



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: 17 September 2019

Appeal Ref: APP/U1430/W/19/3225632

Former Piggery at Friars Cote, Crockers Lane, Northiam, East Sussex

- 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 Ryan Blake against the decision of Rother District Council.
 - The application Ref RR/2018/2239/P, dated 6 September 2018, was refused by notice dated 4 March 2019.
 - The development proposed is the demolition of the former piggery buildings and the construction of a new detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised site plans that better identify the red and blue lines and the extent of the residential curtilage. I have dealt with the appeal on this basis.
3. Although the site address is described on the application form as Friars Cote, Crockers Lane, Northiam TN31 6PY, this appears to refer to a neighbouring dwelling. The site address has since been updated on the appeal form and I have used this in the banner above.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location with regard to access to services and facilities; and
 - 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).

Reasons

Location

5. The appeal site comprises derelict buildings previously used as a piggery and accessed from Crockers Lane, an unmade track on the outskirts of the village of Northiam. The site is bordered to the north and west by open countryside that forms part of the AONB.

6. Given the location of the site on the peripherals of the village I do not find that the development would be isolated within the context of paragraph 79 of the National Planning Policy Framework (the Framework). With regard to access to local services and facilities by sustainable transport modes, the appellant states that it would be an easy walk into the village via Crockers Lane. However, to my mind the site is some distance from the A28 where many of the local services and facilities are situated. Moreover, the long access drive between other properties and the unmade and unlit nature of Crockers Lane would not encourage walking or cycling, particularly at night or during inclement weather.
7. Therefore I consider that the location of the site would not provide a realistic prospect for travelling to and from local services and facilities and I find that future occupiers of the proposed dwelling would be highly reliant on the private car. This would be contrary to the core principles of the Framework that seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
8. I have had regard to the Newlands appeal decisions referred to by the appellant, however this site lies closer to the village centre and immediately adjacent to the metalled roads of Dixter Lane and Cavix Field. Therefore these decisions do not justify the introduction of a further dwelling in an unsustainable location given the relevant policy aims to minimise the need to travel and to support the transition to a low carbon future.
9. I conclude that the proposal would not provide a suitable location for housing with regard to access to services and facilities. The development would be in conflict with policy RA3 of the Rother Local Plan Core Strategy September 2014 (CS) in that it would fall within none of the exceptions for permitting housing in the countryside. The scheme would also be inconsistent with the Framework which seeks to limit the need to travel and offer a genuine choice of transport modes.

Character and appearance

10. The existing appeal site comprises low-level, derelict buildings with open countryside to the north and west. The appeal scheme would entail the removal of the unsightly structures from the site, to which I attach moderate weight. Nevertheless, whilst there are dwellings to the south forming part of the village of Northiam, the overall setting of the site has a more natural affinity with the predominant surrounding rural landscape.
11. The introduction of a dwelling and detached double garage at the appeal site would extend residential development into the open countryside at the sensitive transition between the built environment of Northiam village and the wider natural environment beyond. The appeal scheme would also result in the creation of a new residential curtilage. Taken together these would increase the urbanisation of the site in comparison to the existing situation, to the detriment of the verdant setting. 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, children's play equipment and barbecues. These would lead to the further domestication of an essentially rural environment, harming the intrinsic character and beauty of the countryside.

12. The area is 'washed over' by the High Weald AONB designation which seeks to protect the countryside from intrusive and harmful development. The appeal site is enclosed in part by vegetated boundaries and would not be significantly visible in wider public views as demonstrated by the Landscape Assessment. The visual impact could be further mitigated by augmented boundary planting, which could be controlled by planning condition. Nevertheless, this does not compensate for the harm to the landscape and scenic beauty arising from this urbanising development at the appeal site. I consider that the proposed development would adversely affect the landscape character.
13. I find that the proposed development would cause harm to the character and appearance of the area and the natural beauty and scenic value of the High Weald AONB. The scheme would conflict with Policies OSS4, EN1 and RE3 of the CS that seek development to respect the character and appearance of the locality and the District's nationally designed landscapes including the High Weald AONB. I also find that the proposal conflicts with the Framework which indicates that great weight should be given to conserving landscape and scenic beauty in AONBs, which are afforded the highest status of protection.

Other matters

14. I acknowledge those matters that have been advanced in support of the development, including that no objections are raised to the design of the new house, the potential for new native planting and ecological benefits. However, these arguments do not outweigh the harm that I have identified above with regard to the location of the development and to the character and appearance of the area and the AONB.
15. In respect of the potential fallback position I am unclear what the scale and nature of any resumed agricultural activity on the site would be. In any case, the appellant states that no complaints were received with regard to traffic movements during the use of the site as a piggery, and there is no substantive evidence to suggest that the previous use caused particular problems for nearby residents or affected the local road network or the vitality of Northiam village centre. Overall, I attach minimal weight to any net benefits that would arise from ensuring that an agricultural use of the site does not resume.
16. I note the other matters raised including concerns from local residents relating to highway safety, setting a precedent, loss of privacy, noise and disturbance and the future use of the site. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.
17. 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.
18. 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.

19. 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

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

C Hall

INSPECTOR