



Appeal Decision

Site Visit made on 16 March 2021

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2021

Appeal Ref: APP/C1435/W/20/3255647

Gate House, Osmers Hill, Wadhurst TN5 6QL

- 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 Chris Lunn against the decision of Wealden District Council.
 - The application Ref WD/2019/1295/F, dated 11 June 2019, was refused by notice dated 24 June 2020.
 - The development proposed is conversion of stable block to a single residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building are to be treated as part of the listed building. The eastern former stable block falls into that category and therefore any works to it would require listed building consent. As no application for listed building consent is before me, I have determined this appeal on the basis that it solely relates to an application for planning permission.

Main Issues

3. The main issues are:
 - a) the effect of the conversion of the former stable blocks on the special architectural and historic interest of Gate House and its setting, a Grade II listed building;
 - b) whether or not there are special circumstances which justify the conversion having regard to local and national planning policy for development in the countryside.

Reasons

Effects on Gate House

4. The appeal site is an L-shaped area immediately to the north of Gate House, a Grade II listed building. It comprises a driveway, which serves the Gate House, two former stable buildings that are ancillary to the main dwelling and a garage within a brick building that fronts the road and is attached to a neighbouring building. The site is part of the appellant's larger ownership which also includes the house, its landscaped garden and fields to the east.

5. In considering whether to grant planning permission I have a duty to have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest which it possesses.
6. Gate House is a fine example of a large, 16th century timber framed house with plaster infilling and a hipped and tiled roof. One side of the driveway is defined by mature hedges and stone walls enclosing the garden and the flank wall of the house. The remaining sides of the house are surrounded by an extensive, attractive and well-maintained landscaped garden with a stream that runs through the grounds. The former stable buildings are on the other side of the driveway. The drive is also a public footpath which passes between the house and its outbuildings. There is therefore a distinct separation between the rather grand appearance of the house and its associated formal garden and the smaller, modest ancillary buildings. The Gate House's significance stems from its age, size, the quality of its architectural features and its setting which include both its garden and its associated ancillary buildings.
7. The two single-storey outbuildings are parallel and face each other across a small courtyard. The eastern building pre-dates 1948 and has been used as ancillary storage to the main dwelling for many years. It is traditionally constructed in brick with a steeply sloping slate roof. The front elevation has doors and window openings on to the courtyard. By contrast the rear elevation has no openings but presents a blank wall on to an area that appears to have been used as a small kitchen garden to serve the main dwelling. This building therefore derives its significance from its historical functional connection and subservient relationship with the Gate House. This is reflected in its simple form, scale, the materials used and its previous use. By contrast the western building is a modern structure of blockwork under a profile sheet roof. It is typical of a utilitarian stable block without any heritage interest.
8. The proposal seeks to connect these two outbuildings by means of a glazed link to facilitate their conversion into a single dwelling. The conversion would not alter the form of the original stables. However, it would introduce a series of windows and doors into the rear elevation of this building, including double glazed full height doors. These would provide access to the area to the rear which would become a small garden. These alterations would result in the loss of historic fabric and would change its appearance, leading to domestication of both the building and the area to the rear. Even though these changes would not be visible from public viewpoints they would change its character from a utilitarian, ancillary building to the Gate House to an independent dwelling of a different scale very close to the main dwelling. This juxtaposition of the two dwellings would erode the historic relationship between the Gate House and its ancillary buildings.
9. The proposed glazed link would disrupt the front elevation of the building and detract from its simple long form. It would also divide the existing courtyard and introduce a sense of enclosure within the remainder. The siting and design of this translucent structure would not sit comfortably with the character of the original building. The profile sheet roof of the western building would be replaced, the overhang would be removed, and the roof pitch steepened to permit the use of slates. The submitted drawings show the elevations would be finished with oak weatherboarding. Whilst these amendments would improve the appearance of this building, the differences of scale and use of materials would make an effective integration with the other building difficult to achieve.

In my view the resultant layout for the new dwelling would be awkward, competing with, and causing further harm to, the original stable building's simple form and utilitarian appearance.

10. In my view the setting of Gate House goes beyond its formal garden and the two ancillary buildings; it also extends to the cluster of buildings to the north. From the rising ground to the east the house can be seen as part of a complex of rural buildings, including Gate House Farm and a former barn which has now been converted into a dwelling facing Osmers Hill. The conversion of the two buildings and the need to make a connection between them would be a form of development that would be at odds with this surrounding cluster of buildings which retain their agricultural style and simplicity. It would introduce a residential element that would appear intrusive within the setting of Gate House in an area that has traditionally been used for activities ancillary to the main dwelling.
11. Taking all these factors into consideration, I conclude that the proposal would be harmful to the special architectural and historic interest of the Gate House and its setting which would not be preserved. This would be contrary to Policy SPO2 of the Wealden District Core Strategy Local Plan 2013 (Core Strategy) which seeks to protect the intrinsic quality of the historic environment, saved Policy EN27 of the Wealden Local Plan 1998 (Local Plan) which requires development to respect adjoining development and Policy SPO13 of the Core Strategy which promotes good design. It would also conflict with the advice of the National Planning Policy Framework (the Framework) which states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance.
12. In terms of the Framework this harm would be less than substantial because the curtilage listed building, although altered and put to a different use, would be retained. However, paragraph 194 of the Framework states that any harm or loss to a designated heritage asset requires clear and convincing justification. Paragraph 196 of the Framework therefore requires that any less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. This is a matter to which I will return later.

Suitability of location

13. The appeal site is beyond any defined settlement boundary in the Local Plan. For the purposes of planning policy, it is within the countryside, where saved Policies GD2 and DC17 of the Local Plan seek to restrict development and strictly control new residential development. The scheme would be contrary to these policies. Given the distance to services and facilities future residents would be likely to be dependent on a car to get around, contrary to Policy SPO7 of the Core Strategy which seeks to reduce the need to travel by car.
14. Nevertheless, the Local Plan makes provision for the possibility of conversion of existing rural buildings into new dwellings. Saved Policy DC8 sets out a series of criteria which must be met for such a conversion to be acceptable. The first of these relates to the need to demonstrate that every reasonable effort to secure a suitable business use has been unsuccessful. There was no evidence before me to suggest that any such efforts had been made. The rejection of the possibility of business use appears based on the assumption that it would generate an unacceptable increase in the number of vehicle movements.

However, no information was provided to support this assertion. The remaining criteria set out in Policy DC8 relate to the structural condition of the buildings and the design of the conversion. From the submitted evidence I accept that both buildings are capable of conversion. However, I have concluded that the design is unacceptable, so the proposal fails to comply with Policy DC8.

15. Paragraph 79 of the Framework states that development of isolated homes in the countryside may be permitted where the proposal would re-use redundant or disused buildings and enhance its immediate setting. I acknowledge that one of the buildings within this scheme appears to be disused. However, as the site is surrounded by other development it cannot be said to be isolated and my analysis of its design has already concluded that it would be harmful to its immediate setting. Paragraph 79 therefore lends no support for the proposal.
16. The site is within the High Weald Area of Outstanding Natural Beauty (AONB). However, the proposal's location within a cluster of other buildings would ensure that it is well screened from public viewpoints from the surrounding countryside. Whilst it might appear incongruous to anyone using the public footpath through the site, it would not be harmful to the wider landscape and scenic beauty of the AONB. I therefore find no conflict with Policy SPO1 of the Core Strategy or saved Policy EN6 of the Local plan which seek to protect the District's distinctive and nationally designated landscapes.
17. Nevertheless, notwithstanding the lack of harm to the AONB, the combination of other factors leads me to conclude that there are no special circumstances which would justify the conversion of the buildings to a residential use. The proposal would conflict with Local Plan Policies GD2, DC17 and DC8 and Core Strategy Policy SPO7.

Other Matters

18. There were representations relating to the site's risk of flooding and photographic evidence of water flowing through the site. The effects of this were apparent on my site visit and, given the site's location adjacent to a stream and at the bottom of a hill, are not surprising. However, as I have found the scheme unacceptable for other reasons, it was not necessary for me to address the matter further.

Planning Balance and Conclusions

19. The proposal would provide an additional home in a District where it is accepted that there is a significant shortfall in the provision of housing land. It would do so by making use of existing buildings. These are factors in the scheme's favour which amount to limited public benefits.
20. However, I am required to weigh these benefits against the less than substantial harm to the Gate House, which includes its curtilage listed former stable building, and its setting. The collective harms which I have identified are matters to which I am required to give considerable importance and weight. In my view they significantly outweigh the limited public benefits associated with the provision of one additional dwelling.
21. In addition to the public benefits of the scheme failing to outweigh the harm to the significance of the Gate House, I have found the proposal conflicts with the Council's spatial strategy due to its location in the countryside. Furthermore, the scheme would not accord paragraph 78 of the Framework which states that

housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.

22. Nevertheless, as the Council accepts that it is unable to demonstrate a 5 year supply of deliverable housing sites, paragraph 11 d) of the Framework is engaged and the most important policies for determining the application are to be considered as out-of-date. However, regardless of the extent of the shortfall in housing supply, paragraph 11 d) i) states that where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, the presumption in favour of sustainable development does not apply. Footnote 6 identifies designated heritage assets as particularly important. Consequently, harm to them is sufficient reason to reject the proposal.
23. I therefore conclude that the proposal conflicts with the development plan including Policies WCS14 of the Core Strategy and EN1 of the Local Plan which promote sustainable development. There are no other considerations, including the provisions of the Framework, that outweigh that conflict.
24. For this reason, the proposal is unacceptable, and the appeal is dismissed.

Sheila Holden

INSPECTOR