
Appeal Decision

Site visit made on 22 September 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/P1425/W/25/3368109

The Black Barn, Nursery Lane, Wivelsfield Green RH17 7RB

- 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 S Malins against the decision of Lewes District Council.
 - The application Ref is LW/24/0676.
 - The development proposed is proposed conversion of redundant agri-barn to 5 bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. With the submission of the appeal, the appellant submitted a revised location plan which shows a reduced blue line, and floor and section plans with annotated measurements on them. Whilst the Council commented that it felt at an unfair disadvantage over the reduction in the blue line, it is a factual update on the appellants current land ownership rather than evolving or altering the scheme from what was under consideration at the time the Council determined the application. The updated plans with annotations also do not evolve or alter the scheme. I am therefore satisfied there is no substantive reason for me to not accept these plans. Furthermore, the Council has had the opportunity to comment upon these plans, and as a result, there would be no procedural reason not to accept them. I am therefore satisfied I can determine the appeal on the basis of these updated plans.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the existing building is suitable for conversion; and
 - whether the proposal would provide adequate living conditions for future occupants with specific regard to ceiling heights and outlook.

Reasons

Character and appearance

4. The appeal site comprises a modern agricultural barn finished in black stained timber with a roller shutter door. To the rear is an open grass field. It is set away from a small cluster of residential dwellings situated along Nursery Lane and is accessed by a gravel track which runs adjacent to the barn. The wider area

predominantly comprises expansive rolling fields which are bound by hedgerows and mature trees. On one side of the appeal site is a number of shipping containers and the other a dwelling which the evidence shows has a temporary planning consent¹. Presently with its agricultural appearance, the existing barn is in keeping with the rural landscape it is set within.

5. The conversion of the agricultural barn as proposed would domesticate the site through the introduction of additional glazing, replacing the roller shutter door with a domestic front door, and the dividing of the field to the rear to form a residential garden. The current frontage to the barn would also become a more formalised driveway for the parking of residential vehicles, and a new domestic garage is also proposed. The domestication of the site would be distinctly at odds with the predominantly rural character and appearance of the area and would result in considerably harmful domestic encroachment into the countryside.
6. Whilst the proposal would use post and rail fencing to mark the boundary of the proposed garden which in isolation would not be out of keeping with the rural location, the domestic formalisation of this land and the likely associated garden paraphernalia would still appear out of keeping within the rural settings of the appeal site and would not mitigate the harm.
7. Furthermore, whilst the surrounding undulating landscape and intervening vegetation would obscure some views of the development, on my visit I was nevertheless able to observe the appeal site from multiple public vantage points. The existing screening would not be sufficient to mitigate or otherwise justify the harmful domestication of the appeal site.
8. The appellant has identified that planning permission has been granted for a dwelling on the land adjacent to the appeal site², however, at the time of my visit construction of this dwelling had not begun. I accept that should the dwelling be built, this would inevitably introduce a domestic presence adjacent to the barn.
9. However, even if this dwelling was constructed, the character and appearance of the area would still remain overwhelmingly rural with very limited residential development on the land situated away from the cluster of dwellings along Nursery Lane. As such, regardless of whether the dwelling was constructed in the adjacent plot, the appeal proposal would nevertheless result in considerable harm to the character and appearance of the area through the domestication of the appeal site. Furthermore, each application should be considered on its own merits which I have done so in this case.
10. The appellant has referred to a previous appeal within the area at Clearview, Nursery Lane³ for the conversion of ancillary accommodation to an independent dwelling, which they consider to be similar to the development before me. I have been provided with limited details with regards to the specific circumstance of the case, including detailed plans. However, it is clear that appeal related to an ancillary building to an existing property so is not directly comparable to the appeal before me which is for the conversion of a standalone structure that would not relate to any other building. I have also explained that based on my observations the appeal site is located away from the cluster of residential development along

¹ LPA ref LW/23/0140

² LPA ref LW/23/0100 & LW/25/0428.

³ Appeal Ref: APP/P1425/W/19/3223445

Nursery Lane so is set within a different physical context. The appeal at Clearview, is therefore not directly comparable to the appeal before me and would not justify the harm that I have identified.

11. The appeal proposal would therefore conflict with Policies CP10 and CP11 of the Lewes District Local Plan Part 1 Joint Core Strategy (2016) (CS) and Policies DM1 and DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies (2020) (SADMP). These policies, amongst other matters, seek to ensure that the development is of a high quality design that responds sympathetically to the site and its local context, and conserves and enhances the high quality character of the rural environment.

Suitability of converting the existing building

12. The appeal site is situated outside of a designated settlement boundary. Policy DM4 of the SADMP sets out that proposals for the conversion of redundant agricultural or other rural buildings to a residential use will be permitted outside the planning boundaries subject to meeting a number of criteria. There is no definition contained within Policy DM4 as to what constitutes a redundant agricultural building.
13. The appellant sets out that whilst the appeal site remains within their ownership, they have since moved away from the area, sold off parts of their wider land ownership, and no longer use the building and wider remaining land for agricultural activities. However, land use and planning permission runs with the land. The lack of desire for the current landowner to operate the site within an agricultural use does not adequately demonstrate that the existing building is redundant from this use. I therefore do not have convincing evidence before me that adequately shows the building is redundant.
14. I have been referred to a range of appeals by both parties which set out various approaches other inspectors have taken to interpreting redundant buildings. However, in all these cases I have not been provided with any specific details of each case, nor am I familiar with the site specific contexts of each appeal. As such, I cannot be certain whether the circumstances of these appeals are directly comparable to the appeal proposal. In any case, as previously mentioned, each application should be considered on its own merits, which I have done in this case.
15. I therefore do not have convincing evidence to conclude that the appeal building is redundant and therefore it would not meet the requirements of Policy DM4 of the SADMP which seeks to control residential conversions within the countryside.

Living conditions of future occupiers

16. The plans show that the ceiling height of the corridor used to access the bathroom and bedrooms 2, 3 and 4 slopes steeply across its width resulting in a low floor to ceiling height. The evidence provided by the appellant shows that only a narrow portion of this corridor would be at a height above 2.3m before steeply reducing to a height where future occupiers would be unable to walk upright. This would make navigating the first floor uncomfortable and impractical for future occupiers.
17. Similarly, under the opposite roof slope the first-floor bedrooms would also contain steeply sloping ceilings resulting in low floor to ceiling heights. Whilst furniture placement would be determined by future occupants, the location of the doorways,

built-in wardrobes and bathrooms are set by the proposed plans, and these features take up a considerable portion of the floor area with comfortable floor to ceiling heights. As such, there would be limited practical usable living space and space for placing furniture within the first-floor bedrooms. Occupiers of these bedrooms would therefore be subject to a cramped and uncomfortable environment.

18. Whilst the evidence shows that the overall percentage of floor space with a ceiling height of 2.3m or above would exceed the requirements of the Nationally Described Space Standards, this would not mitigate or otherwise justify the harm I have identified in relation to the ceiling heights at the first-floor level.
19. The first-floor bedrooms would be served by rooflights. Given these rooflights would be set down low on the roof slope, future occupiers would be able to achieve an adequate level of outlook and therefore the proposal would provide acceptable living conditions in this regard.
20. Whilst I have found future occupiers would be provided with sufficient outlook, they would be subject to a cramped, impractical and uncomfortable living environment at first floor level due to the low floor to ceiling heights in many parts. The proposal would therefore cause considerable harm to the living conditions of future occupiers of the development. The appeal proposal would therefore conflict with Policy CP11 of the CS and Policy DM25 of the SADMP. These policies, amongst other matters, seek to ensure development is of a high quality of design and is safe and accessible.

Other Matters

21. The Biodiversity Net Gain Assessment (BNGA)⁴ shows that the development would result in a biodiversity net gain (BNG), primarily through relying on the enhancement of other neutral grassland situated outside of the red line of the development, but within the blue line ownership of the appellant. I have been provided with a signed unilateral undertaking (UU) which seeks to secure the offsite biodiversity gain land, including the provision of a habitat management and monitoring plan, securing its implementation, registering the site to the Biodiversity Gain Site Register and matters relating to monitoring.
22. In the first instance I am satisfied that a planning obligation in relation to BNG is required to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development. It therefore would meet all the requirements of paragraph 58 of the National Planning Policy Framework (the Framework). From reviewing the submitted UU, I am satisfied that it is a legally sound and binding obligation that effectively secures the BNG as set out in the BNGA. I am therefore satisfied that I can confidently rely on the UU to deliver the BNG at the appeal site.

Planning Balance

23. The Council cannot demonstrate a five-year housing land supply. The evidence before me sets out a variety of positions which range from 2.60 – 3.02 years. Given the limited extent of the range which I have been presented with, reaching a finding on the exact figure is not determinative in my decision. The provisions of

⁴ By Arbtech dated 10/10/2024

paragraph 11(d) of the Framework are therefore engaged. Footnote 8 confirms in these circumstances the policies which are most important for determining this appeal are deemed to be out-of-date. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.

24. The importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework, where it is clear at paragraph 139 that development which is not well designed should be refused. Paragraph 135f) seeks to create accessible places which promote health, wellbeing and a high standard of amenity for future users. Paragraph 187b) recognises the intrinsic character and beauty of the countryside. Therefore, based on the consistency with the Framework, the conflict between the appeal proposal and Policies CP10 and CP11 of the CS and DM1 and DM25 of the SADMP, insofar as they relate to character and appearance and living conditions of future occupiers carries significant weight against the development.
25. Whilst Policy DM4 has some consistency with paragraph 84 of the Framework, paragraph 61 of the Framework sets out the Government's objective of significantly boosting the supply of homes. The adopted housing strategy is failing to meet the local housing needs of the area. As such, conflict with Policy DM4 of the SADMP insofar as it relates to only allowing for the conversion of certain buildings within the countryside to residential would carry limited weight against the proposal.
26. The proposed development would conflict with the development plan as a whole and the abovementioned paragraphs of the Framework.
27. As mentioned, the Government's objective is to significantly boost the supply of housing, including through small and medium sized schemes. The proposal would achieve this by providing one new dwelling at the appeal site which would contribute towards the Council's housing land supply. However, given the small scale of the proposal and this its limited contribution to the district's housing supply, this would attract limited weight in favour of the development. The appeal proposal would also deliver a biodiversity net gain, however similarly given the small scale of the gain this would carry limited weight in favour of the development.
28. Therefore, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The presumption in favour of sustainable development would not apply.

Conclusion

29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that for the reasons given above, the appeal should be dismissed.

C Housden

INSPECTOR