



Appeal Decision

Site visit made on 8 April 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 JUNE 2025

Appeal Ref: APP/C1435/W/24/3356789

Downsview Farmhouse, Sheepcote Lane, Chalvington, East Sussex BN27 3SY

- 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 and Ms Jackson and Clutton against the decision of Wealden District Council.
 - The application Ref is WD/2023/3073/FR .
 - The development is for the conversion and extension of an agricultural building to form a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of an agricultural building to form a dwelling at Downsview Farmhouse, Sheepcote Lane, Chalvington, East Sussex BN27 3SY in accordance with the terms of the application Ref WD/2023/3073/FR and the plans numbered 02, 03 and 04, subject to the following conditions:

- 1) Unless within 3 months of the date of this decision a scheme for the hard and soft landscaping of the site, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in the first planting season following the local planning authority's approval, the use of the appeal building as a dwelling shall cease until such time as a scheme is approved and implemented.

Soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, types, forms and proposed numbers/densities, mostly comprising native species; an implementation programme.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the appeal building as a dwelling shall cease until such time as a scheme approved by the local planning authority is implemented.

Any landscaping which within a period of 5 years from the date of this decision dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) Within 3 months of the date of this decision, details of foul drainage to be within the site area as indicated on drawing 02 shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be installed within 6 months of the approval.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the building as a dwelling shall cease until such time as a scheme approved by the local planning authority is implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. At the time of my site visit I saw that the agricultural building had already been converted into a residential dwelling. Retrospective as referred to in the application form and the decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for the conversion of an agricultural barn into a residential dwelling, which is reflected in my description of development.
3. The appellant submitted appeal decision APP/C1435/W/24/3353612 (3353612) after the final comments had been received and requested the decision be taken into consideration when determining this appeal. The Council have been sent a copy of the appeal decision and had opportunity to comment. I am therefore satisfied that by taking this appeal decision into account in the determination of this appeal no parties have been prejudiced.
4. The block plan shows the red line boundary drawn tightly around the building and does not include circulation space around the building or the access steps to the entrance. This did not preclude the Council determining the application on this basis and I see no reason why I should not determine the appeal on the same basis.

Main Issues

5. The main issues in respect of this appeal are:
 - Whether the appeal building is appropriate for residential use, having regard to its location and the nature and extent of works required to facilitate its occupancy as a dwelling.
 - Whether the development provides suitable living conditions for its occupants, with reference to outlook.

Reasons

Appropriateness for residential use having regard to location and extent of works required.

6. The appeal site comprises a former open sided agricultural barn set in a complex of agricultural buildings in a countryside location with sporadic built development in the vicinity of the site. I am aware of one other barn within the complex that has been converted to tourist accommodation and one other residential property on the farm.
7. Planning permission to convert the barn into tourist accommodation was granted in 2020 (Ref: WD/2019/1516/F) but not implemented and has now expired. This remains a material consideration in determination of the appeal. In permitting the application for tourist accommodation the Council acknowledge the extent of works enclosing the open side went beyond the criteria within Policy DC7 (1) (DC7) of the Wealden Local Plan 1998 (LP), which requires the following:

‘The building is of sound construction and capable of conversion without significant rebuilding or extension. The Council may require this to be demonstrated through the submission of a structural survey’.
8. The tourist accommodation was justified under paragraph 83 of the National Planning Policy Framework (Framework) (2019) which promoted sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings, therefore the conflict regarding the buildings capability for conversion without significant rebuilding was outweighed.
9. Policy DC8 (DC8) of the LP is most relevant to this appeal. The Council acknowledge that parts a and b of Policy DC8 requiring non-residential uses for agricultural buildings to be considered before residential uses is not afforded significant weight as the Framework (2024) does not require this step. The Council consider the development conflicts with Parts (2) and (3) of the policy. Parts (2) and (3) require the building to be of sound construction and capable of conversion without significant rebuilding, modification or extension and any proposed alterations to not materially change the buildings appearance.
10. No structural survey was required for the application to convert the barn into tourist accommodation and the Council acknowledge the structure was of sound construction. The policy wording of Policies DC7 and DC8 varies slightly in that Policy DC7 states the Council ‘may’ require a structural survey to demonstrate the building is of sound construction and capable of conversion and Policy DC8 states the Council will ‘normally’ require a structural survey to demonstrate the building is of sound construction and capable of conversion. In neither scenario is a structural survey always required and in both scenarios the extent of works to convert the building would be the same as one side of the open barn needs to be fully enclosed. The Framework (2024) Paragraph 84 (c) provides support for residential development within the countryside provided the development would re-use redundant or disused buildings and enhance its immediate setting. In my opinion, this support carries equal weight to the support the Council gave Paragraph 83 of the Framework (2019) when determining the application for converting the barn into tourist accommodation and would outweigh any perceived conflict with Part (2) of Policy DC8.

11. The appellants extended the barn when converting it to residential use, however, the extension was not required to make the building capable of conversion and neither is the extension significant in size. Policy DC8 does not explicitly preclude modest extensions, and the overall character of the scheme is not dissimilar to the scheme approved for tourist accommodation. Despite this, I consider inserting a new wall to enclose the long open side of the building is a significant modification and the proposal therefore conflicts with Part (2) of Policy DC8.
12. Part (3) of Policy DC8 requires alterations to not materially change the appearance as a rural building. The Council consider the southeast elevation has a modern appearance conflicting with Part (3) of Policy DC8. The original barn was open sided on this elevation and has been replaced with timber cladding and large sections of glazing. The approved plans for the tourist accommodation showed this elevation fully enclosed and clad with timber with small windows uniformly punctuating the elevation. Whilst the permission for the tourist accommodation has a more understated and rural feel, by fully enclosing a once open side, both schemes materially change the barns appearance. I therefore find conflict with Part (3) of Policy DC8 in so much as the development has materially changed the appearance of the barn as a rural building.
13. Paragraph 84 of the Framework (2024) states decisions should avoid the development of isolated homes in the countryside unless (c) the development would re-use redundant or disused buildings and enhance its immediate setting. There is agreement between the parties that the barn was redundant. The site is located in a cluster of agricultural buildings including a residential dwelling and tourist accommodation, however, isolated simply means physically separate or remote from a settlement. The proposal is isolated by virtue of its remoteness from the nearest settlement. The development therefore complies with paragraph 84 of the Framework as it has turned a redundant building in an isolated location into a home. The development is set amongst agricultural buildings with large areas of concrete hardstanding and is enclosed by walls and fencing meaning the domestic areas are not readily visible outside the site. There is some existing vegetation. In my opinion, the alterations and adaptations to the barn have enhanced its setting and further enhancements to the immediate setting can be controlled as part of a landscaping condition as suggested by the Council.
14. In addition to the conflict with Policy DC8 identified, the scheme would conflict with Policies GD2 and DC17 of the LP which resist development outside settlement boundaries unless in accordance with specific policies in the LP. For the same reason, it would also conflict with the spatial strategy contained within policy WCS6 of the Core Strategy Local Plan (CSLP) which supports new housing in rural areas within defined Centres. Reference has been made to Spatial Planning Objective (SPO) 1 of the CSLP. However, as it seeks to manage countryside resources, developing the rural economy whilst protecting bio and geodiversity no conflict with the scheme and SPO1 would occur.

Living Conditions for the Occupants

15. The outlook from the window in the northeast elevation consists of a concrete yard and the side of an agricultural barn and is partially enclosed. There is an open sided barn to the rear of the appeal site which could contain livestock, however, this is not directly in line of sight from the window. Whilst the outlook from the window is non-descript, the window serves a bedroom and I consider the outlook to provide a satisfactory environment for the occupiers of the barn and when taken as a whole, the development provides a high-quality living environment. It is acknowledged that the appellants do not have control over the land directly behind the window however, due to the already constrained nature of the site, this is not considered likely to be a significant issue in the future.
16. For the reasons identified above, I conclude that the development provides suitable living conditions for the occupants of the dwelling. As such, it would not conflict with Policy EN27 of the Wealden Local Plan 1998 or Spatial Planning Objective SP013.

Other Matters

17. The appeal site lies within the setting of the Grade II listed building, Mount Pleasant Farm which is a two-storey dwelling with its origins in the late 16th Century. Mount Pleasant Farm stands within mature garden area and is separated from the appeal site by an access track and other buildings such that the site is not visible or prominent within the setting of the listed building. The location of the appeal site set amongst other agricultural buildings would preserve the setting of the listed building and would not harm any features of special architectural or historic interest which it possesses. There is therefore no conflict with the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or the relevant development plan policies.

Overall Conclusions: The planning balance

18. There is a policy conflict between parts a and b of Policy DC8 of the Local Plan and paragraph 84 of the Framework as these parts of Policy DC8 give preference to the conversion of buildings for economic uses rather than residential and, amongst other matters, only support residential conversions where any modifications will not be significant. However, the Local Plan was adopted in 1998 well over a decade before the Framework was initially published. As a result, I therefore attach limited weight to the policy conflict between the scheme and Policies DC8, and the consequent conflict with Policies GD2 and DC17 of the Local Plan and Policy WCS6 of the CSLP identified earlier in this decision. As the proposal would be contrary to the policies in the development plan that support this type of development in this location, there would be conflict with the development plan considered as a whole
19. The Council do not have a 5-year housing land supply and can only demonstrate a 3.83-year supply. Paragraph 11d of the Framework advises that where the policies which are most important for determining the applications are out of date which includes applications for housing where the local planning authority cannot demonstrate a 5-year housing land supply, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The significant shortfall in the supply of housing is a material consideration to which I give considerable weight.

20. The benefits of the development are the bringing back into use of a redundant building, the enhancement in its setting and the contribution that a dwelling would make towards the 5-year housing land supply. The development would also provide enduring benefits, economically, through spending in the local community by future residents and socially, by the contribution of future residents to the rural community. Given the lack of 5-year housing land supply, I give the benefits of the development identified above significant weight. On the other side of the balance, the proposal would result in a residential rather than a business use of the building and the conversion work has significantly modified the original building and materially changed its appearance. I attach modest weight to these adverse impacts.
21. In this instance, the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies, and therefore paragraph 11d of the Framework is engaged and the appeal should be allowed.
22. My overall conclusion in this case is that the adverse impacts of the proposal are limited and fall short of significantly and demonstrably outweighing the benefits of the scheme when assessed against the policies of the Framework as a whole. Consequently, the presumption in favour of sustainable development applies and in accordance with the Framework and policy WCS14 of the CSLP material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan. I therefore conclude that the appeal should be allowed.

Conditions

23. The development is retrospective therefore no time limits are required. In order to ensure that the development complements its surroundings and protects public health, further details of landscaping and foul water drainage need to be submitted for approval and implementation. Conditions 1 and 2 have been imposed to ensure that these details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the landscaping and foul drainage schemes before the development takes place. The conditions will ensure that the development can be enforced against if the requirements are not met.

C Coles

INSPECTOR