



Appeal Decision

Site visit made on 22 May 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2023

Appeal Ref: APP/U1430/W/22/3297787

Haselden Farm, Battle Road, Dallington, East Sussex TN21 9LG

- 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 and Mrs Richard and Dianne Mower against the decision of Rother District Council.
 - The application Ref RR/2021/2992/P, dated 13 January 2022, was refused by notice dated 11 March 2022.
 - The development is for the change of use of stables to residential annexe, and sewage treatment plant.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of stables to residential annexe, and installation of sewage treatment plant at Haselden Farm, Battle Road, Dallington, East Sussex TN21 9LG in accordance with the terms of the application, Ref RR/2021/2992/P, dated 13 January 2022, and the plans submitted with it, subject to the following condition:
 - 1) The annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as Haselden Farm, Battle Road, Dallington, East Sussex TN21 9LG.

Applications for costs

2. An application for costs has been submitted by the appellants against Rother District Council and this is the subject of a separate decision.

Procedural Matters

3. Planning permission is sought to use the building as annexe accommodation to the main dwellinghouse and the annexe is occupied. I have therefore determined the appeal on this basis. I have removed "retrospective" from the description of development as this is not an act of development under s55 of The Town and Country Planning Act 1990.

Main Issue

4. The main issue is whether the annexe provides adequate living conditions for occupiers, with particular regard to interior space and outdoor amenity space.

Reasons

5. The occupiers of the annexe would share the living space within the main dwelling, including its generous garden space. The needs of the annexe's occupiers would therefore be largely met within the main dwelling. As such, I

find no conflict with the objectives in Policy OSS4(i) of the Rother Local Plan Core Strategy (Adopted September 2014), which seek to ensure, amongst others, that all development meets the needs of its occupiers.

6. The annexe has one bedroom and is of a size that meets its intended purpose as ancillary accommodation to the main dwellinghouse. It is therefore consistent with the guidance in paragraph 4.105 of Policy DHG10 of the Rother District Council Development and Site Allocations Local Plan (Adopted December 2019) (LP).
7. The annexe contains the necessary facilities for occupation as an independent dwellinghouse. If this was to happen there would be conflict with the interior and exterior space standards in Policies DHG3 and DHG7 of the LP. The description of development and form of application mean that, if I were to allow the appeal, occupation as an independent dwelling would be a material change of use. In addition, the imposition of a suitably worded planning condition would ensure that occupation of the annexe building remains ancillary to the main dwellinghouse. This condition would accord with Policy DHG10 of the LP.

Other Matters

8. The Grade II listed Haselden Farm is a 17th and 18th century timber framed dwelling, with tarred weather boarding to the walls and a rear wing faced in red brick under a tiled roof. Its heritage interest (significance) is derived primarily from its architectural qualities, including gabled roof arrangement, traditional casement windows and its materials.
9. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, requires that I have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
10. The annexe is consistent with the residential use of the property. The alterations to the building to facilitate the annexe use have primarily involved the insertion of a new window in the wall that faces away from the listed building. The alterations have not materially changed the appearance of the building and they have a neutral effect on the setting of the Grade II listed Haselden House, thus preserving its special architectural or historic interest.

Conditions

11. I have considered the Council's suggested conditions in accordance with the tests set out in the National Planning Practice Guidance and Paragraph 56 of the National Planning Policy Framework (2021). Where necessary I have amended the wording of the suggested condition to ensure compliance with the tests.
12. For the reasons given above, I have imposed a condition restricting occupancy of the building. For precision, the wording used reflects the model condition in Circular 11/95, as referred to by the appellants. I have also omitted the Council's suggested wording of "...and shall not be used as a dwellinghouse" as this unnecessarily duplicates the first part of the condition.
13. The justification for restricting national permitted development rights within several classes of the Town and Country Planning (General Permitted

Development) (England) Order 2015, is expressed in broad terms and does not amount to the clear justification needed. It also refers to retaining external amenity space for the building's occupiers. However, it is not necessary for the annexe to have its own garden as the occupiers would share the garden of the main dwelling.

14. The occupiers of the annexe would share the living accommodation and facilities in the main dwelling. Therefore, I am not satisfied that imposing a limitation on water usage in the annexe would be necessary or reasonable. Furthermore, it is likely that the annexe shares the water meter with the main dwelling and it is unclear whether it would be possible to detect a breach of such a condition in these circumstances. As such, the condition would not meet the test of enforceability.

Conclusion

15. For the reasons given and taking into account all matters raised, I conclude that the appeal should be allowed.

G Sylvester

INSPECTOR