



Appeal Decision

Site visit made on 19 January 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/C1435/W/22/3302843

**Land at Dragonfly Fields, Jenners Lane, Wartling, Herstmonceux
BN27 1RR**

- 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 M Rham against the decision of Wealden District Council.
 - The application Ref WD/2021/2059/F, dated 3 August 2021, was refused by notice dated 31 March 2022.
 - The development proposed is the conversion of an existing rural building to create a single residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would represent development which would be acceptable in terms of principle, environmental effects and sustainability.

Reasons

3. The appeal site is part of a larger clearing within the designated ancient woodland of Wartling Wood. The building in question is a substantial former stable block with tack-room, hay storage and workshop elements accessed via a rough surfaced driveway running some distance off a narrow rural highway system. There is a public footpath beyond the west of the site and a few very scattered dwellings and structures in the wider locality but both around and on the site it feels isolated. The land around the appeal site as shown to be in the Appellant's ownership has something of a low-key small-holding feel to it with various grazing land, a small variety of livestock and birds, some vegetable and fruit growing, coppice work and equestrian uses.
4. The appeal proposal is as above. The building appeared at my site visit to be presently in use as a hobby room, store, workshop, rest area, toileting and multi-use area mainly, but not exclusively, related to the work on the surrounding land.

Principle

5. The site lies well beyond any defined settlement boundary in the development plan; it is in the rural area / countryside. Saved Policies GD2, EN8 and DC17 of the Wealden Local Plan 1998 (LP) and Policy SP03 of the Wealden Core Strategy Local Plan 2013 (CS) are relevant. Taken together and amongst other matters the policies restrict development within the countryside to protect character, amenity and prevent undue demands on services. Additionally, LP Saved Policy DC8 indicates that in the countryside conversion to residential use will not be permitted unless reasonable attempts to secure suitable business re-use of an agricultural/rural building have been made.
6. In terms of location of development, the thrust of the National Planning Policy Framework (the Framework) is that schemes should aim to enhance or maintain the vitality of rural settlements. The development of isolated homes in the countryside should be avoided unless criteria are met which include the re-use redundant or disused buildings where there would be enhancement of its immediate setting.
7. No case is proved that that the appeal scheme is essential here, for example, in terms of agriculture or forestry need. This is a building which is not only beyond any settlement boundary but is rural and, indeed, isolated, and has not been put forward for business use. Furthermore it is neither totally redundant nor disused, and would undoubtedly if converted to a dwelling lead to visually negative changes to the building and domestication of its surrounds. I would therefore conclude that there would be no compliance whatsoever with the policies cited in paragraph 5 above or the aims and requirements of the Framework cited in paragraph 6. The scheme would run contrary to planning principles in this regard.

Environmental effects

8. In terms of environmental effects, I touch on this in the paragraph above with the unfortunate and inevitable domestic influences and paraphernalia which would arise. Even with a fairly subtle conversion the relatively visually at-ease stables would become more bungaloid in appearance and have garden accoutrements. I deem that the overall changes would be unacceptable. I conclude that there would be a direct breach of LP Saved Policy EN8 which seeks to protect countryside character.
9. Where I do agree with the Appellant is that I feel the Council has been over-zealous in its criticism of the effects of the appeal scheme on the qualities of the ancient woodland. Given the possible use of appropriate planning conditions, adherence to agreed arboricultural and ecological regimes, and bearing in mind the scale of the proposal I would deem that biodiversity and woodland heritage would be protected in accord with CS Policies SP01, SP02 and WCS12.
10. I do not doubt the good intents of the Appellant and his wish to live 'off-grid'. However, it is important to underline that the development would run with the land not the individual and the residential change called for is not necessarily a pre-requisite for works to be undertaken to protect the ancient

woodland or indeed any safeguarding or enhancement of local ecology and biodiversity.

Sustainability

11. The principal parties agree that this District does not have a five-year housing supply. There is a presumption in favour of sustainable development within the Framework. Using that document's content, I should assess whether the appeal scheme falls within the sustainable development category, which embodies economic, social and environmental objectives. I have carefully considered the Appellant's and the Council's case on the matter of sustainable development.
12. From my perspective I see some very limited short-term economic gain from conversion works, potentially to the Appellant through sales, and possibly a little economic benefit to the nearest relevant facilities. The property would provide the social benefit of another household in the locality and of a further home to meet the shortfall in the District albeit numerically any gain would be minimal and there is no evidence that beyond the Appellant this unusual and isolated property would meet local needs. On the environmental front I am in no doubt on the erosion of the character of the countryside. Additionally, the dwelling would not accord with national and local planning policy aims to achieve sustainable patterns of growth. Finally given limited public transport and other options residents here would rely almost solely on travel by private car with the environmental implications that entails.
13. Having carefully considered all matters I conclude that the scheme would not represent sustainable development in accord with a key purpose of the planning system and the central thrust of the Framework. The adverse impacts on the environmental front would significantly and demonstrably outweigh the economic, social and other benefits including the very modest contribution which would be made to housing land supply. There would be conflict with the Framework and CS Policy WCS14 which has its focus on securing sustainable development.

Other matters

14. I am aware of the planning history of the site but in contrast to the Appellant I do not see the passage of time, or the limited changes in the planning policy position, as justifiable reasons for allowing a scheme which in similar guise has previously been refused by the Council (ref WD/2014/1618/F) and at appeal (ref APP/C1435/W/14/3001537).
15. I recognise the cases which are put in favour of the scheme and I have also reviewed the appeal decision ref APP/C1435/W/20/3249689 which has been copied for my benefit. However there are significant physical and policy context variations amongst other planning considerations and I do not find any direct comparison or grounds for a precedent-type argument. In any event I must assess the case before me on its own merits.
16. I also note that the appeal building was originally approved under WD/1999/1322/F which sought proposed stabling and hay store. The

planning permission for the existing stable was conditional upon it being dismantled, and the area restored, if it were no longer used for its intended purpose. To my mind that detracts rather than assists the case for residential conversion.

17.I should also add that I am not persuaded that there would be a meaningful reduction in vehicle journeys to the site if residential use were to take place; there might just be less animal feed runs but I suspect this could be more than counter-balanced by coming and going to a dwelling.

18.I have carefully considered all points raised by the Appellant and these matters do not outweigh the concerns which I have in relation to the three prongs of the main issue identified above.

Overall conclusion

19.For the reasons given above I conclude that the appeal proposal would represent unacceptable development in terms of its principle, environmental effects and sustainability. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR