



Appeal Decision

Site Visit made on 3 November 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/U1430/W/21/3270671

Telegraph Point, Coldharbour Farm Estate, Battle Road, Dallington, Heathfield TN21 9LQ

- 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 M Helliwell against the decision of Rother District Council.
 - The application Ref RR/2020/2255/P, dated 11 November 2020, was refused by notice dated 12 February 2021.
 - The development proposed is the retention of existing mobile unit for B1a use, allied to existing B1/B8 premises adjacent - "Bloompower" to include staff parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements thereof remain the same as the previous iteration in regard to the main issues of the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site comprises an open area of tiered land into which the existing unit is cut. Clad in wood and with a pitched roof the unit is a substantial presence within the site. The large projecting deck currently attached to the south of the unit would be removed as part of the current proposal. Window openings on the southern elevation would be closed up with matching timber and existing doors replaced with what are described as barn door style profiles. An area of parking would be created along the site's northern boundary, with disabled parking and cycle parking located closer to the unit.
5. To the north and south of the site are other buildings, which appear to be in various commercial uses. They are served by the same access road from the B2096 as the appeal site. However, the area is generally open and

¹ National Planning Policy Framework (2021)

undeveloped. To the south of the site the land noticeably falls away revealing open undulating farmland and extensive areas of woodland. The appeal site therefore relates well to the undeveloped character of the area and notwithstanding the neighbouring built form, the site makes a positive contribution to the character of the AONB.

6. Policies EN1 and OSS2 of the Core Strategy² and Policy DEN2 of the Local Plan³ seek to limit development in the AONB, in order to protect its intrinsic beauty and qualities. This approach reflects Paragraph 176 of the Framework, which advises that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas. Whilst development plan policies seek to support rural employment opportunities and the Framework is supportive of a prosperous rural economy, any such proposals must nevertheless accord with the overarching, protective policies which seek to ensure development respects the character of the countryside and the AONB.
7. The retention of the unit and use of the site would permanently alter the open character and appearance of this part of the appeal site and the AONB. A landscaping scheme may help to mitigate some of the potential harmful effects of the scheme on the AONB. However, the proposal, both in terms of the unit itself and how the site would be used, would nevertheless result in a change to the intrinsic, undeveloped and open character of the land and thus its value to the AONB.
8. The proposal would therefore cause harm to the character and appearance of the area including the openness and undeveloped character of the AONB. Accordingly, it would be contrary to Policies OSS2 (vii), OSS4 (iii), RA2 (iii), RA3 (ii), (v), EC4 (i) and EN1 of the Core Strategy and Policies DEN1 and DEN2 of the Local Plan, which amongst other things, seek to ensure that proposals protect the character and features of the countryside and natural environment, and that in particular the qualities and distinctiveness of the AONB are protected from development. The proposal would also be contrary to Paragraph 176 of the Framework, which amongst other things, places great weight on the protection of the AONB and seeks to limit development within such areas.

Other Matters

9. There is no evidence to indicate that it is essential to locate the unit at this site nor that a unit of this size or in this particular position is necessary. It has not been demonstrated that the viability of the existing business would be threatened were this appeal to be dismissed.
10. Although the Framework supports the reuse of existing buildings, the current unit is unauthorised and subject to an extant enforcement notice. As such, the unit being on site is not something to which I can attach weight or consider as a factor in support of the proposal.
11. The proposed alterations to the unit might give it an appearance similar to other buildings found in the countryside. However, this does not overcome the fundamental policy presumption against allowing development in this location, and so does not lead me to allowing the appeal.

² Rother Local Plan Core Strategy (2014)

³ Rother Development and Site Allocations Local Plan (2019)

12. The appellant points to the costs of removing the unit from the site and of having to seek alternative residential accommodation. The unit has only ever been granted temporary planning permissions and therefore the costs associated with removing the unit can have been reasonably anticipated. The extant enforcement notice will require the cessation of the residential use of the unit and so there will be a need to find alternative accommodation regardless of the outcome of this appeal. Accordingly, I can give these factors only limited weight.

Conclusion

13. The proposal harms the character and appearance of the area, which includes the AONB. This would lead to conflict with the development plan. Having considered all other relevant material considerations, there is no sufficiently compelling reason to make a decision other than in accordance with it. The appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR