



Appeal Decision

Site visit made on 4 June 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/C1435/D/23/3330610

Swirrell Edge, Church Road, Rotherfield, East Sussex TN6 3LA

- 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 White against the decision of Wealden District Council.
 - The application Ref is WD/2023/0778/F.
 - The development proposed is described as extensions to existing outbuildings/garage to create 2-bedroomed residential annex to main dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for extensions to existing outbuildings/garage to create 2-bedroomed residential annex to main dwelling at Swirrell Edge, Church Road, Rotherfield, East Sussex TN6 3LA in accordance with the terms of the application, Ref WD/2023/0778/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes to reflect *"their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do"*. I have therefore replaced references to AONBs to National Landscapes.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published, however the changes do not materially alter the sections of the Framework most relevant to this appeal. Any references to the Framework hereafter in this decision are to the latest version.

Main Issues

4. The main issues are:
 - whether the proposal would accord with WLP Policy DC19, with regard to the need for the annex accommodation to be physically attached to the host dwelling;
 - the effect of the proposal on the character and appearance of the High Weald National Landscape; and
 - the effect of the proposal on the living conditions of Knoll Barn with specific regard to outlook and overshadowing.

Reasons

Whether a new dwelling house

5. The appeal site is located in a small ribbon of residential development that extends to the west of the settlement of Rotherfield. The surrounding area has a rural feel, albeit with several clusters of residential dwellings providing a sporadic arrangement to the built environment in the immediate vicinity. The appeal site is an outbuilding used as a garage and for storage for the donor property at Swirrell Edge and adjoins the neighbouring dwelling at Knoll Barn. The proposal consists of the conversion and extension of the existing outbuilding to create a 2-bedroomed residential annex ancillary to the donor property.
6. The Council have concerns with regard to the future use of the annex and highlight that a new separate dwelling could be created on the site. The Council cite Policy DC19 of the Wealden Local Plan (WLP), adopted December 1998, which requires annex developments to normally be physically attached to the dwelling. Whilst not physically attached to the donor dwelling at Swirrell Edge, the close nature of the structures and shared facilities such as the driveway and garden areas would nevertheless provide an ancillary function to the proposal. It is acknowledged that the scope of the development works proposed have the capabilities to create a separate residential unit, however the retention of the proposal as an annex can be secured by a condition.
7. The site is located within a small cluster of existing dwellings and walking distance to local services and facilities in Rotherfield, thus it would occupy a relatively sustainable location. The Council's concerns in respect to the proposal providing a new dwelling outside development boundaries, within the countryside where policy restricts the development of new homes, is understood. Even if I was to accept that the proposal represents an isolated location, given that the proposal before me is for an annex this would not be considered as a new separate dwelling, given the aforementioned controls.
8. Furthermore, the units are within the same plot under the same land ownership. Whilst land ownership does not necessarily correlate with the use of land, where it relates to a self-contained unit, it would not be unusual for the land owned to be used for incidental or ancillary residential purposes. Subject to conditions the proposal would be incidental or ancillary to the residential occupation of the main dwelling at Swirrell Edge, and I consider that they would form part of a single planning unit. As such, I am satisfied that there are sufficient controls in place, that such a change of use would require a separate application for planning permission.
9. Overall, the proposal would be ancillary to the donor property and thus would not provide a new standalone dwelling outside of development boundaries. The proposal would therefore not conflict with the relevant provisions of WLP Policies GD2, EN1, EN27, DC17 and DC19; Policy WCS14 of the Wealden District Core Strategy Local Plan (WCS), adopted February 2013; the aims and objectives of the Wealden Design Guide Supplementary Planning Document adopted November 2008; and the Framework which amongst other things, support sustainable development and where they are appropriate to the rural setting and character of the area, and do not conflict with the Local Plan as a whole.

10. I do not find conflict with WLP Policy EN6 which seeks to conserve and enhance the High Weald National Landscape, and I have address this in the section below. Nor do I find conflict with WCS policies SPO1, SPO2 and SPO13 which are more strategic in nature, and are principally concerned with protecting and enhancing biodiversity, the historic environment and the design of new development, amongst other things. As such, these policies are largely irrelevant to this particular matter.

Character and appearance

11. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (National Landscapes) which has the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. WLP Policy EN6 applies similar principles for protecting and enhancing these settings where possible.
12. The surrounding landscape is predominantly rural, and whilst the appeal site contributes to this character, given its position amongst the ribbon of existing residential dwellings, it is seen as part of the more developed cluster. Thus, its contribution to the open character of the High Weald National Landscape and its wider setting is limited.
13. The proposal has been designed to appear as a sympathetic extension and conversion of the existing outbuilding/garage. The use of a flat living roof on the single storey element, and low pitch of the gable roof at the first-floor would ensure it would appear as subordinate to the donor property and its neighbour at Knoll Barn, whilst retaining suitable residential space standards. The location of the proposal amongst the existing dwellings, coupled with its appropriate design would ensure that it would assimilate within this setting not appearing cramped or unsympathetic to the local character. Also, the use of suitable materials can be secured through condition.
14. Given that the proposal is viewed in the context of these residential properties and close to the settlement of Rotherfield, there would be no harm to the visual qualities and essential characteristics of the High Weald National Landscape in terms of its landscape and scenic beauty.
15. Overall, the proposal would at the very least conserve the landscape and natural scenic beauty, visual qualities and essential characteristics of the High Weald National Landscape. Consequently, the scheme is in accordance with WLP Policy EN6; WCS Policies SPO1, SPO13, WCS12 and WCS14; the Wealden Design Guide; and the aims and objectives of paragraph 182 of the Framework which seek to protect and enhance the wildlife and cultural heritage of the valued landscapes.

Ancillary accommodation

16. The property most effected by the proposed annex is the neighbour at Knoll Barn. It is acknowledged that the proposal would be located hard up along the adjoining boundary with this neighbour. However, the single storey element

would be akin to the existing treatment at the site and would not have any additional impacts in terms of outlook or overshadowing from that currently experienced at the site.

17. The imposition of the additional storey and pitched roof has been set away from Knoll Barn as far as possible. Whilst views of the proposal would be possible from this neighbour, the relatively low and hipped roof design means that overall, the appeal proposal's height, scale and bulk would not be of a level which would give rise to an undue sense of enclosure, loss of outlook or overshadowing relative to Knoll Barn or its garden area.
18. For the reasons above, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers at Knoll Barn with particular reference to outlook and overshadowing impacts. The scheme would be compliant with the relevant sections of the Wealden Design Guide, WLP Policies GD1, EN27 and HG10 which amongst other things, seeks to prevent development from adversely impacting upon the amenity of occupants of existing nearby buildings. The proposal is also consistent with the Framework, which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Conditions

19. The Council has provided a list of suggested conditions that it considers would be appropriate. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance and have amended the wording of some without altering their fundamental aims.
20. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is carried out in accordance with the approved plans to provide certainty. I have also attached a condition to ensure design quality, which require compliance with the materials as set out in the approved details. To avoid the establishment of an additional independent dwelling, I have imposed a condition requiring use of the annex for purposes ancillary to the residential use of the donor dwelling at Swirrell Edge.

Conclusion

21. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to conditions.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos RD.22.105.100, RD.22.105.110, RD.22.105.002, RD.22.105.120 and RD.22.105.310
- 3) The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such.
- 4) The building hereby permitted shall be occupied only in conjunction with the original dwellinghouse known as Swirrell Edge and shall not be used, let or sold at any time as a separate unit of living accommodation.

END OF SCHEDULE