



Appeal Decisions

Site visit made on 22 January 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

APPEAL A:

Appeal Ref: APP/U1430/W/23/3319855

Crowham Manor Farm, Main Road, Westfield, East Sussex TN35 4SR

- The appeal is made under Part 6, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended.
 - The appeal is made by Mrs Caroline Mason against the decision of Rother District Council
 - The application Ref, RR/2023/300/FN dated 7 February 2023, was refused by notice dated 24 March 2023.
 - The development proposed is for the reconstruction of a pole barn.
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APPEAL B:

Appeal Ref: APP/U1430/W/23/3319663

Crowham Manor Farm, Main Road, Westfield, East Sussex TN35 4SR

- The appeal is made under Part 6, Class A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended.
 - The appeal is made by Mrs Caroline Mason against the decision of Rother District Council
 - The application Ref, RR/2023/198/FN dated 26 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is for the alteration to an existing barn.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matter

3. For certainty, in both appeals I have used the description of development given on the Council's decision notices.
4. From 22nd November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales are to be referred to as 'National Landscapes'. Therefore, while the legal designation and policy status of AONBs are unchanged, all references to the High Weald AONB in this appeal will reflect that change.

5. The National Planning Policy Framework was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
6. As set out above there are two appeals on this site. They differ in that Appeal A seeks the reconstruction of a pole barn with a storage container sited on a parcel of flat land to the rear, whereas Appeal B seeks the alteration of an existing sandstone barn. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
7. An additional proposal¹ for a Dutch Barn on the appeal site was withdrawn by the appellant. This is noted and I have proceeded accordingly.

Background and Main Issues

8. Schedule 2, Part 6, Class A of the GDPO permits, on land within an agricultural unit of at least 5 hectares in area, the carrying out of works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within that unit.
9. Schedule 2, Part 6, Class E of the GDPO permits, the carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of works for the erection, extension or alteration of a building.
10. Paragraphs A.2(2)(i) and E.2(1)(a) of the GDPO state that for development permitted by Class A and E the developer must, before beginning the development, apply to the Council for determination as to whether its prior approval will be required as to the siting, design and external appearance of the building.
11. As such, given the unit in question is over 5 hectares, the main issues in this appeal are:
 - whether the proposed developments are permitted development, and if so,
 - whether the prior approval of the Council is required for the siting, design and external appearance of the proposed buildings.

Reasons

12. The appeal site is a cluster of farm buildings and structures that are located in the High Weald National Landscape which are found at the end of an unmade track adjacent to a residential Oast House and the Grade II listed building known as Crowham Manor Farm. The surrounding NL is typified in part by woodland and agricultural type fields.
13. The buildings and structures include an uncovered 'sheep-race' which has a flat area of land to the rear and a semi-derelict sandstone barn. In addition, there is a covered barn/pig-sty type building, open-fronted barns and a stable-style building, all of which contain a range of stored materials and equipment.

¹ APP/U1430/W/23/3319885

14. The appellant contends that the proposed buildings would be reasonably necessary for the purposes of agriculture on the unit. However, while I noted a number of grazing/agricultural fields and a range of livestock in and around the appeal site at my site inspection, such as pigs and sheep and a small poultry enclosure, from the evidence before me, I cannot be certain if they belong to the appellant or not.
15. Moreover, while my attention has been drawn to the fact that a farm has existed in this location for at least 500 years for the purposes of mixed dairy, sheep and arable farming, uncertainty also exists as to the responsibility for the overall and individual activity at the farm. Furthermore, the appellant concedes that areas of the surrounding land and buildings are rented or owned by other farmers.
16. I concur with the appellant that odour and noises associated with the activities related to a 'sheep race' are to be expected on a farm. However, I am not persuaded by the submitted letters of support, which relate to the appellant's preference to work under a covered structure for the purposes of sheep husbandry, or that the submitted invoices for general maintenance such as yard work, fencing, mowing, spraying and electrical work, demonstrate that the proposed buildings would be reasonably necessary for the purposes of agriculture.
17. Indeed, notwithstanding that the 'sheep race' and sandstone barn are currently without roofs, as the farm has a number of covered barns including an agricultural barn² for, amongst other things, the management of sheep and the storage of equipment and materials, I see no justification for the necessity for either of the proposed buildings for the purposes of agriculture on the unit.

Reconstructed barn

18. For similar reasons, notwithstanding the presence of chopped logs in the open structure of the sandstone barn and the submitted receipts for the sawing of logs, although the appellant states that she wishes to store Douglas fir timber in the reconstructed barn I have no convincing evidence before me to persuade me that the appellant regularly fells, mills or stores timber. Indeed, while I noted that there was a clump of fir type trees nearby, I cannot be certain that these are in the ownership of the appellant. Even if this were to be the case, it has not been established that the appellant has an appropriate Forestry Commission licence to fell trees, or that she has verified plans to restock the plot to sustain an ongoing supply of logs. Therefore, to my mind, it has not been demonstrated that the proposal for the reconstruction of the sandstone barn is reasonably necessary for the purposes of forestry.
19. Consequently I conclude in the planning judgement, that the proposals do not meet the requirements of Schedule 2, Part 6, Class A or E of the GDPO. It follows then that the proposed developments would not be permitted development. Hence it is not necessary to make any determination on prior approval as to the siting, design and external appearance of the proposed buildings. Therefore, whilst the appellant has provided some observations in this respect, I make no further comments on this matter.

² RR/2009/1777/FN

Other Matters

20. The appellant has brought to my attention thefts at the unit. I acknowledge that these matters singularly or in combination are likely to have caused her some distress. Moreover, the proposal, which includes the siting of a shipping container, would be likely in part to alleviate her concerns in this respect. However, I do not consider that the personal circumstances in this case are sufficient to outweigh the conflict with the requirements of the GDPO I have found above.

Conclusions

21. I have found that Appeal A would not be permitted development, as it would not comply with Part 6, Class A of the GDPO.
22. I have found that Appeal B would not be permitted development, as it would not comply with Part 6, Class A or E of the GDPO.
23. Therefore, for the reasons given above, I conclude that the appeals should be dismissed.

J E Jolly

INSPECTOR