



Appeal Decision

Site visit made on 13 September 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 14th November 2023

Appeal Ref: APP/C1435/W/23/3314311

**North Down Christmas Tree Plantation, Mayfield Road, Five Ashes
TN20 6JG**

- 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 Kidger (Sussex Trees) against the decision of Wealden District Council.
 - The application Ref WD/2022/0123/F, dated 14 January 2022, was refused by notice dated 8 July 2022.
 - The development proposed is conversion of redundant barn to a single residential dwelling together with associated provision of residential curtilage, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB),
 - whether the building is suitable for a residential conversion, and
 - whether the appeal site is an appropriate location for a residential use, with regard to the development strategy and accessibility of facilities and services.

Reasons

Character and appearance

3. The appeal site is located within the High Weald AONB, an area designated for its landscape and scenic beauty. The surrounding area is characterised by the undulating and verdant landscape, interspersed by scattered agricultural buildings and individual properties.
4. The appeal site is located within a corner of a parcel of land which is used to grow Christmas trees. It is prominent in wider views as it is located close to the ridge of the hill, near to the busy A267, and there is little screening from surrounding development and vegetation. The site includes a large amount of hardstanding surrounding a storage barn which has been used to sell trees. This structure is modern and utilitarian in appearance. The existing building, whilst utilitarian in appearance, is in keeping with the character of the AONB as it is used by a rural business and is reflective of other structures in the area.

5. The proposal seeks the conversion of the storage building to a four bedroom dwelling. The external envelope of the building would largely be retained, but openings would be formed to create additional access points and to insert windows. The amount of hardstanding would be reduced, and the proposed development would be enclosed by the planting of a hedgerow formed of native species, with native trees further beyond.
6. Whilst the extent of glazing may have reduced from previous iterations of the proposed development and would be non-reflective, the appeal proposal would still include a significant amount of glazing, in particular within the eastern elevation. This would materially alter the functional character of the building giving it a more domestic appearance. This harm would not be overcome by the use of a simple palette of materials. The change of use to a residential dwelling would also lead to the introduction of residential activity and domestic paraphernalia on the site. This would be out of keeping with the site's rural character, even given the garden's modest size and additional planting.
7. The High Weald AONB has some of the darkest skies in the south east, the appeal site is in one of the darkest areas of the AONB. The existing barn includes some external lighting, but these lights are downward facing and modest in size. Also, given the barn is vacant they are unlikely to be used for prolonged periods of time, if at all. Therefore, the existing development preserves the dark night sky. Whilst the proposed development could include measures such as downward facing fully shielded bulkhead lights and internal low level LED lighting, it would lead to increased light spill from the appeal site through increased activity, including into the evening and early in the morning. This effect would be amplified by the amount of proposed glazing. This would have a harmful effect on the dark skies experienced within the AONB.
8. The presence of non-native trees and a large amount of hardstanding limits the site's contribution to the landscape and scenic beauty of the AONB. However, reducing the hardstanding and introducing native species as an alternative is not justification for permitting a conversion which I have found to be harmful for other reasons.
9. Whilst there may be benefits in reducing the growth of Christmas trees, there is no substantive evidence that this would only occur in the event the appeal was allowed.
10. I conclude that the proposed development would have a significantly harmful effect on the character and appearance of the High Weald AONB. It would therefore be contrary to spatial planning objectives SPO1 and SPO13 of the Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan (CS), February 2013, saved policies EN1, EN6, EN14 and EN27 of the Wealden Local Plan (LP), December 1998 and the provisions of the National Planning Policy Framework (the Framework).
11. The objectives and policies seek, amongst other things, to preserve the district's landscapes, especially the AONB, and promote local distinctiveness through good design. The Framework also indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB.

Residential conversion

12. LP policy DC6 identifies that the Council will give priority to small scale commercial uses, when considering proposals for conversions of rural buildings. Furthermore, LP policy DC8 specifies that proposals for the conversion of rural buildings in the countryside to a residential use will not be permitted unless the applicant has made every reasonable attempt to secure suitable business re-use and the application is supported by a statement; or the residential conversion is a subordinate part of a scheme for business re-use. Proposals must also conform with the criteria set out within the policy.
13. There is no evidence before me to demonstrate attempts to secure a suitable business re-use of the site has occurred or that the residential conversion is a subordinate part of a scheme for business re-use. The criteria specifies that the building to be converted shall be of sound construction and capable of conversion without significant rebuilding or extension. The Structural Engineering Report¹ explains works required for a conversion, include new strip foundations, replacement roof system, wall construction and floor slab arrangement. Given the extent of the works and the modest scale of development, I consider it would constitute significant modification. The criteria also identifies that the proposed alterations should not harm its appearance as a rural building or its setting. As set out above, the alterations would have a detrimental effect on the buildings appearance and detract from its setting.
14. The criteria also require the proposal to not create an unacceptable impact on the local road network. There is no substantive evidence before me that the proposed change of use would reduce the number of vehicular journeys generated over the year, especially considering it is currently vacant. Regardless, the proposed use would only generate a modest number of vehicular journeys and there is no evidence of issues with the local road network. Therefore, I consider it would not have an unacceptable impact on the local road network. Nevertheless, for the reasons given above, the proposal would not conform with LP policy DC8, when considered as a whole.
15. Paragraph 80 of the Framework, which is less restrictive than Policy DC8, sets out that planning decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting, amongst other exceptions. For the reasons given above, the proposal would not comply with paragraph 80.
16. The building is not suitable for a residential conversion and is therefore contrary to LP policies DC6 and DC8, as well as the provisions of the Framework.

Appropriate location

17. The appeal site is outside of the development boundary and is not located within an undefined settlement, as described within CS policy WCS6. Saved LP policies GD2 and DC17 specify that residential development outside of the development boundary will not be permitted unless it is in accordance with other policies of the development plan. Nonetheless, the supporting text for LP policy GD2 specifies that certain forms of development may be allowed including new housing where it is provided for through specific policies in the

¹ Structural Engineering Report, Paul Grinyer Associates Ltd, June 2020, Ref. 20046 Rev. A

LP. Although LP policy DC8 supports the conversion of rural buildings to dwellings, I have already concluded that the proposal fails to comply with this policy's requirements.

18. The appeal site is located a significant distance from the nearest settlement, Five Ashes, which has very few services and would not be able to support residents' everyday needs. For example, future occupants would need to travel further to other settlements, such as Heathfield, Uckfield and Crowborough, to access a supermarket, secondary education and medical facilities. There is a bus stop close to the entrance of the site, but it offers very limited services to surrounding settlements and therefore would not be an appealing alternative to the use of a private motor vehicle. Although much of the A267 is subject to the national speed limit, near the appeal site it reduces to 40mph. However, there is no footpath outside the site and very few nearby. Walking or cycling these roads would not be a pleasant experience in daylight during the summer. In the dark or inclement weather, at best it would be uncomfortable, at worst it would be unsafe. Future residents would be heavily reliant on the use of private motor vehicles.
19. The appeal site is not in an appropriate location for the proposed development, having regard to the development strategy and accessibility of facilities and services. It would be contrary to CS policy WCS6, LP policies GD2 and DC17 and spatial planning objective SPO7 of the CS, which seeks to encourage the reduced need to travel by car.

Other Matters

20. The parties agree that there would be no adverse effect on the setting of the nearby Grade II listed building, Croust House. Based on the evidence before me and my observations on site, I have no reason to come to a different view.
21. The Council also referred to CS policy WCS12 in its decision notice. CS policy WCS12 concerns biodiversity targets and avoidance of adverse effects on the Ashdown Forest SPA and SAC and is therefore not directly relevant to my assessment of the appeal scheme.
22. The conduct of the Council during the determination of the planning application is not a matter which would alter my assessment of the overall acceptability of the appeal scheme.

Planning Balance

23. The LP dates from 1998 and the CS dates from 2013 but the weight to be attached to these documents does not hinge on its age. However, paragraph 219 of the Framework advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the latest iteration of the Framework. Rather, due weight should be given to them, according to their degree of consistency with the Framework.
24. The Framework gives great weight to conserving and enhancing the landscape and scenic beauty of the AONB. It only supports the creation of isolated rural dwellings in specific circumstances, which do not apply in this instance. The Framework also expects development to prioritise pedestrian and cycle movements as well as promoting public transport options. Therefore, the conflict between the proposal and LP policies EN1, EN6, EN14, EN27, GD2, DC8

and DC17 and CS policy WCS6 and spatial planning objectives SPO1, SPO7 and SPO13 should be given significant weight in this appeal.

25. As there are no policies in the LP or the CS which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be conflict with the development plan as a whole.
26. The Council can only demonstrate 3.92 years supply of deliverable housing land. However, the harm to the High Weald AONB provides a clear reason for refusing the development. There is therefore no need to refer to the test in paragraph 11 d) ii) of the Framework. The presumption in favour of sustainable development does not apply.
27. Given the shortage of housing supply, the provision of a new dwelling would be a benefit. However, its location in the countryside would not only harm the High Weald AONB but would also be contrary to the strategic locational objectives of the LP and CS and would fail to comply with the LP's approach to the conversion of rural buildings. The limited benefits of the proposal would not outweigh these collective harms.

Conclusion

28. The proposal conflicts with the development plan and there are no other considerations, including the shortfall in housing supply, which indicate that the appeal should be determined other than in accordance with the development plan.
29. Therefore, for this reason I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR