
Appeal Decision

Site visit made on 7 November 2016

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 11TH November 2016

Appeal Ref: APP/U1430/W/16/3155598

Frymans Farm, Hayes Lane, Peasmarsh, East Sussex TN31 6XR

- 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 Ms S Kaskanian against the decision of Rother District Council.
 - The application Ref RR/2016/617/P, dated 1 March 2016, was refused by notice dated 25 April 2016.
 - The development proposed is erection of a stable building, sand school and relocated vehicle access and driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. Frymans Farm is situated in a tranquil and remote part of the High Weald AONB overlooking the Tillingham Valley. The existing three bay stable block is a small structure sited between the garden of the house and an outbuilding. It is subservient to the outbuilding and unobtrusive in the landscape as it is viewed against the backdrop of vegetation and tall trees to the north of the site.
 4. The proposed stable block would be significantly larger than the building it would replace. It would be located to the east of the outbuilding resulting in the encroachment of built form into the open countryside beyond the envelope of the existing development at Frymans Farm. Whilst the new stables would be low profile, set a little below Hayes Lane and well screened from the road, they would be highly visible from the surrounding countryside.
 5. The building would be particularly apparent from the public footpath which passes through the fields immediately to the east of the site. This footpath descends from Hayes Lane towards the river that runs through this shallow valley. This part of the AONB is characterised by large fields, scattered mature trees and few buildings. In this context the building would appear overly large and visually separate from the house and its garden, making it unduly prominent in this open, undeveloped landscape.
 6. The proposed sand school would require significant engineering works to re-profile the land to provide for the ménage supported by banks that would require planting. This would disrupt the natural gradient of the land, with its gentle slope
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towards the river. Additional planting in this area would be at odds with the open fields and paddocks, most of which appear to be enclosed by post and rail fences rather than substantial hedges. The sand school would also involve the replacement of grass with a mix of man-made materials that would be alien to the appearance of the area and would adversely affect the pattern of fields and meadows that characterise this part of the AONB.

7. The existing access into the site is awkward and has poor visibility. However, it is hidden from wider views from the AONB and clearly separate from the gate and stile where the public footpath meets Hayes Lane. I note that the highway authority did not appear to formally comment on the application. However, as the lane is lightly trafficked and serves a remote rural area, in my view, the risk of accident is likely to be small and there was no evidence of any recent incidents. Even if it was easier to manoeuvre vehicles and horse boxes in and out of the site from an improved access, the proposal to move it further east would increase the risk of conflict between pedestrians using the public footpath and those accessing the site. I am therefore not persuaded that there would be significant benefits to highway safety arising from the proposal. On the other hand, the introduction of a new vehicular access and its associated hard surfacing would give rise to a further encroachment of development into the countryside.
8. I appreciate that the existing stables are in a poor state of repair and too small for the personal aspirations of the appellant to accommodate more horses for use by her family. However, these factors are not a justification for permitting a development in the countryside that would be harmful to the intrinsic beauty of the AONB.
9. The appellant drew my attention to one appeal decision¹ and number of applications² for equestrian developments that have been permitted within the High Weald AONB elsewhere in the district. None of the schemes were permitted after the adoption of the Rother Local Plan Core Strategy in 2014 and only one was permitted after the publication of the National Planning Policy Framework. From the evidence presented it appears that each was determined taking account of the policies that were relevant at that time and the particular circumstances of the site and its surroundings. I therefore do not consider them to be directly comparable with the proposal before me, which I have determined on its individual planning merits in the light of current planning policy.
10. Taking all these factors into consideration I conclude that the proposal would be harmful to the landscape and scenic beauty of the High Weald AONB. It would be contrary to Policies OSS3, OSS4, RA2, RA3 and EN1 of the Rother Local Plan Core Strategy. These policies all seek to ensure that development respects the character and qualities of the landscape and countryside especially where they are protected by national designation for their scenic beauty, a matter which the Framework advises should be given great weight. It would also fail to comply with saved Policy C5 of the Rother Local Plan, which only permits development of existing equestrian establishments where there would be no significant adverse effect on the landscape.
11. For this reason I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR

¹ APP/U1430/A/03/1129246

² RR/2010/730/P, RR/2011/807/P and RR/2013/1340/P