
Appeal Decision

Site visit made on 25 February 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/C1435/W/19/3242152

Lyes Farm, North Street, Hellingly BN27 4EF

- 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 Stephen Smithers against the decision of Wealden District Council.
 - The application Ref WD/2019/1152/F, dated 28 May 2019, was refused by notice dated 8 November 2019.
 - The development proposed is Change of use from agriculture to use for the siting of storage containers for class B8 "self storage" with no distribution.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are :
 - The effect of the proposed development on the character and appearance of the area, including the wider landscape and whether it would conserve and enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

3. The appeal site is a long, narrow area of land located close to a group of buildings collectively referred to as Lyes Farm. The area is rural in character and typified by open countryside broken by scattered built forms. Vehicle access to Lyes Farm is gained from the nearby A267 via a long track road that passes through fields. The building group includes a dwelling and a range of large structures of modern agricultural appearance. This includes a large barn, the length of which shares a boundary with one side of the appeal site.
4. The opposite side of the site is open to a large field that is on lower ground and quite flat. A footpath passes through the field and directly along the side of the appeal site. Beyond the field the land becomes more undulating before rising more steeply in the distance.

5. Associated with the proposed change of use is the siting of 36 storage containers on the appeal site to facilitate self storage. The containers would be arranged in 2 rows along the length of the boundary on either side of the site and spaced to allow for parking and turning. New planting would be introduced to the field side of the site to provide an element of screening.
6. Storage containers are a feature of many working agricultural farmsteads. However, the number of containers associated with the proposed development are great when compared to what might usually be seen in an agricultural context. When grouped together and arranged in rows the containers would collectively be a significant feature within a building group that, whilst utilitarian, is currently agricultural in character. Collectively the containers would present an industrial appearance of a scale and character that would be inconsistent with the agricultural and open feel of the surroundings and would be harmful to the character of the area.
7. I acknowledge that the adjacent agricultural buildings would screen the proposed development from one side and that the boundary of the field on the other sides would reduce its exposure to more distant views due to the presence of trees and hedgerow. Notwithstanding this, the proposed development would be open to close views from the adjacent footpath. In these views the containers would be a dominant and alien feature due to their extent and positioning, at the boundary of the field and on higher ground to the footpath.
8. I note that the containers would be green in colour, that no changes are proposed to the existing surfacing, and that the proposed planting would provide an element of screening. However, I find that these measures would be insufficient to reduce the visual impact of the proposed development.
9. As the appeal site is located within the proximity of the High Weald AONB I have considered the duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Despite the harm to the character of the area discussed above, due to the topography of the area and element of screening provided by existing features on and close to the site, the impacts would be more localised and would not therefore have wider landscape implications for the AONB, including effect on its setting.
10. Notwithstanding this, for the reasons discussed above I conclude that the proposed development would have a harmful effect on the character and appearance of the area. Consequently, I find conflict with saved Policies GD2, and EN27 of the Wealden Local Plan (1998) and Part 12 of the National Planning Policy Framework (the Framework) which aims to ensure that development is of a high standard, appropriate to its surroundings and sympathetic to local character, including the surrounding landscape setting.

Highway safety

11. The Council raises concerns about the south side visibility splay where the track road that provides access to Lyes Farm meets the A267. Despite falling below minimum standards I note that the Local Highway Authority raised no objection to the proposed development on the grounds that the anticipated 2 vehicle trips a day linked to the proposed development would be unlikely to result in a significant intensification in use of the access.
12. I share this view and therefore conclude that the proposed development would not have a harmful effect on highway safety. I acknowledge the Council's comments about the risk of an increase in traffic resulting from each container being individually owned. However, in practice I do not think this would lead to significant intensification in use of the access as it is unlikely that many containers would be visited at the same time. For the above reasons, I find no conflict with saved Policy TR3 of the Wealden Local Plan (1998) and paragraph 108 of the Framework regarding access and highway safety.

Other Matters

13. The appeal site is identified as being within or adjacent to European designated sites – namely the Ashdown Forest Special Protection Area (SPA) and the Ashdown Forest and Lewes Downs Special Area of Conservation (SAC). In line with the Conservation of Habitats and Species Regulations 2010 I must as the competent authority ascertain that the development would not have an adverse impact on the integrity of the site, alone or in combination with other plans and projects, either directly or indirectly, before granting planning permission. However, in light of my findings of harm discussed above, I do not need to address this matter.
14. The appellant's evidence makes reference to the proposed development being required as a form of farm diversification. Whilst mindful of paragraph 83 of the Framework on supporting a prosperous rural economy, I do not have detailed evidence on this matter and can therefore give it limited weight.
15. The appellant makes reference to considering whether a condition allowing planning permission for a temporary period might be appropriate in this case in order to allow the impacts of the proposed development to be assessed in situ. Given the harm to the character and appearance of the area discussed above, and being mindful of Government guidance on when it might be appropriate to grant permission for a temporary period¹, I do not consider it appropriate to impose such a condition in this case.

Conclusion

17. For the above reasons the appeal is dismissed.

D. R. McCreery

INSPECTOR

¹ Planning Practice Guidance 014 Reference ID: 21a-014-20140306