



Appeal Decision

Site visit made on 26 August 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23th of September 2025

Appeal Ref: APP/C1435/W/25/3364183

Barn at Otham Court Lane, Sayerland, Polegate, East Sussex BN26 6QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Ms MacDonald against the decision of Wealden District Council.
 - The application Ref is WD/2024/1991/PIP.
 - The development proposed is permission in principle application for the conversion and redevelopment of a former agricultural/equestrian building to create 3 dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for the conversion and redevelopment of a former agricultural/equestrian building comprising a minimum of 1 and a maximum of 3 dwellings at Barn at Otham Court Lane, Sayerland, Polegate, East Sussex BN26 6QS in accordance with the terms of the application, Ref WD/2024/1991/PIP.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have treated the plans provided as indicative only and I have determined the appeal accordingly.
4. The description of development in the banner heading is taken from the description of development in the application form which has also been used on the decision notice. The permission in principle procedure requires the minimum and maximum number of dwellings to be specified. I have therefore amended the description of development in my formal decision to have regard to the minimum of 1 and maximum of 3 dwellings which is specified in the application form.

¹ PPG Paragraph:012 Reference ID: 58-012-0180615

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The site consists of a barn and land within a paddock that are used for the keeping of horses. The barn is constructed with a metal frame, with walls enclosed with block work at the base and timber cladding and some corrugated sheet metal above. The roof has corrugated fibre sheet metal. The barn is accessed via a single width track and the immediate surrounding area is rural in character.
7. There is screening to the front of the site in the form of hedging and mature trees which allows sporadic views into the site. Once inside the site, there are open views across paddocks with good boundary screening to the A22 at the rear.
8. The site lies outside the defined settlement boundary of Polegate and is in the countryside for the purposes of planning policy. Policy GD2 of the Wealden Local Plan 1998 (LP) seeks to resist all development beyond settlement boundaries. There is sporadic development in the area with a few dwellings scattered along Sayerland Lane, the approach road to Otham Court Lane. The presence of existing dwellings along Sayerland Lane means that the appeal site is not isolated.
9. The main mode of transport to the site would be the private car, although journeys to the nearest shops and services would be short with scope for some journeys to be made by sustainable modes of transport. There are options for walking and cycling within close proximity to the site with the Cuckoo Trail providing access to Polegate either on foot or on bike, however, the Cuckoo Trail does not appear to be fully lit therefore this mode of transport would be unlikely to be utilised in bad weather or in the dark. Access to public transport would be via the Cuckoo Trail with the nearest bus stops approximately 1,100m away and the train station a few hundred metres further. The proposed development would therefore be more accessible than many rural homes and due to the short distance to Polegate, would support the facilities and services of this urban centre.
10. Policy DC17 of the LP resists residential development in the countryside unless it meets one of a series of specific exceptions, one of which is the conversion of an existing agricultural or other rural building, in accordance with Policy DC8 of the LP.
11. Policy DC8 of the LP permits the residential conversion of rural buildings subject to a number of criteria. However, this policy is out of date and not entirely consistent with the National Planning Policy Framework (the Framework) as it is silent on issues of sustainability and the requirement for business re-use does not conform with the Framework. Each application would therefore need to be determined on its own merit.
12. The summary criteria of Policy DC8 are that the building should primarily be re-used for commercial uses; is in keeping with its surroundings; is of sound construction and capable of conversion without significant rebuilding, modification or extension; any alterations would not harm its architectural integrity nor materially change its appearance as a rural building and its associated activities would not detract from the rural setting of the building.

13. The steel structure of the barn and the existing concrete floor appear to be sound and could be retained, however, to facilitate the conversion as proposed, an extension which would increase the gross external floor area of the building by 40% has been shown to the front elevation. All the elevations would include windows and the front and rear elevations would include the introduction of doors including patio style doors.
14. Despite this, the building is of a size that could accommodate conversion into three small units without the need for an extension, or for an extension of the size proposed. In any event, the form of the proposed extension would be in keeping with the form of the existing barn and, although design would be considered at the technical details consent stage, the overall style, character and appearance of the barn would not appear out of keeping with its surroundings which encompasses existing residential development.
15. The site has existing vehicular access from a single track road and there is existing traffic associated with the use of the site as stabling. The change of use of the site to residential is not considered to have an unacceptable impact on the local road network and although the existing access may need to be widened. The extent of widening would not be likely to be harmful to the character and appearance of the immediate area or the wider Low Weald Landscape.
16. There is existing hardstanding for the provision of car parking and horse box parking in association with the existing use of the building and this would be formalised to provide parking for the proposed development. The wider site including paddock area is currently subdivided by rope and wooden post and rail fencing and a new boundary treatment would be required around the site differentiating it from the paddock land. This would be considered at technical details consent stage but could be post and rail fencing to match the existing.
17. The proposed residential use of the site would have no significant impact on occupants of neighbouring dwellings. It is acknowledged that the change of use of the site to residential would intensify the use of the site and may introduce domestic paraphernalia. However, there are limited views into the site from Otham Court Lane due to the screening and the limited number of vehicles passing the site as the road only serves a small number of units. Residential development is sporadic within the area but is not uncommon and does form part of the character of the area.
18. In conclusion, the proposal would be a suitable location for residential development, having regard to its location, the proposed land use and the amount of development. Consequently, the proposal would be contrary to Policies GD2, DC8 and DC17 of the LP as the location of the proposal would be outside the settlement boundary and the proposal does not meet all of the criteria for the rural exceptions policy which allows the conversion of existing buildings to residential use. However, the proposal would be in accordance with Policy SPO1 of the Wealden Core Strategy Local Plan 2013 (CSLP) which seeks to protect internationally important sites. The design of the scheme would be considered at technical details consent stage but I am satisfied that a scheme could be devised that accords with Policy SPO13 of the CSLP which encourages high quality design and safe and attractive living environments.

Other Matters

19. My attention has been drawn to two appeal decisions from the Council. Appeal Ref: APP/C1435/W/24/3357229 was for the conversion of an existing barn to a 3-bed dwelling with associated external alterations, access, parking and landscaping. This appeal considered the impact of the proposal on a protected landscape and the setting of a Grade II listed building as well as location. The appeal was dismissed with the Inspector concluding the proposal within the national landscape and the setting of a Grade II listed building would be harmful as well as being contrary to the strategic aims of the LP and Core Strategy which seeks to locate new homes in or near settlements and where there will be a genuine choice of travel mode and that the benefits of a single dwelling would not outweigh these collective harms. This appeal is not comparable to the proposal due to the additional site constraints weighing into the Inspectors decision and the location of the proposal away from a settlement with good access to services and facilities.
20. Appeal Ref: APP/C1435/W/24/3357573 was for the demolition of buildings and floodlit sand school and alteration, reuse and conversion of the remaining barn to a dwelling, strategic landscaping, parking and gardens and use of existing access. The appeal differs from the current appeal as there was an additional constraint on the site in the form of Ancient Woodland which, under paragraph 11d of the Framework provides a strong reason for refusing the development proposed.
21. The site is within an impact risk zone for the Pevensey Levels SSSI, Special Area of Conservation (SAC) and Ramsar site. The Council therefore has considered whether the scheme would have a likely significant effect on the European sites, alone or in combination with other projects. It has taken the view that such adverse impacts would not occur, on the basis that the development would fall below the indicative thresholds regarding size of scheme (10 dwellings and above) and volume of discharge to ground or surface water (5cu m per day).
22. The Council has also determined that the proposal would not have a significant effect on the Ashdown Forest Special Protection Area (SPA) or the Ashdown Forest Special Area of Conservation (SAC) due to the intervening distance and the modest amount of development being proposed. Based on the evidence provided, I am satisfied that these conclusions are robust and that a likely significant effect on the integrity of European sites would not occur. Accordingly, Appropriate Assessment is not required under the Conservation of Habitats and Species Regulations 2017 (as amended).

Planning Balance and Conclusion

23. The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites and states that its current position is that of a 3.68-year supply or 73.5% of the requirement. There is therefore a significant shortfall of some 2,270 (net) dwellings.
24. Policy WSC14 of the CSLP and Paragraph 11d of the Framework advises that where there are no relevant development plan policies or the policies which are most important for determining applications are out of date, which includes applications for housing where the Council cannot demonstrate a five-year supply of deliverable housing, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular

importance provides a clear reason for refusing development or any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

25. The site is outside the adopted development boundary for Polegate as defined by the adopted LP. Policies GD2 and DC17 of the LP seek to resist development outside the defined settlement boundaries unless exception policies apply. The proposal would not comply with exception Policy DC8 of the LP due to the proposed extension, however, the proposed plans are indicative only and the barn could be converted to three dwellings without the extension. The detail would be considered at technical design consent stage.
26. Policies GD2 and DC17 of the LP are restrictive towards housing and in the absence of a five-year housing land supply the conflict with these policies receives limited weight. Appeals determined against Policy DC8 should be considered on a case by case basis as the rural exception policy is also out of date.
27. Given the shortage of housing supply which appears substantial, persistent and growing, the provision of three new dwellings would be a significant benefit. Although within a rural area, the site is within close proximity to the settlement of Polegate with some alternatives to the use of the private motor car for travel. In any event, the journeys made by car to the nearest settlement and services would be short.
28. The proposed development would also provide benefits by supporting local businesses, both during construction and in terms of the needs of future occupiers and would provide employment opportunities in the short term.
29. Environmentally, the proposal would redevelop an existing building reusing much of the existing fabric of the building which would be more environmentally friendly than building new dwellings from scratch. I attach these combined benefits significant weight.
30. The proposal would conflict with the development plan, however this conflict is outweighed by the material considerations identified above. For these reasons, the appeal should be allowed.

C Coles

INSPECTOR