this case.
9. On the evidence before me it appears that the building would be capable of conversion without extensive alteration, rebuilding or extension, and this is not subject to significant dispute by the Council. It is also apparent that the building was not constructed recently. Furthermore, it is clear that effort has been made to design the dwelling in order to maintain a general stable block appearance. As a result, I consider that the proposed conversion of this relatively nondescript, utilitarian building would not necessarily harm the fabric or character of the building itself. Furthermore, the removal of an existing white uPVC window and door and some translucent plastic panels may even be considered to represent slight improvements to the appearance of the building.

¹ Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015

Notwithstanding, the introduction of a domestic use here has previously been found to be harmful to the character of this rural area, and I concur.

10. There would be a noticeable domestication of the appearance of the building and the character of the activity on the site, notwithstanding that this would be reduced in comparison with the earlier scheme. The introduction of residential grade windows and doors would introduce a more domestic appearance to the building, notwithstanding the proposed solution to partially disguise these with sliding barn doors. Furthermore, the simple mineral felt roof would be replaced by fibre cement slates, which would give the roof a more domestic appearance. Moreover, the proposed garden area, albeit small in scale and largely tucked away behind the building, would nonetheless result in additional domestication and associated paraphernalia that would alter the character and, to a degree, the appearance of the AONB.
11. Even with the front gates closed, there would be partial views of the development from Blind Lane. With the gates open, the domestic nature of the changes, particularly to the south and east elevations would be clearly perceived from the lane. I accept that other views into the site would be limited, including from nearby public rights of way and particularly when trees are in leaf, by a combination of trees, hedgerows, shaws, existing buildings and topography, as set out in the Landvision Landscape Assessment Report. Nonetheless, I consider that the proposed development would be detrimental to the character and appearance of the immediate setting and thereby fail to conserve the landscape and scenic beauty of the AONB, to which I have attributed great weight in accordance with Paragraph 115 of the Framework.
12. In light of the above, I conclude that the proposed development would be significantly detrimental to the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty. It would therefore conflict Core Policies 1, 4 and 14 of the adopted Tunbridge Wells Borough Core Strategy 2010 (TWBCS), which respectively set out the spatial strategy for the Borough, requirements to conserve and enhance the environment including the AONB, and requirements for development in the villages and rural areas including outside the LBD.
13. It would also conflict with saved Policy H13 of the Tunbridge Wells Borough Local Plan 2006 (TWBLP), which allows for the conversion of buildings in the countryside to residential in certain circumstances, including the requirement that it can be achieved without harm to the character of the countryside. It would further conflict with saved Policy LBD1 and saved Policies EN1 and EN25 of the TWBLP, which respectively, and among other things, seek to ensure that proposed development would respect the context of the site and have minimal impact on the landscape character of the locality.
14. In arriving at this position, I have had regard to the proposed landscape and biodiversity enhancement scheme, which would result in modest improvements to the appearance of the AONB. The equestrian use of the site has resulted in historic overgrazing and reduced the ecological value of the land. Therefore, while the enhancement scheme would bring some benefit, this would be modest in relation to the harm to the character and appearance from the domestic use of the appeal site. Furthermore, such enhancements could anyway be undertaken independent from the proposed

residential development. The proposed enhancements to the adjacent land therefore do not outweigh my conclusion above.

15. The appellant contends that the Council does not have a five-year supply of deliverable housing sites. The Council has provided no significant counter evidence to demonstrate otherwise. Paragraph 49 of the Framework states that relevant policies for the supply of housing should therefore not be considered up to date, and because of this I attribute limited weight to them. However, just because they are out of date does not mean that they no longer apply. Indeed the Framework recognises the intrinsic beauty and character of the countryside, and sets out that great weight should be given to conserving landscape and scenic beauty in the AONB, among others.
16. I have concluded that the proposal would be contrary to several development plan policies in that it would cause significant harm to the rural character and appearance of the area, including the AONB. Balanced against this is the very modest contribution to the supply of housing of one dwelling, to which I have given moderate weight, and the associated making-available of the housing association property currently occupied by the appellant, to which I have also attributed a little weight. None of the other factors considered carry any more than limited weight in favour of the appeal.
17. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of Paragraph 14 of the Framework and Footnote 9 therewith, does not indicate that permission should be granted and the proposal would not represent sustainable development. Therefore, in the circumstances of this appeal, the material considerations above do not justify making a decision other than in accordance with the development plan.

Other Matters

18. The Council also referred to adopted Core Policy 5 of the TWBCS, which seeks to encourage sustainable design and construction, in its reason for refusal. There is no significant evidence before me to suggest that the proposed development would conflict with the criteria of this policy and I therefore concur with the previous Inspector that overall the site is in a relatively accessible rural location and water and energy efficiency measures could be provided. I have therefore found no significant conflict with this policy. However, this does not alter my findings above.
19. I note that the appellant has proposed the use of restrictive planning conditions and/or a planning obligation in relation to the future use of the adjacent land and buildings. I have not been provided with a completed obligation. However, such conditions and/or obligation would not overcome my concern in relation to the main issue, which relates to the residential use of the site itself, and my findings above are therefore unaltered.
20. The appellant has drawn my attention to a number of other planning permissions including at Towngate Farm, which relates to a redundant stable building within a farm setting in Wealden District; Land Adjacent Three Winds, which the Council advises relates to a dwelling of exceptional and innovative quality; and Pokehill Farm, which related to a proposal for holiday lets. These examples therefore bear significant differences to the proposal in this appeal, which I have determined on its own merits. My attention has also been drawn

to a Wealden District Council briefing note. This briefing note relates to a different local authority area and the Council advises that the note has not been replicated or adopted for use in Tunbridge Wells Borough. It therefore cannot attract any significant weight in relation to this appeal.

21. I acknowledge that the appellant has explored some potential alternative economic uses of the building, including for offices and a holiday let, and that limited potential has been identified. However, this again does not outweigh my concerns in relation to the main issue above.
22. I have had regard to the appellant's recent successful application to join the Council's Self-Build Register, and that she considers it illogical to wait for a suitable plot to become available in the local area. I also acknowledge that the government is seeking to increase the supply of custom and self-build housing. While I accept that the proposed development would meet the appellant's requirements in this respect, this also does not outweigh my concerns in relation to the main issue.
23. I understand the appellant's desire to create her own home in the area where she lives and works. However, such personal circumstances can seldom outweigh general planning considerations and do not outweigh the harms identified in this case.

Conclusion

24. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR