
Appeal Decision

Site visit made on 20 March 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/U1430/W/16/3160578

Moon Cottage, Friars Hill, Guestling, East Sussex TN35 4HJ

- 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 Mr Alan Marchant against the decision of Rother District Council.
 - The application Ref RR/2016/410/P, dated 9 February 2016, was refused by notice dated 13 April 2016.
 - The development proposed is to repair and use the existing 'Old Chapel' out-building within the existing residential garden area of Moon Cottage using a timber frame inner structure to support the renovated existing with new fenestration to provide a single storey dwelling well insulated with sustainable low carbon emissions. The new single bedroom bungalow exactly within the existing footprint of the old out-building. The new bungalow to be built to meet current sustainable building quality with internal design to accommodate disabled use.
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Decision

1. The appeal is allowed and permission is granted to repair and use the existing 'Old Chapel' out-building within the existing residential garden area of Moon Cottage using a timber frame inner structure to support the renovated existing with new fenestration to provide a single storey dwelling well insulated with sustainable low carbon emissions. The new single bedroom bungalow exactly within the existing footprint of the old out-building. The new bungalow to be built to meet current sustainable building quality with internal design to accommodate disabled use at Moon Cottage, Friars Hill, Guestling, East Sussex TN35 4HJ, in accordance with the terms of the application, Ref RR/2016/410/P, dated 9 February 2016, subject to the attached schedule of conditions.

Main Issue

2. The main issue is whether the proposal complies with national and local policy for the re-use of buildings in the countryside and its effect on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The proposal is to renovate and refurbish a rather dilapidated outbuilding known as Old Chapel in the garden associated with Moon Cottage to create a separate single bedroom dwelling. The site forms part of an informal group of residential properties including Lothlorian, Hayloft and Tudor Cottage situated in the countryside to the south of Friars Hill in Guestling. The whole area lies within the High Weald AONB where the statutory purpose of designation is to conserve and enhance natural beauty.

4. The gardens of Moon Cottage, a chalet bungalow, were divided in legal terms as part of divorce proceedings by the High Court in 2009. However, there is no strong physical division at present and the south eastern section, which belongs to the appellant, has a domestic appearance with lawn, shrubs and summerhouse. There is also a large caravan on the site.
5. Within this area, separated from Moon Cottage by an outdoor swimming pool and some hedging, lies Old Chapel. This building, which appears to be over 100 years old and as the name suggests of some heritage interest, is mainly of brick construction with timber boarding at one end and a corrugated iron roof. Currently used for storage and workshop purposes, the proposal is to renovate the building for use as a small dwelling, underpinning the existing walls and incorporating an inner supporting timber frame. Although currently in a poor state, a detailed construction drawing prepared by ARA Structural Engineers Ltd lends credibility to the scheme.
6. There is no dispute that the site lies in the countryside for policy purposes. As such, Policy RA3 of the Rother Local Plan Core Strategy 2014 (RLPCS) applies, which restricts the creation of new dwellings to certain limited circumstances. One of these is the conversion of traditional historic farm buildings subject to certain criteria, but this is significantly more restrictive than paragraph 55 of the National Planning Policy Framework (NPPF) which allows the re-use of redundant or disused buildings more generally in the countryside. This is an important material consideration in favour of the current appeal.
7. The Council accept that it cannot currently demonstrate a five year supply of deliverable housing sites and consequently policies for the supply of housing cannot be considered up to date. The restriction in Policy RA3 that only traditional historic farm buildings are suitable for residential conversion can therefore only be given limited weight. Old Chapel is an interesting building which retains some historic character and provided it can be renovated as proposed it would provide a useful additional modest dwelling and make a small but important contribution to housing supply.
8. The building already lies in a domestic garden setting and as a result, even converted to a separate dwelling, there would be no significant change to the character of its surroundings¹. The subdivision of the existing garden is already inevitable as a result of the court order and the intensity of its use would not increase significantly as a result of an additional single bedroom dwelling. The impact on the character and appearance of the area, and that of the High Weald AONB, would therefore be negligible.
9. The policy basis for a permission in this case would be on the assumption that the building can be converted and its integrity substantially retained. With the exception of the addition of a small porch, the existing external brick walls and window openings should be retained as far as possible, together with the current roof pitch. The submitted plans show more substantial changes than may be absolutely necessary to provide suitable living space² but a condition could be imposed to allow further scrutiny of these details. In addition, to prevent damaging extensions or alterations to the building in future, certain permitted development rights would need to be removed.

¹ the requirement for an enhancement to the immediate setting of the redundant or disused building in paragraph 55 of the NPPF is therefore not relevant in this case

² eg the alterations to the window openings on the east and west elevations

10. For these reasons the proposal can be considered to comply with national and local policy for the re-use of buildings in the countryside and would not cause significant harm to the character and appearance of the area, including the High Weald AONB. The proposal would conflict with the restrictive wording of Policy RA3 in the RLPCS but this is outweighed by the wider scope for reusing rural buildings set out in paragraph 55 of the NPPF. There would be no material conflict with the terms of Policies OSS2, OSS3, OSS4, RA2 or EN1 of the RLPCS or Policy DS3 of the Rother District Local Plan 2006 which seek to restrict housing outside development boundaries, protect the character and appearance of the locality, maintain rural character and protect the distinctive landscape of the High Weald AONB.

Other matters

11. The other objections to the proposal have also been carefully considered. As a single storey dwelling with suitable boundary screening there would be no overlooking or loss of privacy in relation to neighbouring properties. The existing building would be converted, not enlarged, so there would be no loss of existing views and the building would not become more visible in its surroundings. The additional traffic generated by a one bedroomed dwelling would only be modest and the Council have not raised insufficient space for parking and turning on site or drainage as an issue. The implications of the development on wildlife would be minimal and arrangements for the storage and collection of waste/recycling can be resolved with the Council. Any implications for rights of way are a private matter.
12. The Council has suggested a number of conditions should the appeal be allowed and I have assessed these against the relevant tests, making adjustments as necessary. In addition to the standard implementation time limit it is necessary to define the plans which have been approved in the interests of certainty and, as explained above, a condition to require further scrutiny and approval of the details of the renovation. A condition to control the materials to be used is necessary to ensure the satisfactory appearance of the development. Although already in place to a large extent, further conditions are required to clarify the details of proposed boundary enclosure and the provision of parking and turning space in the interests of adjoining occupiers. Finally, permitted development rights to enlarge or alter the building need to be removed to protect the integrity of the converted building.

Conclusion

13. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) Unless superseded by revised plans approved under condition 3, the development hereby permitted shall be carried out in accordance with the following approved plans: MJS/2-2016/PL8-01A, MJS/2-2016/PL8-02-1A, MJS/2-2016/PL8-02-2, MJS/2-2016/PL8-03, MJS/2-2016/PL8-04, MJS/2-2016/PL29-01 and ST1083 SK/01.
- 3) Notwithstanding the submitted plans, no development shall take place until full details of the floor plan and elevations of the proposal have been submitted to and approved in writing by the local planning authority. As part of these plans the current roof pitch of the building shall be retained. The development shall then be carried out strictly in accordance with the approved details.
- 3) No development above slab level shall take place until details (samples if required) of the new materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details.
- 4) No development above slab level shall take place until details of the position, design, height, materials and type of boundary treatment to be erected at the site have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall then be erected prior to first occupation of the dwelling hereby permitted.
- 5) The dwelling hereby permitted shall not be first occupied until space has been laid out and provided within the site for the parking and manoeuvring of vehicles in accordance with details to be submitted to and approved in writing by the local planning authority. The space shall then be retained for parking and manoeuvring purposes at all times thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension or alterations otherwise approved by Classes A, B, C or D of Part 1 of Schedule 2 to the Order shall be erected or carried out to the dwelling hereby permitted without express planning permission first having been granted by the local planning authority.