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## Appeal Decision

Site visit made on 16 April 2025

**by Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

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**Appeal Ref: APP/C1435/W/24/3350683**

**Hunters Barn, Nutley East, Nutley, East Sussex TN22 3LS**

**(Easting: 544435, Northing: 126168)**

- 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 Leonard Leeson against the decision of Wealden District Council.
  - The application Ref is WD/2023/2977/F.
  - The development proposed is demolish the stables and convert redundant cattle shed into residential use with ancillary use of an adjacent pole barn, and biodiversity enhancements.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the proposed development is suitable for the site having regard a) to local and national policies for the location of housing; b) the character and appearance of the area with particular regard to the High Weald National Landscape; and c) the effect of the proposed development on the Ashdown Forest Special Protection Area.

### Reasons

#### *Location*

3. Policies GD2 and DC17 of the Wealden Local Plan 1998 (WLP) seek to control the location of new housing and thereby protect the open countryside from inappropriate sporadic development. These policies are supported by Policy WCS6 of the Wealden Core Strategy Local Plan 2013 (CS) which identifies settlements where housing should be allocated, and by Strategic Planning Objective SPO7, which encourages a reduction in the need to travel by car.
4. The Council acknowledges that its strategic housing policies and development boundaries are out of date. Nonetheless there is broad consistency between the objectives of these policies and those in the National Planning Policy Framework (the Framework) regarding the general location of new housing.
5. The appeal site, which comprises former agricultural buildings and a stables building, is located to the south of the village of Nutley and so in planning policy terms is within the open countryside. There are limited facilities in Nutley and accessing them is likely to be done by car from the appeal site. This is because the nature of Down Street makes it an unlikely route that future occupants would wish to follow on foot or by bicycle. Although the public right of way which runs

adjacent to the site connects through to the A22, this point is some way south of Nutley.

6. A round trip on foot or bicycle is therefore unlikely to be an attractive alternative option to using the car. Consequently, travel demands and living needs would, in reality, normally be met by use of a private vehicle. Even if this meant the occupants helped to enhance or maintain the vitality of Nutley or any other settlement, this single dwelling would have a limited effect in this regard.
7. Taking account of all the above, I find that the dwelling would be in an unsuitable location having regard to the development plan objectives of not locating housing in the countryside and thus reducing the need to travel by car. Accordingly, the proposal is contrary to policies GD2 and DC17 of the WLP; Strategic Planning Objective SPO7 and Policy WCS6 of the CS.
8. Whilst new housing within the countryside is therefore usually resisted, local policies do allow for some exceptions. In this respect, and of relevance to this appeal is Policy DC8 of the WLP. It allows for rural buildings located outside of the development boundaries to be converted to residential use.
9. The policy does place a priority on attempts to secure a business reuse before permitting a conversion to residential use. However, this is more restrictive than the Framework and so carries limited weight. More generally the policy sets out criteria which specifies, amongst other things, that the building to be converted shall be of sound construction and capable of conversion without significant rebuilding or extension.
10. The submission is accompanied by a Structural Report dated October 2023 and subsequent letter of 6 February 2024. Both are from the same suitably qualified expert, and I have no reason to question the content of these documents.
11. The existing cattle shed is said to be in good condition and suitable for use as an agricultural building. For it to become a dwelling, the scheme entails a new roof, replacing the existing walls with new external materials and an entirely new wall along the currently open, north elevation. I note that an unnumbered drawing submitted in support of the scheme indicates the re-use of many of the external surfaces. Given that the application form and Planning Statement submitted to the Council are consistent with the Structural Report and letter in indicating new external walls and roof, I have proceeded on that basis.
12. The existing metal frame would be retained. There would be some additional stanchions to help provide rigidity but the foundations are identified as being adequate for the project. However, in my planning judgement, the scheme as a whole entails significant rebuilding of the outer walls and roof as well as a significant modification to the northern elevation in the form of a new wall. Without these works the building would not be capable of habitation as a dwelling. I therefore find that the proposal would not comply with the requirements of Policy DC8 of the WLP.
13. In support of the scheme the appellant references Paragraph 84 of the Framework. This paragraph states that planning decisions should avoid isolated homes in the countryside unless one of a list of exceptional circumstances applies. Criterion (c) of that list is that the development would re-use redundant or disused

buildings and enhance its immediate setting. It is this circumstance on which the appellant relies.

14. The Framework provides no clarification as to whether the re-use of a building can include substantial works such as those proposed in this case. It is therefore at best uncertain as to whether the development would accord with Paragraph 84 or go beyond its remit.
15. The consideration as to whether a development would be physically isolated is in planning terms commonly understood to be in the sense of being isolated from a settlement. It is a matter of planning judgment as to what constitutes a “settlement” and whether a development would be “isolated” from it.
16. There are one or two dwellings located along Down Street, north of the appeal site but there is more of a concentration of buildings nearer the appeal site. This takes the form of a loose ribbon of buildings opposite and to the south of the site. In my judgement, these other buildings near the site are sufficiently dispersed with limited intervisibility such that they do not read physically as a settlement on the ground.
17. I note that there have been some suggestions that the buildings are not redundant. Be that as it may, I observed on site that the cattle shed is now empty and not in active use. To my mind, that building is disused.
18. Even if the proposed works would not go beyond a re-use, there would still need to be an enhancement of the immediate setting of the buildings. The terms ‘enhance’ and ‘immediate setting’ are not described or defined within the Framework and so a planning judgement is required. This is considered in the next section, having regard to the site’s location within the High Weald National Landscape (HWNL).

#### *Character and Appearance*

19. The site is within the HWNL, and the Framework requires great weight be given to conserving and enhancing its landscape and scenic beauty. This part of the High Weald is characterised by rolling countryside of a pastoral nature, punctuated by areas of woodland. There is some scattered built form, but the landscape is rural, verdant and tranquil in character.
20. The site is bounded by hedgerow and trees. The main buildings are located at the corner of Down Street and a public right of way. Although only a snapshot of a weekday morning, at the time of my site visit Down Street was very quiet in terms of vehicular movements. The right of way was similarly quiet but the impressions in the mud suggested that it was well used.
21. The existing cattle shed and pole barn, while visible from Down Street are not prominent. However, they are highly visible from the right of way. Though the buildings are not high quality, they are not, in my view, inherently visually unattractive and not at all unusual or uncommon in the countryside. Despite their utilitarian nature, they do not unduly detract from the site’s tranquil setting.
22. The wooden stable building and bund are to be removed as part of the scheme. They are both relatively minor features of the site. They are what might reasonably be expected in a setting such as this one. I am also mindful that the stable benefits from planning permission and so in planning terms was not considered harmful within this setting.

23. Whilst the bund does not apparently have planning permission it is within the control of the appellant and so any tidying up or removal is not necessarily dependent on the proposed development. Nevertheless, replacing the bund would provide an opportunity for a native mix of planting to the boundaries, which would be a beneficial change. Allied to this there could be features such as bird and bat boxes which would be positive additions.
24. The Council has not raised an objection to the appearance of the converted buildings per se, and their overall shape and size would not change as a result of the proposal. Nevertheless, the introduction of a dwelling in such a location would alter the nature of the site and its relationship with the area.
25. This would be particularly evident, and somewhat unexpected, when seen from the adjacent public right of way. Of particular note would be the introduction of 16 window openings on the southern elevation as well as new windows on the eastern elevation. These would give an overriding impression of a building in domestic, not agricultural use. Indeed, the extensive areas of glazing proposed for the building would allow for the emission of artificial light generally which would add to the visual impact of the proposal.
26. The scheme also seeks to re-use an existing track and access. The drawings indicate a surfaced parking area and driveway around the buildings but do not show how far along the access track the new surfacing would be laid. In reality and in terms of practicability, it is probable that it would extend for most if not all of the length of the existing track.
27. While the entrance would not necessarily open up views into the site, the works would inevitably create a more formalised entrance onto Down Street. This would be seen as a more distinct and urban feature along this section of a narrow tree lined road. It would be highly visible when passing and would incrementally erode the rural qualities of the rural landscape.
28. I have had regard to the Landscape Report submitted in support of the appeal. Even though supplemental planting could help to protect views into the site, limited public visibility of much of the site does not mean there would be no innate harm to the character and appearance of this countryside or that the change to the site which is proposed would not be significant. Furthermore, landscaping should not be relied upon to essentially screen unacceptable development, particularly as there can be no certainty that landscaping would be successful or retained in perpetuity.
29. Similarly, I note that the Ecological Mitigation, Management and Enhancement Plan sets out a range of biodiversity net gains to the adjoining paddock. However, this does not directly address the harm by the proposed works to the buildings and their immediate setting.
30. I acknowledge that Paragraph 84 of the Framework in permitting the reuse of buildings in isolated locations for residential purposes inherently accepts that there will be some change in character. Nevertheless, there must be an enhancement of the immediate setting to benefit from the presumption. In this case, that must also be viewed in the context of the site being within the HWNL.
31. Overall, I find the conversion of the building and domestic use of the land around it would result in a harmful spread of residential development unacceptably eroding

the tranquil and scenic beauty of this part of the HWNL, contrary to the high level of protection afforded to these landscapes by the Framework.

32. Given all of the above, I do not find that the proposal would give rise to an enhancement of the immediate setting of the retained buildings. Consequently, this is not a situation where Paragraph 84 of the Framework indicates that an isolated dwelling in the countryside would be acceptable.
33. As I have found the proposal to be at odds with the character and appearance of the area and would diminish the existing special qualities which positively contribute to this part of the HWNL, it would be contrary to the development plan.
34. In particular, it would be contrary to Policies EN1 and EN6 of the WLP; Spatial Planning Objectives SPO1 and SPO7 and Policies WCS12 and WCS14 of the CS which, amongst other things, require proposals to conserve or enhance the natural beauty and character of the landscape, particularly in the High Weald, as well as generally securing sustainable development in line with national policy.

#### *Ashdown Forest SPA*

35. Ashdown Forest is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Its nature conservation interests and integrity can easily be disturbed by recreational activity arising from residents of new housing development within a Zone of Influence (Zoi).
36. The appeal site is within the Zoi for Ashdown Forest. The Council has a tariff-based system for new housing development which enables mitigation to be provided, such as the management and monitoring of the protected areas.
37. The appellant has produced a Unilateral Undertaking (UU). This would be a mechanism designed to ensure the proposed development provided the appropriate contribution and did not have an adverse effect on the integrity and nature conservation interests of the SPA. It is a matter I return to below.

#### **Other Matters**

38. The Council's appeal statement indicates that as of November 2024 it could demonstrate a 4.45-year supply of housing. At that stage this represented compliance with national policy requirements. In the interim the Framework has reverted back to requiring a 5-year supply of deliverable housing sites. There is nothing before me to indicate that the Council's supply has significantly changed in the interim and that it remains compliant with national policy.
39. I also note the appellant's contention that the development of the site would free up smaller houses for which there is said to be a local need. However, there is no certainty that this would be the case.
40. The equestrian use is said to constitute brownfield land and that the Framework supports the reuse of previously developed land. While that may be the case, the Framework at Paragraph 125 gives substantial weight to the value of using suitable brownfield land within settlements for homes. At Paragraph 89, in relation to supporting a prosperous local economy, the Framework also encourages the use of previously developed land that is well-related to existing settlements. As the site is neither within a settlement nor well-related to one, part of the site being PDL is not a reason to allow the appeal.

## **Planning Balance**

41. The dwelling would be aligned with objectives of the Framework to significantly boost the supply of homes to meet people's living needs. This is particularly important in an area which is not providing a sufficient supply of housing to meet national policies. The proposal would also have economic benefits both during construction and upon occupation and there may be some social benefits alongside them. There would also be environmental benefits, not least of which would be the ecological enhancements to the adjoining paddock.
42. On the other hand, the proposal would result in an unjustified proliferation of housing in the countryside, cause harm to landscape and scenic beauty in the HWNL and so would not protect the intrinsic character and beauty of the countryside. Indeed, the application of policies in the Framework that protect an area of particular importance (in this case the HWNL) provide a strong reason for refusing the proposal.
43. Accordingly, under Paragraph 11(d)(i) of the Framework, planning permission should be refused and, therefore, I do not need to consider or weigh the identified harms, including those conflicts with the development plan, against any of the proclaimed benefits of the proposal.
44. If I had reached a different conclusion, then I would have had to undertake an Appropriate Assessment to consider the likely effectiveness of the mitigation measures and the provisions of the UU on the Ashdown Forest SPA. However, as I am dismissing the appeal for other reasons, such an assessment is not necessary.

## **Conclusion**

45. The proposal conflicts with relevant policies of the development plan. There are no other material considerations, including the Framework, to indicate that the decision should be made other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above, the proposal is unacceptable and so the appeal should be dismissed.

*Stewart Glassar*

INSPECTOR