



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/22/3303652

Kittyhawk Farm, Darp Lane, Ripe, BN8 6BB

- 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 Kittyhawk Estates against the decision of Wealden District Council.
 - The application Ref WD/2021/1830/F, dated 8 July 2021, was refused by notice dated 8 June 2022.
 - The development proposed is the retention of dwelling in contrast to the demolition required by condition 6 of permission WD/2017/1084/F, and use of the dwelling as class E (g)(i) offices and managers' security flat.
-

Decision

1. The appeal is allowed and planning permission is granted for the retention of dwelling in contrast to the demolition required by condition 6 of permission WD/2017/1084/F, and use of the dwelling as class E (g)(i) offices and managers' security flat at Kittyhawk Farm, Darp Lane, Ripe, BN8 6BB in accordance with the terms of the application, Ref WD/2021/1830/F, dated 8 July 2021, subject to the conditions on the attached schedule.

Preliminary Matter

2. The description of the development proposed is clear from the above. For consistency I shall deal with this scheme as it has been submitted and determined. This is primarily based on the planned change of use of an existing building rather than an appeal against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted. By way of background, the planning permission ref WD/2017/1084/F provided for a replacement dwelling which is now complete and condition 6 of that consent required removal of the appeal premises. The demolition has not taken place and the proposal for re-use of the presently retained building forms the appeal scheme.

Main Issue

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

Reasons

4. The appeal property is a two-storey house and garden located at Kitty Hawk Farm. Kitty Hawk Farm is to the south-west of Darp Lane and access is along a private track approximately 600m long. A new dwelling has been constructed on land immediately to the south of the old two-storey house. The access track runs past the appeal property whilst the new home is set some way back. The surrounding area is generally flat and fairly open countryside with the South Downs visible as part of the landscape in the distance albeit with buildings and vegetation between the appeal property and that outlook. Paddocks to the north of the existing dwelling have been developed for a large-scale solar farm. There is an aircraft hangar to the west of the existing house and there are two landing strips for small aircraft.
5. The appeal scheme is effectively for a staff flat at first floor and offices and facilities on the ground floor of the older dwelling.

Principle

6. The site lies well beyond any defined settlement boundary in the development plan; it is in the rural area / countryside. Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 (LP) are relevant. Both these policies seek to focus development within settlements unless there are specific circumstances which accord with other LP policies that would prevail.
7. In terms of location of development, the thrust of the National Planning Policy Framework (the Framework) is that non-urban schemes should aim to enhance or maintain the vitality of rural settlements. However, the Framework does acknowledge that beyond this there will be circumstances where a rural worker has to be accommodated in the countryside and decisions should be taken accordingly. The Framework also provides and calls for rural business investment to be encouraged for the benefits of the local economy through growth and expansion and delivering suitable leisure opportunities.
8. From my visit I could see that there had been appreciable investment over recent years in the airfield's facilities and the value of stored aircraft, machinery and technology is very significant. I have no reason to doubt that there have been operational changes since the 2017 appeal building demolition requirement. From what I have seen and read I would accept the Appellant's arguments on the benefits of increased on-site security relating to the access road, buildings and airside activity and provision of good operational offices and controls. I do agree that there would be a lack of suitability of the newer dwelling to provide properly for this. Policies EN27 and DC2 of the Wealden Core Strategy Local Plan 2013 (CS) taken together refer to suitable design and layout arrangements along with

regard for crime prevention measures and provision for schemes exceptionally needed for rural enterprises. By reason of general compliance with these latter two policies I conclude that the scheme would accord with LP Saved Policies GD2 and DC17. It would also align with the relevant thrust of the Framework. As a matter of principle, I would deem the appeal scheme to be acceptable in the broadest sense.

Sustainability and environmental effects

9. Using the Framework'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.
10. From my perspective I see economic gain from the assistance the scheme which would provide for the commercial enterprises on the site and employment thereon. The airfield, equine and farming enterprises all require a countryside location and I would see the scheme as providing suitable support services to those. Whilst in most circumstances there would be a locational presumption against the appeal scheme's uses, in this instance there is logic in on-site concentration and in all likelihood there could be less call for car journeys. This would accord with the aims of CS Policy SP07.
11. The staff flat 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 on this front would be minimal.
12. From the environmental aspect there could be argued to be some small impact on the character of the countryside if one compared a cleared site to retention of the building. However, I am satisfied that given the landscape and built surrounds and the nature of property with its rural appearance that any relative erosion of the visual qualities of the countryside would be very minimal and outweighed by the proposal's positive attributes. I conclude that the scheme would not conflict with LP Saved Policy EN8 which is concerned with protection of countryside character.
13. Having carefully considered all matters I conclude that the scheme would represent sustainable development in accord with a key purpose of the planning system and the central aim of the Framework. It would be a sustainable pattern of development. There would be no conflict with the Framework as well as CS Policy WCS14 and LP Saved Policy EN1 which have their focus on securing sustainable development.
14. I should add that the Council refers to breach of CS Policy SP01. However, looking at two key threads of this policy, to my mind there would be no adverse implications for biodiversity stemming from this scheme and there would be assistance with the rural economy.

Conditions

15. The Council puts forward a number of suggested conditions. The standard commencement period should apply. A condition that works are to be carried out in accordance with listed, approved, plans would be necessary to provide certainty. Conditions should be applied relating to uses and disposition within the building and the nature of the residential and controlling business occupants. This is to accord with the justifying exceptional terms of the application and prevent inappropriate non-related habitation and uses which could have detrimental effects in environmental, social or economic terms and be contrary to prevailing planning policies. I would also agree with the Council that 'permitted development' rights ought to be removed appropriately in the interests of amenity and proportionality. This is an unusual site arrangement and relationship between buildings and occupiers such that exceptional controlling circumstances should apply not least to protect local character.

Other matters

16. Having regard to paragraph 2 above and given all of the foregoing it is implicit that there should be no enforcement action in relation to non-compliance with condition 6 of permission WD/2017/1084/F.

Overall conclusion

17. For the reasons given above I conclude that the appeal proposal would be acceptable development in terms of its principle, sustainability and environmental effects. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (6)

1. The development to which this permission relates shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Nos 01 & 04.
3. The residential use of the building shall only be on the first floor of the building as annotated on Drawing Number 04, and the office areas shall only be on the ground floor as shown on Drawing Number 04.
4. The occupation of the residential accommodation on the first floor of the building shall be limited to a person (and to any resident dependants) solely or mainly working, at Kittyhawk Farm (the land edged blue as shown on Drawing Number 01) for the aircraft business undertaken at the landholding.
5. The office buildings floor area shall only be used for commercial purposes and ancillary to uses undertaken at the wider landholding of Kittyhawk Farm as edged blue on Drawing Number 01, and notwithstanding the

provisions of Part 3 of Schedule Two to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the office shall not change to another use except through a permission granted by the local planning authority.

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A, B, C and E inclusive of that Order, shall be erected or undertaken on the site.