



Appeal Decision

Site visit made on 21 May 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Appeal Ref: APP/Y9507/W/18/3216773

Stables to the East of 44 Beacon Road, Ditchling BN6 8UZ

- 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 Miss Charlotte Brooke against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/02906/FULL, dated 30 May 2018, was refused by notice dated 11 September 2018.
 - The development proposed is the residential conversion of existing redundant stables and tractor shed and creation of associated garden space and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the residential conversion of existing redundant stables and tractor shed and creation of associated garden space and landscaping at Stables to the East of 44 Beacon Road, Ditchling BN6 8UZ in accordance with the terms of the application, Ref SDNP/18/02906/FULL, dated 30 May 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The address on the application form refers to Beracon Road. This appears to be an error and as it is named correctly as Beacon Road on the appeal form and decision notice, I have used this in the banner heading.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the site and surrounding area, having regard to its relative tranquillity, including the byway and the South Downs National Park (the National Park).

Reasons

4. The appeal site comprises a stable building, a garage building and an area of hardstanding, separated from surrounding fields with post and rail fence. Vehicular access to the site is from an unmade road which is a restricted byway and provides access to a number of dwellings and Gospels Farm. Beyond the access to Gospels Farm, vehicular access is restricted through a bollard and only serves the appeal site. Close to Beacon Road the byway has a semi-rural character, but becomes more rural and tranquil in character as it enters open countryside further away from the village, close to the appeal site. It connects with other public rights of way, forming part of a network which is a valued feature of the National Park.

5. As Policy SP7 has progressed through examination as part of the South Downs National Park Local Plan (SDNLP), I can attach significant weight to it, and its requirement to ensure that new development conserves and enhances relative tranquillity. I understand from the appellant's evidence¹ that the village of Ditchling has been identified as having relatively low tranquillity, with surrounding areas having moderately low tranquillity. This accords with my observations of the site and surrounding area, with the level of tranquillity increasing with the distance from Beacon Road.
6. The site is located at the edge of open fields, which are enclosed by woodland, hedges and trees alongside the byway, and is adjacent to the spacious gardens of 44 Beacon Road. The buildings and hardstanding on the appeal site are visible at close range through the gateway onto the site but wider public views are restricted by the tree cover in the area. I saw on my site visit that an outbuilding is under construction close to the appeal site within the garden of No 44. Although the site is close to the core of the village of Ditchling and opposite Gospels Farm, which I understand to be in equestrian business use, the area has a rural character and is part of the open countryside. These observations lead me to conclude that the site and the track make a positive contribution to the landscape and scenic beauty of the National Park.
7. The appeal proposal would create a small dwelling with two bedrooms through converting the existing stable block, and I note that no changes to the access or the byway are proposed. I saw on my site visit that the track is surfaced in stone and appears to be suitable for the relatively low level of use that one small dwelling would generate. The appearance of the byway and the access would therefore be unchanged. In terms of the increase in the intensity of the use of the byway, this part of the byway beyond the bollard is only used by vehicles to access the appeal site, and is the only means of such access. It would be reasonable to assume that the stables could attract a number of vehicular movements in their own right. While the traffic movements associated with a dwelling could include a wider spread over the course of a day and evening, the use as a small dwelling would not significantly increase traffic using this part of the byway, nor change the intensity or nature of such use. The proposal would not result in a harmful change in the nature, intensity and frequency of the use of the restricted byway or the site, and therefore would not compromise the green network of public rights of way that attracts visitors and tourists to the National Park, or be harmful to the tranquillity of the area.
8. I accept that the proposal would result in the introduction of a residential use into the countryside, but I note that Policy DS1 of the Ditchling, Streat and Westmeston Neighbourhood Development Plan 2018 (the NDP) is supportive of the reuse of previously developed sites outside the settlements, which is broadly in line with the guidance in paragraph 79 of the National Planning Policy Framework (the Framework). While the appeal proposal would result in the creation of a residential use in the open countryside, there would be no extension of built form or residential curtilage beyond the existing buildings and yard area. The appellant's evidence² indicates that the building is capable of conversion without significant alterations and I have no reason to disagree. The existing equestrian use has the potential to create a degree of activity on

¹ Refers to the South Downs National Park Tranquillity Study 2017.

² Structural Appraisal of stable building at Little Nyes by Paul Molineux Associates Limited Project No. 3189

the site which would be noticeable to passers-by on the byway. The creation of a modest dwelling would result in the site having a more domestic appearance, but I have seen no evidence to persuade me that it would result in an increased level of activity that would be harmful to the character or reduce the tranquillity of the area. I therefore find that the proposal would be an appropriate reuse of existing buildings that would not be harmful to the character and appearance of the countryside.

9. I have had regard to the decisions referred to by the Parish Council at Downlands House³ and Poynings⁴, and the details provided by the appellant. However, from the information before me in relation to Downlands House, it appears that the Inspector's concerns related to the effect of the conversion on the appearance of the building, but there is no such concern in this case. In the case of the barn at Poynings, I note from the information provided that the application was refused as the building was not considered capable of conversion, the proposal would be harmful to the landscape character and visual amenity, including from new glazing and light spill, with insufficient information regarding the impact on protected habitats or species. This is not comparable with the case before me and does not override my findings.
10. For the reasons set out above, I therefore conclude that the proposal would not be harmful to the character and appearance of the site and surrounding area, having regard to its relative tranquillity, including the byway and the National Park. It therefore would not be in conflict with Policies DS1 and CONS13 of the NDP, Policy SD7 of the South Downs National Park Local Plan submission version 2018, and Core Policies 8 and 11 of the Lewes District Local Plan Part 1, insofar as they seek to ensure that new development outside the settlement boundaries is an appropriate reuse of previously developed land, that does not prejudice the retention and enhancement of public rights of way, conserves the natural beauty and relative tranquillity of the rural environment. As I have not identified that the proposal would be harmful to the National Park, it would not conflict with the guidance in the National Planning Policy Framework, including the need to give great weight to conserving and enhancing landscape and scenic beauty.

Other Matters

11. I have had regard to the concerns raised by third parties, including Ditchling Parish Council, and compliance with the relevant policies in the Neighbourhood Plan. I note that other land has been allocated in the NDP to meet housing needs, but this does not preclude development that is in accordance with other policies in the Plan. There is no requirement in Policy DS1 of the NDP to demonstrate a need for development under part 2(g) of the policy. I have taken the NDP policies into consideration as part of the development plan and found the proposal to be in accordance with the quoted policies. This does not undermine the restrictive approach to development outside the settlement boundary set out in part 2 of Policy DS1.
12. In terms of setting a precedent for the conversion of other stable buildings to dwellings in the area, I note that in this case the building is of a robust construction with clay roof tiles, and that the Structural Appraisal found that the building is capable of conversion with only minor works. The

³Application reference SDNP/17/03066/FUL and appeal reference APP/Y9507/W/17/3188829

⁴ SDNP/18/04966

recommendation within the Appraisal to replace the lower eaves ties with oak tie beams is stated to be for aesthetic rather than structural reasons and I have no reason to disagree. I saw on my site visit that the building is more substantial than a typical timber stable building and therefore allowing this appeal would not set a harmful precedent. With regard to whether the building is redundant, the appellant has no current use for it and I saw that the animals currently kept on the premises have access to shelter.

Conditions

13. The Authority and the appellant have suggested that conditions be imposed should the appeal be allowed. I have considered the suggested conditions in the light of the guidance contained in the Government's Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, as suggested by the Council. This is in the interests of certainty. In the interests of the character and appearance of the area I have imposed a condition relating to external materials, landscaping and boundary treatments. Conditions relating to lighting and bat/barn owl enhancements are required to safeguard protected species. Parking is required to ensure that adequate parking is provided within the site, and details of refuse storage are required as these are not shown on the approved drawings.

Conclusion

14. For the reasons set out above, taking into account all matters raised, I conclude that the appeal should be allowed.

N Thomas

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing 03 Proposed plans
Drawing 04 Existing Location Plan and Proposed Block Plan
Drawing 02 Existing and proposed elevations and roof plan
- 3) No work in relation to the timber boarding of the buildings on the site shall commence until details of the timber boarding to be used in the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the dwelling hereby approved, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the dwellings and maintained as such thereafter.

- 5) The dwelling hereby approved shall not be occupied until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed; it shall detail plant numbers and sizes; and it shall provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value, together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The approved landscape scheme shall be in place at the end of the first planting and seeding season following first occupation of the dwelling hereby approved. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 6) The recommendations contained in the Bat Building Assessment and Barn Owl Survey 27 March 2018 and the Bat Emergence Survey and Updated Barn Owl Survey Report 25 May 2018 both carried out by Arbecco shall be fully implemented prior to the first occupation of the dwelling hereby approved and thereafter retained.
- 7) The dwelling hereby approved shall not be occupied until details of space within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear have been submitted to and approved and writing by the local planning authority, and that space has been laid out in accordance with the approved details. The parking and turning space shall thereafter be kept available at all times for those purposes.
- 8) Prior to the first occupation of the dwelling hereby approved, refuse storage shall be provided in accordance with details to have been submitted to and approved in writing by the local planning authority and thereafter retained.