



Appeal Decision

Site visit made on 4 June 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2024

Appeal Ref: APP/P1425/W/23/3331887

Tanglewood Farm, Jackies Lane, Newick, East Sussex BN8 4QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stovoid against the decision of Lewes District Council.
 - The application Ref is LW/23/0204.
 - The development proposed is demolition of storage barn and erection of 3-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. The Council's appeal statement and the appellant's final comments were submitted after that date. Therefore, I am satisfied both parties have had an opportunity to comment on the revised Framework.
4. The Council's reasons for refusal refer to Policy DM4 of the Lewes District Local Plan (LLP). This Policy relates to the proposed conversion of redundant agricultural or rural buildings to residential use. The appeal scheme involves redevelopment rather than conversion of a building. I therefore find Policy DM4 is not directly relevant to this appeal.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding countryside;
 - the effect of the proposed change from employment to residential use on the rural economy; and
 - whether the proposal would be in a suitable location with respect to adjacent settlements, services and facilities.

Reasons

Character and appearance

6. The appeal site comprises a house and residential annex close to Jackies Lane and a cluster of commercial buildings set well back from the Lane down a long driveway. The barn subject of this appeal is within the cluster of commercial buildings, which together have a generally rural appearance set within a substantial area of paddocks and woods that also form part of the site. Other than a ribbon of houses along Jackies Lane, the site is surrounded by open countryside characterised by wooded areas and small fields.
7. According to the Lewes District Landscape Capacity Study, the area north of Jackies Lane, which includes the appeal site, has substantial landscape sensitivity.
8. The form and appearance of the proposed two-storey house, with single-storey wing, would be clearly residential, which would look incongruous amidst the rural commercial buildings, paddocks, woods and sensitive rural landscape surrounding it. The new house would be located well away from other dwellings, including the house known as Tanglewood Farm, adding to the incongruity.
9. The ridge of the two-storey element of the house would be considerably higher than that of the single storey barn it would replace, notwithstanding that the design seeks to follow the gradient decline of the land. The footprint of the new building would be smaller than that of the barn, but this difference would be greatly reduced when the proposed patio and parking areas are considered. Overall, the size and appearance of the new house and associated domestic paraphernalia would have an urbanising effect at odds with the rural character of the surrounding countryside.
10. The proposed soft landscaping, sustainable building technologies and materials and colour palette that respect the rural location would not be sufficient to mitigate the harm resulting from the location, size, form and domestic appearance of the new dwelling. I acknowledge the new house would not be visible from the public highway, but it would be seen from within the appeal site and surrounding land, which are part of the rural landscape. Whilst there is some screening from existing vegetation, this would be reduced when deciduous trees are not in leaf. Therefore, this consideration does not overcome the harm I have found.
11. I note the reference to Jackies Lane having a run-down appearance, quoted from a document associated with the Newick Neighbourhood Plan. However, on the evidence before me this partial quote is not sufficiently specific or clearly enough related to the circumstances of the appeal to alter my finding on this main issue.
12. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding countryside. This is contrary to Policy CP10 of LLP Part 1 Joint Core Strategy 2016 (LLP1) and Policy DM25 of LLP Part 2 Site Allocations and Development Management Policies 2020 (LLP2), which seek to conserve and enhance the natural beauty of the area and the high quality and character of the rural environment; and require high quality design. It is also contrary to the Framework, which requires decisions to

ensure developments are sympathetic to local character, including the surrounding landscape setting.

Effect on rural economy

13. I understand the barn was until recently used to store equipment associated with an events business that serves the hospitality industry.
14. LLP1 Policy CP4 seeks to stimulate and maintain a buoyant and balanced local economy through support for the rural economy. Supporting text adds that existing employment sites will be safeguarded from encroachment by other uses, except where there are demonstrated economic viability or environmental amenity reasons for not doing so. The information expected to support an application for change of use of an employment site includes, as a minimum, evidence of at least 12 months of active and continuous marketing for employment use at an appropriate market level.
15. I note the events business has grown and the barn no longer provides appropriate storage for its needs. However, there is no pertinent evidence before me to demonstrate the building has been marketed for an alternative employment use for the period or in the manner required.
16. It has been put to me the barn could not be sold or let separately because it is part of a larger planning unit in mixed use with only one access point that links all parts of the wider site. Even if the wider site is a single planning unit in its present form, on the evidence before me I see no reason why the access route could not be shared by different users and/or a spur created to enable future sub-division of the site. Moreover, given the wider site is already in mixed use, I see no reason why mixed use could not continue should a different business occupy the barn. There is also no compelling evidence to substantiate the suggestions that the barn cannot be made more energy efficient, or that another employment use would generate more traffic.
17. I am therefore unpersuaded by these arguments that reuse of the barn for employment purposes would not be viable. Consequently, reasons to release the barn from safeguarding for employment use have not been demonstrated to my satisfaction.
18. Future occupiers of the new dwelling would be likely to use services and facilities in Newick, which would help maintain the vitality of this rural community in accordance with the Framework. Construction of the new dwelling would also support the local economy. However, these modest economic benefits would not be sufficient to outweigh the harm I have found.
19. For the above reasons, I conclude the proposed change from employment to residential use would have a harmful effect on the rural economy, contrary to LLP1 Policy CP4. This is also contrary to the Framework, which requires decisions to enable the sustainable growth and expansion of all types of business in rural areas, including through conversion of existing buildings.

Location in respect to adjacent settlements, services and facilities

20. The appeal site is located outside of defined settlement boundaries, so is in the countryside for planning policy purposes.

21. LLP2 Policy DM1 states that outside defined planning boundaries, the distinctive character and quality of the countryside will be protected, and 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. Guidance in the Council's Draft Interim Policy Statement for Housing Delivery March 2020 is broadly consistent with this approach.
22. I have found under the first two main issues that the character and quality of the countryside would not be protected and the proposed development would conflict with development plan policy protecting employment uses in the countryside. The need for a countryside location for the development has also not been demonstrated to my satisfaction.
23. Framework paragraph 84 states decisions should avoid the development of isolated homes in the countryside unless one or more of five circumstances apply. The new dwelling would be isolated by virtue of its siting far behind the existing homes on Jackies Lane. The appellant suggests the circumstances at paragraph 84c) apply. However, the proposal involves redevelopment rather than re-use of the existing building, which in any case has not been demonstrated to be redundant or disused. I have also found the proposal would not enhance its immediate setting for the reasons given above. I therefore find the proposal conflicts with Framework paragraph 84.
24. I recognise the services and facilities in Newick and local bus services are potentially within walking distance. However, to reach any of these on foot would involve walking down Jackies Lane, which is a narrow, unlit country lane with no footways. This is likely to deter many and would be particularly dangerous for children and other vulnerable road users. I therefore consider occupants of the new dwelling would be likely to rely on use of a private car for most journeys.
25. The development applied for is described as a dwelling, but in his appeal statement the appellant suggests the proposed building would be a residential annex. The rationale given is that the appeal site cannot be separated into more than one planning unit because it has only one access point. I have set out above the reasons why, on the evidence before me, I am not persuaded by this argument. For the same reasons, I consider the new dwelling would be capable of severance from the host property. The distance between the existing and proposed dwellings means there would be little functional relationship between them. Furthermore, the footprint of the new house relative to that of the principal dwelling would not be subordinate in scale.
26. Taking all this together, I find the proposal would not constitute a residential annex and the provisions of LLP2 Policy DM29 would not be satisfied in this regard. Consequently, this consideration does not change my finding on this main issue.
27. For the above reasons, I conclude the proposal would not be in a suitable location with respect to adjacent settlements, services and facilities. This is contrary to LLP2 Policy DM1. It is also contrary to the Framework, where it seeks to focus development in locations that offer a genuine choice of transport modes; as well as to Framework paragraph 84.

Other Matters

28. The proposal would make a small contribution to the supply of housing in the area. This accords with the Framework where it seeks to boost the supply of homes. However, as only one dwelling is proposed this benefit has limited weight.
29. I understand the wishes of the appellant to build a new home for their growing family close to the location of their businesses and extended family. I also note the appellant's family has occupied the site for many years. Nevertheless, these personal circumstances are not sufficient to outweigh the harms I have identified.
30. The site is within the Zone of Influence of at least one designated European site. As I am dismissing this appeal for other reasons it has not been necessary for me to address this matter further.

Planning Balance

31. For the reasons set out above, the proposed development would conflict with LLP1 Policies CP4 and CP10 and LLP2 Policies DM1 and DM25. While there may be a degree of support from other development plan policies, I conclude the proposal conflicts with the development plan, read as a whole.
32. The Council accepts it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, paragraph 11d)(ii) of the Framework states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
33. The harms resulting from the conflict with the development plan as a whole also result in conflicts with the Framework for the reasons given above. In this case, these harms affect the character and appearance of the countryside, the rural economy, and the settlement pattern. I attribute considerable weight to these harms, such that they would significantly and demonstrably outweigh the limited benefits of the proposal when assessed against the policies in the Framework as a whole.

Conclusion

34. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR