



Appeal Decision

Site visit made on 15 September 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/U1430/W/22/3313220

Bryants Farm, Wards Lane, Ticehurst, East Sussex TN5 6HP

- 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 Ms Latchford against the decision of Rother District Council.
 - The application Ref RR/2022/2351/P, dated 22 September 2022, was refused by notice dated 29 November 2022.
 - The development proposed is conversion of barn to residential use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is suitably located for residential development, with regard to its accessibility to services and facilities;
 - The effects of the proposal on the character and appearance of the area including the High Weald Area of Outstanding Natural Beauty (AONB);
 - Whether the proposal would provide suitable facilities for future occupants with regard to outdoor space and parking; and
 - The effects on highway safety.

Reasons

Suitability of Location

3. The appeal site is located outside any settlement boundary, and is in the countryside for the purposes of local plan policies. Its location is distinctly rural and its connections to the nearest settlements, including services and facilities, are via long and often narrow tracks with no footway or lighting. As a consequence these routes would be unattractive to walkers and cyclists on a regular basis, and future occupants would be likely to use private vehicles.
4. Policies DIM2 of the Rother Development and Site Allocations Local Plan 2019 (the LP) and OSS2 of the Rother Local Plan: Core Strategy 2014 (the CS) seek to focus new development within existing settlement boundaries. Policy DIM2 states that in the countryside, development shall normally be limited to that which accords with specific local plan policies or that for which a countryside location is demonstrated to be necessary. Policy RA3(iii) of the CS provides criteria where the creation of new dwellings in the countryside would be

allowed. None of these have been shown to be applicable to this appeal scheme. As such, the proposal would conflict with this basket of policies and the proposal would be at odds with the Council's strategy for the location of housing.

5. It is alleged that the Council's approach is out of date and not entirely consistent with the National Planning Policy Framework (the Framework). However, paragraph 79 states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As set out, the appeal site is in a remote location, a significant distance from, and with poor connectivity to, the nearest community or facilities. As such, I cannot be satisfied that the proposal would enhance or maintain the vitality of any rural community.
6. While the site is in a remote and rural location, I do not consider the site to be 'isolated' for the purposes of paragraph 80 of the Framework, given the presence of other rural homes in the surrounding area. Even if I were to find paragraph 80 to be relevant to the appeal, I do not find that the building is redundant or disused, given its use for domestic storage and garaging as described, nor that it would enhance its immediate setting, given the findings below.
7. For the reasons given, the proposal would not be in a suitable location for new housing. The proposal would conflict with policies OSS2, OSS3 and RA3 of the CS which together relate to the location of development, and Policy TR3 of the CS which states that new development should minimise the need to travel and support good access to employment, services and communities facilities. There would also be conflict with the objectives of the Framework relating to rural housing, as set out above.

Character and Appearance

8. The appeal site lies in a tranquil location close to the edge of Bewl Water, which is surrounded predominantly by areas of woodland and open fields beyond, with occasional buildings peppered around its edges. The gently undulating landscape which lowers to the lake, together with the verdant character of the area and the traditional built forms contribute positively to the overall character and appearance of the area and the landscape character of this part of the High Weald AONB.
9. The appeal site and nearby Bryant's Farmhouse are heavily enclosed by woodland except for the long straight track which extends away from the lake to the south west. The existing barn is of typical utilitarian and agricultural character, comprising an asymmetrical shape with low eaves level to the front and corrugated metal cladding to its roof and elevations. While it is not of any architectural merit, it nonetheless sits quietly in the landscape and appears typical of a rural setting.
10. By contrast, the proposal would give the building a residential character by reason of its significant extent of new glazing across the ground and first floor levels, introduction of brickwork and a flue to its front roofslope. There is little evidence regarding the visibility of the proposal from surrounding viewpoints and the significant glazing of the rear elevation is likely to be heavily screened by the surrounding woodland, particularly in summer months. However, the side elevations may be visible from wider view points, including from the lake

and nearby public footpaths, particularly when there is less foliage on the trees. In those views the proposal would appear visually prominent and in stark contrast to its rural setting, having an urbanising effect on the natural landscape.

11. As the site boundaries enclose the building fairly tightly, I do not consider that low level residential paraphernalia around the building would cause visual harm.
12. For these reasons, the proposal would have an unacceptable effect on the character and appearance of the area, and would neither conserve nor enhance the landscape character of the AONB. It would conflict with policies EN1, EN3 and OSS4 of the CS and DEN1 and DEN2 of the LP insofar as they relate to landscape protection and require high design quality that contributes positively to the character of the site and surroundings. In respect of this main issue, there would also be conflict with the Framework where it states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

Standard of Accommodation

13. The supporting plans do not specifically annotate outdoor amenity space or parking areas for the proposed dwelling. However, there would remain ample space within the red line boundary for these features to be provided, including open grassland to the eastern side of the building. The existing hard surfacing to the front of the building is limited in its width and it is not clear whether two vehicles could be accommodated here. However, the extent of hard surfacing could reasonably be altered if required and appropriate car parking could be secured by condition if the appeal scheme were otherwise acceptable. There would also be space for other paraphernalia, such as refuse storage, to be accommodated close to the building.
14. For these reasons, the proposal would provide appropriate outdoor space and parking areas to meet the needs of future occupants. Insofar as this main issue is concerned, the proposal would be compliant with policy OSS4 of the CS where it requires development to meet the needs of its future occupiers, and the objectives of the Framework relating to amenity of future users.

Highway Safety

15. As set out above, given the depth of the space to the front of the building, I am satisfied that parking could reasonably be provided in some configuration. This would, however, be unlikely to be capable of accommodating any turning area, resulting in the need for vehicles to reverse onto the track.
16. Despite this, the level of vehicle movements from the proposal would be low. The track at this point serves only one other property and it has good visibility in both directions. For these reasons the need for reversing onto the track would not cause unacceptable harm to highway safety. The proposal would comply with Policy TR4 of the CS which relates to car parking provision.

Other Matters

17. The appeal site is close to the grade II listed building of Bryant's Farmhouse to the north east. Its setting is derived in part from its rural setting and clusters

of outbuildings set around it. As such the appeal site forms a part of its setting. Notwithstanding the findings above in respect of the visual effects of the proposal, the development would maintain the same scale and distance of separation from the listed building, and would preserve its setting.

Planning Balance

18. The Council accept that it cannot demonstrate a 5 year land supply for housing. Paragraph 11d) of the Framework therefore applies to the appeal. For the reasons given, the application of policies in the Framework that protect AONBs provide a clear reason for refusing the proposed development. As such, the proposal does not benefit from the presumption in favour of sustainable development. This consideration also aligns with Policy PC1 of the CS, which similarly relates to the presumption in favour of sustainable development.
19. The benefit of delivering additional housing nonetheless attracts weight in favour of the development, given the Council's under supply of housing land. There would also be some economic benefit arising from the construction process and ongoing expenditure by new residents. As the building is in use and appears to be maintained in a reasonable condition, I ascribe little weight to the benefit of securing a long term use for housing. Overall, while there may be some benefits, given the scale of the development, these would not outweigh the harms I have found relating to the location of the development and to the landscape character.

Conclusion

20. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR