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## Appeal Decision

Site visit made on 27 June 2019

**By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 September 2019**

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**Appeal Ref: APP/U1430/W/18/3211318**

**Hill House, Earls Down , Dallington TN21 9JG**

- 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 N Harding against the decision of Rother District Council.
  - The application Ref RR/2018/1307/P, dated 8 May 2018, was refused by notice dated 1 August 2018.
  - The development proposed is the conversion of a redundant agricultural building to a single residential dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the development upon the natural and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB) and
  - the location of the development having regard to the relevant policies of the development plan.

### Reasons

#### *Character and Appearance*

3. The appeal building sits towards the middle of the appeal site which is a small parcel of grazing land enclosed by hedges within a wider rural landscape of open fields with public footpath adjoining. The building is neither of traditional or substantial construction and could not reasonably be described as 'historic'. It has the low-roofed and slightly ramshackle appearance of an animal shelter commonly found in the countryside. More prominently placed than the cottage and residential care home which share the appeal site's access lane due to their situation at a lower level in proximity to the tree-lined Carrick Brook, the nearest built development to the site are the extensive stable buildings at Brooklands Farm. However, these structures and the equestrian use of land associated are not incompatible with the character of the AONB.
4. The appellant describes the proposal as a conversion and suggests that only minor alterations would take place. I disagree. With a superstructure constructed from sheet metal/timber cladding supported only by nominal timber framing and some plinth walls it seems to me to produce a compliant

- dwelling almost all of what is currently found on site would need to be replaced or at the least, wholly over-clad and internally rebuilt. Although the proposed dwelling would resemble the existing utilitarian form, it would not have the character and appearance of a conversion, but of a new dwelling replacing an rural structure, albeit using materials found widely in agricultural buildings.
5. The submitted plans indicate a 'residential curtilage' within the larger appeal site, suggesting this would contain domestic ephemera into a small area. However, it is not clear (other than for solar panels) how the remaining extensive area of land within the appeal site would be used. Noting what is suggested at the appellant's 'figure 2 illustrative plan'; it seems likely that this extensive area of land would also take on a residential character which would be widely visible in the AONB and from the nearby public footpath.
  6. The appellant suggests the visual impacts of domestic use could be controlled by condition but even if a condition could be drafted to meet the tests in planning practice guidance, the introduction of solar panels would also change the visual character of the land, potentially to a significant degree. The proposed dwelling would intrude into the open rural landscape lacking visual association with similar development. It would therefore be incongruous and harmful to the rural character of the area.
  7. Although the appellant suggests the appearance of the site would be enhanced by the proposal, the replacement of a rural building which contributes to the character of the landscape through its informal and somewhat ramshackle appearance by a dwelling (irrespective of its design quality) would be a significant change which would, in my judgement, have an adverse effect on the tranquil rural character of the landscape in the locality of the site.
  8. The proposed development would fail to preserve the natural and scenic beauty of the AONB, to which great weight should be given as required by Paragraph 172 of the Framework. It would also conflict with Policy EN1(i) of the Rother Local Plan Core Strategy (2014) (RLPCS) which is consistent with the revised Framework in requiring protection of designated landscapes and with Policies OSS4 and RA3 of the RLPCS which, amongst other things, require development to respect character and appearance, restricting residential development in the countryside to specific circumstances none of which apply to the proposal.

#### *Location of the development*

9. The development is neither in proximity to a recognised settlement or even, as I have previously explained, within a cluster of built development. The proposal is in proximity to equestrian development but separated from other dwellings. The village of Dallington, which has a school but few (if any) facilities relevant to day to day life is only accessible along rural roads which are unlit and largely without footpaths. Public transport provision is meagre. Occupants of the proposed dwelling would be unlikely to travel other than by use of the private car even to the nearby school which is around 1 kilometre distant by road.
10. A significant proportion of the population in the District live in the rural areas and the appellant points to their need for additional dwellings. The Framework is less restrictive than the policies of the RLPCS in relation to housing in rural areas, but does not indiscriminately support new dwellings outside settlements and the language of paragraph 78 accounts for development 'in' groups of 'smaller settlements' rather than dwellings outside settlements.

11. I therefore conclude the proposal is in conflict with Policies TR3 of the RLPCS which, amongst other things, seeks to minimise the need to travel, support development which has good access to employment and other facilities.

*Housing land supply*

12. The Council are only able to demonstrate a 3.9 years supply of housing land and the appellant refers to a shortfall in the housing delivery test. Whilst these circumstances are those set out in Paragraph 11(d) of the Framework such that the 'tilted balance' could be engaged, sub-clause (i) makes clear that this does not apply where specific policies of the Framework indicate. Footnote 6 explains that this includes designated landscape areas such as the AONB and there are clear reasons for refusal as is the case here.
13. Whilst the appellant points to the extent of AONB in the District being a contributing factor in housing shortfall, the location of the site outside any recognisable settlement weighs against it irrespective of its location within the AONB. I conclude the 'tilted balance' is not, in this appeal, engaged.

*Other matters*

14. The appellant refers to a 'fall back' position as to change of use provided under Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Evidence of feasibility absent, I am far from persuaded as to the likelihood of this situation arising. This is due to the insubstantial nature of the building and the consequent need for extensive building operations which would be tantamount to the construction of a new building in open countryside.
15. The appellant refers to a decision of the Council to permit a conversion of an outbuilding to a dwelling near Battle, also in the AONB. The building concerned appears to have been brick built with a slate roof and therefore genuinely capable of conversion and is not comparable with the proposal.

**Conclusion**

16. I have concluded that the proposed development would fail to preserve the natural and scenic beauty of the AONB, and is in an unsustainable location, these are matters to which I apply great weight. Although the proposal makes provision for renewable energy generation, and suggests electric vehicles might be supported, these benefits are offset by the prominent location of the panels within the AONB and the unsustainability of the location for occupation. The proposal would therefore conflict with the development plan taken as a whole.
17. Although the development would make a small contribution to housing supply in a district where there is a shortfall and this would generate a small economic and social benefit, taken in the round, there are no material considerations to indicate the appeal should not be determined other than in accordance with the development plan. For these reasons, taking all matters raised into account, the appeal is dismissed.

*Andrew Boughton*

INSPECTOR