
Appeal Decision

Site visit made on 14 February 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/U1430/W/16/3161381

Wisteria Lodge, Udimore Road, Broad Oak, Brede, East Sussex TN31 6DG

- 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 Reno Bening, Lofthome UK Ltd against the decision of Rother District Council.
 - The application Ref RR/2016/1205/P, dated 29 April 2016, was refused by notice dated 19 July 2016.
 - The development proposed is the construction of three dwelling houses and access road and associated landscape.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As part of the appeal a slightly amended layout plan was submitted which the Council agree would ensure the long term protection of a large visually important Oak tree on the site frontage. The Council's third reason for refusal has therefore been overcome and is not considered further.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including whether it would conserve or enhance the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site, approximately rectangular in shape, lies on the southern side of the B2089 Udimore Road on the eastern edge of the village of Broad Oak. It slopes gently to the south. The site is currently an open field with a line of detached properties leading towards the village centre to the west and further properties on the other side of Udimore Road to the north. To the east lies Meadow Croft, an individual bungalow set in extensive grounds, and a scatter of roadside development leading towards the open countryside.
5. The proposal is for a group of three two-storey detached houses served by a single central access point. The houses would be of an attractive contemporary design, each a modern interpretation of an agricultural barn, with one located at each end of the site and the third lower down the slope in the centre. They would be constructed of high quality materials including 'anthracite' coloured wall and roof cladding and natural vertical timber cladding on the gable ends.

6. The development plan for the area currently comprises the Rother Local Plan Core Strategy 2014 (the RLPCS) together with certain saved policies of the Rother District Local Plan 2006 (the RDLP). The appeal site lies just outside the development boundary of Broad Oak as defined in the RDLP and consequently in the countryside for policy purposes. As such, Policies DS4 of the RDLP and RA3 of the RLPCS apply, which only allow new dwellings in extremely limited circumstances, none of which apply in this case.
7. However, the Council accept that they cannot currently demonstrate a five year supply of deliverable housing sites, and in these circumstances paragraph 49 of the National Planning Policy Framework (NPPF) states that the policies for the supply of housing in the development plan should not be considered up to date. Consequently, Policies DS4 and RA3, although still relevant, can only be afforded limited weight in this appeal.
8. Furthermore, Policy OSS2 of the RLPCS states that existing settlement boundaries will be reviewed and Policy RA1 proposes 50 additional dwellings at Broad Oak during the plan period to 2028. To this end the Council is preparing a Development and Site Allocations Local Plan (DSALP) and has recently published an 'Options and Preferred Options' consultation document. This document proposes no change to the settlement boundary in the vicinity of the appeal site and puts forward two potential allocations elsewhere in the village. However, as the DSALP is at such an early stage of preparation, this too can only be afforded limited weight in this appeal.
9. The village of Broad Oak offers a range of services and facilities and has been selected for some additional housing in the RLPCS. There is consequently no dispute that the appeal site, located within easy walking distance of the village centre, would represent a sustainable location for new housing.
10. However, in contrast to the housing on either side, the site comprises an unspoilt open field which offers extensive views over the countryside to the south. Whilst there are some roadside trees along the western part of the frontage there is minimal screening along the eastern part and only a low fence/hedge along the southern boundary of the site. This allows important and attractive views over the site to the rural landscape of the Brede valley beyond, giving a valuable appreciation of the countryside setting of the village within the AONB to those passing along the Udimore Road.
11. The proposal has been designed with the three dwellings widely spaced to retain some of these views between the buildings and as a cluster of rural barn type buildings to give the housing some rural character. The two dwellings at each side would be end onto the road and dug into the slope, minimising their profile as seen from the road, and all three would have reduced ridge heights by having the first floor accommodation partly within the roof space. However, these design features, even in combination, would not prevent a fundamental change in the character of the site.
12. The three detached houses, together with the access road, parking and turning areas, parked cars and signs of occupation such as waste bins, would be clearly apparent from the Udimore Road. In order to ensure privacy, residents would seek enclosure for their rear gardens which would in practice close off much of the rural view. At night there would be lighting where at present there is none. The result would be the loss of the unspoilt rural field and its replacement with built development detrimental to the character of this part of the village. From

the footpath to the south, although seen against the backdrop of the housing behind, the new houses would appear to encroach into the countryside on the edge of the village. Even with landscaping they would have an intrusive raw appearance for many years until they assimilate into their surroundings.

13. The whole village and its rural setting lies within the High Weald AONB where the statutory purpose of designation is to conserve and enhance natural beauty. It is appreciated that any new housing on the periphery of the village, as proposed by the RLPCS and DSALP, would encroach into the surrounding countryside included in the AONB designation. However, as explained above, the appeal site is particularly sensitive and offers especially important views from the village, these contributing significantly to its character.
14. For these reasons the proposal would cause significant harm to the character and appearance of the area and would not conserve the High Weald AONB. This would conflict with Policies OSS4 and EN1 of the RLPCS which seek to ensure development does not detract from the character and appearance of the locality and protects the visual character of settlements, settlement edges and their rural fringes. It would also conflict with paragraph 115 of the NPPF which places great weight on the conservation of landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Conclusion

15. The proposal would provide three additional, high quality family houses which would contribute towards the housing supply shortfall in the district. They would be built to high energy efficiency standards and habitat and biodiversity enhancements would be included. The numerous social and economic benefits of the houses would also be an important advantage of the scheme. However, in this case these benefits would be outweighed by the environmental impact of the new houses on the character and appearance of the area including the impact on the High Weald AONB. In these circumstances the proposal cannot be considered as a fully sustainable development and the presumption in favour of such development does not therefore apply.
16. Having regard to the above, the appeal should be dismissed.

David Reed

INSPECTOR