



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/22/3292098

Willow Pond House, Swainham Lane, Crowhurst TN38 8ED

- 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 Richard Warden against the decision of Rother District Council.
 - The application Ref RR/2021/2077/P, dated 26 August 2021, was refused by notice dated 17 January 2022.
 - The development proposed is use of land for the siting of a timber cabin (caravan) for retreat holidays, re-positioned vehicular access off Swainham Lane and parking for two vehicles.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is accessed from Swainham Lane. It comprises a field, a small vegetable patch with trees and shrubs that largely sit adjacent to the periphery of the boundary. The field on its northern edge shares a boundary with Willow Pond House. The site is located within the AONB which is characterised by large open fields (bounded by mature trees and hedgerows), areas of woodland interspersed with sporadic development.
4. 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.
5. On my site visit, I observed that much of the vegetation was not in leaf which afforded extensive views through to the fields to the west and north onto the denser woodland behind. To the south, longer-range views are restricted by a thick band of woodland. The site is however, despite a tree-lined boundary, highly visible along Swainham Lane. Consequently, although the site is screened from longer views to the south, it is visible from short-range views to the south particularly along Swainham Lane and the wider area to the north and west, particularly during winter months.

6. 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 on the valley slopes. There are only isolated buildings, resulting in the prevailing character being of an undeveloped landscape. Although enclosed to the south, the appeal site's irregular shaped open field, bounded by woodland, results in the site forming an integral part of the wider AONB landscape.
7. The proposal would introduce a timber cabin and driveway into this countryside location with access taken from Swainham Lane. Although sited between Willow Pond House and dwellings to the south, the proposal would occupy a somewhat centralised position within the site, away from the existing built form.
8. I acknowledge that the appearance of the proposed cabin has been designed to assimilate with the rural landscape. However, the proposal would extend the built form by urbanising the current rural appearance of the site. The proposed cabin, new access, and garden paraphernalia that would likely be associated with the proposal (such as garden furniture, and parked cars) would result in a domestic appearance that would severely diminish the rural qualities of the site and its surrounding. Although this would be constrained within the site boundaries, its visual effect, in opening up the site with a new access point and built form would not complement the surrounding rural landscape and would erode the largely undeveloped qualities of the site and the wider scenic beauty of the High Weald AONB.
9. The appellant contends that the appeal site has in the past been served by an existing opening onto Swainham Lane. However, from the evidence before me and my observations on site, this access is no longer in use and has not been for some considerable time given the established vegetation and trees nearby. I, therefore, attach little weight to the existence of a historic route into the field.
10. 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 OSS4, RA2, RA3, EC6 and EN1 of the Rother Local Plan Core Strategy, Policies DEC2, DEN1 and DEN2 of the Development and Site Allocations Local Plan, and the Framework, insofar as they seek to protect the AONB and landscape character.

Other Matters

11. The appellant asserts that the 'tilted balance' is engaged. However, I have found that the appeal scheme would accord with an up-to-date development plan. Furthermore, I also acknowledge the judgement¹ provided by the appellant with regard to slight effects on the AONB. However, for the reasons set out above I have found the proposal would result in significant harm to the AONB. Accordingly, the finding of the judgement does not lead me to a different conclusion on the acceptability of the appeal proposal.
12. My attention has been drawn to various schemes granted on appeal. Whilst I do not have full details of these schemes, I note the example at Little

¹ R. (on the application of Monkhill Limited) and the Secretary of State for Housing, Communities and Local Government and Waverley Borough Council, Neutral Citation Number: [2021] EWCA Civ 74

Sparrows² was for a hybrid application of a significantly larger scale for supported housing adjacent to an existing settlement. The scheme at Wyland Farm³ was for additional caravans on an established site. The last example Battle Great Barn⁴ was allowed, in part, as it would support the existing sensitive land management of the Vineyard. In this regard, these developments are materially different to the appeal proposal and therefore I cannot draw any direct comparison that weighs in favour of the proposal.

13. I note that the proposed cabin would provide some benefits as it would operate as a holistic healing retreat, including patients attending Willow Pond House, many of whom travel from outside the area. Moreover, there would be a limited amount of economic benefit associated with the construction of the new cabin and expansion of the business at Willow Pond House. However, even in combination, these matters do not outweigh the harm I have found above.
14. The appellant has raised concerns in relation to other matters including trees and highway safety and ecology. However, as I am dismissing the appeal for other reasons it has not been necessary for me to consider these matters further.
15. The appellant has referred to a letter from an unknown source as there is a discrepancy with the address details. However, the matters raised have not been determinative to my decision which has been considered on its own merits.

Conclusion

16. 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.
17. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR

² APP/Q3115/W/20/3265861

³ APP/U1430/A/14/2218118

⁴ APP/U1430/W/18/3208870