
Appeal Decision

Site visit made on 23 March 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/U1430/W/19/3240285

Edlins Farm, Mountfield Lane, Robertsbridge, East Sussex TN32 5LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Frank Taylor against the decision of Rother District Council.
 - The application Ref RR/2019/1682/P, dated 13 July 2019, was refused by the Council by notice dated 4 October 2019.
 - The development proposed is to demolish Edlins Farm House and adjacent barn and build a house on the existing foundations of the present residential part of the barn.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the aims of policies which seek sustainable patterns of development with particular regard to the location of new dwellings.
 - The effect of the proposal on the landscape character of the High Weald Area of Outstanding Natural Beauty.

Reasons

Sustainable Patterns of Development

3. Local Plan Policy DS3 lists settlements in which the majority of development will take place, and Policy DS4 identifies the remainder of the area as countryside where existing uses will for the most part remain unchanged. Core Strategy Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. Policy TR3 seeks to minimise the need to travel.
4. Of specific relevance to the appeal is Core Strategy Policy RA3 on development in the countryside and section (iii) states that the creation of new dwellings will be allowed in extremely limited circumstances. The list differs slightly from that at paragraph 79 of the 2019 National Planning Policy Framework which sets out the requirement for planning policies and decisions to avoid the development of isolated homes in the countryside unless one or more of the listed circumstances apply.

5. The appellant argues that the site is not remote, citing 3 dwellings on the same road, the closest being less than 300m from the site boundary, and there being a mainline railway station within 5 miles. The existence of mains services including fibre broadband however is not a measure of isolation or remoteness.
6. The meaning of the word 'isolated' in paragraph 79 was the subject of the 'Braintree' judgments¹ which determined that the word should be given its ordinary objective meaning of '*far away from other places, buildings or people; remote*'. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of a particular case.
7. A Lawful Development Certificate was issued for a change of use from agriculture to Use Class C1 (hotels) under the provisions of Class M of Schedule 2, Part 3 of the General Permitted Development Order as it was at that time (Ref: RR/2015/231/O). Whilst the Parish Council query whether this should have been granted, that is the present planning position. Class M did not require determination over the effects of the countryside location on the aims of Development Plan or national policy.
8. A subsequent appeal was determined in 2016 concerning changes to the external appearance of the building, the Council having refused an application for permission subsequent to the issue of the Lawful Development Certificate. The Inspector identified the sole issue as being the effect of the proposal on the character and appearance of the area, and made clear that the use of the barn, whether as then existing, or proposed, or alleged by objectors, was not before him (Ref: APP/U1430/W/16/3151416).
9. Looking at the exceptions in paragraph 79, and as determined by the judges in 'Braintree', what constitutes 'isolated' will be a matter for individual cases, an agricultural workers dwelling may be nearer other places, buildings or people, while redundant and disused buildings will be where they are.
10. On the evidence of the unaccompanied inspection of the surrounding area and the 2 long road approaches to the site, the conclusion now is that the site is isolated in the terms of the Framework, and that the policies of restraint set out in paragraph 79 and, where consistent with that more recent statement, in Policy RA3 should apply. The proposal is not for one of the exceptions set out in those provisions, and hence would be contrary to national and local policies on the location of housing development.
11. The proposed dwelling would be dependent on the use of a private vehicle for day-to-day requirements, with limited alternatives being available due to the nature of the lane and its length to any shops, transport or other facilities. Development would undermine the aims of the policies cited above, which seek to direct development, and that of housing in particular, to settlements where there is ready access to facilities; as well as being contrary to local and national policies on moving to a low carbon future.

¹ Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 (Admin) of 15 November 2017, and subsequently in the Court of Appeal judgment of 28 March 2018

Area of Outstanding Natural Beauty

12. The Council adopted the Development and Site Allocations Local Plan in December 2019 and Policy DEN2 requires development to conserve and seek to enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty. Core Strategy Policy OSS4(iii) requires development to respect and not detract from the character and appearance of the locality, while Policy EN1(i) seeks the protection of the distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty. All development in the countryside is to be of an appropriate scale, not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, is to support sensitive land management as set out in Policy RA3(v).
13. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
14. The 2016 Appeal considered the insertion of doors and windows in order to facilitate the change of use that had been the subject of the Lawful Development Certificate. The Inspector concluded that there was no adverse effect on the character and appearance of the area, including the landscape characteristics of the Area of Outstanding Natural Beauty, and that the development would be consistent with Policy RA3(ii) which supports tourism uses.
15. The description of development refers to demolition and building a house on the existing foundations of the present 'residential part' of the barn. Both the appellant's description of the present appeal development and the Council's Statement refer to a part of the building being in Class C1 use and it is apparent that 150m² of the barn were the subject of the Certificate, that figure being relevant to how the Lawful Development Certificate application would have been considered.
16. The barn is prominent in views approaching the site along Mountfield Lane from the west, being sideways on to that view, a situation that is described in the 2016 Appeal Decision. Whilst the application was in outline, and so the appearance of the dwelling would be for later determination, it can be surmised that the long barn, which retains an agricultural appearance in the roadside views, would be completely demolished and replaced with a purpose-designed dwelling on a footprint of 150m². Since the dwelling would occupy at least a part of the footprint of the barn, the new building would be as prominent, albeit possibly shorter than the existing structure.
17. The long approach road from either Mountfield or the cluster of dwellings at the junction to the west is a narrow rural lane and there are limited signs of development, although the reservoir is visible fleetingly. The land runs along a ridge between valleys in the vicinity of the appeal site and there are wide views north and south. That barn is agricultural in appearance and is an expected and entirely appropriate feature in the largely agricultural landscape.
18. Its replacement with a dwelling would alter the perception of the site away from agriculture and would introduce the domestic features of a dwellinghouse. Whilst the Parish Council cast doubt on whether the C1 use is in operation,

such a use differs materially and visually from that of a full-time C3 dwelling use, which would have a defined curtilage and the usual domestic paraphernalia and likely outbuildings associated with day-to-day residential activity. That change would be harmful to the rural character and appearance of the area and would fail to protect the features of the Area of Outstanding Natural Beauty.

19. Taking all of these matters into consideration, it is concluded that the change of use and related works to demolish the barn and replace it with a dwelling on a part of the foundations would cause harm to the landscape character of the High Weald Area of Outstanding Natural Beauty contrary to Policies DEN2, OSS4(iii), EN1(i) and RA3(v), and would not accord with the aims of paragraph 172 of the Framework.

Conclusions

20. The site is in an isolated location in the countryside and there are no exceptions or justifications to allow policies of restraint to be set aside. The development of a dwelling would cause harm to the landscape character of the High Weald Area of Outstanding Natural Beauty and to the aims of policies which seek to direct development to sustainable locations close to facilities and transport. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR