



Appeal Decision

Site visit made on 12 August 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/P1425/D/24/3343284

The Barn, Nursery Lane, Wivelsfield Green, East Sussex RH17 7RB

- 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 R Malins against the decision of Lewes District Council.
 - The application Ref. is LW/23/0792.
 - The development proposed is the removal of the external staircase; first floor door replaced with window and erection of oak framed carport.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the external staircase; first floor door replaced with window and erection of oak framed carport at The Barn, Nursery Lane, Wivelsfield Green, East Sussex in accordance with the terms of the application, Ref. LW/23/0792, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. 23/112/LOC Rev. A; 23/112/BLK Rev. A; 23/112/SK01 Rev. A; 23/112/SK02 Rev. A; 23/112/SK03 Rev. A; 23/112/SK04 Rev. A; 23/112/SK05 Rev. A; 23/112/SK06 Rev. A;
 - 3) The external materials of the carport shall match those of 'The Barn' adjacent to the site.

Main Issue

2. The main issue is the effect of the proposed carport on the rural setting and character of the area.

Reasons

3. The Officers' Report explains that the appeal scheme is a revision of a previous application refused permission in December 2023. The revision was to amend the roof design of the carport, but the proposed structure retains its previous siting, footprint and height.
4. I agree with the Council that The Barn is a large building on a small site and that further development could be perceived as an 'overdevelopment' of the site. However, this situation has arisen because of the building's conversion to residential use following an appeal decision in December 2019. Moreover, it is what it is and I saw on my visit that the eastern section of the site is used as a

small garden and the area between the building and the adjacent access track is part hard surfaced and part laid to lawn to provide an area for sitting out / visual amenity. This leaves the hard surface rectangular area adjoining the western elevation which is next to the end of Nursery Lane and a track to fields and a couple of public rights of way.

5. At present, this area is open which does provide more space on the site and thereby is of some benefit to the 'rural setting' of The Barn (the reference to 'streetscene' in the Officer's Report is inappropriate in this context). The Report does not include extracts from the appeal decision letter for the conversion but given their absence I consider it is reasonable to assume that the area was not conditioned as landscaping/garden.
6. On this basis if I were to dismiss this appeal to retain the openness and preclude further building on the site as the Council would wish, it would almost certainly be used for parking by residents of The Barn. And in this event a couple of cars parked on the hard surfaced area would offer little in the way of visual amenity and preservation of the rural setting.
7. On the other hand, the proposed carport would be perceived as being of a modest height (especially when seen against the bulk and height of The Barn) and is of a good design and appropriate materials. The appellant says that it will be identical to that already erected at the adjacent dwelling 'Clearview' and this is an attractive building in keeping with the rural character of the area.
8. Overall, whilst recognising that the Council has a point as to there being too much building on this small site, I conclude on balance that there would not be unacceptable harm caused in conflict with Policies DM25 & DM29 of the Lewes District Local Plan Part Two 2020; Policy 5 of the Wivelsfield Neighbourhood Plan 2015-2030, and Section 12: 'Achieving Well-Designed and Beautiful Places' of the Planning Policy Framework December 2023.
9. I shall therefore allow the appeal and grant permission. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition in respect of the external materials of the carport will maintain visual amenity in this attractive rural setting.

Martin Andrews

INSPECTOR