



Appeal Decision

Site visit made on 19 June 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st December 2019

Appeal Ref: APP/P1425/W/19/3223445

Clearview, Strood Farm, Nursery Lane, Wivesfield Green, RH17 7RB

- 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 Malins against the decision of Lewes District Council.
 - The application Ref LW/18/0533, dated 29 June 2019, was refused by notice dated 24 January 2019.
 - The development proposed is change of use from ancillary accommodation to independent dwelling and changes to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from ancillary accommodation to independent dwelling and changes to fenestration at Clearview, Strood Farm, Nursery Lane, Wivesfield Green, RH17 7RB in accordance with the terms of the application, Ref LW/18/0533, dated 29 June 2019, and the plans submitted with it, subject to the following 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: 18/125/LOC rev A, 18/125/BLK rev A, 18/125/site, 18/125/FENCE, 18/125/SK01 rev A, 18/125/SK02 rev A, 18/125/SK03 rev A and 18/125/SK04 rev A.
 - 3) The dwelling hereby permitted shall not be occupied until the car parking spaces have been constructed and provided in accordance with the approved plans and details. The parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles associated with the residents of, and visitors to, the development hereby permitted.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any order revoking and/or re-enacting that Order with or without modification), no development falling within Classes A, B, C, E or F of Part 1, Schedule 2 of the Order, shall be erected or constructed within the curtilage of the dwelling without the express planning consent of the local planning authority in an application on that behalf.

Procedural Matters

2. I have amended the description of development as set out on the planning application form to remove reference to the proposed changes to the fenestration as being 'minor', as I consider that to be a matter of judgement rather than a precise description.
3. The Appellant has submitted a number of revised plans with the appeal, which they say correct a mistake on the original drawings. The Council had an opportunity to comment on the revisions and has raised no concerns. I am satisfied that no party would be prejudiced by the corrected plans and have based my decision on them accordingly.

Main Issues

4. The main issues in this case are:
 - a) Whether there would be a conflict with policies of the development plan that seek to control the location of new development;
 - b) Whether the effect of the proposal on the character and appearance of the area would be acceptable; and
 - c) Whether the location of the site would be suitable, with regard to reliance on the private car.

Reasons

Development plan policies that seek to control the location of new development

5. The appeal site contains a large detached building that is currently used as ancillary accommodation to serve Clearview, an adjacent detached house. The proposal is that the building would be converted to an independent dwelling, with a garden and car parking. There would be some external alterations to the building to accommodate the conversion, including the introduction of rooflights and glazing.
6. The site falls outside of the defined settlement of Wivesfield and is within the countryside. Policy CT1 of the Lewes District Council Part 1 Joint Core Strategy 2010 – 2030 (LDCLP) restricts new development in such location, other than in specified circumstances. It does not appear to be that any of the cited exceptions apply directly to this proposal. Accordingly, there would be a conflict with that development plan policy.
7. Policy 1 of the Wivesfield Neighbourhood Plan (NP) also seeks to restrict new housing development in the countryside, like the appeal proposal. Accordingly, the scheme would also conflict with that Neighbourhood Plan policy.
8. The Council also cite policy SP2 of the LDCLP in its reason for refusal. That policy appears to address broadly how housing growth during the plan period will be accommodated and does not appear to specifically preclude windfall development, like the appeal proposal and so I do not find that there would be a conflict with it.
9. Given that I have identified conflicts with policies of the Development Plan and the Neighbourhood Plan, it falls to me to identify whether there are other

material considerations that indicate that a decision other than in accordance with those policies should be made in this case.

Character and appearance

10. There are already a number of openings within the building and lights on the roof. The appeal proposal would see additional rooflights inserted and existing garage style doors replaced by glazing. In addition, the plot would be marked by post and rail fencing and formal car parking would be provided.
11. These features would alter the appearance of the building and would give it a more domestic character than is currently the case. However, the building would be within close proximity to the existing house at the site and would be viewed alongside it, so it would not appear out of context. The form and style of the building would not be fundamentally undermined by the proposals and I am satisfied that its rural character would be sufficiently retained.
12. Overall, I am satisfied that the fairly modest design changes to the building would be compatible with the immediate character of the area and that no harm would be caused by them to the character and appearance of the area. The structure would not appear out of place in the rural setting.
13. I have imposed a planning condition restricting permitted development rights at the site to ensure that potential future amendments to the building can be properly considered to ensure that any effect on character and appearance can be managed.
14. For these reasons, I find that the proposal would be in accordance with policies CP10 and CP11 of the LDCLP and Policy 5 of the NP, which seek to secure a high quality of design and that proposals respect the character of an area, including within a rural setting.

Reliance on the private car

15. The site is outside of the defined settlement, and the shops and services that it provides. The Council describes that the nearest shop at the centre of the village is around 800m away and that the nearest bus stop is around 900m away. Services from that bus stop are not particularly frequent.
16. It appeared to me on my visit that future residents could access local facilities within the village fairly comfortably on foot or cycle. The distances involved are not prohibitive and there is a paved path between the site and local services. Clearly, not all day to day functions could be accessed without some reliance on the private car. However, that would likely be the case for those living within the village boundary, given that many jobs will be located in larger settlements.
17. Overall, within the context of the location more generally, I consider that the site is appropriately sustainable and enough of the day to day needs of future residents could be achieved without reliance on the private car to achieve the objectives of policy CP13 of the LDCLP, which I consider the proposal to be in accordance with.

The planning balance

18. I have identified that the appeal proposal would conflict with policy CT1 of the LDCLP and Policy 1 of the NP. These policies seek to limit development outside of settlements, within the countryside.
19. It seems to me however, that the fundamental objectives of these policies are to protect the character and appearance of the countryside from harmful development and to ensure that new development is directed towards sustainable locations.
20. For the reasons that I have described, I have found that the proposals would not result in harm to the character and appearance of the area and that the location of the site is suitably sustainable.
21. One of the reasons for Policy 1 of the Neighbourhood Plan is to enhance the function of existing settlements by directing new development towards them and by encouraging the development of previously development land within them.
22. Given the small scale of the appeal development and that it would utilise an existing building at the site, I do not consider that the proposal would seriously undermine that objective.
23. Accordingly, despite conflicting with the policies I have cited, I consider that the consequences of those policy conflicts would not result in harm. I attach positive weight to this factor in favour of the proposal.
24. In addition, the proposal would provide a family sized house and would generate a degree of benefit during and post construction for the local economy.
25. I am satisfied that on balance, these factors constitute material considerations that outweigh the policy conflicts that I have identified. Accordingly, planning permission should be granted.

Other Matters

26. The Council describes in its report concern over the planning history at the site and the route that has been taken through the planning process up to this point. That is not a matter for me to comment on.

Conditions

27. I have attached conditions requiring that the development is commenced within three years and in accordance with the approved plans. The Council has sought that three additional conditions are imposed. The first requires that the car parking at the site is completed before the dwelling is occupied. I agree that the parking should be provided and so I have imposed that condition.
28. The third sought to restrict permitted development rights at the site. Whilst mindful that such restrictions should only be applied exceptionally, I agree with the Council that the rural location of the site does necessitate the additional control that would be secured by such a condition, and so I have imposed it.
29. The second suggested condition sought details of boundary treatment. A plan showing the proposed post and rail fencing is before me, and it would form an approved drawing, and so would be controlled. Accordingly, I do not find that this condition would be necessary in these circumstances.

Conclusions

30. For the reasons that I have described, I consider that the appeal should be allowed and planning permission granted.

N Smith

INSPECTOR