
Appeal Decision

Site visit made on 21 March 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/U1430/W/17/3167206

Plot 9, Land at Beech House Lane, Salehurst, East Sussex TN32 5PN

- 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 Richard Gladwish against the decision of Rother District Council.
 - The application Ref RR/2016/2647/P, dated 27 January 2016, was refused by notice dated 12 December 2016.
 - The development proposed is the change of use from pasture to equine.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the likely effect of the proposed change of use on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site comprises about 1.5 hectares of grazing land which forms one of the largest plots within a much larger area of agricultural land that has been subdivided into numerous plots (said to be over 100). The site, which slopes from north to south, is bounded by hedgerows to the north and west and low fencing to the south and east. The proposal is to change the use of the land to equine but no associated works are proposed at this stage such as fencing, the erection of field shelters or the installation of equipment such as hay feeders.
4. The whole area lies within the High Weald AONB where the statutory purpose of designation is to conserve and enhance natural beauty. Such areas have the highest status of protection in relation to landscape and scenic beauty and great weight should be given to conserving those characteristics¹. Several protective policies in the statutory development plan also apply to the site.
5. In order to try to protect the character and appearance of the subdivided land an Article 4 direction was imposed in 1999. This precludes the erection of gates, fencing or other means of enclosure, the creation of highway access points and certain temporary uses of the land without planning permission.
6. The grazing of horses is an agricultural use which does not require planning permission. The proposed change of use to equine, the keeping of horses on

¹ Paragraph 115 of the National Planning Policy Framework

the land, therefore involves more than mere grazing, but the appellant argues that the possibility of further applications for associated works is entirely speculative and should not be taken into account. Furthermore, should any such applications be made, the Council retains control by virtue of the Article 4 direction so that unacceptable proposals could be refused.

7. However, should the change of use of the land be permitted, the landowner would quite reasonably expect permission to also be forthcoming for works normally associated with that use. As such, notwithstanding the Article 4 direction, the Council would be unlikely to be able to resist pressure for associated works in the medium term. Therefore, contrary to the appellant's view, the potential for further applications for associated works should be taken into account at this stage.
8. Until the wider site was subdivided into small plots it would no doubt have comprised unspoilt agricultural land which formed an integral part of the High Weald AONB. Despite the Article 4 direction the subdivision of the wider site is now readily apparent with access trackways, low fencing, boundary markers, different management regimes and in places miscellaneous items left on the land. The character and appearance of the wider site has already been adversely affected to the detriment of the landscape and scenic beauty of the AONB. With no basis to distinguish between the different plots, permission on one plot would be likely to lead to similar permissions on other plots nearby. A precautionary approach is therefore fully justified in this case.
9. The change of use of the nearby plot 8B1 from agriculture to equine was refused on appeal in December 2014². This retrospective application for a plot just 0.1 hectares in size included associated works for a gate, erection of a fence four feet high and erection of a mobile field shelter/field storage. The Inspector found these features to be obtrusive within the landscape and agreed that approval could lead to other applications which would be difficult to resist and could lead to a more negative cumulative effect on this part of the AONB.
10. Although no associated works are proposed in this application, as a much larger site than plot 8B1 the scale and impact of likely future changes have the potential to have an even greater impact on the landscape. Without detailed proposals to evaluate and given the sensitive nature of the site within an AONB a precautionary approach is necessary and permission for the change of use should therefore be withheld. The stated intention of the appellant, to 'allow horses to graze' on the land, would not be frustrated by this decision³.
11. For these reasons the proposed change of use would be likely to have a significantly detrimental effect on the character and appearance of the area, including the High Weald AONB. This would be contrary to Policies OSS4, RA3 and EN1 of the Rother Local Plan Core Strategy 2014 and Policy CF5 of the Rother District Local Plan 2006. These seek to ensure development does not detract from the character and appearance of the locality, adversely impact on the landscape, and protects the distinctive landscape character of the High Weald AONB. Policy CF5 specifically precludes equestrian development that would have a significant adverse effect on the landscape character of the area.

² APP/U1430/A/14/2225947

³ answer to question 22 on application form

12. The encouragement in national policy for sustainable rural tourism and leisure developments in the countryside is recognised but this is a lower priority than the statutory importance of conserving the AONB. The land to the west of Beech House Lane has not been subdivided into small plots, so does not raise the same issues as the appeal site. These factors do not therefore outweigh the findings in relation to the main issue in this case.
13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR