The Planning Inspectorate

Appeal Decision

Site visit made on 11 July 2019

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State

Decision date:30 July 2019

Appeal Ref: APP/C1435/D/19/3228843
Little Trodgers Oast, Lake Street, Mark Cross, Crowborough, East Sussex, TN6 3NT.

- 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 and Mrs S Fachiri against the decision of Wealden District Council.
- The application ref: WD/2019/0014/F, dated 2 January 2019, was refused by notice dated 1 March 2019.
- The development proposed is demolition of stables, pole barn and detached garage. Erection of single storey annexe and detached garage.

Decision

1. The appeal is allowed and planning permission is granted for demolition of stables, pole barn and detached garage. Erection of single storey annexe and detached garage at Little Trodgers Oast, Lake Street, Mark Cross, Crowborough, East Sussex, TN6 3NT, in accordance with the terms of the application ref: WD/2019/0014/F, dated 2 January 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The external surfaces of the development hereby permitted shall be constructed in the materials specified at section 5 of the application form.

    3) The annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of Little Trodgers Oast, Lake Street, Mark Cross, Crowborough, East Sussex, TN6 3NT. In particular, the annexe building shall at no time be severed and occupied as an independent residential dwelling.

    4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 070818/01; 070818/02; 070818/03; 100818/04 Rev A; 070818/05; 070818/06.

Procedural Matter

2. The Government has published an updated National Planning Policy Framework (February 2019). I shall proceed upon this basis.

Main Issue

3. The main issue in this case is the effect of the proposed single storey annexe upon the natural beauty and character of the High Weald Area of Outstanding Natural Beauty ('AONB').

Reasons

4. The property comprises an original oasthouse that has been converted into a two storey dwelling. It occupies a large plot within mostly open countryside beyond the village of Mark Cross. The appeal site and surrounding area are within the High Weald AONB.

5. In addition to the single storey annexe the scheme before me would involve demolition of the current garage and the construction of a replacement garage building of traditional materials upon the site of an existing greenhouse. The Officer Report confirms that this element of the scheme is satisfactory in terms of its design and materials and that it is sympathetic to the existing property and its rural setting. I concur with this view.

6. National policy at Chapter 12 of the Framework[1] seeks to ensure that developments are visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting (paragraph 127). Chapter 15 requires planning policies and decisions to contribute to and enhance the natural and local environment through, amongst other matters, protecting and enhancing valued landscapes. Paragraph 172, which refers to development within AONBs, requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas.

7. "Saved" Policy EN6 of the Local Plan[2] requires development within the High Weald AONB to conserve or enhance the natural beauty and character of the landscape. "Saved" Policy EN27 states that the scale, form, site coverage and design of the development and the use of materials should respect the character of adjoining development and, where appropriate, promote local distinctiveness. I have also been referred to the Wealden Design Guide SPD[3] that similarly seeks to protect the appearance and setting of the designated landscape.

8. In line with national policy at Chapter 2 of the Framework, Policy WCS14 of the adopted Core Strategy[4] sets out the presumption in favour of sustainable development. It confirms that planning applications which accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. CS Policy SPO13 seeks the promotion of local distinctiveness through good design in all new development.

9. The Council's emerging Local Plan[5] was submitted for independent examination on 18 January 2019. Policies EA 4, EA 5 and BED 1 of the emerging Local Plan largely reflect both national policy and the Development Plan policies to which I have referred above.

[1] The National Planning Policy Framework (February 2019).
[2] The Wealden Local Plan (adopted December 1998).
[3] Wealden Design Guide Supplementary Planning Document (November 2008).
[4] The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted February 2013).
[5] Wealden Local Plan: Submission Document (January 2019).

10. It is relevant to my decision that the Council granted planning permission on 14 November 2018 for the erection of an identical annexe building, but within a different part of the site (ref: WD/2018/2059/F). A copy of that planning permission has been provided to me. The Council has confirmed that both the current site of the proposed annexe and that for which permission was granted in November 2018 form part of the residential curtilage of Little Trodgers Oast.

11. The annexe would be located upon the site of an existing stables building and pole barn that are proposed to be demolished. This revised location, whilst being further removed from the converted oasthouse, is well screened in views from the road and from the surrounding landscape.

12. The new building would be visible from the public footpath that runs to the east of the appeal site. It would, however, be partially screened from users of the footpath and would comprise a more attractive structure than the buildings it would replace, being of a design and materials with more the appearance of an agricultural building than a domestic annexe.

13. The Council has expressed concern as to the potential for future sub-division to form an independent residential unit. Whilst I accept that the proposed annexe building would be separate from the main dwelling, I consider this to be an advantage by virtue of retaining the existing, well-defined residential curtilage of Little Trodgers Oast intact. I agree with the appellant's agent that the Council's concerns in this regard can be satisfactorily addressed by means of a suitably worded condition.

14. For these reasons, I find upon the main issue that the detailed design of the annexe and its siting away from the main house would represent an acceptable form of development that would conserve the natural beauty and character of the High Weald AONB and accord with both national policy in the Framework and the policies of the Development Plan to which I have referred above.

Conditions

15. I have considered the three conditions put forward by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance.

16. The proposed materials and finishes to be used in the development are set out at section 5 of the application form and I consider them to be satisfactory. For this reason suggested Condition 2 (materials to match the existing building) as sought by the Council is not appropriate in this case. I have instead imposed an amended Condition 2 to ensure that the development is undertaken using the materials specified. I also consider it necessary to include a condition to restrict use of the annexe building to purposes ancillary to the residential use of Little Trodgers Oast. My reasons for the conditions are:

17. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.

18. Condition 3 will prevent use of the annexe building as an independent dwelling separate from Little Trodgers Oast that would be contrary to the strict policies of restraint that are applicable to development within the AONB. Condition 4,

requiring the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR