



Appeal Decision

Site visit made on 4 March 2025

by **S Harley BSc(Hons) M.Phil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 17 MARCH 2025

Appeal Ref: APP/C1435/W/24/3353612

Cherry Cottage & Betula Barn, Ripe Lane, Ripe, East Sussex, BN8 6AR

- 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 Mrs Deborah Harding, Cherry Lets, against the decision of Wealden District Council.
 - The application Ref is WD/2024/1349/F.
 - The development proposed is reconfiguration of the boundary and change of use of Betula Barn from holiday let to residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for reconfiguration of the boundary and change of use of Betula Barn from holiday let to residential dwelling at Cherry Cottage & Betula Barn, Ripe Lane, Ripe, East Sussex BN8 6AR in accordance with the terms of the application, Ref WD/2024/1349/F, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 18 months from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings Site Location Plan; Block plan - proposed new boundary between Barn & Cottage; 001 Rev.1; 002 Rev.1.

Preliminary Matters

2. The main Parties have had the opportunity to comment on the National Planning Policy Framework (the Framework) which came into force in December 2024 and which is a material consideration. Comments received have been taken into account.
3. At the time the Council decided the application it considered that about 3.83 years supply of deliverable housing land could be demonstrated against a requirement in the Framework of five years. A later version of the Framework introduced a lower requirement of four years supply where, as in this case, the Council had consulted on an emerging Draft Local Plan under Regulation 18 of the Town and Country Planning Act (England) Regulations 2012.
4. The recent Framework has reintroduced the five year requirement for Councils with a very draft plan. The Council's Final Housing Land Supply Position September 2024 indicates a deliverable housing land supply of 4.45 years as of 1 April 2024. Little evidence on this matter has been supplied as part of this appeal but I have

been made aware by the Council, in relation to another appeal before me, that it now considers the deliverable housing land supply to be 3.68 years.

Main Issues

5. The main issues are: whether the site is a suitable location for a house with particular regard to accessibility to services and facilities; and whether the loss of holiday accommodation has been appropriately justified.

Reasons

Suitable location for a house

6. The spatial strategy in Policies SPO1, SPO3 and WCS14 of the Wealden Core Strategy Local Plan 2013 (the CS) and GD1 of the Wealden Local Plan 1998 (the LP) together direct development to the most sustainable locations in terms of the settlement hierarchy and defined development boundaries whilst protecting the valued environment of the District. The appeal site is not isolated in terms of the Framework as there are other properties nearby but is in the countryside. Saved Policies GD2 and DC17 of the LP generally seek to resist residential development in such areas.
7. Ripe is defined as a 'neighbourhood centre' in WCS6 of the CS rural areas hierarchy, the lowest sustainable type of settlement, but where some residential development is to be expected. There are some facilities such as a convenience store, café and post office in Ripe some 500m away. Access to these is via a relatively narrow road with no footways or street lighting. The nearest bus stops are in the neighbouring village of Chalvington. Therefore, future residents would be likely to rely on the private vehicle for day to day access to services and facilities.
8. I conclude that the site is not a suitable location for a house with particular regard to accessibility to services and facilities. The proposal would conflict with the above strategic policies which seek to direct development to the most sustainable locations and Policy SPO7 of the CS which seeks to reduce the need to travel.
9. However, the Framework indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Moreover, visitors occupying Betula Barn would also be likely to rely on the private vehicle. Accordingly, although the pattern of vehicle journeys would be somewhat different to that of full-time occupiers, journeys would be off-set, so the effect on the need to travel would be relatively limited.

Loss of holiday accommodation

10. Wealden includes parts of the Downs, the Weald, the coastline and rural countryside: all of immense diversity and appeal to visitors. Saved Policies DC7 and TM1 of the LP encourage facilities for tourism and Policy DC6 gives priority to small scale commercial uses over residential for the conversion of agricultural or other rural buildings in the countryside. The importance of holiday accommodation for tourism is recognised and Policies SPO1, SPO2 and SPO6 of the CS encourage suitable tourism to assist in the development of the rural economy to improve economic prosperity. The CS sets out that the strategy is to increase visitor spending by retaining serviced and non-serviced accommodation wherever possible. The Framework also encourages sustainable businesses and tourism in rural areas.

11. These LP policies and CS strategy underpinned the granting of planning permission for the property now known as Betula Barn and its use for holiday accommodation Ref WD/2014/1891/FA. However, as Saved Policies GD2 and DC17 of the LP seek to resist residential development outside defined development boundaries, conditions were imposed on the 2014 permission to restrict the use to holiday accommodation and to prevent occupation as a person's sole or main place of residence. The appeal proposal, which seeks unrestricted full-time residential use, would conflict with the above policies.
12. Although the appellant has indicated that there is no intention to continue with holiday lets there has been no demonstration that a reasonable attempt has been made to secure suitable business re-use and the proposal is not a subordinate part of a scheme for a business use. Nor have any details regarding financial viability been provided. Accordingly, there is conflict with Saved Policy DC8 of the LP which does not permit conversion of agricultural or other rural buildings in the countryside to residential use unless the above has been demonstrated.
13. It would appear that there is no Site Allocation Development Plan Document expanding upon the CS strategy for tourism. Therefore, as set out in the CS, consideration should be given to national guidance. Paragraph 88 of the recent Framework states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Unlike for accessible local services and community facilities, there is no specific requirement in the Framework for the retention of short let holiday accommodation or to demonstrate an absence of business need. There is inconsistency between the LP and the Framework in these respects.
14. I conclude that the loss of holiday accommodation has not been appropriately justified in terms of Saved Policies DC6, DC7, DC8 and TM1 of the LP. There would be conflict with the development plan in this respect. However, I note there is another holiday facility adjacent to Betula Barn, Olive Tree House, available and more such facilities in the wider Ripe locality. This, together with the inconsistency with the Framework, leads me to conclude the conflict with these development plan policies for demonstrating business need carries limited weight in this appeal.

Other Matters

15. A public footpath runs from Ripe Lane through the grounds of Cherry Cottage to fields beyond. The proposal would result in the footpath being in the grounds of Betula Barn rather than Cherry Cottage. The grant of planning permission does not, of itself, authorise any obstruction of a right of way. It is the responsibility of the appellant to meet separate legislative and regulatory requirements should any stopping up or diversion of the right of way be required.

Planning Balance

16. Planning policies can pull in different directions. The Saved Policies LP predate any Framework and the CS pre-dates the current Framework. Due weight should be given to them according to their consistency with the Framework. In this case the spatial strategies for development have been unable to deliver the housing needed. In such circumstances the presumption in favour of granting permission at Paragraph 11d) would be engaged.

17. I have found that the proposal would conflict with the spatial strategy for the area which seeks to direct residential development to the most sustainable locations in the interests of reducing travel and reliance on the private vehicle. Full time occupiers would be likely to rely on the private vehicle for day to day facilities and services. However, opportunities to maximise sustainable transport solutions vary between urban and rural areas and visitors occupying Betula Barn would also be likely to rely on the private vehicle although the pattern of vehicle journeys would be somewhat different to that of full-time occupiers. Accordingly in this appeal I give this matter moderate weight.
18. There would be a loss of accommodation for visitors although there is other such accommodation in the locality. There would be an associated reduced economic contribution to the rural economy though this would be offset to some extent by increased spend by additional full-time residents. There would be conflict with the development plan in this respect. However, for the reasons set out above I give this limited weight in this appeal.
19. On the other hand, the proposal would make effective use of an existing building which is laid out and equipped to an extent necessary to support full time residential use. The proposal would add a much needed dwelling to the local housing stock albeit on a relatively small scale. The use as a house could commence relatively quickly. These are significant public benefits in favour of the proposal even though somewhat limited by the small scale of the development.
20. Taking the above together I give greater weight to the provision of a house than to retention of holiday accommodation in the present case. I conclude that the adverse effects of the proposal would not significantly and demonstrably outweigh the benefits having particular regard to the key policies of the Framework of directing development to sustainable locations and making effective use of land.

Conditions

21. I have considered the conditions proposed by the Council in light of the Framework and Planning Practice Guidance. A shortened commencement period is specified in line with the Government's aim to quickly increase the supply of housing. Compliance with the approved plans is necessary to provide certainty.
22. The Council suggests permitted development rights should be removed for buildings, structures and other works. However, the Framework indicates conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The evidence does not indicate sufficient justification in this case, so I have not imposed such a condition.

Conclusion

23. For the reasons set out above the appeal scheme would conflict with the development plan. However, in this particular case the material considerations of the Framework are of sufficient weight to indicate there should be a decision other than in accordance with it. The appeal should be allowed.

S Harley

INSPECTOR