The Planning Inspectorate

Appeal Decision

Site visit made on 10 July 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 28 July 2017

Appeal Ref: APP/C1435/W/17/3171204
Homestalls, New Pond Lane, Cross in Hand, Heathfield TN21 0LX

- 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 Ball of SDP against the decision of Wealden District Council.
- The application Ref WD/2016/2341/F, dated 25 September 2016, was refused by notice dated 13 December 2016.
- The development proposed is erection of a pair of semi-detached replacement barn style dwellings following the demolition of 'The Stables' and adjacent outbuildings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant within his Statement of Case asserts that there is potential for three dwellings at the appeals side, two if this proposal would be forthcoming and one at Homestalls if the permission to convert it to two dwelling is removed or revoked. However, Homestalls is not included within the red line boundary of the appeal site, nor is it included within the description of proposed development provided on the planning application form. It is therefore beyond the scope of this appeal, as is its contribution to housing numbers at the appeal site.

3. The proposal is for the replacement of the existing dwelling at 'The Stables'[1] with two new dwellings, therefore creating an uplift of one dwelling at the appeal site. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues in this case are:

   a) whether the proposal is an appropriate location for new residential development to avoid the over-reliance on the car and whether the proposal would provide significant benefits to existing rural services and communities; and

   b) the effect of the proposal upon the character and appearance of the area, with particular regard to the scale and massing of the replacement building.

[1] Council Ref WD/2014/1958/LDE – Use of 1 no. outbuilding known as 'the stables' as a self-contained dwellinghouse – Lawful Development Certificate issued.

Reasons

Context

5. Policy WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013 (the Core Strategy) and saved Policy EN1 of the Wealden Local Plan (the Local Plan) set out the presumption in favour of sustainable development. Policy SPO1 of the Core Strategy seeks to manage countryside resources. Saved Policies GD2 and DC17 of the Local Plan restrict housing outside the development boundaries. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid isolated homes in the countryside unless there are special circumstances. The site lies outside of any designated development boundary and is in the countryside. However, saved Policy DC18 of the Local Plan allows for the replacement of an existing dwelling by another dwelling in the same curtilage at sites outside development boundaries subject to restrictive criteria.

6. The Council, however, has acknowledged it is currently unable to demonstrate a five year supply of housing. Paragraph 47 of the Framework and, in such circumstances, paragraph 49 instructs that policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The presumption in favour of sustainable development at paragraph 14 of the Framework requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Accessibility

7. The appeal site is located within a loose cluster of dwellings positioned either side of the highway. These dwellings are surrounded by open countryside. The location has no services or facilities.

8. The village of Cross-in-Hand is to the north and offers road links to Uckfield. The appellant indicates that the settlement of Heathfield is 600m to the east of the appeal site. Both Cross-in-Hand and Heathfield offer bus services, retail, community, recreational and school facilities. I also note Firs Surgery on the A267. The closet railway station is at Buxted around 5 miles from the appeal site. However, these settlements and facilities are some distance from the appeal site.

9. There are no footways or street lighting along the adjoining highway which shows all the characteristic of a narrow rural lane. Walking and cycling to and from the site and to access public transport and facilities at Cross-in-Hand or Heathfield would be potentially hazardous and unappealing, particularly at night and in the winter, either by public highway or rights of way in the area. There are therefore practical difficulties for access by walking, cycling and public transport and this would not encourage walking and cycling beyond that of recreational enjoyment. The occupiers of the proposed dwellings would, in my opinion, rely to a large extent on the use of private vehicles to access services and facilities on a day-to-day basis.

10. Further to the above, paragraph 55 of the Framework promotes sustainable development in rural areas where it would enhance or maintain the vitality of rural communities. The creation of one additional dwelling in this location

would not, in my opinion, contribute in any significant way to supporting services in a nearby village or other rural communities.

11. For the above reasons, the proposed development would conflict with Policies SPO1 and WCS14 of the Core Strategy and Policies EN1, GD2 and DC17 of the Local Plan that seek to achieve sustainable development taking into account location and the effects on the environment, amongst other matters. The proposal would also conflict with Paragraphs 17, 32 and 55 of the Framework that seek to actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling and focus development in locations which are sustainable supporting the reduction in greenhouse gas emissions. This weighs heavily against the scheme.

Character and appearance of the area

12. The appeal site comprises a small single storey dwelling known as The Stables positioned on the road frontage, a large barn and outbuildings, although I observed that the L-shaped building to the south east of the barn shown on the appellants location plan has been removed.

13. The appeal proposal is to demolish The Stables and a number of outbuildings, including the large barn, and to erect two three-bedroom dwelling within one L-shaped barn style building in their place. The building would be set back from the road with a large turning and parking area to the front and good sized gardens to their rear and one side.

14. Policy DC18 of the Local Plan allows for replacement of existing dwellings subject to certain criteria, two of which are relevant in this case. These are that the new dwelling(s) are of a comparable size and massing to those being replaced and that the replacement is in keeping with the character of the locality, having regard to the current appearance and general design of the original building.

15. The proposed development comprises two dwellings with floorspaces of 188m² and 108m² equating to a total floorspace of 296m². By comparison, The Stables has a floorspace of 51m² taking into account the shed. The uplift in gross habitable floorspace at the appeal site would be 245m² or 480% above The Stables. Whilst the large barn and other outbuildings are to be demolished these do not relate to the criteria of Policy DC18 and therefore cannot be taken into account.

16. The previously approved replacement dwelling[2], although L-shaped and of similar barn style design, would have a height of 5.2m and a floor area of 140m². The Council concluded this to be a relatively modest replacement dwelling for that of The Stables. By comparison, the floor area of the proposed development would be 245m². The Stables, is a relatively small unobtrusive single storey building standing 4.3m tall. The development proposed here would have a height of 5m and 7m. Therefore, whether assessed in relation to footprint or habitable floorspace, the new dwellings would substantially exceed the size and massing of The Stables that it would replace. It would also exceed the size and massing of the approved replacement dwelling. Consequently the first criterion of Policy DC18 would not be met.

[2] Council Ref WD/2016/0765/F - Replacement dwelling following the demolition of the stables and adjacent outbuildings - Granted

17. Whilst the L-shaped barn style design of the proposed development would reflect its rural setting it is, nonetheless, particularly important to minimise the visual impact of replacement dwellings by limiting the size. The Council's adopted position is that the replacement development should be similar in scale to that of the original dwelling. This approach seeks to ensure the character of the locality and the current appearance of the appeal site and its countryside location is not compromised.

18. The proposed development would be significantly larger than the original dwelling (The Stables) that it would replace, as well as that of the permitted single dwelling at the appeal site. I acknowledge that some visual benefit would be brought about by the demolition of the existing large barn and other outbuildings and the proposed dwellings would be positioned back from the highway and away from site boundaries. I also note the revised approach to the plot sizes, design and form of the development compared to that of the two detached replacement dwellings[3] previously proposed. However, this proposed development would substantially exceed the size and massing of the original building that it would replace and therefore it would not be in keeping with the locality. As a result, the second criterion of Policy DC18 would not be met.

19. For these reasons, the scale and massing of the proposed replacement building would have a significantly harmful effect on the character and appearance of the area. This would conflict with Policy DC18 of the Local Plan which seeks to ensure replacement houses outside development boundaries are in keeping with the character of the locality and the current appearance and general design of the original building, amongst other matters. This weighs heavily against the scheme. Furthermore, Policy DC18 is not a housing supply policy and therefore can be afforded full weight.

Other Matters

20. The appellant has referred me to the Council's Development Management Briefing Note (DMBN) 'Background to WDC approach to Class Q[4] permitted development rights: Conversion/Rebuild of Farm buildings for residential use'. This provides guidance as to the consideration of rebuilding non-agricultural buildings in rural areas.

21. The appellant highlights within his Statement of Case that the DMBN explains that a guide figure for new buildings will be the footprint and height of the existing building to be demolished. This is described as a limitation to the scale of the new building created, which reflects some of the criteria of Class Q. Furthermore, relocation will only be acceptable if there are environmental benefits.

22. The proposed scheme would be substantially different in size, form and design to that of The Stables and would create a development of fundamentally different footprint and siting within the appeal site. The proposed development, consisting of a demolition of the existing building and erection of a new development in a different location within the site, goes beyond the scope of Class Q and, in my opinion, the guidance provided within the Council's DMBN. I therefore do not consider the Council's DMBN to justify the proposed

[3] Council ref WD/2015/0093 - Erection of two detached replacement dwellings, de-conversion of existing building into a single dwelling and demolition of a dwelling and outbuildings - Refused and dismissed at appeal (Appeal ref APP/C1432/W/15/3134863)
[4] Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015

development. Furthermore, I do not consider the potential for Class Q conversions of existing buildings at the appeal site would offer justification to support the proposal, especially as no such prior approvals are in place. As such, I give these matters little weight.

23. The appellant has directed me to a recent planning permission at Woodside Farm, Whitesmith[5]. In that case it appears the dwellings would replace a non-conforming use within a small enclave of residential properties, although I accept there is some similarity to this appeal site as that site was also in an isolated location. The circumstances of that site and proposal differ to that of the site before me and the proposed scheme. The appeal before me therefore can and should be considered in its own right.

24. I have also been directed at a planning permission at Springfield Nursery, Cross-in-Hand[6]. I have insufficient information before me to be able to determine the planning circumstances of that development and the similarities, if any, to the proposed development. Again, the appeal before me relates to a different site and therefore can and should be considered in its own right.

25. The appellant refers me to the emerging Wealden Local Plan and a potential new housing allocation at the A267 near the junction with New Pond Lane. This Plan is at a very early stage and remains to be fully scrutinised and tested through the adoption process. As a consequence I give very little weight to this emerging Local Plan and the policies contained within it.

Planning Balance and Overall Conclusion

26. The Council confirms that they do not have a 5-year supply of housing in place. The Council's policies that relate to the supply of housing are therefore out-of-date. Paragraph 14 of the Framework is therefore engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Furthermore, I am mindful that the Framework, Policies WCS14 and SPO1 of the Core Strategy and Policies EN1, GD2 and DC17 of the Local Plan require decisions to be made with regard to the presumption in favour of sustainable development.

27. The uplift in one dwelling would, to some extent, support the social and economic dimensions of sustainable development, as set out in paragraph 7 of the Framework. The proposal would make a small contribution to the District's housing supply. It would also provide employment during construction, additional household expenditure, new homes bonus and a family home that meets the Government's space standards. However, given that the uplift would only be a single dwelling, I attach only moderate weight to these social and economic benefits.

28. Turning to environmental considerations, I acknowledge there is planning permission in place for one dwelling in this location within a small cluster of existing dwellings. I also accept that the proposal would not encroach upon or harm the character and appearance of the wider landscape and Area of Outstanding Natural Beauty. It would not impact trees, biodiversity or ecology. The development would not be at risk from flooding or give rise to highway

[5] Council Ref WD/2015/2759/F Woodside Farm, Broomham Lane, Whitesmith BN8 6JQ
[6] Council Ref WD/2015/1893/F Springfield Nursery, Back Lane, Cross-in-Hand

safety concerns. It would not effect the living conditions of adjoining occupiers. I therefore afford modest weight to such benefits.

29. Notwithstanding these considerations, the appeal site is remote from any existing town or village. The proposed development would not meet the environmental role by failing to respond to the need to mitigate and adapt to a low carbon economy and would not support the day to day needs of rural community. Furthermore, the proposed development would have a harmful impact upon the character and appearance of the area, despite the site being a previously developed site. These factors place the proposed development in conflict with the environmental dimension of sustainability, as set out in paragraph 7 of the Framework. This weighs very heavily against the scheme. When the Framework is considered as a whole, I find the scheme does not constitute sustainable development. This is because the positive housing supply and other benefits set out above are significantly and demonstrably outweighed by the specific environmental harm identified. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.

30. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR