
Appeal Decision

Hearing held on 21 February 2017

Site visit made on 21 February 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 15th March 2017

Appeal Ref: APP/U1430/W/16/3156602

**Land at Dunsters Mill Road, Three Leg Cross, Ticehurst, East Sussex
TN5 7HL**

- 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 Graham Homewood of Hemlon Developments Limited against the decision of Rother District Council.
 - The application Ref RR/2016/620/P, dated 1 March 2016, was refused by notice dated 3 May 2016.
 - The development proposed is described as 'retrospective application for the retention of three agricultural buildings'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the site stated on the application form, the appeal form and the Council's decision notice are all different. The appellant and the Council confirmed at the hearing that I should use the address stated in paragraph 1.3 of the Statement of Common Ground (SoCG) and I have used that address in the banner heading above.
 3. The development has been implemented in that three buildings referred to as a tool shed, an open fronted cart shed (cart shed) and a hay barn have been constructed. There is some inconsistency between the external finishes for the buildings stated on the application drawings compared with the finishes that have been used in the construction of the buildings. In response to a question I raised the appellant confirmed that I should consider the appeal on the basis of the materials that have been used in the construction of the buildings.
 4. Notwithstanding that paragraph 5.1 of the SoCG implies that the appellant and the Council had agreed that there is a farming need for the buildings, the Council stated at the hearing that it was of the view that the current use of the landholding did not justify the development. I have therefore treated the second reason for refusal as continuing to be an extant one.
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Main Issues

5. The main issues are: the effect of the development on the character and appearance of the High Weald Area of Outstanding Natural Beauty (the AONB); and whether there is an agricultural need for the development.

Reasons

Policy Background

6. The development plan comprises the saved policies of the Rother District Local Plan of 2006 (the Local Plan) and the Rother Local Plan Core Strategy of 2014 (the Core Strategy). For the purposes of Policy DSC3 of the Local Plan and Policy OSS2 of the Core Strategy the appellant's landholding is outside a settlement boundary and is therefore in the countryside. Policy OSS4 of the Core Strategy addresses general design considerations and requires, amongst other things, that all development respects and does not detract from the character and appearance of an area.
7. Policy RA2 of the Core Strategy sets out the overarching strategy for considering development in the countryside and, amongst other things, this policy indicates that: there will be support for the maintenance of farming capacity; agricultural development will be supported when it maintains or improves rural character; and the countryside's intrinsic value will be conserved. Policy RA3 of the Core Strategy also addresses development in the countryside and, amongst other things, indicates that support will be given to new agricultural buildings that are demonstrably needed to support farming and that are of an appropriate size, siting and design and materials. The development is within the AONB and Policy EN1 of the Core Strategy states that development in this nationally designated landscape will be managed to protect and where possible enhance its landscape character.
8. The appellant and the Council agreed at the hearing that the abovementioned development plan policies are consistent with the policy contained in the National Planning Policy Framework (the Framework). With respect to the Framework paragraphs 28 (supporting a prosperous rural economy), 109 and 115 are of particular relevance to this case. Paragraph 109 advises that valued landscapes should be protected, while paragraph 115 stresses that great weight should be given to conserving landscape and scenic beauty in AONBs.

Character and Appearance

9. The tool and cart sheds are sited in a small yard, situated at the southern extremity of the appellant's pastoral landholding of 11.49 hectares¹. The tool shed has been clad on three sides with white painted feather edged timber boarding and has a very gently sloping mono-pitched roof. The cart shed's walls and roof are clad in corrugated metal sheeting. The hay barn is located in a field around 300 metres from the small yard, at the northern extremity of the appellant's landholding and it has been clad with metal corrugated sheeting, with only its eastern (side) elevation having a coloured finish.

¹ As stated in the appellant's agricultural viability report

10. The tool and cart sheds, in particular, are very prominent because they are sited immediately next to the yard's boundary with the 'Ticehurst 52' public right of way (the PROW). The PROW, as it passes the yard, has a north/south orientation and is a concrete track, several metres wide, and there is little in the way of planting along the yard's boundary with the PROW.
11. The PROW forms part of a network of public routes leading to and circulating around the Bewl Water reservoir and this reservoir is a significant recreational destination in the AONB. The appellant accepts that the tool and cart sheds have a 'utilitarian' appearance, with it being stated for the appellant at the hearing that the yard has an 'untidy' appearance, a sentiment I agree with. While the toolshed has been clad with timber boarding, a material which is more characteristic of the area than the cart shed's metal cladding, I nevertheless found the toolshed to be of an uncharacteristic appearance, given its odd looking open eaves venting detail and elongated width relative to its width.
12. The area immediately surrounding the yard is characterised by a gently rolling landform that comprises a mosaic of irregularly shaped fields that are being used for the purposes of livestock rearing on a 'non-dominant farming' basis, with some intermittent wooded shaws also being present. The area within the immediate vicinity of the development therefore exhibits many of the attributes that the ANOB's 'Statement of Significance' has identified as contributing to this area's natural beauty, character and special qualities. I found the tool and cart sheds to be contributing to the yard's untidy appearance and I consider that these buildings have an incongruous appearance within this sensitive and highly valued landscape. The local topography serves to draw attention the sheds' poor appearance, with these buildings standing out because of their unsympathetic appearance in relation to their surroundings.
13. I recognise that there has been some built development in the area, however, that is generally of a scattered nature. The agricultural buildings that are present in the wider area appeared to be focused around larger farmsteads and many of those buildings were of a considerable age and while originally being designed to fulfil a utilitarian purpose, nevertheless have a vernacular that is compatible with their surroundings, for example the oasts that can be seen from the PROW. While there are comparatively modern and large farm buildings at Hazelhurst Farm and Bakers Farm, those buildings are sited at some distance from the PROW and the other public paths in the area and they therefore do not have the same visual impact that tool and cart sheds have. The buildings on the neighbouring farms, while being of a greater scale, are of a unified design, making them readily identifiable as elements of a planned farmstead complex, a characteristic not shared by the unsightly and eclectic development that has occurred in the yard.
14. For the appellant it was stated that there are many portal frame type farm buildings in the AONB and I accept that to be the case, with those at the above named neighbouring farms being local examples. However, the development that has been undertaken at the yard lacks any cohesion and, as described by the appellant's agricultural advisor, is 'scruffy' and I therefore have doubts as to whether the sheds are directly comparable with many of the buildings that the appellant's advisor was referring to.

15. I therefore consider that the tool shed and the cart shed are neither in keeping with nor have enhanced the AONB's character or appearance, given they are of an entirely different design to one another and are of an unsympathetic utilitarian appearance. I further consider that even if the cart shed was to be painted, to soften its appearance, it would still have a utilitarian appearance because the corrugated sheeting would continue to be readily apparent. While it might be possible to undertake some hedgerow planting to soften the appearance of both of the sheds, such planting would need a considerable period of time to mature and if it comprised deciduous species it would provide little screening when it was not in leaf.
16. The situation with respect to the hay barn is a little different in that it lies 50 or more metres to the west of the PROW and is therefore less intrusive when compared with the tool and cart sheds and its presence is being softened by its proximity to the hedgerow planting along the northern boundary of the appellant's landholding. However, the rear elevation of the hay barn is in quite close proximity to Bridleway 7a² and given the intermittent nature of the hedgerow planting is partially visible from the bridleway. I consider that the hay barn could be made to have a less scruffy appearance if its exterior was to have a uniform colour that was compatible with its surroundings.
17. There was considerable discussion about the merits of the hay barn being remotely located from the yard and the appellant's agricultural advisor explained that it was not uncommon, especially amongst farming enterprises of a less intensive nature, for buildings to be distributed across holdings, so as to avoid travelling and double handling. It was also argued that having a hay store in the yard would result in greater fuel usage.
18. I accept that the appellant's enterprise is of a less intensive nature. However, I did not see much evidence in the area of satellite farm buildings being used on other farms and I therefore attach little weight to the suggestion that multi-site locations for farm buildings are characteristic of this area. Some fuel usage might be saved by having hay storage closer to some of the grazing land within the landholding. However, I understand that the partly constructed building in the yard is intended to be a lambing shed³ and when that building was in use for that purpose hay would need to be brought to the yard from the remotely located hay barn. Transporting hay from the barn to the yard would entail some fuel being used and I therefore consider that the appellant's evidence in this regard has not provided a compelling demonstration of there being a need for the buildings to be sited in two locations.
19. I appreciate that buildings of a high quality design would be more costly to build. However, this is a high quality landscape environment, which justifies a higher standard of design being used. It was suggested at the hearing that the appellant might be eligible to receive financial assistance with constructing buildings. However, the appellant stated that he does not agree with receiving subsidies. While I recognise that not accepting financial assistance is a matter of principle for the appellant, that course of action appears to have resulted in a poor quality development, which is incompatible with its surroundings. I therefore consider that little weight can be attached to the

² Shown on the public right of way/footpath map provided by the Council prior to the Hearing

³ Given the description of development used by the Council in respect of prior approval application RR/2011/34/FN

appellant's contention that providing buildings of a higher quality would be too expensive.

20. For the reasons given above I conclude that the development is causing unacceptable harm to the character and appearance of the AONB. That harm gives rise to conflict with Policies OSS4, RA2, RA3 and EN1 of the Core Strategy and paragraphs 109 and 115 of the Framework. That is because the buildings are inappropriately sited and are not well designed, with the result that the development has not conserved the ANOB's landscape and scenic beauty and is detracting from the appearance of a valued landscape.

Agricultural Need

21. From the evidence presented to me it is evident that the rearing of sheep within the appellant's landholding has been intermittent in the recent past, although ewes with lambs are currently being kept on the land and the hay barn, at the time of my site visit, was being used to accommodate ewes with recently born lambs. Additionally in the fields immediately adjoining the hay barn there were a considerable number of ewes with lambs.
22. The appellant's agricultural advisor explained that fluctuations in rearing activity can reasonably be expected and that the need for any buildings relates to the use of the land rather than to who is farming it. I was told that the appellant's rearing activity is intentionally a low intensity one and that brings with it environmental land management benefits. It was submitted for the appellant that a low intensity enterprise, such as the appellant's, could be expected to have a maximum flock of 120 sheep, compared with a flock of around 200 sheep were the land to be farmed more intensively.
23. The Council, while recognising that buildings are necessary to support a farming activity, contends that the current sheep rearing activity does not warrant the construction of the two sheds and the hay barn, together with the partly constructed building in the yard. The Council's case, however, was not supported by any expert evidence and it was stated that the specialist advice it had obtained during the application's determination should not be relied upon. That was because that advice relied upon the information that had been provided in 2011, in association with the consideration of application RR/2011/34/FN, when the flock of breeding ewes was around twice the current number.
24. I found the absence of any expert evidence to substantiate the Council's case on this issue to be surprising, given the evidence set out in the appellant's appeal statement. With respect to the consideration of the general need for the development I found the appellant's evidence to be more informative. I therefore conclude that there is an agricultural need for the buildings to be provided within the appellant's landholding. However, as I have explained above I have reservations as to whether the need for the development justifies it being distributed across two locations that are quite close together in such a sensitive landscape. I therefore find that the development is partially compliant with Policy RA2 of the Core Strategy in that the buildings are needed to maintain farming capacity. However, this development also gives rise to some conflict with Policy RA2 in that the co-location of the buildings has failed to maintain or improve the area's rural character, with the result that it has not conserved the area's intrinsic value.

Conclusions

25. I have found there to be an agricultural need for the development and there are thus some economic benefits in terms of the development's support for agriculture. However, I have concluded that the co-location of the buildings and the poor quality of their appearance, most particularly the tool and cart sheds, has resulted in unacceptable harm being caused to the character and appearance of the AONB and that harm gives rise to significant environmental harm. I consider the nature of the harm that I have identified cannot be overcome by the imposition of reasonable planning conditions. The nature of this development is one that I consider does not give rise to social benefits in terms identified in the Framework.
26. For the reasons given above I have concluded that the harm to the character and appearance of the AONB gives rise to conflict with both the development plan and the Framework. I consider that appellant's evidence has not demonstrated that there are any other material considerations warranting a decision to be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Graham Homewood

Appellant

Mark Best

Parker Dann Chartered Town Planning
Consultants

Oliver Harwood
MA (Cantab) FRCIS

RH and RW Clutton Chartered Surveyors

FOR THE LOCAL PLANNING AUTHORITY

Jo Edwards
MRTPI

Major Applications and Appeals Manager

INTERESTED PARTIES

Anthony Lloyd

Chair of Planning, Ticehurst Parish Council

James Cook

Local Resident

Ann Cook

Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Aerial Photograph and Photograph relating to other farm buildings in the area
2. Written statement prepared by Mr Lloyd