
Appeal Decisions

Site visit made on 29 October 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal A Ref: APP/U1430/D/19/3231672

Fordlands, Crowhurst Road, Catsfield TN33 9BT

- 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 & Mrs M Lear against the decision of Rother District Council.
 - The application Ref RR/2019/350/P, dated 12 February 2019, was refused by notice dated 8 April 2019.
 - The development proposed is erection of ancillary building to provide garages, storage, gym and guest accommodation, together with new parking area.
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Appeal B Ref: APP/U1430/D/19/3235396

Fordlands, Crowhurst Road, Catsfield TN33 9BT

- 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 & Mrs M Lear against the decision of Rother District Council.
 - The application Ref RR/2019/1236/P, dated 15 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is erection of ancillary building to provide garages, storage and gym, together with new parking area.
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Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is allowed and planning permission is granted for erection of ancillary building to provide garages, storage and gym, together with new parking area at Fordlands, Crowhurst Road, Catsfield TN33 9BT in accordance with the terms of the application, Ref RR/2019/1236/P, dated 15 May 2019, subject to the conditions in the attached schedule.

Application for costs

3. An application for costs was made by Mr & Mrs M Lear against Rother District Council in respect of Appeal B. This application is the subject of a separate decision.

Procedural Matters

4. There are two appeals on this site. They differ only in design and proposed use. I have considered each proposal on its merits. However, I have dealt with the two schemes in one decision to avoid repetition.

Main Issues

5. The main issues are:

- (a) for appeal A, whether or not the proposed development would be in an appropriate location, with particular regard to protecting the countryside and accessibility to employment and services; and
- (b) for both appeals, the effect of the proposals on the character and appearance of the host dwelling and surrounding area, with particular regard to siting, scale, and design.

Reasons

6. The appeal site is within the substantial and private garden of an unlisted country manor house, within a mature landscape setting. The ground slopes down towards the south, affording distant views from the house and the appeal site over the garden and wider countryside. The house and appeal site are accessed via a sweeping driveway from the east. The effect of both proposals would be to introduce an ancillary building within the grounds, sited along the driveway and main entrance leading to the property.

Location

7. Notwithstanding the description of the application, Appeal A has been assessed by the Council as tantamount to the erection of a new dwelling and determined against policy RA3(iii) of the Rother Local Plan Core Strategy (2014)(CS) which relates to new residential development in the countryside. The proposal may be some 36 metres distant from the house, however this would not be a long walk for guests. Furthermore, at my site visit I observed a visual link between the proposal and the conservatory of the host dwelling, such that there would not be full visual separation. Rather than the intervening landscaping creating a visual barrier, I found it would assist in ensuring that the proposed building would settle into its surroundings.
8. Whilst the proposed parking area would be associated with the outbuilding, it would not be seen as necessarily serving the ancillary accommodation. Rather, it would be viewed in the context of the garage entrance, and it is not unusual for a large country house to require parking and garaging for multiple vehicles. In terms of the accommodation provided, the sitting room, bedroom and shower room represents relatively modest accommodation and, in the context of the main house, is again not untypical of such guest accommodation. In the absence of kitchen facilities, the proposal could not in normal circumstances be occupied independently from the main dwelling. Furthermore, the proposal would share access arrangements with the main house, and there is no evidence to suggest any subdivision of the wider garden. Given these circumstances, I find that the proposed guest accommodation is not tantamount to a new dwelling. It follows that occupants would be guests not requiring any access to employment and services.
9. With regard to appeal A, I conclude that the proposed development would be in an appropriate location, with particular regard to protecting the countryside and accessibility to employment and services. As such, the proposal accords with policies RA3(iii), OSS3(x) and TR3 of the CS, and paragraph 8 of the National Planning Policy Framework (the Framework). Amongst other matters, these policies restrict new dwellings in the countryside except in limited

circumstances, and require new dwellings to have access to employment opportunities and services to ensure the need to travel is minimised.

Character and appearance

10. Appeal B is for a 4-bay garage with level vehicular access from the driveway provided at upper ground floor level. Whilst the pitched roof is slightly larger than would otherwise be expected, the building would read visually from the driveway simply as being a large garage commensurate with a large country house. The siting is such that the lower-ground level containing tractor store and gym would be partially hidden from view on the approach along the driveway. Whilst from the south the building would appear more pronounced, being two storeys in height, the proposal would still be seen as a simple, albeit large, outbuilding serving the much larger house, set against a backcloth of the rising garden. Overall, the design reflects its function as a general-purpose outbuilding, rather than as a dwelling, emphasised by the use of blind windows on the rear elevation.
11. The building integrates comfortably with the topography of the site and utilises sloped ground to minimise visual impact. Modest earthworks and retaining walls define the car parking area, already constructed at the time of my site visit, opposite the proposed building. Neither the dwelling nor the countryside are subject to any protective designations. The enclosure of the host dwelling and appeal proposal within mature landscape screening ensures that no harm is caused to the host dwelling, its setting, or to the surrounding countryside.
12. I conclude that Appeal B would not have an adverse effect on the character and appearance of the host dwelling and the surrounding area, with particular regard to siting, scale, and design. As such, the proposal would comply with policies OSS3 (vi), OSS4(iii), EN1, EN3, RA2(viii) and RA3 of the CS, policies DEN1 and DHG9(ii), (iii), and (vii) of the emerging Rother District Council Development and Site Allocations Local Plan, which are not substantially different to adopted policies in respect of this proposal, and paragraphs 127 and 170 of the Framework. Together these policies require high quality design which contributes positively to the character of its surroundings and landscape.
13. Turning to Appeal A, this is a more substantial building. Whilst the dormers to front and rear are single, they are substantial in size, particularly to the front where the dormer extends to the full depth of the roofscape. The cheek of the dormer will be dominant in the view as seen from the approach road. The lower level is approximately double the size of the upper and, whilst much of this is underground, there is a consequential and substantial increase in hardstanding at lower levels, along with the introduction of substantial retaining walls.
14. Together, these elements combine to create a much more visually substantive building that would no longer appear as a simple large outbuilding. Instead, the proposal would have a demonstrably urbanising effect, which is inappropriate in the context of the rural country house, notwithstanding that it would have no adverse effect on the wider landscape or public views. Overall, these elements tip the balance of the proposal into being unacceptable. The removal of chimneys by condition would not be sufficient to mitigate this harm.
15. I conclude that Appeal A would have a significant adverse effect on the character and appearance of the host dwelling and the surrounding area, with

particular regard to siting, scale, and design. The proposal would conflict with the same policies identified above.

Other matters

16. With regard to Appeal B, whilst concerns have been raised in respect of potential future conversion of the proposed outbuilding, I must consider the appeal on its merits and as submitted. It is understood that tree removal has occurred to facilitate the development, however I have not been provided with any evidence that such trees were statutorily protected. Although it is suggested that the proposal is not within the host dwelling's garden, no evidence has been provided that the site is not within the curtilage.
17. The Council cannot demonstrate a five-year housing land supply, however, given my above findings that Appeal A would not be tantamount to a new dwelling, paragraph 11(d) of the Framework is not engaged.

Conclusion Appeal A

18. I have found that the proposal would be in an appropriate location, with particular regard to protecting the countryside and accessibility to employment and services. However, this is outweighed by the significant adverse effect of the proposal on the character and appearance of the area. I conclude that Appeal A should be dismissed.

Conclusion Appeal B

19. A condition defining the plans is necessary in the interests of certainty. To ensure the development is in keeping with the host property and its surroundings, a condition is also required regarding materials. For the reasons given above, and having had regard to all other matters raised, I conclude that Appeal B should be allowed.

Patrick Hanna

INSPECTOR

Schedule of conditions for Appeal B (Ref: APP/U1430/D/19/3235396)

- 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: 5987/102/LBP Location Block Plan (May 2019); 5987/102/1 Proposed Garage Block (April 2019); and 5987/102/2 Proposed Site Plan (April 2019).
- 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the host building.

End of schedule