

Appeal Decision

Site visit made on 30 September 2016

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2016

Appeal Ref: APP/U1430/D/16/3151785

'Walsingham', 83 Shrub Lane, Burwash, East Sussex, TN19 7BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Barrow against the decision of Rother District Council.
 - The application Ref RR/2016/92/P, dated 16 January 2016, was refused by notice dated 15 March 2016.
 - The development proposed is '*New access and vehicle crossing.*'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the proposal's effect on the character and appearance of the surrounding area, with particular regard to its location within the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The proposed vehicle crossing would access an open field, under the control of the appellant, where a mobile home is currently in situ. On an adjoining piece of land, for which the appellant also holds an interest, is a bungalow which is currently undergoing demolition. This piece of land enjoys planning permission for a replacement house and garage and it is intended that the access would assist the proposed construction works. As the appellant would be embarking on a self-build project, this would be facilitated by the mobile home.
 4. Shrub Lane, as one travels eastwards, takes on a more rural character and the field which the proposed access would service lies outside the approved curtilage of the proposed dwelling and also immediately beyond the Burwash Development Boundary, although dwellings are situated in proximity off the opposite, northern side of the lane.
 5. The access provision, to secure a parking and turning area within the field, would entail cutting away an approximate 5.7m wide section of mature hedgerow, allowing for the necessary visibility splays. Indeed, subject to adequate sight lines and other suggested conditions, the County Highway Authority raises no objection to the development. However, this appeal turns on the visual impact of the development.
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6. I am not convinced by the appellant's assertion that the intended opening would be largely inconspicuous in the streetscene. Neither have I been provided with any compelling justification as to the necessity of the access being in the position proposed, or why the mobile home could not be adequately accessed by way of the existing access to the construction site. In this context I have afforded little weight to the fact that the Burwash Parish Council gives its support to the proposal.
7. The width of the proposed clearance would suggest that the opening would be readily visible and I am also concerned that the submitted plans are somewhat less than illustrative as to the extent and degree of the works involved. This is particularly important given the site's location within an AONB, which the National Planning Policy Framework stipulates should be given the highest status of protection in relation to landscape and scenic beauty. Although, in this instance, scenic beauty might not be evident the site does lie outside the locally designated Development Boundary and I consider that the proposal, along with its facilitative works, would encroach upon the landscape and impact on its character and appearance.
8. The Council has indicated that it would be prepared to provide some assistance to the appellant to enable the construction works to be undertaken without causing permanent damage to the landscape. To this end I note that one of the Council's suggested conditions is that the proposed access should be closed/stopped up and the hedge reinstated following the proposed dwelling being occupied. However, the appellant, in his response, appears to take issue with such a requirement which I would consider, in the circumstances, to be both necessary and reasonable.
9. I conclude that the proposal would be harmful to the character and appearance of the surrounding area, and this would conflict with the aims of Policies OSS4 (iii), RA3 and EN1 of the Rother Local Plan Core Strategy.
10. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR