
Appeal Decision

Site visit made on 19 December 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 5 January 2017

Appeal Ref: APP/U1430/W/16/3159044

Rovindene Farm, Leasam Lane, Rye Foreign, East Sussex TN31 7UE

- 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 B Matthews against the decision of Rother District Council.
 - The application Ref RR/2016/602/P, dated 29 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is demolition of redundant sheds and construction of a modest single storey 2 bed dwelling along with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name from the planning application form, although I note that a Christian name is provided on the appeal form.

Main Issues

3. The main issues in this case are: -
 - a) Whether the proposal is in an inappropriate location for new residential development; and
 - b) The effect of the proposal upon the character and appearance of the area and the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. Policy RA3 of the Rother Local Plan Core Strategy (the Core Strategy) sets out a restrictive criteria approach to general housing development and protects the appeal site from development as it falls in the countryside. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid new isolated homes in the countryside unless there are special circumstances. The proposal does not fall within the exceptions of Policy RA3 or Paragraph 5 because the proposal would not support the rural community or economy. In this case there are no special circumstances before me that would justify residential development in the countryside. However, the Council has acknowledged it is currently unable to demonstrate a five year supply of housing. I will deal with the housing land supply shortfall below.
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5. The appeal site is located behind a row of road frontage development, although there is a small cluster of houses east of the appeal site that is located behind this existing road frontage development. Apart from existing redundant outbuildings, the appeal site is mainly a grassed open area which leads to a lower paddock to the south with open countryside beyond. The appeal site is rural in character despite being located close to existing residential development.
6. With regard to the other residential developments in the area that have been referred to, I observed that a number of existing dwellings in the area have been extended and altered or have hosted ancillary development within their grounds. These developments relate to existing residential properties and, therefore, the circumstances are different to that of the creation of a new dwelling in the countryside and, as such, no direct comparisons can be made. The proposed development can and should be considered on its own individual planning merits.
7. The appeal site is within walking distance of the settlement of Playden to the east. I observed that Playden, although containing the Rye Winchelsea & District Memorial Hospital and a doctor's surgery, offers little in the way of other services and facilities. Frequent public bus services are available on the A268 to Rye and other larger services centres. There are bus stops close to the junction with Leasam Lane on either side of the road.
8. Leasam Lane is a narrow single track highway with no footways or street lighting. Whilst it is not a 'through road' and is popular with recreational walkers, walking to and from the site on a daily basis would be unappealing, particularly at night and in the winter. There are therefore practical difficulties for access by walking to the public transport facilities on the A268. The occupiers would rely to a large extent on the use of private vehicle to access services and facilities on a day-to-day basis. This reliance on private car is reflected within the proposed development as parking for two vehicles is incorporated into the proposed scheme.
9. For these reasons, the proposal would conflict with paragraph 55 of the Framework as the dwelling would be isolated in the countryside with poor walking accessibility to the public transport service and would not meet the criteria that would amount to special circumstances.

The character and appearance of the area and the AONB

10. The appeal site falls within the High Weald Area of Outstanding Natural Beauty (AONB). Policy EN1 of the Rother Local Plan Core Strategy (the Core Strategy) ensures its protection.
11. I observed on site existing agricultural buildings. The proposal includes the removal of these timber structures. Although I acknowledge these structures are already in place, their removal to offset development at this site would not in its own right justify a new independent dwelling in this location.
12. Although the existing development to the north and east of the appeal site are residential in nature, the land to the south is rural in character, as are the existing outbuildings. The proposal would create new residential development of a significant size, scale and appearance with associated grounds. When combined with related domestic paraphernalia and activity related to residential

use it would substantially urbanise the rural character of the area. Although in proximity to existing residential dwellings, the dwelling would be located beyond the existing cluster of dwellings along the lane and would, in my opinion, be harmful to the open character and rural setting of the area that has been afforded special landscape protection.

13. The appellant suggests potentially retaining the outbuildings as these are typical features of this rural landscape. I do not consider this would diminish the harm identified above or justify a dwelling positioned north of these outbuildings where there is a currently an absence of built form.
14. To conclude, the proposed development would have a harmful effect on the character and appearance of the area and the AONB. It would conflict with Policies RA3, OSS4 and EN1 of the Core Strategy, which seek to protect the landscape of the High Weald AONB and which requires development to respect and not detract from the character and appearance of the countryside, amongst other matters. The proposal would also be contrary to paragraphs 7 and 115 of the Framework that asserts great weight to the conserving of the landscape in AONBs which is afforded the highest status of protection.

The planning balance

15. In relation to housing, paragraph 49 of the Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision-taking, paragraph 14 of the Framework explains this means approving proposals that accord with the development plan without delay and, where the development plan is absent, silent or out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits. This concept has three dimensions which are mutually dependant – economic, social and environmental (paragraph 7).
16. The Council has indicated it falls slightly short of providing a 5 year future housing land supply. In view that the Council cannot demonstrate that a 5 years supply of housing sites is in place only little weight can be given to Policy RA3 insofar as it relates to restrictive rural housing criteria; nonetheless, Policy RA3 (v) and Policies OSS4 and EN1 also have a role in protecting the character and appearance of the countryside which is consistent with the Framework.
17. The proposal would provide an additional housing benefit by contributing a dwelling to the District's overall housing supply. Such a benefit would be consistent with the social and economic dimensions of paragraph 7 of the Framework, although it would in my view be relatively limited. Notwithstanding this, the appeal site falls in the countryside with poor access to public transport services. The proposed development would not meet the environmental dimension by failing to respond to the need to mitigate and adapt to climate change by moving to a low carbon economy and causing harm to the character and appearance of the area. I find that the harm identified would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

Other Matters

18. My attention has been drawn to the redevelopment of the Winchelsea & District Memorial Hospital and the erection of residential apartments at this site. Although the Hospital site is located at the eastern end of Leasam Lane, this

development is located within the urban boundary of the settlement of Rye. Whilst developments relating to the Hospital can be seen from various vantage points at Rye, as can the appeal site, this does not overcome the harm that I have identified above or justify the proposal.

19. I acknowledge that the proposed development would not effect the living conditions of adjoining occupiers. I also note the appellant wishes to remain resident on the site in a property more suited to his future living needs than that of his present dwelling. I accept that the applicant has lived and worked in the area and is part of the local community and that the appeal site is close to his son's memorial site. Whilst I sympathise with the personal circumstances of the appellant, I am mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances or local support for the development.

Conclusion

20. The proposal does not, therefore, represent a sustainable form of development. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR