



Appeal Decision

Site visit made on 18 January 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2023

Appeal Ref: APP/C1435/W/22/3297981

White Farm, Back Lane, Waldron TN21 0NE

- 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 J King against the decision of Wealden District Council.
 - The application Ref WD/2021/0707/F, dated 17 March 2021, was refused by notice dated 21 March 2022.
 - The development proposed is demolition, minor alterations and change of use of disused and redundant former chicken shed to dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is a suitable location for the proposed development having particular regard to the accessibility of services and facilities;
 - Whether the existing chicken shed is capable of conversion to habitable use without significant rebuilding or modification; and
 - The effect of the proposal on the character and appearance of its immediate setting, including the landscape and scenic beauty of the High Wealds Area of Outstanding Natural Beauty (AONB).

Reasons

Access to Services and Facilities

3. The appeal site is located off Back Lane, a short distance from the village of Cross in Hands, outside defined development boundaries. While there are some services and facilities at Cross in Hands these are relatively limited. The market town of Heathfield, which has a wider range of services and facilities, including schools and supermarkets, is a little further from the site. There are bus services from both Cross in Hands and Heathfield to further afield.
4. The appeal site forms part of a cluster of buildings, including other houses. Therefore, it would not be considered isolated with regards to Paragraph 80 of the National Planning Policy Framework (The Framework). However, while the services and facilities at Cross in Hands and Heathfield are within walking distance, access to these services and facilities by foot and cycle is limited.

5. To access Cross in Hands, pedestrians and cyclists would need to travel along Back Lane, which is a narrow country lane with no pavements or street lighting. Traffic movements and speeds along Back Lane are relatively low, and thus the route would not be unpleasant. Nonetheless, it is unlikely that it would be a preferable route to use on a day-to-day basis, especially during inclement weather or in the dark. This would be the same for the public footpaths in the area, which are unlit, across fields, through woodland and have unmade and uneven walking surfaces. The route to Heathfield would be along New Pond Hill, which has similar characteristics to Back Lane, and which also has relatively low traffic movements and speeds. However, the services and facilities in Heathfield are further away than those in Cross in Hands and the route would involve crossing the A267, which has significantly more traffic movements. Overall, while there are some opportunities for the use of sustainable means of transport, for the reasons above, occupants would not be encouraged to choose them. It is therefore very likely that future occupants of the proposed dwelling would choose to access many services and facilities by private car.
6. The appellant has brought to my attention an appeal decision relating to a site nearby, which is also located on Back Lane. In this case the Inspector found there to be a reasonable degree of accessibility to services and facilities by means other than the private car. However, this site is closer to Cross in Hands than the appeal site, which would increase the likelihood of future occupants choosing to walk or cycle to the village, as well as accessing bus services from there.
7. I recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I also understand that the Wealden District Core Strategy Local Plan (2013) (Core Strategy) identifies that designated development boundaries would need to be breached to accommodate the level of housing required within the district. Nevertheless, for the reasons above, the occupants of the proposed dwelling would be likely to meet most of their day-to-day needs by private car. This limited accessibility weighs against the proposal and would conflict with the aims of policy WCS14 and spatial planning objective SPO7 of the Core Strategy. These seek to promote sustainable development by reducing the need to travel by car and making it easier to travel by more sustainable modes of transport. The proposal would also conflict with policies EN1, GD2 and DC17 of the Wealden Local Plan (1998) (Local Plan), which seek to maintain the existing settlement pattern by resisting development outside the defined development boundaries. Furthermore, it would be contrary to the aims of paragraphs 104 and 105 of the Framework, which seek to promote walking, cycling and public transport and actively manage patterns of growth in support of this.
8. Although the site has limited accessibility, it would not be considered isolated with regards to paragraph 80 of the Framework, and therefore the criteria set out at paragraph 80 are not relevant in this case.

Conversion to Habitable Use

9. I have concluded above that the limited accessibility of the proposal weighs against it. Notwithstanding this, Policy DC8 of the Local Plan permits the conversion of agricultural or other rural buildings in the countryside, outside the development boundaries, to residential use provided certain criteria are

met. This includes the building being of a sound construction and capable of conversion without significant rebuilding, modification, or extension.

10. The proposal is supported by a structural assessment of the existing chicken shed undertaken by Static Consultants (3rd March 2021) and a clarification letter (9th December 2021). The assessment confirms the building to be structurally suitable for conversion to a habitable dwelling.
11. Nevertheless, the conversion would require the replacement of the walls and roof, in addition to the insertion of new windows and doors within altered openings. The clarification letter sets out that replacing non-structural items in a building such as roofing and cladding, as it does not form part of the structure, should not be considered as rebuilding, and should be considered general maintenance. However, I note that the assessment identifies that the wooden external walls would need replacing and that these provide lateral stability to the building, as would decayed sections of the timber columns that support the timber frame. These items would appear to form part of the structure and, given that it is likely that a large amount of the walls would need replacing, on this basis the conversion would involve significant rebuilding. Furthermore, there is also some uncertainty as to whether the footings would adequately support the conversion when taking account of the proposed slate roof, or whether the size and overlap of the tiles, thus the load, would need to be controlled to ensure this. Accordingly, the proposal would conflict with Policy DC8 of the Local Plan.

Character and Appearance

12. The existing chicken shed, despite being derelict and in a state of disrepair, given its simple and rural form and materials, makes a positive contribution to its immediate setting and the qualities of the AONB.
13. Although the proposal would retain the form of the existing building, and I understand that the proposed materials would accord with the advice set out in the High Weald Design Guide, the proposed changes to the type and pattern of fenestration and roof lights, introduction of solar panels, infilling of the eastern opening, and formation of the associated residential curtilage, would result in a more domesticated appearance.
14. Only the front eastern elevation of the proposed dwelling and the proposed parking area would be visible from Back Lane. The area to the front of the existing chicken shed is currently used for parking, thus the introduction of the parking area, which would be set further back and to the side of the building, would have a limited effect. The replacement of the eastern opening with two windows would result in a more domesticated appearance. However, given the modest size of the proposed windows and that the form of the existing building would be retained, any harm arising from this would also be limited.
15. Notwithstanding this, the appeal site is set above the Public Right of Way (PROW) that runs behind it. Given this, the existing chicken shed and paddock to the rear are prominent in views from the PROW, more prominent than the neighbouring houses and their rear gardens, as would be the proposal. In these views the domesticated appearance of the proposed dwelling would also be more noticeable, due to the subdivision of the paddock and urbanising features of the rear garden such as the proposed patio and terrace. Although, like the rear gardens of the neighbouring properties, the proposed dwelling's rear

garden would be mostly laid to lawn, the subdivision of the paddock would erode the existing field pattern. Also, while the proposed hedging would help to soften and screen the more urbanising features of the proposal, it would also diminish the openness that currently exists. Therefore, although the proposal would be similar in many ways to the residential properties that form part of its wider surroundings, it would result in harm to its immediate setting and localised harm to the AONB, albeit this harm would be limited.

16. I note the Parish Council's concerns regarding light spill from the rooflights. However, the proposed dwelling would be located close to other residential properties which would also cause a degree of light spill. The proposed dwelling and any light spill would also be relatively well contained between the adjacent stable buildings and woodland to the west. Given this, the overall impact of the in terms of light spill would be limited.
17. The appellant would be agreeable to imposing conditions requiring the full details of the external materials and soft and hard landscaping proposed to be approved prior to the commencement of the development. However, this would neither fully address nor outweigh the harm I have identified above.
18. For the reasons above, the proposal would result in harm to the immediate setting as well as limited and localised harm to the landscape and scenic beauty of the AONB. It would conflict with Policy EN6 of the Local Plan, which seeks to conserve and enhance the natural beauty and character of the landscape within the AONB. It would be contrary to the aims of paragraphs 174 and 176 of the Framework to contribute to and enhance the natural and local environment, including conserving and enhancing the landscape and scenic beauty of the AONB. It would also be contrary to paragraphs 126 and 130 of the Framework to create beautiful and sustainable buildings and places that are sympathetic to local character, including their landscape setting.
19. Notwithstanding this, it would not conflict with spatial planning objective SPO13 of the Core Strategy or Policy EN27 of the Local Plan. These seek to ensure development of a high quality, which respects the character of adjoining development and promotes local distinctiveness. However, neither specifically refer to the landscape setting or beauty of the AONB, which is where the harm arises in this case. It would also not conflict with spatial planning objective SPO2 of the Core Strategy, which relates to the historic environment and using Wealden's environmental, heritage and cultural assets to encourage sustainable tourism development and support inward investment.

Other Matters

20. The proposal would redevelop a disused building to provide a dwelling, which would contribute towards the district's housing supply, and I acknowledge that the appellant considers this to be the most effective option given the constraints of the site. At the current time the Council is unable to demonstrate a five-year supply of deliverable housing sites. Given this, the provision of any additional housing carries significant weight, albeit the single dwelling in this case would make only a limited contribution to the Council's housing supply.
21. While I appreciate that the proposal has been designed to ensure energy efficiency and includes other climate change mitigation measures, this would not outweigh the harm I have identified, nor would it justify conflict with the

development plan. Moreover, some of these measures would be required under other legislation.

22. The appellant refers to a barn conversion that was permitted in 2020, located not far from the appeal site. In this case, the Officer's Report concluded that no material harm was caused to the character of the locality and the barn conversion would be a justified exception to the Wealden Local Plan which would fulfil the objectives of the NPPF. However, from the evidence before me, the permitted conversion and its immediate setting appear to be quite different from the appeal proposal. The appeal proposal would involve more alterations to both the existing building and site, and it would appear to be more visible from public vantage points than the permitted conversion. In any event, I do not have the full details that led to this proposal being accepted and I must determine the appeal proposal on its own merits.
23. I understand that the appeal site is within 15km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The Officer's Report sets out the Council's assessment of the effect of the proposal on the integrity of these European protected sites and concludes that the proposal would not result in any adverse effects. Nevertheless, given I am dismissing the appeal on the main issues, no pathways to significant likely effects on these European protected sites would arise from my decision.

Planning Balance and Conclusion

24. Overall, I have found that the proposal would have limited accessibility to facilities and services, meaning the occupants of the proposed dwelling would be likely to meet most of their day-to-day needs by private car. While in certain circumstances the development plan permits the conversion of agricultural or other rural buildings in the countryside, outside the development boundaries, the existing chicken shed would not be capable of conversion without significant rebuilding. It would also result in harm to its immediate setting and limited and localised harm to the landscape and scenic beauty of the AONB. Thus, it would conflict with the development plan read as a whole.
25. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. In this case, the proposal would result in harm to the landscape and scenic beauty of the AONB. Although this harm would be limited and localised, paragraph 176 of the Framework states that great weight should be given to conserving and enhancing this beauty. Therefore, in this case, planning permission should be withheld, as the application of policies in the Framework that protect AONBs provide a clear reason for refusing the development proposed.
26. Accordingly, I have found the proposal would conflict with the development plan, read as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR