

Appeal Decision

Site visit made on 30 June 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/U1430/W/20/3251619

Hughs' Field, Land opposite Caldbec House, Battle

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr N Whistler against the decision of Rother District Council.
 - The application Ref RR/2019/2126/P, dated 9 September 2019, was refused by notice dated 6 February 2020.
 - The development proposed is a residential development of 5 no. dwellings served by upgraded existing field access, together with erection of tractor shed and stable building.
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Decision

1. The appeal is dismissed.

Main Issues

2. Notwithstanding the Council's five reasons for refusing the application, having reviewed the evidence, I consider the main issues are:
 - a) whether or not the site is suitable for a residential development having regard to local and national policy for the location of housing;
 - b) the effect of the layout and design on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

Suitability of location

3. The appeal site is an undeveloped field, used for grazing horses. It lies on a ridge outside the defined development boundary of Battle and within the High Weald AONB. Policy EN1 of the Rother Local Plan Core Strategy, 2014 (CS) seeks to protect and, where possible enhance, the district's nationally designated landscapes. The policy is consistent with Paragraph 172 of the National Planning Policy Framework (the Framework), which advises that great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs, which have the highest status of protection in relation to these issues.
4. The High Weald is an example of one of the best-preserved medieval landscapes in north-west Europe and has a strong sense of history. The distinctive landscape character, settlement pattern and other key features, such as native hedgerows and field patterns, are therefore significant both

locally and nationally. These features are particularly sensitive and vulnerable to development pressures where they are close to the existing settlements.

5. The appeal site is part of a group of historic meadows which are a remnant of an ancient field pattern on the edge of Battle. They are surrounded by more modern development to the west on Bowmans Drive and Dukes Hill, to the north on Virgins Lane, and to the east and south by the more varied, older properties that characterise Caldbec Hill. The site differs from the adjacent open fields, known as Kingsmead, which are publicly owned and proposed to be allocated in the emerging Battle Civil Parish Neighbourhood Plan (NP) as Local Green Space. By contrast, the appeal site is largely enclosed by mature hedges and trees, some of which are protected by Tree Preservation Order (TPO). Nevertheless, even though it is enclosed and does not benefit from public access, the site's location and its undeveloped character make a positive contribution to the setting of this historic town.
6. The site does not directly front the road. It is physically and visually separated from it by a wide verge, which is being managed to form a wildflower meadow. The site therefore provides a notable break in the existing ribbon development which fronts the western side of Caldbec Hill. Notwithstanding the proximity to the town, the site and its immediate surroundings have a semi-rural character. The proposed buildings would largely be obscured from public view by existing vegetation and enhanced landscaping. However, the scheme would result in the open space at Kingsmead, effectively being enclosed by development on all sides. In addition, the green gap on the western side of Caldbec Hill would be lost. This would seriously erode the character and appearance of the AONB in this sensitive location on the edge of the town.
7. Although part of the site is reasonably flat, it falls away steeply towards the north and west. The analysis set out in the Landscape and Visual Assessment, demonstrates that there is limited inter-visibility between the site itself and its surroundings, even though it is on a ridge. However, the site's value to the wider landscape of the High Weald AONB derives primarily from its open and undeveloped character and its juxtaposition to other similarly undeveloped fields, rather than its visibility.
8. I appreciate that the whole of the Battle Parish is within the AONB and therefore any housing allocations identified by the development plan will also be within it. Pre-submission consultation has been undertaken on the draft NP and several possible locations for additional housing have been identified, including a small area on the opposite side of Caldbec Hill, all of them in the AONB. However, the appeal site is not one of them. Nevertheless, as the plan is at an early stage of development it carries very limited weight in my decision.
9. Taking all these factors into consideration, I conclude that the appeal site is not a suitable location for housing, having regard to local and national policies to conserve and enhance the landscape and scenic beauty of the High Weald AONB. The scheme would conflict with Policy EN1 of the CS and Policy DEN2 of the DaSALP, both of which require development within the AONB to conserve its landscape and scenic beauty. It would also be contrary to Policy OSS4 of the CS and Objective S2 of the High Weald AONB Management Plan which seek to protect the distinctive character of the settlements.

Layout and design

10. Although the proposal is for a limited number of dwellings, it would sub-divide the field, create rectangular-shaped residential plots, and introduce a new access road and areas of hard-surfacing. The residual areas of the field would be awkwardly shaped and too small to permit grazing. They would also be difficult to manage effectively in perpetuity, even with the appellant's commitment to do so. The layout would therefore represent an ineffective use of the land. It would also be at odds with the pattern of development along Caldbec Hill which is characterised by plots with shared boundaries and direct road frontage. Neither would it be typical of the more scattered nature of rural development within the AONB.
11. Whereas most accesses on Caldbec Hill serve single dwellings, the site would require a new road. The access would be provided at the point where there is a field gate, resulting in a small loss of the wide grass verge. The new road would need to meet appropriate highway standards to provide access for vehicle movements from 5 dwellings, refuse vehicles and other deliveries. Even if it did so, the alignment proposed is circuitous and would take up a disproportionate amount of land. It would introduce a harmful urbanising feature into the area, even though it would only be seen from its junction with Caldbec Hill.
12. The height and siting of the 2 pairs of semis would reduce the visual impact of these elements of the proposal from outside the site. However, none of these dwellings would have direct frontage to Caldbec Hill. Instead the road would run to the rear of one pair of semis and to the front of the other; this would represent a poor relationship between the houses and the new road. Furthermore, the layout would not provide permeability through the site for either vehicles or pedestrians. Instead the proposal would function as an isolated enclave of development around a cul-de-sac enclosed by vegetation and trees. As consequence, it would fail to provide a high-quality street scene or create a sense of place that would integrate effectively with its surroundings.
13. The house proposed on Plot 1 would be in the form of a Sussex Barn. It would be a large, bulky building with low eaves and a large expanse of roof punctuated by rooflights. It would have tall projections to both front and rear elevations which would include large areas of glazing. It would not appear to be an authentic replica of a typical Sussex Barn which would be simpler in form and with a notable absence of windows. Furthermore, from my site visit it was apparent that this dwelling would be located on a steeply sloping part of the site. However, rather than being designed to nestle into the hillside, it appears that its construction would require some significant reprofiling of the ground. It could also result in the loss of trees on the site's western boundary which are not subject to the TPO. This would expose the dwelling to view from Kingsmead and the surrounding area from where it would be seen as a prominent and incongruous feature rather than a converted agricultural building.
14. My attention was drawn to an approval to convert the remaining third of another barn¹ elsewhere in the district into additional accommodation. However, from the evidence presented this related to an existing barn, part of which had been converted into a dwelling in the 1980s, rather than a new building. It is therefore not directly comparable with the appeal proposal which I have determined on its individual merits.

¹ RR/2017/2324/P

15. I therefore conclude that the proposed layout and design would be an inefficient use of land that would harm the character and appearance of the High Weald AONB. It would fail to comply with Policies, OSS4, RA1, EN1 and EN3 of the CS and Policies DEN1 and DEN2 of DaSALP. These policies, amongst other things, require the siting, layout and design of development to reinforce local distinctiveness, to have regard to the quality of the built and natural landscape character, and to ensure that its density and design contributes positively to the site and its surroundings. The scheme would also conflict with Paragraph 172 of the Framework, which requires great weight to be given to the conservation and enhancement of landscape and scenic beauty of AONBs, and its wider aims of promoting high quality design and making effective use of land.

Planning Balance

16. The Council accepts that it is unable to demonstrate a 5 year supply of deliverable housing sites. Consequently, Paragraph 11(d)(i) of the Framework advises that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 sets out a specific list of such areas and includes Areas of Outstanding Natural Beauty.
17. I have found that the site is not a suitable place for housing due to its location within the High Weald AONB and because the scheme would be harmful to the landscape and scenic beauty of the AONB, one of the areas the Framework specifically seeks to protect. Consequently, the proposal is unacceptable and contrary to advice of the Framework as a whole. It therefore does not benefit from the presumption in favour of sustainable development.

Other Matters

18. The Council also refused the application because the provision of five 3 and 4-bedroom properties would not deliver an appropriate mix of housing. Regardless of whether the site is in a rural area, or on the edge of Battle, it appears that the district has a greater need for smaller, 1 and 2-bedroom properties. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.
19. The Council's fifth reason for refusal related to the lack of provision for affordable housing. Although no planning obligation has been provided, it was suggested that this matter could have been addressed by imposing a negatively worded condition. However, to do so, I would have to be satisfied that a contribution was necessary and exceptional circumstances justified such a condition. As I have found the development to be unacceptable for other reasons, it has not been necessary for me to address these issues.

Conclusion

20. For the reasons set out above, I have found the proposal conflicts with the development plan and the advice of the Framework. There are no other considerations that outweigh that conflict and I therefore conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR