



Appeal Decision

Site visit made on 4 May 2022

by C Shearing BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/C1435/W/21/3275207

Combe Manor Farm, Coombe Lane, Wadhurst TN5 6NU

- 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 Mrs E Bodin against the decision of Wealden District Council.
 - The application Ref WD/2020/2149/F, dated 21 October 2020, was refused by notice dated 9 March 2021.
 - The development proposed is conversion and minor alteration of an agricultural building to create a residential dwelling house to include a change of use of land to residential.
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Decision

1. The appeal is allowed, and planning permission is granted for conversion and minor alteration of an agricultural building to create a residential dwelling house to include a change of use of land to residential at Combe Manor Farm, Coombe Lane, Wadhurst TN5 6NU in accordance with the terms of the application, Ref WD/2020/2149/F, dated 21 October 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2021 version of the Framework.
3. The appellant has provided an additional landscaping plan during the course of the appeal. As this plan does not amend the proposal but provides additional clarity, I have determined the appeal taking this drawing into account.

Main Issues

4. The main issues are:
 - i) whether the site is in a suitable location for housing with particular regard to accessibility to services and facilities, and;
 - ii) the effects of the proposed development on the character and appearance of the area, with particular regard to the High Weald Area of Outstanding Natural Beauty (the AONB).

Reasons

Suitability of the Site for Housing

5. Policy WCS6 of the Wealden Core Strategy Local Plan 2013 (WCSLP) sets out the existing rural settlements that would accommodate growth in the District. In addition, Strategic Planning Objectives SPO7 and SPO8 of the WCSLP together seek to concentrate development close to public transport opportunities and to maintain and enhance the network of villages and support rural communities. Saved Policies DC17 and GD2 of the Wealden Local Plan 1998 (WLP) together resist housing development outside development boundaries, unless it conforms with other policies in the Plan.
6. The appeal site is in a rural location outside any settlement boundary. There are, however, other homes and buildings located nearby, particularly along Coombe Lane, and for this reason I do not consider the site to be isolated for the purposes of paragraph 80 of the Framework.
7. The local roads were quiet at the time of my site visit. However, given the distances of the appeal site from the nearest settlements of Mayfield and Wadhurst and the lack of footpaths and lighting along Coombe Lane and the surrounding roads, the location of the site is poor in terms of accessibility to services and facilities. Future occupiers of the development would therefore be highly likely to be reliant on the private car to cater for their day to day needs, and as a result would be disconnected from rural settlements and communities. Consequently, the development would conflict with saved Policies DC17 and GD2 of the WLP and Policy WCS6 and objectives SPO7 and SPO8 of the WDCSLP, insofar as they seek to focus development within existing settlements and pursue sustainable development considering factors including location.
8. The Council does, however, have policies relating to conversion of rural buildings into residential uses, which would inevitably relate to buildings in a similar location to the appeal site with poor accessibility. Saved Policy DC8 of the WLP resists the conversion of rural buildings unless one of two criteria are met, relating to attempts to secure suitable business re-use, or that the conversion is a subordinate part of a scheme for business re-use. Furthermore, saved Policy DC6 of the WLP requires priority to be given to small scale commercial uses over residential uses when considering conversions. On the basis of the information before me and in the absence of information of attempts to use the building for business purposes, the development conflicts with saved Policies DC6 and DC8 of the WLP.
9. For the above reasons I conclude that the development would be poorly located in terms of its accessibility to services and facilities, and the appellant has failed to demonstrate this rural building could be used for business purposes in the first instance, contrary to the above mentioned local policies. I note that the Council do not have a 5 year supply of land for housing, and I return to this matter below.

Character and Appearance

10. The wider area is characterised by a gently undulating landscaping comprising a patchwork of open fields bound by trees and hedgerows, interspersed by areas of woodland. The appeal site is part of the wider Combe Manor Farm landholding which includes other sporadic buildings and structures including homes and agricultural buildings of varying character. The former dairy building sits on a south facing slope and is nestled into the hillside with a steep embankment to its northern side. In combination with its low level height and simple design, the building sits unobtrusively in the landscape. The gradient of

the land and the surrounding belts of woodland and mature trees, result in the site having very limited visibility in any far reaching views.

11. During my site visit I observed the existing building to be in relatively good condition and it appeared structurally sound. While the appellant notes repair works are required and although the facing materials to parts of the building would be changed and new openings inserted, I am satisfied that the development could be carried out through conversion of the existing building without requiring re-building. I have no substantive evidence before me to suggest this could not be achieved.
12. New glass doors and windows would be inserted into the building. These would be at the ground floor level and modest in scale with shutters providing some coverage to those in the west elevation which would be the most visually exposed. The proposed glass link would be limited in its scale and tucked between the existing built forms where it would not be visually prominent. Similarly the new flue would be positioned centrally on the building and would be of similar height to the ridgelines. Overall given the low level height of the building and the gradient of the land, the areas of glazing, flue and solar panels would not appear visually prominent in local or far reaching views. In view of the size of the openings I am not convinced that there would be a harmful impact on the inherently dark skies of the AONB and external lighting can be controlled by condition.
13. The development would introduce other domestic features to the site including a parking area, path and patio areas around the building. These would be positioned relatively tightly against the building and would not encroach across a wider area or into areas more sensitive to wider views. As such they would not appear visually intrusive in the landscape. The curtilage of the building would not be excessive and, as there are already boundary treatments around the site, I do not find the division of the land in this way to cause visual harm.
14. The development would see the removal of part of the existing access road which leads down the hill and the replacement of substantial areas of concrete hardstanding with soft landscaping and planting. The area of the access road is one of the most exposed parts of the appeal site in terms of wider visibility and the restoration of the land would be a significant improvement to the site's integration with the surrounding landscape. This is a notable benefit of the proposed development.
15. Overall, the proposed development would not cause harm to the character and appearance of the area, and would both preserve and enhance the special landscape character of the AONB. In this respect the development would comply with saved Policies EN6 and EN27 of the WLP, which together require good design that respects local character. It would also comply with the second part of Policy DC8 of the WLP insofar as it relates to design criteria for conversion of rural buildings. The proposed development would comply with Strategic Planning Objective SPO1 of the WDCSLP which requires development to enhance and manage the distinct landscapes of the district and would generally adhere to the design principles set out in the Wealden Design Guide 2008, and in the Framework.
16. In respect of this issue, I do not find conflict with Policy WCS14 of the WDCSLP which relates to the presumption in favour of development. This matter is discussed below.

Other Matters

17. The change of use of the building and land are unlikely to give rise to significant additional vehicle movements or associated carbon emissions arising from the change in travel patterns. I have not been provided with any evidence to the contrary nor evidence that there is a policy conflict in this regard. While there may be some additional conflict between pedestrians and vehicles on the nearby roads, this is an existing situation and is unlikely to be significantly worsened as a result of the development.
18. I have had regard to the other issues raised by third parties. I note concerns that an earlier planning permission restricted the number of dwellings on the site. I do not have details of that permission, but even if that were the case it would not prevent consideration of subsequent applications for planning permission, which should be assessed on their own merits. Any issues relating to breach of other conditions or the presence of a mobile home, would be matters for the Council.
19. With regard to the PassivHaus standards and the reuse of materials on the site, I am not aware of any planning policy for such requirements and the development is not reliant on these attributes to be acceptable in planning terms. I note that the Council considered matters relating to trees, woodland and biodiversity in their assessment and this was informed by consultee responses. Following my assessment and site visit I agree with their conclusions. I have no evidence to suggest that the development would impact on designated ancient woodland. Despite the proximity of the appeal building to the southern site boundary, given the distance from the nearest property, and the trees which exist between them, I am satisfied that the development would not cause harm to the living conditions of the occupants. Some impacts arising from the construction period may arise, however this would be for a limited period and other legislation exists outside the planning system to assist in these matters.
20. The grade II listed building of Combe Manor exists to the south of the site. Due to the distance of separation between the buildings, combined with the existence of mature trees, the gradient of the land and the low level of the appeal building, I am satisfied that the development proposed would preserve the setting and significance of this heritage asset.

Planning Balance

21. The proposed development would be in a location of poor accessibility and the appellant has not demonstrated that the building could reasonably be used for a business purpose.
22. The Council do not have a 5 year supply of land for housing. As I have found that the application of policies in the Framework do not provide a clear reason for refusing the proposed development, in particular insofar as they relate to the effect of the development on the AONB, the provisions of paragraph 11d)ii) of the Framework should be applied and the most important policies would be out of date.
23. The development would contribute one new dwelling to the Council's housing stock. While this is only a modest contribution to the shortfall, it is nonetheless a benefit of the development. There is also some benefit to the landscape

character of the AONB through reinstatement of soft landscaping on parts of the site. I have found conflict with the development plan in respect of the location and poor accessibility of the new dwelling. However, as this is a single dwelling in an area characterised by other dwellings along Coombe Lane, I afford limited weight to this harm. In reaching this view I am also mindful that the Council have a policy relating to conversion of rural buildings to residential uses.

24. There is also conflict with the development plan through the failure to demonstrate that the building could accommodate a business use. However it has not been demonstrated that there is such a need which would override the identified need for housing. In addition, given the particular characteristics of this site which may be incompatible with commercial uses, including its location and shared access track, I similarly attach little weight to this conflict.
25. I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. The presumption in favour of sustainable development therefore applies and the circumstances of paragraph 11d)ii) weigh in favour of the proposal.

Conditions

26. I have considered the conditions put forward by the Council and their consultees in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
27. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans to provide certainty for the parties. I have imposed a condition to ensure the parking areas are delivered in full in the interests of highway safety and the character of the area. As the appellant has provided a plan showing details of hard and soft landscaping, and submitted details of tree protection measures with the application that were not disputed by the Council, I have amended that condition to require only compliance with the tree protection details. To ensure the protection of those trees, such measures would need to be in place prior to commencement of the development and maintained throughout the construction period.
28. I have conditioned submission of full protection and mitigation measures for ecology and I have removed reference to badgers which the appellant found were not present on the site. The condition should also be pre-commencement to ensure these measures inform early works to the building. For ecological and visual reasons, details of any external lighting and replacement of any soft landscaping which dies, is also conditioned.
29. As the supporting drawings adequately annotate the materials to be used on the external faces of the building, and as the landscaping drawing demonstrates adequate measures for ecological enhancements, it is not necessary to secure additional information in these respects. In light of the above condition securing ecological mitigation, I do not find any additional ecology conditions to be necessary.

30. I have not been provided with evidence as to why specific details of foul and surface water drainage, nor refuse storage are required for this development. Given the scale of the development and the site characteristics, these features could adequately be accommodated on the site to condition further details would not meet the test of necessity.
31. Permitted development rights are already restricted within AONBs and I am not convinced that further restrictions on future additions, boundary treatments or new windows would meet the tests of necessity or reasonableness given the scale of the proposed development and site characteristics.

Conclusion

32. The appeal scheme would, in regard to the first main issue, conflict with the development plan. In this particular case however, and as I have explained, there are circumstances where the approach of the Framework (as a material consideration) has indicated that there be a decision other than in accordance with it. It is for these reasons that, subject to the conditions set out below, the appeal is allowed.

C Shearing

INSPECTOR

Schedule of 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: P01/A, P02/B, P03/A, P04, P05, P06, P11/B, P12/C, P13/A, P14/A, P15/A, P17.
- 3) Prior to the first occupation of the dwelling hereby permitted, the car parking spaces and turning area shown on drawing P12/C, shall be provided in full and shall thereafter be kept available for use as such at all times.
- 4) Prior to commencement of development, tree protection measures shall be installed in full accordance with the details contained in the Arboricultural Report by The Mayhew Consultancy Ltd dated May 2020. Those protection measures shall be maintained in full accordance with those details until all construction works are completed.
- 5) Prior to the commencement of development, a Wildlife Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details as required for the protection of bats, birds, reptiles and great crested newts and details of any required mitigation measures along with a timetable for their implementation. The development shall be carried out in accordance with the approved details and the timescales for implementation.
- 6) Prior to the installation of any external lighting to the site, details shall first be submitted to and approved in writing by the Local Planning Authority.

External lighting shall only be installed and maintained in accordance with the approved details.

- 7) All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in full no later than the first planting season following the first occupation of the dwelling. Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.