
Appeal Decision

Site visit made on 17 October 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/C1435/W/23/3333030

Beech Green Park, Beech Green Lane, Withyham TN7 4DB

- 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 Michael Stone against the decision of Wealden District Council.
 - The application Ref is WD/2022/3036/F.
 - The development proposed was originally described as "conversion of existing farm buildings into 3no. dwellings."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out in the banner heading above is taken from the application form. However, it is clear from the plans and accompanying details that the development also includes the demolition of an existing building. I have determined the appeal on this basis.
3. Since the Council made its decision on the application, a revised National Planning Policy Framework (the Framework) was published in December 2023. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
4. A draft National Planning Policy Framework was published in July 2024. The proposed changes would not materially affect the main issues in this case, so the parties were not invited to make further comments. As the feedback from the recent consultation on the draft document is currently being analysed, it carries very little weight.

Main Issues

5. The main issues in this appeal are:
 - whether the buildings would be suitable for residential conversion; and
 - whether the site would be an appropriate location for residential use, having regard to the accessibility of services and facilities and the provisions of the development plan.

Reasons

Residential conversion

6. The appeal site lies in a rural location, comprising three former agricultural buildings within an estate consisting of several dwellings and outbuildings. The two buildings proposed for conversion to houses are a rams barn and a livestock building. The rams barn is a timber framed structure of boarded studwork wall construction with a low corrugated sheet pitched roof and an earthen floor. A larger masonry livestock building has solid blockwork walls to the sides and rear, an open front with several brick pillars, a corrugated steel sheet roof and a concrete floor. The remaining building lies to the west of these two buildings and is proposed for removal.
7. Saved Policy DC8 of the Wealden Local Plan 1998 (LP) relates to proposals to convert rural buildings in the countryside to residential use. Amongst other things, it requires buildings to be of sound construction and capable of conversion without significant rebuilding, modification or extension which should normally be demonstrated through a structural survey.
8. Reports on the structural condition of the rams barn and masonry livestock building have been submitted. In terms of the rams barn, this indicates that the timber purlins, trusses and posts have no evidence of rot, the steel gallow brackets supporting the roof beams are structurally sound and the clad timber walls are in good serviceable condition. For the livestock building, the report states that the blockwork walls to the rear and sides and the roof trusses are in good or reasonable serviceable condition. Although the masonry livestock building report outlines that there do not appear to be any leaks, I observed that parts of the roof are missing so the structure is not watertight.
9. It is indicated that elements of the existing structures for both buildings would be retained to provide the proposed three dwellings. However, to create unit 3 using the rams barn, the existing corrugated roof would be replaced by a new zinc roof, new timber weatherboard walls would replace the timber ply sheets and there would also be a need for a reinforced concrete slab floor. The structural engineer's letter indicates the need for additional roof bracing and plywood sheathing to create a stressed skin structure and for reinforcing the base of the posts and steel wind braces at the top of this building.
10. The existing block walls on the livestock building would be retained to provide proposed units 1 and 2, but new corrugated metal sheets would replace those on the existing roof and a large new front timber weatherboard wall would be installed between the retained brick pillars. The letter from the structural engineer outlines the need to introduce a steel eaves beam and diagonal braces to this structure.
11. I acknowledge that this is not an application under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. Nevertheless, it is necessary to consider whether the scheme would genuinely be a conversion under saved Policy DC8 of the LP. In this case, the extent of the proposed works to the buildings, including new roofs, walls and structural elements, would amount to significant modifications to the buildings in conflict with the requirements of saved Policy DC8.

12. Paragraph 84 of the Framework outlines some exceptions for isolated homes in the countryside, including the reuse of redundant or disused buildings which is less restrictive than the requirements in Policy DC8. However, as the proposed houses would be located close to existing dwellings, they would not be isolated homes in the countryside and paragraph 84 does not apply in this case.
13. Therefore, I conclude that the buildings would not be suitable for residential conversion, having regard to the provisions of the development plan. This would be contrary to saved Policy DC8 of the LP.

Appropriate Location

14. Wealden is a predominantly rural district with a dispersed and varied settlement pattern, containing many settlements not well served by public transport. It contains a high proportion of land within the High Weald National Landscape (formerly Area of Outstanding Natural Beauty) and the South Downs National Park. Policy WCS6 of the Council's Core Strategy Local Plan 2013 (CS) sets out the rural areas strategy, directing growth to service, local and neighbourhood centres and identifying development boundaries. Withyham is not one of the centres and the appeal site is outside the identified development boundaries.
15. Saved Policy EN1 of the LP and spatial planning objectives SPO7, SPO13 and SPO14 of the CS seek to ensure that development is sustainable, including encouraging the location of development where the need to travel by private car is reduced. Saved LP Policies GD2 and DC17 outline that residential development outside development boundaries will not be allowed unless it is in accordance with other policies in the plan.
16. There are limited services over 3 miles away in Hartfield and the town of East Grinstead lies over 6 miles from the site. The nearest train station at Ashurst is around 2 miles away. However, there are no bus stops or services nearby and this part of Beech Green Lane is a narrow, unlit country road with no footpaths. The nature of the lane would limit its attractiveness for walking or cycling to access services and public transport, particularly at times of darkness and bad weather. As such, future occupiers of the proposed dwellings would be likely to be reliant on private vehicles to access facilities.
17. The Framework states that sustainable transport options vary between urban and rural areas. However, it requires housing in rural areas to be located where it will maintain the vitality of rural communities. The contribution that the development could make towards this would be limited given the distance to local services and the proposed provision of only three houses.
18. The Council recently granted planning permission for the conversion of a redundant barn to four dwellings on a site nearby (planning application ref WD/2022/1764/F). Whilst this is also outside a defined development boundary in a rural location, unlike the appeal scheme it was found to comply with saved Policy DC8 which, subject to the criteria, allows conversions of rural buildings regardless of their location.
19. Consequently, I conclude that the site would not be an appropriate location for residential use, having regard to the accessibility of services and facilities and the provisions of the development plan. It would fail to comply with Policy WCS6 and spatial planning objectives SPO7, SPO13 and SPO14 of the CS and

saved Policies EN1, GD2 and DC17 of the LP where they seek to encourage the reduced need to travel by car.

Other Matters

20. The Council did not find harm or development plan conflict in relation to several other matters, including flood risk, character and appearance, heritage assets, impacts on trees and bats, access and parking, energy efficiency and water consumption. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.
21. There are no objections to the proposal from neighbouring residents, but this does not alter my conclusions on the main issues.
22. The proposed development would be likely to have a significant effect, either alone or in combination, on the Ashdown Forest Special Protection Area (SPA) due to its location within 7km of it. The appellant has submitted a unilateral undertaking which includes contributions towards avoiding and mitigating any significant effects on the SPA and the provision of alternative natural green space. However, given my conclusion below, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.
23. There is a requirement to seek to further the purpose of conserving and enhancing the natural beauty of the High Weald National Landscape. Even if the removal of the large redundant building could be a limited benefit of the scheme, as I am dismissing the proposal for other reasons, it is not necessary to consider this matter.

Planning Balance and Conclusion

24. The Council cannot currently demonstrate a five year housing land supply required by the Framework and the evidence indicates that it has been unable to do so for at least 7 years. The parties dispute the extent of the shortfall as the Council's calculations do not include any additional housing that may be accommodated under the duty to cooperate. The appellant considers that the extent of the Council's deliverable housing land supply is overstated, and affordability is worsening.
25. Nevertheless, the Council's current published position is that it has a 3.83 year housing land supply. This equates to 1,687 homes short of the required 7,200 dwellings when measured against the Government's standard methodology with a 20% buffer, and it is uncertain when a new Local Plan would address this. The figure represents a significant shortfall and therefore paragraph 11(d) of the Framework is engaged.
26. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

27. The Framework seeks to boost housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The proposal would contribute three modest sized bungalows towards Wealden's housing supply. The appellant and the Council consider that this should be accorded substantial weight. Nevertheless, considering the modest difference that three dwellings would make to addressing the Council's housing needs, I attribute moderate weight to this benefit.
28. There would also be some economic benefits during the construction phase when the development would provide jobs and once occupied when future residents would spend money locally. However, given the relatively small scale of the proposal, these benefits would be limited.
29. In contrast, the buildings would not be suitable for residential conversion and the site would not be an appropriate location for residential use. I have concluded that the proposal would conflict with saved Policies DC8, EN1, GD2 and DC17 of the LP and Policy WCS6 and spatial planning objectives SPO7, SPO13 and SPO14 of the CS.
30. The LP dates from 1998 and the CS dates from 2013 but the weight to be given to these documents does not hinge on their age. The Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. Rather, due weight should be given to them, according to their degree of consistency with the Framework.
31. The Council accepts that in the absence of a five year housing land supply, the effect of saved Policies GD2 and DC17 would be to restrict the supply of housing and prevent local housing needs being met and, as such, should be given very limited weight. I have no reason to disagree.
32. The Framework requires the location of housing in rural areas to maintain the vitality of rural communities, whilst allowing the development of isolated homes in certain circumstances. It also expects development to prioritise pedestrian and cycle movements and promote public transport options. Saved Policies EN1 and DC8 of the LP and Policy WCS6 and spatial planning objectives SPO7, SPO13 and SPO14 of the CS are generally consistent with these aims. Therefore, I give significant weight to the conflict between the proposal and these development plan policies and objectives in this appeal.
33. I note the appeal decision for a site at Cross in Hand where the Inspector gave limited weight to this settlement's housing requirements outlined in Policy WCS6 having already been met¹. However, this does not mean that more weight cannot be given to the overall rural area strategy set out in that policy. Further, in another appeal where housing requirements were not being met, the Inspector found that the locational strategy could not be relied upon as it may be subject to change in a forthcoming plan². However, in this instance, I have no evidence that there will be significant changes to the spatial strategy.

¹ Appeal Ref: APP/C1435/W/17/3179061

² Appeal Ref: App/V0510/W/21/3282449

34. Consequently, the adverse impacts I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.
35. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR