
Appeal Decision

Site visit made on 10 November 2017

by N A Holdsworth MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2018

Appeal Ref: APP/U1430/W/17/3181176

Park Farm Oast, Park Farm Lane, Bodiam, TN32 5XA

- 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 Nick Brewer against the decision of Rother District Council.
 - The application Ref RR/2017/533/P, dated 24 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is erection of two detached holiday let tree houses with separate crow's nest look-out platform and connecting rope bridges.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on the character and appearance of the area, including whether or not it would conserve landscape and scenic beauty within the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The site forms part of the residential curtilage of a converted Oast house. Its southern boundary includes a line of mature trees that rise to a considerable height. The rolling countryside in the surrounding area is characterised by small, irregularly shaped fields interspersed with hedgerows and other clusters of trees.
4. The entirety of the site and the immediate surrounding area is located within the High Weald AONB, and paragraph 115 of the National Planning Policy Framework (the Framework) requires that great weight is given to conserving landscape and scenic beauty in such areas. Whilst the evidence as to whether or not the trees are located on a historic field boundary is inconclusive, because the land to the south of the site is largely open, this group of trees are nonetheless visible from a significant part of the surrounding area. As such, they appear as a prominent and well established feature within the local AONB landscape.
5. The development would comprise two holiday lettings units, suspended above the ground on wooden posts beneath the line of trees, and connected to one another by a suspended walkway. They are described as treehouses and would be largely clad in wood, being a similar colour to the trunks of the trees. However, at a maximum height of around 11 metres and spanning almost the

entire length of this group of trees, the proposed development would not appear as a subservient addition to them. Instead it would appear as an independent structure set amongst this group of trees, competing for visual attention.

6. Having inspected the trees, I am not persuaded that the canopy of branches and leaves that would surround the main bulk of the development would have sufficient depth to effectively screen the two main buildings. This would be particularly apparent in the times of year when the trees are not in leaf, leaving the development almost fully exposed in views from the surrounding area. The appellant contends that further planting could enhance the screening of the development. Five new oak trees would be planted principally to lengthen the existing tree screen, with new evergreen trees also being planted around the new structure. However, this planting would take many years to mature. Furthermore, the supporting evidence does not demonstrate that such planting, even upon maturity, would fully disguise the substantial bulk of this development.
7. The two buildings would provide self-catering tourist accommodation. Multiple windows are incorporated in to the design which, due to the nature of the proposed use, would be likely to be illuminated in the hours of darkness. Because of the raised height of the proposed windows and the limited effectiveness of the trees in disguising the development, this additional artificial light would be visible from the surrounding area, in a spot of open countryside that is currently undeveloped. Consequently, the development would have an urbanising effect on the surrounding landscape, which would be particularly apparent in the hours of darkness.
8. Whilst the site falls within an existing residential garden, it would also be clearly visible from the fields to the south of the site. Whilst these fields, which fall within the appellant's ownership, are not currently publically accessible, this area is nonetheless an integral part of the landscape of the AONB. In views from this area the building would appear as a modern, man-made structure of substantial bulk and height, with no functional connection to the surrounding countryside. It would therefore appear incongruous in what is otherwise an undeveloped, rural setting.
9. Further south of the site there is a public footpath leading from Junction Road towards Bodiam, following the River Rother. Whilst the visibility of the site from this footpath would be influenced by the condition of the vegetation in the intervening fields, at the time of my site visit the existing Oast house and tree screen were clearly visible from this area. As such, the development would also be likely to be visible from this area. At present, this part of the footpath benefits from an open and largely undeveloped countryside vista. The harm that would arise from the development, as described above, would also be clearly perceptible from this area and would be experienced by users of the footpath, including recreational walkers.
10. As the footpath to the south of the site leads further towards Bodiam, the topography of the land and other landscape features mean that the development would not be visible. It would be unlikely to be visible in views from the north, including the public footpath there, as it would be screened by other trees on the northern and eastern boundary of the residential curtilage of the Oast house. Nor would the development be visible from Junction Road.

However the lack of harm in this regard does not provide a justification for the proposed development.

11. The appellant draws attention to other buildings in the surrounding area including Bodiam Business Park and other tourist accommodation. However, I found that these developments have not had any significant effect on the character and appearance of the countryside immediately to the south of the appeal site, which would be affected by the development. Furthermore, whilst these tourist facilities are visible from the public realm, they generally comprise low rise structures which have little effect on the character and appearance of the surrounding countryside. Consequently, they are not directly comparable to the proposed development, and do not provide a justification for it.
12. Examples of similar development are provided, including another appeal decision within the district, also within the High Weald AONB¹. The circumstances of that case led the Inspector to conclude that the visual impact of the proposal was acceptable and it is clear from the evidence before me that the local landscape context was different. Other examples of similar treehouse style holiday lettings units within other parts of the country are provided, although the information about the landscape context of those developments and the background to them is limited. As such they do not alter my view of the harm that would arise from the proposed development.
13. I therefore conclude that, because of its height, bulk and poor visual relationship with the group of trees that it would sit alongside, the development would result in harm to the character and appearance of the area. For the same reason, it would fail to conserve landscape and scenic beauty within the High Weald AONB. Policies EN1, EN3, RA2, RA3 and OSS4 of the Rother Local Plan Core Strategy Adopted September 2014 ("Core Strategy") have the common aim of ensuring that new development has a positive effect on the character and appearance of its surroundings, whilst preserving landscape character within the High Weald AONB. The development would conflict with these aims and also those set out in paragraph 115 of the Framework which require great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Other Matters

14. The appellant draws attention to development plan policies, including policy EC6 of the Core Strategy which support new tourism accommodation, where proposals are also compatible with other Core Strategy Policies. I have also had regard to documents entitled "*Rother: Hotel and Visitor Accommodation Futures*", commissioned by Rother Council dated November 2013, and "*The Economic Impact of Tourism, 1066 Country, 2015*" by Tourism South East. Both reports, in addition to email correspondence with Hastings and Rother Council and 1066 Country Marketing officers, indicate that there is a demand for high quality tourist accommodation which would potentially be fulfilled by the proposal. Other documents referred to by the appellant further emphasise the importance of tourism to the wider rural economy.
15. The provision of two units of high quality tourist accommodation would have economic benefits through employment and additional spending in the local economy, and would help achieve other local and national policy objectives. In

¹ APP/U1430/W/15/3135572

principle, the provision of additional tourist accommodation could also ease the pressure on the permanent housing stock, helping to address the effects of a shortfall in housing supply within the district. The Council do not dispute these points, and I attach moderate weight to these benefits. Furthermore, bird boxes and other measures would be installed to improve the biodiversity of the site, which would comprise a further environmental benefit of the development.

16. However, the Framework is clear that AONB's have the highest status of protection in the planning system in relation to landscape and scenic beauty. I have found in my reasoning on the main issue that the development would result in harm to landscape and scenic beauty within the High Weald AONB, and would conflict with both local and national policy objectives in relation to the protection of such areas. As such, the benefits of the proposal do not, even cumulatively, outweigh the harm and policy conflict in this regard. The presumption in favour of sustainable development, as set out in paragraph 14 of the Framework, does not apply as I have found that the proposal conflicts with both development plan policies and the requirement in the Framework to give great weight to conserving landscape and scenic beauty in AONB's. The proposal does not comply with policy EC6 of the Core Strategy, as for the reasons set out above, it conflicts with other Core Strategy policies.
17. The development would be located within a residential garden outside a built up area and, having regard to the Framework, is regarded as previously developed land. However, this does not justify the proposal given the harm that would arise in respect of the main issue in this appeal.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR