



Appeal Decision

Site visit made on 26 January 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/U1430/W/21/3285681

Star Stud, Ivyhouse Lane, Guestling TN35 4NN

- 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 J O'Hara against the decision of Rother District Council.
 - The application Ref RR/2020/1857/P, dated 12 October 2020, was refused by notice dated 14 October 2021.
 - The development proposed is change of use of barn to holiday accommodation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr J O'Hara against Rother District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposed development, having regard to local and national policy in respect of tourist accommodation and the accessibility of services and facilities; and
 - the effect of the development on the character and appearance of the locality including the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

Suitable location

4. Policies OSS2 and OSS3 of the Rother Local Plan Core Strategy 2014 (CS) address the use of development boundaries and the location of development. They indicate that planning applications should be considered in the context of the spatial strategy for the area. In this instance, the appeal site is located outside the defined development boundaries of the district. It is therefore within the countryside for planning policy purposes. Policy RA3 of the CS flows from this and sets out the types of development, including tourism, that would generally be supported in the countryside subject to meeting the relevant criteria.
5. In regard to this appeal scheme, there is a disagreement between the main parties on the matter of justification for the conversion of the building. From

the suite of policies put before me, I do not find there is an explicit requirement to justify the conversion of the building for tourism purposes. I accept the Council's argument that these policies seek to ensure no adverse impact on landscape character. However, any future changes would be dealt with through the Applicant submitting a separate planning permission. In any event, failure to justify the conversion was not a matter that the application was refused on.

6. In view of the above, policies of most relevance in relation to this main issue are criteria (vi) of OSS2 that relates to the matter of accessibility to facilities and services, and the need to avoid scattered and ribbon development and criteria (ii) of Policy OSS3. This allows for new development subject to the capacity of, as well as access to, existing infrastructure and services. As (i) of OSS3 and RA3 deal in part with distinct character I address these under the second main issue.
7. The appeal site is located in a rural hillside location lying outside of any defined settlements. To access the site future occupiers would need to travel along a winding, narrow, country lane with no footway or lighting along much of its length with limited passing places for vehicles. In absence of any new evidence from the Inspectors' findings under a previous appeal¹ at the site and matching my own observations, the appeal site is approximately 1.3km from the nearest bus-stop which has only a limited daytime service to the nearest services and facilities. The nearest services selling convenience provisions being located off the far end of the lane on the B2093.
8. The submitted plans show a kitchen within the proposed accommodation and parking for two cars. It is therefore likely the proposal is for self-catering holiday accommodation and that users would travel to the site by car, as such they would be likely to bring with them some provisions to meet their needs during their stay. However, it would also be a likely expectation for occupiers to have some access to local services and facilities during their stay. Based on my observations, the proposed development would place an increased demand on the need to access the nearest facilities and services. As a result, there would be an increased demand to use a private motor vehicle as much of Ivyhouse Lane is unsuitable for pedestrian use which would conflict with the aims of locating new tourism development in suitable locations.
9. I acknowledge that the National Planning Policy Framework (the Framework) recognises that sustainable transport solutions will vary between urban and rural areas, however, this does not override the significant harm identified above.
10. Consequently, the proposed development would not be in a suitable location having regard to the accessibility of services and facilities. It would therefore conflict with Policies OSS2 and OSS3 of the CS and Policy DEC2 of Rother District Council Development and Site Allocations Local Plan (DSALP) 2018 which among other things requires new development provides accessibility to services and facilities. The proposal would also conflict with the Framework in this regard.

¹ APP/U1430/W/19/3219778

AONB

11. 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 this purpose in this decision. Paragraph 176 of the Framework puts great weight on their conservation and enhancement.
12. On my site visit, I observed the site's exposed hillside location which is detached from the cluster of buildings and built form located closer to Ivyhouse Lane. The appeal site including the wider area owned by the Appellant etched in blue on the location plan, contained a number of small buildings/containers and equipment which appeared to be associated with agricultural use. Whilst the building and equipment could be readily seen in this open location, given their associated rural use they did not spoil the exposed and rural landscape character of this part of the AONB, which contributes to the scenic beauty of the surrounding area.
13. There would be no change in the siting of the building or major external additions save for the replacement of some external materials and the insertion of doors and windows. This would result in some changes to the external appearance associated with conversion works. However, this would not result in a significant change in the impact of the building on the surrounding landscape character either during the day or at night.
14. Notwithstanding the limited harm I have found with regard to the conversion of the building, future users of the accommodation would, in my view, expect some form of outdoor garden space to enjoy the rural surroundings. It is likely that this expectation would result in the proposal extending the built form of the appeal site by urbanising the current rural appearance of the site. The proposal would be likely to result in the parking of guest vehicles, creation of boundary treatments and a proliferation of garden paraphernalia such as garden furniture and children's play equipment. This would result in a domestic appearance that would severely diminish the rural qualities of the site and its surroundings. Although this would be constrained within the site boundaries close to the appeal building, its visual effect would not complement the surrounding rural landscape and would erode the largely undeveloped qualities of the site and surrounding area.
15. Given the harm I have identified I do not, therefore, find that the imposition of a condition limiting the outdoor space to the area shown on the block plan would be acceptable in this instance.
16. Consequently, the proposed development would have a detrimental effect on the character and appearance of the surrounding area including the High Weald AONB. It would therefore conflict with Policies OSS2, OSS4, RA2, RA3, EC6, EN1, EN3 and EN5 of the CS and Policies DEC2, DEN1 and DEN2 of the DSALP. The policies together seek, amongst other things, that development in the AONB shall conserve and seek to enhance its landscape and scenic beauty and be in keeping with the landscape and settlement pattern, and that in general tourist development is in keeping and maintains the rural character of the area. It would also not accord with the Framework which seeks development to be sympathetic to local character and the protection and enhancement of valued landscapes and for great weight to be given to conserving and enhancing AONBs'

Other Matters

17. My attention has been drawn to the approval of other tourist accommodation developments in the AONB. I do not have the details of the full circumstances of their approval before me. From the examples provided, I note the scheme at Coghurst Hall² is already an established caravan park with onsite facilities and services and is therefore materially different from the appeal proposal. With regard to the other examples, whilst these appear to be of a similar scale and comparable location I have not been provided with sufficient evidence which would allow me to draw a direct comparison with regard to access to services and facilities or the effect on the AONB. In any case, I have considered the current appeal on its individual merits and circumstances. Such other developments do not lead me to consider that the current proposal should be permitted, especially as I have found it would result in significant harm.
18. Interested parties have made reference to a number of benefits which weigh in support of the appeal scheme which I deal with below. The other matters raised in regard to no additional traffic and no objection to the scheme do not outweigh the harm the scheme would cause for the reasons I have set out.

Planning Balance and Conclusion

19. I acknowledge the benefits of providing renewable and energy-efficient measures as part of the scheme, alongside farm diversification. The proposal would also support the local economy, through spend in local shops and at local attractions, in that regard it would accord with the aims of the Framework to enable the growth and expansion of businesses in rural areas. However, having regard to the available evidence, the benefits to the local economy would be likely to remain modest in scale, for the reasons detailed above. In my view, such matters either individually or in combination do not outweigh the identified harm to the AONB and the associated development plan conflict described above, to which I attach significant weight.
20. The proposed development would conflict with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
21. Therefore, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR

² Ref: RR/2020/1507/P