



Appeal Decision

Site visit made on 22 November 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2023.

Appeal Ref: APP/C1435/W/22/3302034

The Briars, Church Lane, Laughton, East Sussex

- 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 B Light against the decision of Wealden District Council.
 - The application Ref: WD/2021/3156/F, dated 17 December 2021, was refused by notice dated 24 March 2022.
 - The development proposed is for the stationing of a Shepherds Hut for use as holiday accommodation and retention of existing hardstanding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The shepherds hut and hardstanding are both in situ, although there is nothing to suggest that they are in use for the purpose of holiday accommodation.
3. As confirmed by the appellant, the description of development was changed by the Council during the application process to include the retention of the hardstanding. I have used that description for my decision and for clarity I have considered the extent of the proposal as shown encompassed by the red line on the site location plan, and therefore includes the whole area of hardstanding.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, including the Low Weald, and the setting of a nearby listed building, Coopers.

Reasons

The proposal

5. The shepherds hut is set some distance back from Church Road and sited within a fenced triangle of land. The extent of this area is larger than that identified for the proposed change of use which is restricted to a smaller area around the hut. Between the hut and the hardstanding is an open field and the access route by foot is undefined. The area of hardstanding located adjacent to Church Lane, opposite Oak Meadows, is defined by fencing and also provides gated access to the field.

Character and Appearance

6. The site is within an agricultural field, however a relatively short distance to the north is the village of Laughton which has a range of basic facilities including a public house and village shop along Lewes Road. The appeal site, as well as the village, lies within the Low Weald Landscape Character Area and outside any identified settlement boundary.
7. Saved Policy GD2 of the Wealden Local Plan (1998) (WLP) restricts development in the countryside unless it complies with other policies within the plan, and policy EN8 seeks to protect the agricultural landscape of the Low Weald. On the other hand, WLP policies TM1 and TM8 support tourism in the Low Weald where development would respect and where possible enhance the character, heritage, and environmental quality of the area. This is reflective of the approach in the National Planning Policy Framework (the Framework) which supports sustainable rural tourism (paragraph 84).
8. The site is detached from the village, but I do not find it is remote from facilities which would be accessible to visitors via a footpath to the western side of Church Lane. Nevertheless, built development is primarily restricted to the western side of Church Lane. The appeal site and surrounding fields to the east have a rural and open character. They form part of the setting to the village and are representative of the unspoilt agricultural landscape character of the Low Weald.
9. The shepherds hut is small and dark green in colour, and does assimilate the best it can, however, it is a disparate feature and moreover the activities associated with the occupancy would result in a domestication of the site which would erode the present rural character and add to the visual harm. Whilst the exact area of the use is undefined and therefore maintains the openness there is the potential for the use to spread, and as seen on my site visit there was an array of materials and debris to the side of the hut.
10. The hedgerow running along the boundary with Church Lane provides some screening, although its effectiveness will depend on its height and does not restrict all views. The access point allows for wider views, and the formal parking area appears discordant and, in my opinion, visually denotes the presence of some other form of activity. I accept that the level of vehicle movements associated with the holiday let would not be significant, but they would be different to those related to the management of the land, and the parking adds to the visual incongruity of the use against the appearance of the agricultural land. The appellant provides no indication of how the accommodation would operate, and therefore there is the potential for daily activity and comings and goings throughout the year.
11. The use of the hut by tourists will require ancillary features such as water, heating and waste disposal. Additionally, due to the location and the limited size of the accommodation visitors will be drawn to enjoying the outdoors. To that end I agree with the Council that conditions preventing seating, BBQs, lighting etc, and conditions suggested by the parish council in relation to noise restrictions would be unlikely to be reasonable and pass the tests of paragraph 56 of the Framework.
12. For these reasons the use and the physical alterations to the site would be intrusive and result in harm to the overall character, quality, and tranquillity of

the countryside. It would therefore be contrary to saved policies EN8, and EN27 of the WLP, and Core Strategy objectives SP01 and SP13 which amongst other things seek to sustain, conserve and where possible enhance the character, local diversity, and qualities of the landscape.

Listed Building

13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
14. Coopers to the northwest of the site is a Grade II listed building. It is a detached 18th Century dwelling and is contained by hedging and trees. Whilst I acknowledge that the appellant's Heritage Statement is limited, there is no information before me to suggest that the fields were historically associated with the listed building. Further given the presence of residential development directly to the other side of Church Lane, I cannot agree with the Council's description that Coopers has an isolated setting. There are some views in which the shepherds hut and Coopers can both be seen, but there is a reasonable separation and limited intervisibility. In my view the relationship between Coopers and the appeal site is as part of its rural surroundings, which I have already found harm to, rather than directly to the setting of the listed building. I therefore do not find that the proposal would be harmful to the setting of the listed building or conflict with chapter 16 of the Framework in that regard.

Other Matters

15. The reason for refusal refers to several other matters and policies. Given the separation between the site and the existing residential properties I do not find that the proposal would have a direct impact on the occupiers' amenities which is acknowledged in Council's officer report. There would however be a general level of activity and disturbance from the use which contributes to the harm to the character and appearance of the area.
16. The appellant submitted an updated Preliminary Ecological Assessment at the final comments stage of the appeal. The Council and other parties have not had the opportunity to consider this document and therefore I am unable to take it into account. Nonetheless, given the limited physical development and that the hardstanding is already in place, in my view, this aspect could potentially be addressed through conditions.
17. Interested parties have also raised concerns in relation to flooding. The Council confirm that the site is not in an area of high flood risk, but from the photographs and mapping provided the site does appear to have issues with surface water drainage. Having already found against the proposal on the main issue it is not necessary for me to consider this matter further.
18. Reference has also been made to another scheme for tourist accommodation in Laughton which was approved by the Council. From the details before me that proposal related to the use of existing buildings and therefore is not directly comparable to the appeal proposal within an undeveloped field. I accept that the site is not within a designated landscape area referenced in paragraph 176

of the Framework but that does not diminish the impact of the development on the open countryside and the character of the area.

Conclusion

19. The location is accessible to some facilities and whilst additional tourism would contribute to the rural economy this is likely to be limited given the size and type of the accommodation. Whilst I do not find that the proposal would adversely impact on the setting of the nearby listed building, there are a combination of factors that lead me to find that it would be discordant and fail to relate well to its landscape setting. Consequently, the proposal would be substantially harmful to the character and appearance of the area and as a result of the environmental harm it would not represent sustainable rural tourism promoted in paragraph 84 of the Framework and WLP policy TM1.
20. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR