
Appeal Decision

Site visit made on 1 October 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/U1430/W/19/3233510

Kilnwood Farm, Moor Lane, Westfield TN35 4QR

- 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 Adams against the decision of Rother District Council.
 - The application Ref RR/2019/493/P, dated 19 February 2019, was refused by notice dated 23 April 2019.
 - The development proposed is a new agricultural barn for the storage of hay and feed.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Rother Development and Site Allocations Local Plan (DSALP) Proposed Submission October 2018 is subject to examination, and public consultation has taken place on main modifications. The Council has referred to an emerging DSALP policy in its appeal submissions. The DSALP is at a relatively advanced stage of preparation, but I have insufficient evidence as to whether there are unresolved objections to the relevant policy. I therefore give that policy limited weight.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the landscape character and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located towards the top corner of an open and sloping field, adjacent to field boundaries which are marked with trees and hedges. The site is within the AONB, where small, irregularly-shaped fields bounded by hedgerows and small woodlands are a distinctive feature. The field and its boundaries are indicative of the historic field pattern and Ancient Woodland is an identified component of the AONB. Paragraph 172 of the National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing the landscape and scenic beauty in AONBs.
5. Due to its elevated position in an open field, the site is prominent in the surrounding area, and has long views across the countryside. The main complex of agricultural and equestrian buildings associated with Kilnwood Farm is set lower down the slope amongst trees. The appeal site is separated from

- the location of a permitted barn¹ by a field boundary marked by a hedge line containing a number of trees, which also marks the edge of the adjacent Ancient Woodland. At the time of my site visit work had not commenced on the construction of the barn, but it is apparent that it will be situated at a higher land level than the appeal site due to previous changes to the land level.
6. The proposal would involve raising the level of the land to a similar height to the location of the permitted barn. The raised area would be graded down the slope to meet existing land levels. It would continue across the field boundary to meet the ground level of the permitted barn. This would be a significant change to the landform, which would appear man made and would not reflect the natural topography. As a result, it would introduce an alien feature to the field. Moreover, it would have inevitable implications for trees/hedge marking the historic field boundary, and it is not clear how the changes to the land levels would affect the adjacent Ancient Woodland, albeit that it has been largely cleared of trees.
 7. The barn would be in an elevated and prominent position, which would be accentuated by the land raising. It would appear as an intrusion of built form into the otherwise open and undeveloped field. Notwithstanding its agricultural appearance, it would appear as an incongruous feature, visually separated from the other buildings on the farm. The raising of the land level, the compromising of the field boundary and the large agricultural building would detract from the appearance of the site and would be harmful to the distinctive character of the area.
 8. The appellant has suggested that the harmful visual effect could be overcome by tree/landscape planting. While this would screen the building and could indicate the line of the historic field boundary, it would not overcome the harm caused by the intrusion of built form and changed land levels into a hitherto open field. Moreover, I note that the appellant seeks a shared level area between the barns for ease of operation, which would limit the potential to replace the field boundary.
 9. I appreciate that land levels in the adjacent Ancient Woodland have been previously raised, and it has been subject to clearing and other works in the past. However, this does not justify further changes to land levels, which would spread the visual impact onto the adjacent open field.
 10. The parties agree that the building is reasonably necessary for farming, and I have no reason to disagree. While I appreciate that the appellant has investigated siting the building within the existing cluster of buildings, this does not outweigh the harm I have identified.
 11. For the reasons set out above, I therefore conclude that the proposal would be harmful to the character and appearance of the landscape character and scenic beauty of AONB. Accordingly, it would conflict with Policies OSS4 (iii), RA3 and EN1 (i) and (viii) of the Rother Local Plan Core Strategy 2014, which seek, amongst other matters, to ensure that new development respects the character and appearance of the locality, protect and enhance the identified landscape character, ecological features and settlement pattern of the AONB.

¹ Allowed by appeal ref APP/01430/W/17/3182384

12. For the same reason, the proposal would also be contrary to emerging DSALP Policy DEN2, however I attach only limited weight to this conflict. It would also be in conflict with the Framework.

Conclusion

13. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

N Thomas

INSPECTOR