
Appeal Decision

Site visit made on 25 July 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/U1430/W/19/3226406

Former Council Depot, Whitebread Lane, Beckley

- 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 Roger Burrows against the decision of Rother District Council.
 - The application Ref RR/2019/32/P, dated 7 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, having regard to the location within the High Weald Area of Outstanding Natural Beauty (AONB); and
 - whether the proposed development would be in a suitable location with regard to access to services and facilities.

Reasons

Character and appearance

3. The appeal site comprises an open storage yard on Whitebread Lane, surrounded by open countryside that forms part of the AONB. There is sporadic residential development in the vicinity.
4. A Certificate of Lawfulness was issued by the Council in 2017 for "Open storage yard for storing plant & machinery, materials and equipment in the day-to-day running of ground works and road maintenance contractor business". At the time of my visit, the nature of storage was mixed being for containers, a caravan, digger and general open storage, which can clearly be seen, particularly from the public highway. There are trees predominantly along the eastern boundary but these are not so dense as to prevent views through to the site from this direction.

5. I acknowledge that the stacking of containers and general storage could be more extensive than at the time of my visit, although this could not take place across the whole site as there would need to be room to manoeuvre the various elements. Moreover items stored on the site would be moved on, off and around and as such would have a somewhat transient effect on the area. Nevertheless, my overall impression is that the condition of the site is harmful to the rural character and appearance of the area.
6. Set against this would be the proposed development. Although an outline application with access only for consideration, it is for a detached dwelling. Whilst the appellant has submitted photographs of properties typical of the area, no illustrative elevations or a Landscape and Visual Impact Assessment have been provided. Still what is certain is that the appeal proposal would introduce a permanent structure that is not currently present on the site. This would create a more formal development with a garden area. Although permitted development rights could be removed to preclude the provision of sheds and outbuildings, this would not prevent associated domestic paraphernalia within the residential curtilage, such as washing lines, picnic benches, children's play equipment and barbecues. These would lead to the further urbanisation of an essentially rural environment, harming the intrinsic character and beauty of the countryside and the wider AONB.
7. It is a matter of individual opinion as to whether a house would be an improvement over an open storage facility. I note the policy requirement at EN1 of the CS in that there should be protection of high quality natural landscape character in the AONB, which implies no harm; to my mind this would not be the case. In overall terms, my view is that there would be harm to the character and appearance of the area as a result of the appeal proposal. Even if the overall storage use escalates further in the future, common sense and professional judgement indicate to me that it would be inappropriate to permit a development that would result in a similar injurious effect and conflict with national planning policies and the development plan as a whole.
8. I therefore conclude that the scheme would have an adverse effect on the character and appearance of the area and the wider AONB. It would conflict with policies OSS4, EN1 and RA3 of the CS, which require that development in the countryside should be considered in the context of the character, appearance and qualities of the landscape and will not result in adverse impacts. The scheme would also be inconsistent with the advice in the Framework which advocates good design and recognises the intrinsic character and beauty of the countryside.

Suitability of location

9. Given the proximity of other development within the area I do not find that the location of the site would be isolated within the context of paragraph 79 of the National Planning Policy Framework (the Framework). However, the proposal would be located in open countryside some distance away from the nearest village of Northiam, with its facilities including shops, schools and a local train station. Whilst it would also be possible to walk or cycle to Northiam, the journey would only be practical via Whitebread Lane, which is a country lane with no street lighting or pavements. Within this context I do not consider that the closest services or facilities are within a distance of the site that makes them readily convenient by sustainable modes of transport.

10. However, whilst accessibility to services and facilities from the site other than by private car would be poor, I have had regard to the comments of the Local Highway Authority. These state that the vehicular movements generated by one dwelling are likely to be significantly lower than those generated by the lawful use as an open storage yard. I also acknowledge that the dwelling would generally only involve movement by car and not large commercial vehicles.
11. I note the requirements of Policies OSS3, RA3 and TR3 of the Rother Local Plan Core Strategy September 2014 (CS) in relation to the creation of new dwellings in the countryside and the need to minimise travel and support good access to employment, services and community facilities. Nevertheless, with the response from the Local Highway Authority in mind, I consider that the creation of a dwelling would be acceptable in this case given the fallback position established by virtue of the lawful use.
12. I conclude that the proposed development would be in a suitable location with regard to access to services and facilities. There would be no conflict with policies OSS3, RA3 and TR3 of the CS relating to development in the countryside and the need to minimise travel and support good access to employment, services and community facilities. The scheme would also be consistent with the National Planning Policy Framework (the Framework) which seeks to limit the need to travel and offer a choice of transport modes.

Other matters

13. I acknowledge those matters that have been advanced in support of the development, including that there could be a positive impact on the living conditions of the occupiers of surrounding residential properties and there have been no letters of objection from local residents. However these arguments do not outweigh the harm that I have identified above to the character and appearance of the area and the AONB.
14. It is not a matter of dispute that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing, with the evidence drawn to my attention by the appellant suggesting a shortfall of around one year of supply. Consequently, the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.
15. The proposal would provide an additional dwelling and would contribute to the supply of housing in the Borough. It would also provide some modest economic benefits by providing employment during the construction period and by supporting the local economy. Nevertheless these economic and social benefits would be limited given that only one dwelling is proposed.
16. Overall, even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, I have had regard to Framework paragraph 11 d) i and footnote 6. This states that the application of policies in the Framework that protect areas or assets of particular importance, including AONBs, provides a clear reason for refusing the development proposed, regardless of the scheme's benefits from the provision of additional housing. I find that the proposal is in conflict with part d) i) of paragraph 11 and that the proposal would not be sustainable development.

Conclusion

17. For the reasons set out above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR