

Appeal Decision

Site visit made on 4 April 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/U1430/D/17/3168370

The Dell, Swainham Lane, Crowhurst TN38 8ED

- 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 & Mrs Cooper against the decision of Rother District Council.
 - The application Ref RR/2016/2391/P, dated 8 September 2016, was refused by notice dated 2 November 2016.
 - The development proposed is the demolition of existing redundant stables. Reconfiguration and conversion of barns to provide ancillary annexe to main dwelling, with reinstatement of pitched roof over pole barn.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the countryside which forms part of the Crowhurst & Hastings Strategic Gap and the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is approached via a long unmade track leading off Swainham Lane. It comprises a collection of 5 buildings sited closely together and which consist of three barns and two stable buildings. The buildings are within the ownership of 'The Dell' which is the main house located to the north east of the site via a further length of unmade road. Both the site and the main house are surrounded by open countryside and form part of the High Weald AONB. A public footpath runs along the unmade track leading to the site and passes to the west of it, and there is a further footpath/track which runs in an east west direction immediately to the south of the site.
4. Whilst the proposal is described as an ancillary annexe to the main dwelling, it has little if any functional link with 'The Dell', is located a significant distance from it and visually separate because of intervening trees and hedges, and has its own access. The proposed buildings would be totally self-contained with substantial accommodation, including three bedrooms. In all these respects, I agree with the Council that it is tantamount to a new dwelling for all intent and purposes. Accordingly it is appropriate to assess it as a new house in the countryside for policy purposes.

5. The Council's general approach towards development in the countryside is set out in its Development Plan policies and particularly Policy RA3 of its Core Strategy 2014 (CS). Criterion (iii) of that policy seeks to allow new dwellings only in extremely limited circumstances.
6. The appellant acknowledges that the various exceptions for new dwellings set out in criterion (iii) do not apply in this situation, but points out that the caveat refers to the word 'including', suggesting that there may be other circumstances which might warrant an exception. Whilst that may be the case, there is no particular reason advanced to support any particular functional requirements for a dwelling in this location, other than an understandable family desire to have the appellant's daughter living in close proximity. I do not regard that as a need which overrides the strong policy presumption against new dwellings in the countryside and there is also no evidence before me that there is a functional need which cannot be met by other existing accommodation in the area as required by Policy RA3 (a) (ii).
7. Notwithstanding the above, the appellant points out that the Council does not have a five year supply of deliverable housing sites, a situation which is set out in the Council's report on 'housing land supply and housing trajectory at 1 April 2016'¹. There is no evidence from the Council to the contrary in that respect and the officer report is silent on the issue. I have therefore considered the appeal on the assumption that remains the current position. If that is the case, as the appellant points out, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the Council's policies for the supply of housing should not be regarded as up-to-date.
8. It is therefore argued that the proposal should be considered in the light of the three strands of sustainable development, namely the social, economic and environmental dimension as set out in paragraph 7 of the Framework. In that respect, I acknowledge that there would be some short term economic benefit arising from the use of local tradesmen, albeit very limited and for a short period only; some several months only according to the appellant, and I therefore attach little weight to that particular argument. Whilst I accept the desirability of having the appellant's daughter nearby, I do not agree that would comply with the social role set out in the Framework for the reasons given in paragraph 6 above and having regard to the site's isolated location and lack of access to any local services.
9. In terms of the environmental role and the impact upon the natural environment, the appellant argues that it would improve the appearance of the site by renovating and reconfiguring existing buildings which are in a poor state of repair. However, such an argument could be applied to any dilapidated buildings in the countryside, the cumulative effect of which would be to significantly change the character of such buildings from an agricultural appearance to a more domestic appearance. In that respect old rural buildings in various states of repair have always been part of the character of a rural landscape.
10. Aside from the above, the proposal is for a complete reconfiguration of the existing collection of buildings so that they would bear little resemblance to the

¹ See appendix NJA-1 as part of grounds of appeal

original buildings and their character. The two small barns would be completely rebuilt and in different locations. The pole barn would also likely to be a substantially new structure, given its existing state. The whole complex would have a greater visual impact by linking the three buildings together, as well as being significantly taller in the case of the pole barn. Aside from appearing as a substantial new structure therefore, there would also be additional domestic paraphernalia in the form of garden areas, flower beds, sheds, play equipment and such like, however tightly a residential curtilage was drawn. The overall impact would introduce a significant domestic appearance to the site and would be substantially different from the low key collection of agricultural buildings which exist at present. Given its isolated location in the countryside, and visibility from adjoining footpaths and tracks, I consider it would have a significantly harmful impact on the character of that countryside as a result.

11. For these reasons I do not agree that the proposal would be consistent with paragraph 55 of the Framework as the appellant suggests, in that rather than reusing redundant or disused buildings it would completely rebuild them in a different form which would not enhance the immediate setting.
12. The above harm carries greater importance given the site's location within the AONB. In that respect para 115 of the Framework, says that great weight should be given to conserving landscape and scenic beauty in such areas and that they should have the highest status in relation to landscape and scenic beauty. The Council has policies which have similar objectives in its Development Plan. Additionally, the site is located within the Crowhurst and Hastings Strategic Gap as set out in the Councils Local Plan 2006 (LP). Saved Policy DS5 of that plan looks to permit development only in exceptional circumstances and which would be unobtrusive and not detract from the openness of the area.
13. Given my findings above, I consider the proposal would be inconsistent with this national and local policy guidance, and therefore do not agree with the appellant's arguments to the contrary.

Other Matters

14. The appellant refers to a previous permission granted in 2002² for the conversion of the north east barn to an annexe, and argues that the principle is the same with the current proposal given the same separation distances from 'The Dell'. Whilst I acknowledge that permission, the full background of that case is not before me and I have reached my findings based on an assessment of the current proposal and in relation to current national policy guidance and the Council's current Development Plan policies, which I note all postdate that permission. The proposal also involves a substantial rebuilding of current buildings to form a much larger structure and is therefore significantly different from the previous permission which involved a straightforward conversion of the existing building.
15. I also acknowledge the suggestion that occupation of the annexe could be controlled by either a legal agreement or planning condition as was done for the 2002 permission. However, given my findings that the proposal would be

² Application reference RR/2001/1805/P

tantamount to a new dwelling in any case, and with its consequent adverse visual impact upon the character of the countryside setting, I do not consider that such mechanisms would overcome the harm arising.

16. Finally, I noted that the southern barn had been used for some form of ancillary residential use in the past, but it was evidently low key and all contained within the structure of the building itself. It has not therefore had a significant bearing on my findings above which raise more fundamental issues.

Conclusions

17. The proposal would, for all intent and purposes, amount to a new dwelling in the countryside. The scope of the works would also be substantial, significantly changing the character of what is currently a low key collection of rural buildings, to that of a domestic appearance. Whilst I understand the desirability of having a relative living nearby, there are no exceptional or persuasive functional reasons to justify a further residential use in an area of such high landscape importance and which would detract from the character of that area. Although the Council's policies restricting the supply of housing should not be regarded as up-to-date given the apparent lack of a five year supply of deliverable housing, I do not consider that the proposal would amount to sustainable development for the reasons set out above and the conflict with countryside protection policies and harm to the AONB and Strategic Gap. In summary, I consider the harm which would be caused by the proposal when assessed against Development Plan policies and policy guidance in the Framework would significantly and demonstrably outweigh any limited benefits of bringing the buildings back into use.
18. For all the above reasons, the proposal would be contrary to Policies RA2 (viii), OSS3 (vi), OSS4 (iii) and EN1 of the CS and saved Policy DS5 of the LP, in that it would not protect the character of the landscape, would not conserve the intrinsic value of the countryside and would harm the character and setting of this part of the Crowhurst & Hastings Strategic Gap and the High Weald AONB.
19. Accordingly, the appeal should be dismissed.

Kim Bennett

INSPECTOR