



Appeal Decision

Site visit made on 27 June 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2019

Appeal Ref: APP/U1430/W/18/3208870

Battle Great Barn, Marley Lane, Battle, TN33 0RB

- 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 Neil Mortimer against the decision of Rother District Council.
 - The application Ref RR/2017/2539/P, dated 8 November 2017, was refused by notice dated 28 February 2018.
 - The development proposed is erection of two detached holiday cabins and one tent.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two detached holiday cabins and one tent at Battle Great Barn, Marley Lane, Battle, TN33 0RB in accordance with the terms of the application, Ref: RR/2017/2539/P, dated 8 November 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ORB33-L/C-STR-NM-001 (site plan), ORB33-L/C-STR-NM-001 (pedestrian access), ORB33-L/C-STR-NM-10, and ORB33-L/C-STR-NM11 all dated November 2017.
 - 3) No development above ground level shall take place until details of manufacturer's/supplier's specifications of external facing materials have been submitted to the local planning authority and approved in writing. The development shall thereafter proceed using the materials approved.
 - 4) The development hereby approved shall be used for holiday purposes only and not occupied as a person's sole or main place of residence.
 - 5) The development hereby approved shall not be occupied for more than 56 days in any one calendar year by any one person. An up-to-date register of all occupiers including their main home addresses shall be maintained by the owners/occupiers and shall be available to the local planning authority to inspect at all reasonable times.

Main Issues

2. The main issues are the effect of the development:
 - on the character and appearance of the locality including the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB), and

- on highway safety with particular regard to the means of access.

Reasons

Character and Appearance

3. Battle Great Barn is a grade II listed building converted to a single dwelling, which sits within the extensive curtilage of a vineyard, the planted parts of which are on a (roughly) east-facing gentle slope which runs down to a tree-lined watercourse and wooden bridge. A large expanse of open land lies beyond the watercourse enclosed by mature woodland. It is against the northern and southern boundaries of this land which the holiday lodges and tent would, respectively, be located. This would leave the central and vast majority of site open, through which a public footpath crosses at some distance, between the bridge to the woodland on the eastern boundary of the appeal site.
4. The expanses of neatly mown grass around the vine plantation and across the whole appeal site engender a site-specific character which is not that of grazing or typical agricultural land. Intervening trees along the watercourse partly divide the whole expanse of the appeal site. Nevertheless, noting the topography which mirrors the gentle slope of the Vineyard and the enclosing vegetation and trees, there is a strong visual association between the area of land where the accommodation is proposed and the vineyard, despite the distance between. To my mind the proposed development would be experienced as part of the Vineyard, and perceived as related to that use rather than as an intrusion into the wider landscape of the AONB.
5. The Council refer to three 'substantial structures of domestic appearance'. Although holiday accommodation can include dwellings indistinguishable from C3 development, in this case the intention is to create an 'off grid' experience, distanced from normal day-to-day living. This is evident from the type of accommodation proposed being modest 'cabins' (and a 'tent') which do not have the size, character or appearance of a permanent dwelling.
6. Policy RA3(v) requires development in the countryside to be of appropriate scale, have no adverse impacts on landscape character and resources and wherever practicable 'support sensitive land management'. The proposal is a diversification of the Vineyard business and would support the existing sensitive land management of the Vineyard. This stands in its favour.
7. Paragraph 172 of the National Planning Policy Framework (Framework) requires that great weight is given to the conservation of landscape and scenic beauty of designated landscapes. Although the proposal would introduce visual change within the AONB, no landscape features are removed or significantly altered. From the limited scale of the development, the nature of use and its positioning, any visual change would not be significant.
8. I conclude the proposal would conserve the landscape and scenic beauty of the AONB and not conflict with Policies EN1, OSS4 and RA3 of the Rother Local Plan Core Strategy (RLPCS) which, taken together, seek to protect the distinctive landscape character ecological features of the designated landscape.

Highway Safety

9. The existing access has been in use for a significant period of time, apparently without incident although a slight injury crash is recorded on another part of

the lane but 200m distant. The existing use of the site is residential but also has a commercial component as wine is made on site and this is a factor in considering any intensification from the development proposed. Given the profile of likely users and the basis on which it will be marketed I do not agree that any intensification of the use of the access will be significant.

10. Paragraph 108(b) of the Framework requires users of development to be provided with safe and suitable access. By reference to the Design Manual for Roads and Bridges (DMRB) the Council suggest the visibility available at the existing access is substandard having regard to the national speed limit of 60 miles per hour(mph). Whilst DMRB is relevant to highly trafficked roads, Manual for Streets 2 makes clear that the curvilinear nature of rural (non-'A') roads means traffic speeds are often well below the national speed limit resulting in significantly lower visibility requirements.
11. My observations of passing traffic, in which I also assessed the length of time approaching vehicles were visible by an emergent driver at the access point, lead me to conclude that vehicle speeds near the access are likely to be below 40mph. The curving road profile and 'slow' markings on the road plainly increase awareness in drivers who reduce speed accordingly and approaching vehicles from both directions were visible for several seconds before they reached the access point. I also note reference to a recommendation for approval of a new access at 'Oakleigh' supports these conclusions.
12. I therefore conclude that although the visibility splay falls short of the Highway Authority requirements it cannot be said that the slight increase in use of the access means the proposal would not have a safe or suitable access. In consequence the development would not conflict with Policy C06 of the RLPCS which seeks to ensure safety in the use of roads.

Other matters

13. As is acknowledged by the Council, the development would cause no harm to the setting of the Grade II listed Battle Great Barn.

Conditions

14. A 'plans' condition, together with the approval of external materials is necessary to ensure the development proceeds on the basis approved. Given the extensive turning and parking area currently available on site there is no reason to require additional parking by condition although the appellant may wish to provide it. Conditions to limit the use to holiday purposes and to record their use as such are relevant to the basis on which this decision is made.

Conclusion

15. It is not disputed that the RLPCS encourages tourism development or that the proposal would provide an economic benefit through diversification of the Vineyard. This stands in favour of the development. Therefore, taking this into account and having regard to all other matters raised, the proposal would comply with the development plan taken as a whole and therefore the appeal succeeds.

Andrew Boughton

INSPECTOR