



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 January 2023

Appeal Ref: APP/U1430/W/22/3292644

Site Adjacent St Kitts, Church Road, Catsfield TN33 9DP

- 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 Jack Waller against the decision of Rother District Council.
 - The application Ref RR/2021/2012/P, dated 6 August 2021, was refused by notice dated 8 December 2021.
 - The development proposed is erection of 1no. Chalet Bungalow, together with parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An additional drawing was submitted at the appeal stage¹, which contains a section plan with site levels. This drawing shows the extent of land level changes that would take place. In considering whether to accept the amended drawing I have had regard to the "Wheatcroft Principles" and find that to accept the amended plan would deprive those who should have been consulted on the changed development the opportunity of such consultation. For this reason, it would also not be appropriate to require these details as part of a condition. As such, I have considered this appeal on the basis of the drawings submitted with the application and upon which the Council made its decision.
3. I have been provided with an extract map of the High Weald Area of Outstanding Natural Beauty (AONB). It is clear from the extract the appeal site is within the AONB. In the absence of any evidence to the contrary, I have considered the appeal site as being located within the AONB for the purposes of my decision.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy for the delivery of housing; and
 - the effect of the proposal on the character and appearance of the High Weald AONB.

¹ Ref: 3543-13 – Proposed Section Plan

Reasons

Suitable location

5. The appeal site is situated on the north side of Church Road on the edge but outside of the village of Catsfield and forms part of an irregularly shaped open field to the north. There are residential buildings to the east and west and mature hedgerows and an entrance gate to the south. Much of Church Road is characterised by small distinct clusters of linear development running along its length, separated from each other by areas of open countryside.
6. Policy DIM2 of the Rother District Council Development and Site Allocations Local Plan (DSALP) sets out that new development should be focussed within defined settlement boundaries. In the countryside (outside of defined settlement development boundaries) development shall normally be limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary. Policy RA2 of the Rother Core Strategy (CS) sets out the overarching strategy for development in the Countryside. Policy RA3 of the CS follows from this and sets out that proposals for development in the countryside will be determined on the basis of a number of criteria, which the Appellant acknowledges the appeal scheme does not fall into.
7. As a result, the proposed development does not fall to be considered under any of these criteria. Accordingly, therefore, I conclude in respect of the first main issue that the proposed development would not be in a suitable location having regard to local and national planning policy for the delivery of housing.

AONB

8. 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 National Planning Policy Framework (the Framework) puts great weight on their conservation and enhancement.
9. The village of Catsfield lies on the northern edge of Church Road which offers view of the nearby church and prominent spire. Views into the village are largely screened by well-established high hedges and trees along the road. There are dispersed pockets of development in the wider area, including detached and semi-detached single-storey properties many of which contain rooms in the roof space. Nevertheless, other than the village and sporadic position of buildings, the surrounding area is largely undeveloped, and the site has a rural setting.
10. The surrounding landscape is of a high quality, commensurate with its AONB status, and is characterised by undulating agricultural fields of varying size with mature hedgerows, and larger areas of woodland. Moving away from Catsfield there are only isolated and small pockets of buildings, resulting in the prevailing character being of an undeveloped landscape. Although enclosed to either side by residential development and located on an upward slope, the appeal site's opening onto open irregular shaped fields results in the site forming an integral part of the wider AONB landscape.
11. The proposal includes the development of a chalet-style dwelling on what is an exposed upward-sloping site. The appeal scheme would include a garden at the

rear and driveway and parking to the front of the dwelling accessed from Church Road. The access would be shared and see a gate for farm access set within the site leading to the field at the rear. The proposals indicate that tree and hedge planting would occur throughout the site, particularly along the highway frontage and field access to the side of the proposed dwelling.

12. In contrast to the open views of the site and the sporadic built form along much of Church Road the dwelling in the proposed location would result in a more continuous form of development and would represent the sprawl of the adjacent village boundary into the countryside. This would lead to the substantial erosion of the spaciousness of the site and reduce the contribution it makes to the rural character of the locality.
13. Furthermore, given existing site levels the proposed dwelling would be visually prominent in the surrounding area. These level differences in combination with a residential development of this type with a garden and any associated domestic paraphernalia, such as washing lines, children's play equipment and garden furniture, would lead to the highly visible urbanisation of an essentially rural environment, harming the intrinsic character and beauty of the countryside and would not conserve the characteristics of this part of the High Weald AONB.
14. Consequently, the proposed development would fail to conserve and enhance the landscape and scenic beauty of this part of the High Weald AONB. It would fail to comply with Policies OSS4, RA2, EN1 and EN3 of the CS, Policies DEN1 and DEN2 of the DSALP, and the Framework, insofar as they seek to protect the AONB and landscape character.

Other Matters

15. I acknowledge the Council's concerns about precedent should the appeal be allowed. However, my decision is based firmly on the characteristics of this appeal proposal. As such, it does not set any precedent that can apply more generally to the area as each application must be determined on its own merits.
16. There are a number of designated² and non-designated heritage assets³ nearby the appeal site. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.

Planning Balance

17. The Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing sites with the appropriate buffer. The evidence provided by the authority identifies a 2.89 year supply. In such circumstances, paragraph 11 (d) of the Framework states that permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

² Chequers and Catsfield Methodist Church both Grade II

³ Chequers Oast and former Cow Shed

18. As I have found above, the scheme would cause material harm to the High Weald AONB. Under the terms of Framework footnote 7, this would be a clear reason for refusing the development proposed. As such, paragraph 11 d) ii. of the Framework is not engaged and the presumption in favour of sustainable development does not apply.
19. The proposal would conflict with the development plan taken as a whole in relation to its impacts on the AONB and the location of new dwellings. Although there would be social and economic benefits arising from jobs during construction, spending in the local shops by future occupiers and housing delivery, these would be very modest for a single dwelling, even if it was in an accessible location, and it would not be sufficient to justify a decision otherwise than in accordance with the development plan.

Conclusion

20. The proposed development conflicts with the development plan when considered 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, for the reasons given above, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR