



Appeal Decision

Site visit made on 4 May 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/U1430/W/20/3258174

Swan Farm, Woods Corner, Dallington, East Sussex, TN21 9LB.

- 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 Harry Wills against the decision of Rother District Council
 - The application Ref RR/2019/2199/P dated 18 September 2020.
 - The development proposed is the partial demolition and partial conversion of existing agricultural buildings and construction of two detached dwellings with associated parking
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The Council did not determine the application within the prescribed period but its appeal statement indicated that it would have refused the application for four reasons; these were in essence; (i) it considered that the development was not sustainably located, (ii) the effect on the High Weald Area of Outstanding Natural Beauty (AONB), (iii) the effect of the development on highway safety, and (IV) its impact on what might be defined as curtilage listed buildings.

Main Issues

3. I have considered the application afresh and consider the main issues to be:
 - a) whether the proposed development would be in a suitable location;
 - b) the effect of the proposed development on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB);
 - c) whether the proposed access would, in terms of visibility and width be detrimental to highway safety, and;
 - d) the effects on curtilage buildings and the setting of The Swan Inn.

Reasons

4. The appeal site, which is adjacent to The Swan public house listed grade II, comprises a number of redundant farm buildings. There is a mix of small traditional masonry buildings and larger more utilitarian portal frame agricultural buildings.

5. The appellant proposes part demolition, part conversion of the existing buildings together with the erection of two detached dwellings. Access to the site would utilise the existing farm access from Battle Road (B2906). The development would be styled to reflect the form, character and detail of traditional vernacular farm buildings.
6. Overall, there would, as identified by the Council, be a reduction of site coverage by some 20%.

Whether the appeal is in a suitable location

7. The appeal site is located on the outskirts of the village of Dallington, in the High Weald Area of Outstanding Natural Beauty (AONB), with the main village being located to the west of the B2906.
8. The Council accept that the appeal site is neither remote from the settlement nor in itself isolated. However, the village of Dallington does not have a development target in Rother District Local Plan Core Strategy (Adopted September 2014) (CS) and because of that, no corresponding development boundary in the Development and Site Allocations Local Plan (Adopted 16 December 2019) (DaSA). The site is therefore located in a countryside location where CS Policies PC1 and RA3 apply.
9. CS Policy RA3 at criterion (iii) sets out the circumstances where new dwellings in the countryside will be permitted. These include dwellings to support farming and other land-based industries, the conversion of traditional historic farm buildings, the one for one replacement of an existing dwelling or as a rural exception site.
10. The proposed development does not fall to be considered under any of these criteria. Accordingly, therefore, I conclude in respect of the first main issue that the proposed development would not be in a suitable location.

AONB

11. The Council is concerned that the proposed development would result in an unacceptable urbanisation of the rural area as a result of the introduction of new dwellings and associated works.
12. As identified by the Council the post 1948 agricultural buildings are of limited architectural or visual merit and in a poor rundown condition. Although it might not be unusual for there to be disused utilitarian agricultural buildings in the countryside, they do not, in this case, serve to enhance the rural landscape character and scenic beauty more generally.
13. On the other hand, a carefully considered modest development of two well designed houses, with appropriate landscaping and with permitted development rights controlled by condition to restrict the erection of ancillary curtilage buildings might well enhance the character of the site and its rural setting without, as feared by the Council, having a detrimental urbanising effect.
14. However, due to the scale and form of the development, its design which, while incorporating some vernacular agricultural features, would in my judgement, nevertheless appear as a large unwarranted form of development in this location.

15. Further, the erection of ancillary buildings could be controlled by condition. However, the layout of the development as designed, including driveways, parking and turning areas, along with private manicured gardens and general domestic paraphernalia would all serve to reduce the openness of the site and further reinforce its residential character.
16. I therefore conclude in respect of the second main issue that the proposal would be harmful to the intrinsic character and beauty of the AONB, contrary to CS Policy EN1 and DaSA Policy DEN2.

Highway safety

17. The site access to the development would be over the existing access way located between the Swan public house and its car park. The speed limit of the highway B2096 at this point is 40mph.
18. From the evidence I note that the general width of the existing access way is about 4.25 meters. However, at a point about 5.5 meters back from the highway this reduces to about 4.1 metres. Manual for streets indicates that 4.1 meters is sufficient for two vehicles to pass. However, the Highway Authority are concerned, that due to a bend in the road that this might occasionally result in vehicles being forced to wait within the highway whilst another vehicle leaves the site.
19. The access would, in this case, only serve two dwellings. Accordingly, given the former agricultural use of the site when large slow moving agricultural vehicles would be using the access I am not persuaded that the occasions when a vehicle might be required to wait within the highway to access the site would be so frequent as to result significant increase in harm to highway safety.
20. With regard to the speed limit for the B2096 the Highway Authority, based on the guidance set out in Design Manual for Roads and Bridges, requires visibility splays of 2.4 x 120.0 metres in both directions. I understand from the evidence that this can only be achieved over the appellant's land towards the west. That to the east being partially obstructed by a timber fence and possibly by vehicles parked in the pub car park. However, the achievable visibility to the east has not been provided by either party.
21. The fallback position of the possible reuse of the site for agricultural purposes where farm machinery might well use the cross over. On balance, therefore based on my observations on site, I do not consider, that in this case, given the limited number of likely vehicle movements generated by just two households that the reduced visibility for emerging vehicles to the east would be so significant as to be detrimental to highway safety.
22. I therefore conclude in respect of the third main issue that the proposal would not cause significant harm to highway safety, contrary to CS Policy TR3

Curtilage buildings and the Setting of The Swan Inn

23. While not identifying the specific buildings in question, the Council has suggested that pre-1947 buildings on the boundary to the adjacent listed building, The Swan Inn, may be curtilage listed buildings.

24. The Swan Inn was listed in 1961. The appellant has stated, and this is not challenged by the Council, that at the time of the listing all the farm buildings the subject of this appeal were already in separate ownership having been sold in 1956, some 5 years before the listing. However, no evidence, in the form of say deeds, has been submitted to support this contention.
25. From the evidence before me, and having regard to section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I am unable to come to a conclusion on whether the proposal would have a harmful effect on surrounding listed buildings and their curtilages. Nevertheless, this matter does not alter my findings on the other main issues above.

Planning Balance

26. The Council does not dispute the appellant's contention that it is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the Framework. As such, the relevant policies for the supply of housing should not be considered up-to-date and paragraph 11 should therefore be applied.
27. There is no information about the scale of the shortfall in housing supply. Although paragraph 59 of the Framework refers to boosting significantly the supply of housing the provision of two additional units would make little meaningful difference.
28. When judged against some core planning principles the proposal would perform well including highway safety. However, in terms of other key aspects of sustainable development, being its unsuitable rural location and harm to the AONB it would not.
29. In terms of its component dimensions there would be a small social benefit in providing extra housing. Economic advantages would also arise from the construction and occupation of the houses. However, the harm to the AONB identified would be so significant and as a result the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusions

30. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR