
Appeal Decision

Site visit made on 17 October 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 27th November 2017

Appeal Ref: APP/U1430/W/17/3179014

**Barneys Corner, The Mount, Hawkhurst Road, Flimwell, West Sussex
TN5 7QR**

- 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 Jessica Stevens against the decision of Rother District Council.
 - The application Ref RR/2016/3249/P, dated 16 January 2016, was refused by notice dated 17 March 2017.
 - The development proposed is conversion of previous agricultural building to domestic dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the avoidance of doubt, the application date used in the banner heading above, is taken from part 26 (Declaration) of the planning application form.

Main Issue

3. The main issue is whether the proposed development would provide a suitable site for a new dwelling, having particular regard to (i) its effect upon the setting of the site and the character of the area within the High Weald Area of Outstanding Natural Beauty and (ii) its proximity and accessibility to services.

Reasons

4. The building the subject of this appeal is located within an open field to the north of commercial development fronting on to Hawkhurst Road. In my view the southern boundary of the site marks the transition between the built-up area of predominantly ribbon development along Hawkhurst Road and the open countryside. Whilst I note there are examples of a few other existing developments located to the north of buildings fronting Hawkhurst Road, I consider that the character of the appeal site is more closely related to the surrounding countryside than the adjacent built development.
5. Policy RA3 of the Rother Local Plan Core Strategy ('the Core Strategy') states that new dwellings in the countryside will only be allowed in extremely limited circumstances. Such circumstances include the conversion of traditional historic farm buildings. This is not applicable to the appeal proposal which

relates to a fairly new building. The proposal does not fall within the other categories where a new dwelling could be appropriate and is therefore not supported by policy RA3.

6. Given that it is located close to other existing development, I do not consider that the appeal site could be reasonably described as an isolated one in the context of paragraph 55 of the Framework. However, notwithstanding this, it remains necessary to consider the overall impact of the proposed development, particularly in terms of its impact on character and appearance and its accessibility to services and facilities.
7. It is not clear from the evidence that the building is either redundant or disused, or that more appropriate non-residential uses cannot be found. The appellant's grounds of appeal state that the site and building are currently in use every day, 7 days a week. Even should the relevant part of the building be redundant, for the reasons outlined in my decision, the benefits of its re-use do not outweigh the harm arising.
8. In terms of its setting, the proposal would lead to a domestication of the part of the building to be converted and the adjacent land. Whilst there is some existing paraphernalia around the building, a residential use would be likely to bring further items such as washing lines and garden items that would change the character of the site to residential. Whilst further built development within the curtilage might be controlled by condition, this could not reasonably extend to other paraphernalia which does not amount to development.
9. Furthermore, whilst the existing building is modern and utilitarian in appearance, it is typical of a modern agricultural building and not out of keeping with its location in this sense. I consider that the insertion of windows in the front and rear elevations would look rather odd and would not represent a high quality of design as sought by the Framework. Any visible internal or external lighting would also add to the harm resulting to the existing landscape character. The use of curtains or blinds would not necessarily preclude this.
10. Consequently, the proposal would not lead to an enhancement of its immediate setting and would materially detract from the rural character and appearance of the area. Furthermore it would not conserve or enhance the natural beauty of the High Weald Area of Outstanding Natural Beauty (AONB). Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs.
11. The appellant argues that in other circumstances the conversion of the buildings to residential use could be permitted development. It is clear that the proposal cannot be permitted development due to the site being within the AONB and, in any case, I have no information before me which demonstrates that all the other permitted development criteria would be met. The exclusion of sites within an AONB also seems to me to reflect the high status of protection that is afforded to them by the Framework.
12. I consider that the proposed development would be contrary to the relevant design and landscape protection aims of policies EN1, RA2, RA3, OSS3 and OSS4 of the Core Strategy and the Framework. It would also not fall within the intentions set out in the text within paragraph 12.17 of the Core Strategy.

13. Although the appeal site is located near to existing ribbon development adjacent to Hawkhurst Road and within a reasonably close distance of the village of Flimwell, it is not very well served by conveniently accessible local services and facilities. The village of Flimwell itself only contains limited facilities and is not identified as being a Rural Service Centre in the Core Strategy. Whilst there are local bus services, they do not appear from the Council's evidence to offer a particularly frequent service. In addition, given the limited street lighting and, in places, narrow pavement, the site is poorly located for pedestrian access. It is therefore likely that future occupants of the proposed dwelling would be particularly dependent on the private car for access to most services and facilities, including those at the nearby settlements of Hawkhurst and Hurst Green.
14. Other dwellings and businesses are located close by with similar accessibility constraints. However, this does not justify the introduction of further dwellings, given the relevant policy aims to minimise the need to travel and to support the transition to a low carbon future.
15. The addition of one dwelling in this location would do very little to enhance or maintain the vitality of rural communities and this not a factor which weighs significantly in favour of the scheme.
16. The proposal would therefore also be contrary to the accessibility aims of policy TR3 and OSS3 of the Core Strategy and the Framework.

Other matters

17. It is common ground that the Council cannot demonstrate a five year supply of land for housing. It follows from paragraph 49 of the Framework that relevant policies for the supply of housing cannot be considered to be up-to-date. The proposal would provide one new dwellinghouse towards reducing the shortfall. I have not been provided with details of the extent of the shortfall, but in any scenario, this proposal would only make a small contribution towards the supply of housing. I have given this small contribution moderate weight.
18. Although the appellant states that the dwelling would be affordable, no mechanism has been provided with the application to secure such affordability either now or in the future. Whilst being a fairly small dwelling, it would be cheaper than other larger dwellings, but this would not make it affordable in the context of the Council's relevant policies for affordable housing or the definition set out in the Framework. Nor is there any mechanism before me that would limit its use to that for existing local people. It also seems preferable that smaller dwellings are provided in locations that do not result in the harm I have found would occur in this case.
19. My attention is drawn to the Council's approval of mixed use development at the nearby Woodland Bird Park. I note the appellant's concerns that the Council has acted inconsistently in its determination of the two proposals. However, from the information before me including the Council's reasons for permitting the Woodland Bird Park proposal, the circumstances of that case appear to be materially different to that of the appeal case before me. Furthermore, each case has to be determined on its individual merits and circumstances. Whilst I have given it some limited weight, the approval of the Woodland Bird Park scheme does not lead me to alter my overall findings on the appeal case before me.

Conclusion

20. I have found the proposal to be contrary to the development plan as outlined in my reasoning above. As relevant policies for the supply of housing are out of date, paragraph 14 of the Framework is applicable. In this case, as required by paragraph 14, there is specific policy in the Framework (and the development plan) regarding the AONB that indicates that the development should be restricted. Even in the event that no restrictive policies in the Framework were to be applicable, it would be my conclusion that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits including the contribution of one dwelling to the supply of housing and the limited support arising to the vitality of the community.
21. Overall, therefore, the proposal does not represent sustainable development. It is contrary to the Local Plan and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan in this case.
22. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR