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## Appeal Decision

Site visit made on 16 March 2021

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 06 May 2021**

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**Appeal Ref: APP/C1435/W/20/3254709**

**High Pastures Barn, Graywood Road, East Hoathly, East Sussex, BN8 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 Sam Bradford (High Pastures Development Ltd) against the decision of Wealden District Council.
  - The application Ref WD/2018/1966/F, dated 11 September 2018, was refused by notice dated 14 February 2020.
  - The development proposed is described as demolition of some of the existing buildings. Conversion of one original building and extension to it to create a single dwelling house with detached garage.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Sam Bradford against Wealden District Council. This application is the subject of a separate Decision.

### Main Issues

3. The first main issue is whether the appeal site is in a suitable location for housing, with adequate access to services. The second main issue is the effect of the proposal on the character of this part of the Low Weald landscape.

### Reasons

#### *Location*

4. The Appeal site is located within an undulating area of countryside that is characterised by a mixture of arable and pasture land and woodland. Within the local area there are a number of scattered dwellings, farm centres and former farmyards that are now used for various commercial uses.
5. The appeal site lies in the open countryside approximately 1km beyond the physical built up area of the settlement of East Hoathly. The settlement offers a limited range of community services and facilities, including a local bus service. The A22 trunk road lies to the south and west of East Hoathly and provides the main vehicular route between Eastbourne and Uckfield, which are both in excess of eight kilometres from the appeal site.

6. The appeal site was originally used for agricultural purposes. The Council has stated that in the 1990's planning permission was granted for various business uses and the appellant has advised that the buildings are currently used for Class B8 storage purposes and ancillary offices.
7. To the west of the appeal site entrance and concrete yard area is a large single storey rectangular steel framed barn, with primarily timber clad walls under a shallow pitched asymmetrical corrugated metal roof. This building is agricultural in character and appearance. To the front of the large barn are two small single storey former agricultural buildings. One has stone and timber clad walls under a plain tiled roof and the other has timber clad walls under a plain tiled and fully hipped roof. Further to the east is a large pond and an area of scrub land.
8. The National Planning Policy Framework (Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development, which has three overarching objectives, namely economic, social and environmental. The Framework advocates a plan led approach where planning policies and decisions should play an active role in guiding development towards sustainable solutions. In doing so they should take account of local circumstances, to reflect the character, needs and opportunities of each area.
9. Concerning housing the Framework states that to support the Governments objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forward where it is needed. A positive approach should be taken to proposals for alternative uses on unallocated developed land to meet identified needs. This includes proposals that use employment land for homes in areas of high housing demand, where they would be compatible with other policies in the Framework.
10. In relation to rural housing paragraphs 77, 78 and 79 of the Framework set out where housing is supported. Planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. They should identify opportunities for villages to grow and thrive, especially where this will support local services. Paragraph 79 relates to the development of homes in isolated locations. It does not imply that a dwelling has to be isolated in order for restrictive policies to apply as there may be other circumstances when development in the countryside should be avoided.
11. Paragraph 213 of the Framework states that existing policies should not be considered out of date simply due to their age. Due weight should be given to them, according to their consistency with the Framework.
12. Policy EN1 of the Wealden Local Plan 1998 (Local Plan) and Policies WSC14 and SPO13 of the Wealden (incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013 (CS), promote sustainable forms of development. Local Plan Policies GD2 and DC17 seek to prevent most forms of residential development outside the built up areas and to concentrate development within existing defined settlements.
13. Together CS Policies SPO1, SPO7 and SPO8 seek to maintain the existing settlement pattern and to concentrate new development where it can most closely relate to public transport and to facilitate sustainable growth of villages.

CS Policy WCS6 defines East Hoathly as a Neighbourhood Settlement, where countryside constraints are applied. This is in recognition that Neighbourhood Settlements either have limited access to facilities or poor accessibility. The supporting text to Policy WCS6 explains that within Neighbourhood settlements any growth will need to reflect the character and needs of the area.

14. As indicated above, the appeal site is located in the open countryside and in excess of one kilometre from the centre of East Hoathly. Graywood Road is narrow, devoid of any pavements or street lights and along parts of Graywood Road there are no easily accessible verges. Both due to the site's distance from East Hoathly and highway safety constraints it is not an attractive option for pedestrians and cyclists to access the village services and facilities. In addition, East Hoathly only has a limited range of community services and facilities and the closest bus stop to the appeal site is more than one kilometre away.
15. For these reasons I find that the appeal site is not in an accessible location. The occupiers of the proposed dwelling would be reliant on private motor vehicles and would need to drive to larger settlements to access a wide range of services and potentially employment. In forming this view I have taken into account paragraph 103 of the Framework which states that it should be taken into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
16. I acknowledge that the occupiers of the proposed dwelling would be likely to generate less traffic than that generated by existing /potential commercial uses on the appeal site. However, in supporting the rural economy the Framework states that planning decisions should recognise that sites to meet the needs of local businesses in rural areas may have to be found outside existing settlements and in areas that are not well served by public transport. CS Policies SPO1 and SPO6 reflect this. They seek to support the rural economy by helping businesses to expand and improving employment opportunities available and improved opportunity for people to work close to their homes.
17. The appeal site currently provides local employment floorspace and at least some of the site is occupied for such purposes. If the business(es) on the site had to move they could possibly relocate locally, so would continue to generate similar levels of traffic on the local road network. Alternatively, if the business(es) closed down or moved further afield, the employees, suppliers and local clients would potentially need to travel similar distances or further afield for employment and products/services.
18. In relation to rural housing paragraphs 77, 78 and 79 set out where housing is supported. Paragraph 79 relates to the development of homes in isolated locations that can be supported, such as conversion schemes. It does not imply that a dwelling has to be isolated in order for restrictive policies to apply, as there may be other circumstances when development in the countryside should be avoided.
19. Whilst the occupiers of the proposed dwelling would likely use some of the local community facilities, the proposal would result in the loss of an existing employment site. The existing employment use has the potential to provide local employment and services and its employees likely use local community facilities. No evidence has been submitted to demonstrate that the proposed dwelling would help meet an identified local housing need, or that the proposal

would meet any of the circumstances set out in paragraph 79 of the Framework. As such the proposal falls outside the scope of paragraphs 77, 78 and 79 of the Framework.

20. Both the Council and the appellant have referred to a number of planning permissions and appeal decisions which address accessibility, the redevelopment of sites and building conversions. I find that none of these schemes are directly comparable to the proposal in relation to proximity to villages and larger settlements; the nature and scale of the proposal; the location and setting of the sites; and the range of policies applicable. They do however serve to highlight the need to assess the proposal in light of the prevailing planning policies and the individual merits of the proposal.
21. For these reasons, I conclude on the first main issue that the site is not situated in a suitable location for housing, with adequate access to services. In this respect it would conflict with CS Policies WSC6, WCS14, SPO7, SPO8 & SPO13 and Local Plan Policies EN1, GD2 & DC17, which seek to focus new housing developments to more accessible locations.

### *Character*

22. Currently there is a tall hedgerow and several small trees along the front boundary of the site and a tall hedge and a row of tall Poplar trees adjacent to the western boundary of the yard and adjacent to the triangular area of grassland at the western end of the appeal site. Similarly, there are a combination of trees and mature hedgerows along the northern and eastern boundaries of the site and a mature hedge along the boundary between the lane and the farmland on both sides of the appeal site.
23. The mature hedgerow on the north side of Graywood Road screens most of the buildings in views from the street scene and the Poplar trees effectively screen the upper part of the large barn. Where the upper part of the barn can be glimpsed between the trees and from around the site entrance the buildings and yard area appear agricultural and unobtrusive. They reinforce and blend in readily with the surrounding agricultural landscape within this part of the Low Weald.
24. Collectively Local Plan Policies EN8 & EN27 and sections 12 & 15 of the Framework seek to conserve and enhance the natural and local environment, recognising the intrinsic character and beauty of the countryside. New development should respect and be sympathetic to local character, whilst not preventing or discouraging appropriate innovation or change.
25. With the proposal the footprint of buildings would be reduced, as would the extent of hard surfacing. In addition, the front section of the proposed dwelling would be lower than the existing large barn. The proportions and form of the main two storey element of the dwelling reflects that of a traditional barn and the buildings would be constructed from a palette of traditional materials that are typical of the area.
26. However, the proposed development would be domestic in character and appearance. The two storey element of the proposed dwelling would be clearly visible both from the street scene and the surrounding open countryside, in views over the hedges and between the Poplar and other trees. During the winter months when the trees and hedges are bare the upper part of the

dwelling would be prominent. In particular, when approaching from the west and from the site entrance the two storey element would be prominent and seen as an intrusion into the surrounding open farmland. Together with the amount of glazing, formal hard surfacing and domestic landscaping which would be clearly visible from the site's entrance, it would erode the rural and agricultural character and appearance of the site and its setting.

27. Should the surrounding Poplar trees die back or be removed the urbanising impact of the proposed development on the surrounding area would be heightened. Given the proximity of the existing Poplar trees to the proposed dwelling, they would have an enclosing impact on the outlook and result in reduced daylight and sunlight within the adjacent rooms and patio area. This could well lead to pressure to have the trees, thinned, cut back or felled.
28. Overall, due to the nature and level of the harm that would be caused by the proposal, it is not a matter that could be satisfactorily addressed through the imposition of conditions.
29. For these reasons I conclude on the second main issue that the proposal would materially harm the character of this part of the Low Weald landscape. It would therefore conflict with Local Plan Policies EN8 & EN27 and sections 12 & 15 of the Framework.

#### **Other matters**

30. The Council does not refer to the loss of the existing employment site in its appeal statement. However, the Council refers to the loss of an employment site in their decision notice and clearly states in their statement that the officer's delegated report is comprehensive and sets out the Council's assessment of the case.
31. Although various local policies and the Framework do not specifically support the retention of existing commercial sites, they do support a prosperous rural economy. The proposal would result in the loss of an existing employment site and would displace the business(es) that occupy the premises.
32. It is acknowledged that the applicant undertook a business floor space availability assessment in 2019. However, it is not clear how comparable the premises are to the appeal site; whether the units are still available and if they would be suitable for the current occupiers of the appeal site.
33. In the absence of such up-to-date information, it has not been demonstrated that the site is surplus to local employment needs; unsuitable; or that the existing business(es) on the site can be satisfactorily relocated. Accordingly, the proposal conflicts with CS Policies SPO1, SPO6 & SPO8 and section 6 of the Framework. It would conflict with the economic objective of sustainable development.
34. It is noted that the appellant has stated that the proposed dwelling would be highly energy efficient. This is something that could be secured through the imposition of conditions and is a positive aspect of the proposal. In addition the site comprises previously developed land.
35. The Council has acknowledged that it does not have a five year supply of deliverable housing sites and has not met its housing delivery requirements as set out in the Housing Delivery Tests for 2019 and 2020. The proposal would

deliver a single family home and so would make a very small contribution to the supply of homes in the District. This is similarly a positive aspect of the proposal.

36. The Ecology Partnership undertook a preliminary ecological appraisal and internal and external bat inspection and a bat emergence survey in 2018, when they recorded bats foraging and commuting around the buildings and site boundaries. Collectively the reports recommended that various enhancements for bats were incorporated into a masterplan, along with other habitat enhancements and habitat protection measures, including the possible need for further surveys. In view of the findings of the surveys, although few habitat and landscape details have been submitted by the appellant, as suggested by the Council these are matters which could be dealt with by conditions in this instance. However, in the absence of such details it is not possible to assess the level and benefits of any enhancements.
37. It is noted that the applicant submitted an application for prior approval for the conversion of the buildings to a dwelling in 2019, although it was not determined before Class P Prior Approvals were withdrawn. Also, it is clear that the proposal has been the subject of discussions and consultations with the Council since 2018. Notwithstanding this, the appeal proposal has to be assessed on its current planning merits and in light of the prevailing planning policies.

### **Planning Balance and Conclusion**

38. I have found that the proposal would conflict with CS Policies WCS14, SPO7, SPO8 & SPO13 and Local Plan Policies EN1, EN8, EN27, GD2 & DC17 and is not supported by CS Policy WCS6. As a consequence, the proposal would be contrary to the development plan when considered as a whole.
39. Both the Council and the appellant advise that the District does not have a deliverable supply of sites to provide a minimum five-years supply of housing sites. The appellant has pointed out that the Council, can only demonstrate a housing land supply of 3.67 years and that the Council delivered just 83% of the required housing over the past 3 years. This figure remains unchanged in the Housing delivery Test: 2020 measurement. Therefore, the development plan policies that are most important for determining the appeal are out-of-date and the tilted balance as set out in paragraph 11d of the Framework is engaged. The Council's current housing strategy has not provided for the housing land supply required. Hence the weight to be given to the above development plan policies in this respect is substantially reduced due to the Council's significant shortfall in housing land supply.
40. Whilst the proposal would not meet an identified local need in accordance with paragraphs 77 and 78 of the Framework, it would provide a single family dwelling and so would make a very small contribution to the supply of homes in the District, which is a social benefit. In view of the level of shortfall in the District's housing land position and the withdrawal of the new Local Plan in 2020 this is a benefit of the scheme to which I give moderate weight in the planning balance.
41. The dwelling would be located on previously developed land and would itself be energy efficient. I give a small amount of weight to these factors in the planning balance. The construction of the dwelling would provide employment

- and the occupiers of the proposed dwelling would likely support local services and facilities. In these ways the proposal would support the economic and social objectives of sustainable development, to which I give modest weight.
42. Notwithstanding these benefits, the location of the site would be contrary to the development plan's spatial strategy which seeks to restrict housing development in the countryside and to steer housing to locations that are close to services, facilities and public transport. It would conflict with the Framework which looks to manage patterns of growth in ways to promote sustainable transport for social and environmental reasons. It would result in the loss of an existing occupied employment site, which contributes to the local rural economy and would have a materially harmful impact on the surrounding Low Weald landscape. This would be contrary to the economic and environmental objectives of sustainable development. This weighs heavily against the scheme.
43. In reaching this view I have taken into account that the proposal in itself would generate less traffic than the use of the existing business units. However, the proposal would displace such businesses, who may relocate locally or further afield and so would continue to generate traffic on the local road network. Alternatively, if the business(es) closed the employees would likely need to drive to new places of employment.
44. As stated above, in the absence of further details relating to the habitat and landscape proposals it is not possible to ascertain whether they will result in any material long term enhancements. Accordingly, in this instance this is a matter to which I give neutral weight in the tilted balance.
45. Overall, for the reasons set out above the proposal would conflict with the environmental and social objectives of sustainable development. This weighs heavily against the proposal.
46. The lack of a five-year supply of housing and the level of shortfall stated does not automatically lead to the grant of planning permission. In this instance the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits resulting from the proposal when assessed against the policies in the Framework taken as a whole. I therefore find that the presumption in favour of sustainable development should not be applied.
47. The proposal would conflict with the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework and in particular paragraph 11. Accordingly, for the reasons stated above and taking all other matters into consideration, I conclude that the Appeal should be dismissed.

*Elizabeth Lawrence*

INSPECTOR