



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/18/3218022

Mill Farm, Whatlington Road, Battle TN33 0ND

- 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 and Mrs J. Stephenson against the decision of Rother District Council.
 - The application Ref RR/2018/1763/P, dated 26 June 2018, was refused by notice dated 30 August 2018.
 - The development proposed is replacement dwelling and new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for replacement dwelling and new vehicular access at Mill Farm, Whatlington Road, Battle TN33 0ND in accordance with the terms of the application, Ref RR/2018/1763/P, dated 20 June 2018, and the plans submitted with it, subject to the conditions appearing on the schedule appended to this decision.

Preliminary Matters

2. The Council's second refusal reason refers to the absence of an ecological report. The report dated November 2018 by Southern Ecological Solutions sets out the findings of a preliminary ecological appraisal and makes, due to the nature of its findings, relatively modest recommendations. I am satisfied that this report was provided, in December 2018, in due time for the Council to have considered it and make comments if necessary. Similarly, given the nature of the report, no rights would be harmed by my acceptance thereof.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the locality and upon the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB), and
 - whether the proposal would make adequate provision for biodiversity having particular regard to its impact upon protected species.

Reasons

Character and Appearance

4. The proposal concerns a replacement dwelling located within a grouping of agricultural buildings set within the wider countryside of the AONB. The

- dwelling to be replaced is itself significantly smaller than the proposed replacement, however the proposed dwelling would occupy the footprint of the existing dwelling and an adjacent building. Taken with the extension permitted to the dwelling the footprint of the proposed development would be broadly similar to what exists although it would be taller than either building.
5. Policy RA3 of the Rother Local Plan Core Strategy (RLPCS) sets out the 'extremely limited circumstances' in which new dwellings would be permitted in the countryside, which includes 'the one-to-one replacement of an existing dwelling of similar landscape impact'. The policy requires consideration of landscape impact and not, of itself, the size of the replacement dwelling.
 6. It is not disputed that the appeal site is well screened and not prominent in the landscape. Although it would be located within a grouping of buildings arranged around a shared yard, what is found on site is neither a traditional farmyard grouping nor of particular architectural merit. Partial redevelopment is an opportunity to improve the poor visual character of the site. The replacement of such buildings with a coherent contemporary design would not detract from the character and appearance of the locality.
 7. The Council refer to the landscape impact of the replacement dwelling arising from its size. In this regard, as the location is within existing development the presence of the building, of itself, is not harmful. As the footprint is equivalent to what exists or could exist, it seems to me any visual impact arising from the proposal can only result from the increase in height or perception of built form intruding upon the wider landscape.
 8. My observations lead me to conclude that the extent and height of surrounding trees and woodland, together with the beech hedging to the south and west of the site, which is of an order of height similar to the proposed dwelling, mean the dwelling would not be generally visible. The mass and scale of the building would be apparent in the limited approach view to the site but the nature of the landscape with higher ground and mature woodland enclosing means, otherwise, the effect on the landscape would be limited to no more than glimpsed views of parts of the dwelling from viewpoints in the wider landscape. There would be minor localised change in the appearance of the site but overall this would not harm the landscape character of the AONB and, in consequence, the landscape and scenic beauty of the AONB would be conserved.
 9. I therefore conclude the proposed development would not conflict with Policies OSS4(iii), RA3(iii), EN1(i) or EN3 (i & ii) of the Rother Local Plan Core Strategy (RLPCS) which, taken together, seek to protect the distinctive landscape character of the AONB and that development respects local characteristics or improve areas with poor visual character.

Protected Species

10. I have considered the ecological report submitted with the appeal documentation. It confirms the low impacts of the proposals and limited survey requirements. Subject to the imposition of a condition to implement the findings of the report, I conclude no conflict remains with Policy EN5 of the RLPCS or with the requirements of the Framework.
11. Taking all matters raised into account, the proposal would not conflict with the development plan taken as a whole and in consequence the appeal is allowed.

Conditions

12. A 'plans' condition, together with the approval of external materials is necessary to ensure the development proceeds on the basis approved. Schemes to protect the ancient woodland close to the site and to implement the ecology report are necessary to ensure no harm arises from the development. Details of hard and soft landscaping are necessary to ensure the development causes no harm to visual amenity of its immediate setting and lighting details to control impacts on light-sensitive species.

Andrew Boughton

INSPECTOR

Schedule of 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 (numbered): 5410/18/LBP/B; 5410/18/1/A; 5410/18/2/A; all dated June 2018 and 5410/18/4 dated July 2018.
- 3) No development shall take place and no materials or plant and equipment brought onto the site unless and until schemes for:
 - the protection of the identified ancient woodland during construction, and
 - all recommendations for survey and consequent mitigation measures set out in the report dated November 2018 by Southern Ecological Solutions,have been submitted to the local planning authority and approved in writing. The development shall thereafter only proceed in accordance with the approved schemes and details provided.
- 4) No development above ground level shall take place until details of manufacturer's/supplier's specifications of external facing materials, roofing and windows and doors, or samples thereof, have been submitted to the local planning authority and approved in writing. The development shall thereafter proceed using the materials approved.
- 5) The development hereby approved shall not be first occupied unless and until a scheme for the hard and soft landscaping of the site which has previously been submitted to, and approved in writing by, the local planning authority has been carried out. This scheme shall include details of all existing and proposed external lighting having regard to the recommendations of the ecology report. Planting shall be completed within the season following first occupation and plants which die within five years thereafter shall be replaced.