



Appeal Decision

Site visit made on 10 January 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/U1430/W/22/3295564

Slaves Dream, Lower Hazelhurst, Ticehurst, TN5 7LE

- 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 Pedro Milborne against the decision of Rother District Council.
 - The application Ref RR/2021/1787/P, dated 20 July 2021, was refused by notice dated 11 February 2022.
 - The development proposed is for the demolition of existing dwelling and replacement with new dwelling including new detached car port.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice and appellant's appeal form as it more fully describes that for which permission is sought.

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 High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The key characteristics of the AONB include expansive open plateaux with long distance panoramas across the open countryside as well as tranquil and remote areas. Notwithstanding some sporadic development along Lower Hazelhurst and near the appeal site, the area is tranquil and remote and the landscape in the vicinity of the appeal site consists largely of open countryside with opportunities for wide panoramas across fields and water.
5. The existing building is a single storey dwelling, adjacent to the Bewl Water reservoir and nature reserve. The dwelling, which has been subject to some extensions, is not of architectural merit but its size and scale is such that it is not particularly prominent within the landscape. Overall, the existing dwelling does not significantly detract from the character or appearance of the AONB.
6. Policies EN1 and OSS4 of the Rother Local Plan Core Strategy 2014 (RLPCS) broadly seek to protect the character and appearance of the countryside, and more specifically the intrinsic beauty of the AONB. Policy RA3 does however allow for replacement dwellings in the countryside, provided that their landscape impact is similar to the existing dwelling.

7. The proposed replacement dwelling is a more contemporary styled building, finished in timber to help evoke a more vernacular appearance. It would undoubtedly be larger in terms of height and footprint than the existing dwelling. Based on the evidence before me and my own observations, these differences, and thus the landscape impact, would not necessarily be entirely obvious from some, more distant views.
8. However, it would be the closer and more localised views, such as those from the adjacent public right of way, where the differences would particularly register. Whilst the dwelling would have a different appearance, it would be the extended decking, large outbuilding, new driveway and parking area which would collectively contribute to the proposal having a notable difference on the landscape
9. These aspects would significantly extend the amount and scale of development across the plot, meaningfully changing the appearance and effect of the site on the immediate landscape. I note that there is an existing outbuilding and mobile home on the site. However, the scale and appearance of the proposed development would not be similar to this existing situation nor would their effect on the landscape be similar.
10. I am aware that between the determination of the planning application and this appeal coming before me, the Council has approved an alternative scheme for a replacement dwelling. Whilst this approved scheme still retains an outbuilding, driveway and parking area, they have been amended and their landscape impact would be lessened when compared to the appeal scheme. Thus, whilst the permission is a material consideration, the differences between it and the appeal scheme are not so minor as to lead me to allowing the appeal.
11. Therefore, taken as a whole, I do not find the scale and level of impact that would be caused to the landscape by the appeal proposal to be similar to the existing situation. As such, it would detract from, and be harmful to, the character and appearance of the area, including key elements of the AONB. Accordingly, it would be contrary to Policies RA3, EN1 and OSS4 of the RLPCS which, amongst other things, seek to ensure that proposals protect the open countryside and natural environment, and that the qualities and distinctiveness of the AONB are protected from development.
12. The proposal would also be contrary to Paragraph 176 of the Framework, which amongst other things, seeks to limit the scale and extent of development within such designated areas and places great weight on conserving and enhancing the landscape and scenic beauty of AONBs.

Other Matters

13. The existing building and site are said to be of poor quality. However, there would be some improvements in this regard that would be within the control of the appellant and not necessarily dependent upon the proposed development. Also, the extant permission for a replacement dwelling would no doubt address any concerns in this regard. Thus, whilst I note the quality of the design of the proposed dwelling, taking the above into account, I do not find it a sufficiently strong reason to allow this appeal.

14. There is local support for the proposed development. I also note that the Council has not raised concerns regarding any neighbours' living conditions. However, these factors in themselves do not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issue of the case.
15. I have been referred to other decisions taken by the Council for replacement dwellings. Amongst other things, these decisions appear to acknowledge that the existing policy context does not preclude larger replacement buildings. Whilst these provide helpful background, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the site and its surrounds.
16. I have not had further regard in this decision to concerns over how the Council handled the planning application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issue of the case.

Conclusion

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

Stewart Glassar

INSPECTOR