

---

# Appeal Decision

Site visit made on 29 January 2018

**by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 February 2018**

---

**Appeal Ref: APP/P1425/C/17/3172404**

**Land at More House Farm, Ditchling Road, Wivelsfield, East Sussex**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Charles Burgoyne against an enforcement notice issued by Lewes District Council.
- The enforcement notice was issued on 24 March 2017.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a summerhouse, the approximate position of which is shown in green on the plan attached to the Notice for identification purposes only.
- The requirements of the notice are (i) Demolish/removal from the land the summer house and all materials and debris resulting from its removal.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice upheld.**

---

## Background

1. The appeal site comprises low lying land adjacent to the Pellingford Brook, which crosses a large agricultural holding known as More House Farm. The summerhouse is mounted on a timber plinth which jetties over the bank of a lake and appears to have been erected in about 2014. Two applications for the retention of the lake and summerhouse in 2015 were refused. The lake was subsequently granted planning permission in 2016<sup>1</sup>
2. The frame of the summerhouse is constructed of timber and this is clad in timber boarding. The pitched roof is covered with mineral 'slate effect' felt. The summerhouse is about 5.5m in width, 4m in depth and has a maximum height of 3.4m. Internally the building is arranged as a single room and is furnished with a number of chairs, a table and two small sofa(beds). There is a gas fired barbecue but no other services.
3. It is common ground between the parties that the lake provides a good wildlife habitat and I see no reason to disagree.

## Main Issue

4. The main issue in this appeal is the effect of the summerhouse on the aims of the policies that seek to protect open countryside.

---

<sup>1</sup> Council reference LW/16/0597

## Reasons

5. In support of his application, the appellant said that the purpose of the summerhouse was for the private domestic enjoyment and that this part of the farm was isolated and only readily accessible during the summer months. He also said that the pond and summerhouse are used for recreational purposes including fishing and swimming; particularly by his children.
6. However it is now suggested, at appeal stage, that the purpose of the summerhouse could be extended to provide a facility to a local primary school in conjunction with visits to the farm. In a letter from the head-teacher it is suggested, subject to a risk assessment, that it could be used as a base to leave belongings, packed lunches and to provide shelter.
7. The Council says that that main purpose of countryside policies is to protect the countryside from encroachment by inappropriate development. In particular it says that a domestic structure in a remote rural location is incongruous and unjustified.
8. I saw that the building appears to be little used, at least two of the windows were broken at the date of my visit and this does not suggest regular educational use at least during the winter months. It seems probable that it is during inclement winter weather that the availability of shelter may be more of a consideration however it does not appear to have been used regularly. Whilst a fence has been erected around the jettied platform there is little evidence of other alterations to facilitate use by school groups. It is suggested that the use would amount to about 12-15 visits per year but some of these would be in conjunction with visits to other parts of the farm holding. Indeed as I have noted above the access to the summerhouse outside the summer months is difficult. On the day of my visit in late January the higher path was very muddy and it was slippery underfoot. The lower access appeared to be boggy at best.
9. In these circumstances it seems to me that the summerhouse would not be essential to facilitate educational visits. In any event, it seems to me that any such visits to observe the ecology of the lake and its environs would not be dependent on the existence of the summerhouse. Consequently I give this claimed benefit little weight.
10. Thus the primary use of the building is for personal recreational use, effectively providing a feature that would normally be found within a domestic garden. On the day of my visit the building was visible from Slugwash Lane, which is to the east of the summerhouse. From this vantage point it appeared to be the only building in this undeveloped area of countryside.
11. I accept that the building is modest in size, however there seems no cogent justification for the siting of this domestic outbuilding in this isolated (the appellant's own description) part of the farm. The aim of saved Policy CT1 of the Lewes District Local Plan is to protect the countryside from encroachment by inappropriate development unless such development is compatible with the countryside. The list of such compatible developments does not include residential outbuildings or the provision of a building for community use.
12. Notwithstanding this, the appellant says that the development plan is out of date because there is no policy relating to leisure facilities. Thus he says

paragraph 28 of the National Planning Policy Framework (the Framework) is material. This he says supports rural tourism and leisure developments that benefit businesses in rural area. However, although the summerhouse may on occasions be used for shelter by a local school there is no cogent evidence that the use supports local tourism or business in the area. I thus find that this paragraph of the Framework has little material weight in the appeal before me.

13. I have also had regard to the Wivelsfield Neighbourhood Development Plan and the Lewes District Local Plan Part 1-Joint Core Strategy. However, although I acknowledge that both these plans are supportive of biodiversity, the evidence does not demonstrate that the summerhouse itself contributes to the protection and enhancement of habitats. Consequently, neither is directly relevant to the development before me.
14. I thus find that that the erection of the summerhouse in this isolated rural location undermines the aims of the policies that seek to protect open countryside. Moreover there is no material justification that outweighs the conflict with the development plan. In coming to this finding I have considered whether the harm could be overcome by conditions but alternative materials or finishes would not overcome the harmful effect of a domestic structure in this location.
15. Consequently the appeal on ground (a) fails.

#### **Formal decision**

16. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Sukie Tamplin*

INSPECTOR