



Appeal Decision

Site visit made on 7 November 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2024

Appeal Ref: APP/P1425/W/22/3305345

**Oak Farm, Town Littleworth Road, Cooksbridge, Lewes, East Sussex
BN8 4TH**

- 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 Christopher Thompson against the decision of Lewes District Council.
 - The application Ref LW/22/0194, dated 4 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is the conversion of an agricultural barn to a holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A description of development has not been included as part of the application form. I have therefore used the description provided on the appeal form.
3. The Council has been unable to provide information with regards to whether Policy CT1 of the Lewes District Local Plan, 2003 is still extant. However, page 125 of the Lewes District Local Plan Part 2, February 2020 (LDLP2) clearly sets out that Policy CT1 has been superseded by the policies within that document. As such, I afford it no weight in making my decision. The policies that are most relevant to this appeal are therefore those remaining policies that appear on the decision notice.
4. Furthermore, the decision notice also refers to LDLP2 Policies DM1, DM10 and DM25 as 'emerging'. This is clearly a typographical error given that the document was adopted in February 2020. As such, these policies are afforded full weight in my decision.

Main Issues

5. Based on the Council's decision notice and officer report, the main issues are: (i) whether the existing building is suitable for conversion, taking account of the Council's adopted spatial strategy; (ii) whether the proposed development makes suitable provision for car parking; (iii) the effect of the proposed development on protected species; and (iv) the effect of the proposed development on the character of the surrounding countryside, with particular regard to noise and disturbance.

Reasons

Suitability of the Building for Conversion

6. The appeal site is located outside of any settlement boundaries, and as such it is considered to be part of the open countryside for planning purposes.
7. In these circumstances, LDLP2 Policy DM1 identifies that new development will only be permitted where it is consistent with a specific development plan policy, or where the need for a countryside location can be demonstrated. In this instance, the proposed development would involve the conversion of an existing agricultural barn to a holiday let. LDLP2 Policy DM10 sets out that proposals for small scale employment development, including tourist facilities, will be permitted outside of identified boundaries where it involves the conversion or re-use of an existing agricultural or other rural building. The policy then goes on to state that a building to be converted must be structurally sound and capable of conversion without the need for significant reconstruction, modification, or extension, and that this will normally be demonstrated through a structural survey.
8. It is apparent that a structural survey has not been submitted by the appellant as part of the application. During my site visit, I observed that the existing building appeared to be in reasonable condition. However, without a structural survey conducted by a suitably qualified professional, I cannot be certain that there would not be a need for significant reconstruction work as part of the proposed development.
9. The appellant has noted that the existing barn could be converted to residential use under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The appellant has set out that the building was previously in horticultural use and is therefore an agricultural barn. There is no substantive evidence before me that would lead me to disagree with this position. However, Class Q(b) of the GPDO only permits building operations that are reasonably necessary to convert the building for that purpose. Therefore, a structural survey would still be required as part of any proposal to convert the barn under Class Q of the GPDO in order to ascertain whether the development would constitute a conversion rather than being more akin to a partial rebuild. As such, this fallback position carries little weight in my consideration of this appeal.
10. Given the absence of this evidence, I cannot conclude that the existing building is suitable for conversion, taking account of the Council's adopted spatial strategy. The proposal would therefore conflict with the relevant aspects of LDLP2 Policies DM1 and DM10 which only allow the conversion of barns in countryside locations where it has been demonstrated that they are structurally sound.

Car Parking Provision

11. As noted within the Council's officer report, the appellant's application form does not identify the number of car parking spaces that would be provided as part of the development, and no parking provision is shown on the approved plans. It is therefore unclear whether sufficient parking provision would be made, or how the layout of the parking arrangements would impact on the

character and appearance of the surroundings. In particular, in the event that insufficient parking arrangements were provided, there is a risk that occupiers may seek to park or stop on the public highway which would inevitably result in a safety risk to other road users.

12. During my site visit, I observed that the existing access appeared to be sufficient and that visibility when exiting the site onto Town Littleworth Road was adequate to ensure that there would be no associated safety risk.
13. However, given the lack of information submitted as part of the application, I cannot conclude that the proposed development would make suitable provision for car parking, or that the design and layout of any parking provision would be acceptable from a design perspective. As such, the proposal would conflict with Core Policy 13 of the Lewes District Local Plan Part 1, May 2016, as well as LDLP2 Policy DM25. Taken together, the relevant aspects of these policies seek to ensure that new development provides a sufficient number of car parking spaces, and that parking provision be sensitively located from a design perspective.

Protected Species

14. The Council's ecology team has objected to the proposal on the basis that there is insufficient information to fully assess the ecological impacts arising from the development.
15. A Bat Assessment Report, April 2020 and Bat Survey Report, July 2020 were undertaken by Animal Ecology and Wildlife Consultants. Both reports confirm the presence of roosting bats within the existing barn. There is no substantive evidence before me that sets out how the impact on roosting bats would be sufficiently mitigated as part of the proposed works. In addition, the Council's ecology team noted that there is also potential for other protected species to be present on the appeal site. Again, there is no evidence, in the form of an ecological survey, to confirm whether or not this is the case.
16. As a result, and mindful of my statutory duty, I cannot be certain that the proposed development would not result in harm to protected species. The Council's officer report and decision notice sets out that this would conflict with LDLP2 Policies DM1 and DM25. However, these policies do not specifically refer to protected species or biodiversity. In the absence of any relevant development plan policies suggested by the Council, it is appropriate to consider the proposal against the requirements of the National Planning Policy Framework (the Framework). In this instance, there would be a clear conflict with paragraph 180 of the Framework, the relevant aspects of which aim to minimise the impacts of development on biodiversity.

Character of the Countryside

17. The appeal site is located in a rural area and is largely surrounded by open fields. Therefore, while there several existing dwellings in the vicinity, the surroundings have a verdant and tranquil character.
18. It is inevitable that the conversion of the existing barn to a holiday let would lead to some additional noise associated with guests using the premises, including the outside spaces. There would also likely be some noise associated with cars entering and exiting the site, notwithstanding the uncertainty surrounding parking provision. However, the proposed holiday let would only

have one bedroom and therefore the number of guests using it at any one time would be limited.

19. The Council has alleged that the noise from holiday guests would be more harmful than that arising from permanent residents. However, it is not clear to me why this would be the case, or why the use of the site would require supervision in order to reduce disturbance. Indeed, in my view, the amount of noise associated with the development would be very limited. Given that there are already existing dwellings in the immediate vicinity, and therefore some domestic noise already exists, I am satisfied that the additional noise arising from the proposed holiday let would not erode the tranquil character of the surroundings.
20. I therefore conclude that the proposed development would not result in harm to the character of the surrounding area, with particular regard to noise and disturbance. As such, it would not conflict with LDLP2 Policies DM1, DM10 or DM25, which in part, seek to ensure that the distinctive character and quality of the countryside is preserved, and that new development responds sympathetically to its surroundings.

Other Matters

21. The appellant has referred to various other developments that have been permitted near to the appeal site. I do not have the full details of those schemes before me. However, as part of this decision, I have not concluded that the principle of development in this location would be unacceptable. Indeed, it is the lack of pertinent information and evidence on key matters that means that the appeal must fail. The details of other developments therefore carry little weight in my evaluation.

Conclusion

22. I have found that the proposed development would conflict with the development plan in relation to the suitability of the building for conversion and car parking provision. It therefore conflicts with the development plan when considered as a whole, notwithstanding that I have found that it would not cause harm to the character of the area. I have also found conflict with the Framework in relation to protected species. Whilst the provision of one new unit of tourist accommodation would have some economic benefits for the local area, given the small-scale nature of the scheme, any such benefits are likely to be limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR