



Appeal Decision

Site visit made on 16 November 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/U1430/W/22/3292146

Land at Sunnyside, Eight Acre Lane, Three Oaks, Guestling, East Sussex TN35 4NL

- 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 Ms Christine Harmar-Brown against the decision of Rother District Council.
 - The application Ref RR/2021/1765/P, dated 17 September 2021, was refused by notice dated 30 November 2021.
 - The development proposed is a parking space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would conserve and enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. Paragraph 176 of the National Planning Policy Framework (the Framework) puts great weight on their conservation and enhancement.
4. The appeal site is a partial clearing in an area of woodland on the opposite side of the road to the appeal property Sunnyside. It is located further away than the existing single parking space for that property, which was formed when the original garage space was converted to tourist accommodation.
5. This part of Eight Acre Lane has a mix of residential properties, the majority of which are on the opposite side of the lane to the appeal site. What development there is on the same side of the lane as the appeal site finishes at the afore mentioned tourist accommodation. The lane is located on the opposite side of the railway to much of Three Oaks so has a transitional position between village and countryside. It has a more verdant appearance than other village roads and is characterised by the trees and hedging along its length, not least the area of woodland the appeal site forms part of.
6. The proposal would require the creation of an area of hard standing on land not currently developed. It would be positioned beyond the existing limits of the

- development on that side of Eight Acre Lane and erode the verdant character appreciated when turning into the lane from the village.
7. It is understood the proposal would not require the removal of any additional trees. However, the impact of installing hardstanding in the form of a permeable gravel surface, and the physical locating of a vehicle within the woodland, would be visually obvious within the street scene. It would be detrimental to the appearance of the lane and fail to conserve its character as part of the wider transitional landscape between village and open countryside.
 8. It is appreciated the size of the proposed development is small, nevertheless the bar for the protection of the intrinsic value of AONBs is high and any detrimental impact to their conservation is considered harmful. Therefore, I find the proposal would not conserve the scenic beauty of the AONB.
 9. The lack of harm to existing trees and the potential to install bird or bat boxes is noted. It is also accepted that the appellant's circumstances have changed requiring them to park on the road, having no longer access to the parking space originally approved with the tourist accommodation. These matters do not, however, overcome the harm found.
 10. The appellant has stated that a similar scheme could be undertaken as permitted development relating to the tourist accommodation. Nevertheless, the proposal is for parking for Sunnyside not the tourist accommodation. From the information before me, it is not evident what would be achievable under permitted development nor how the scheme before me would be less harmful than it.
 11. Consequently, the proposed development would fail to conserve and enhance the landscape and scenic beauty of the High Weald AONB. It is contrary to Policies OSS3 (i), (vi) & (vii), and paragraph 7.70, OSS4 (iii), (iv) EN1 and EN3 of Rother Local Plan Core Strategy, Policy DHG9 (iii) of the Development and Site Allocations Local Plan, and Paragraphs 130 and 172 of the Framework, insofar as they seek to protect character and appearance and the AONB.

Other Matters

12. The appellant's aspiration to purchase an electrical vehicle in the future is noted. However, the installation of an electric charge point does not form part of the scheme before me, so has not been considered.

Conclusion

13. For the reasons above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR