



Appeal Decision

Site visit made on 7 February 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/U1430/W/22/3292205

Land Adjacent to Cooks Farmhouse, New Road, Northiam, East Sussex TN31 6HS

- 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 Mrs Sarah Secker against the decision of Rother District Council.
 - The application Ref RR/2021/1935P, dated 6 August 2021, was refused by notice dated 24 November 2021.
 - The development proposed is siting of a static holiday let unit and associated change of use of the land.
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Decision

1. The appeal is allowed and planning permission is granted for siting of a static holiday let unit and associated change of use of the land at land adjacent to Cooks Farmhouse, Northiam TN31 6HS in accordance with the terms of the application, Ref RR/2021/1935P, dated 6 August 2021, subject to the conditions contained within the attached Schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is a vacant plot of land separated from the host dwelling and its garden by a hedge. The site is situated within a rural, countryside location within the High Weald AONB. The wider landscape setting of the area surrounding the appeal site is generally characteristic of the AONB, with rolling hillsides interspersed by woodlands. Paragraph 176 of the National Planning Policy Framework (the Framework) places great weight on the conservation and enhancement of the landscape and scenic beauty of AONBs, providing the highest status of protection in relation to these issues.
4. Despite its rural setting, the site is surrounded by development and built features, including dwellings on either side, a cluster of farm buildings to the rear and a narrow, rural lane at the front of the site. Whilst the appeal site is gently sloping, it is situated at the top of a steep bank, elevated above the road. The site is well-screened by dense, tall, mature hedges on either side, and a row of mature trees runs along the front boundary. Due to its elevated position and the presence of existing buildings and screening, the site is of limited visibility from public spaces.

5. The proposed holiday let unit would be positioned close to the side boundary hedge and would be oriented perpendicular to the road. A further hedge would be planted at the front of the holiday let unit, providing additional screening and making a modest contribution to the landscape pattern of the AONB. To secure the planting of the hedge and other landscaping indicated on the plans, I have attached a landscaping condition to my decision.
6. Buildings surrounding the appeal site are varied in terms of size, age, style, and materials. On either side of the appeal site are detached dwellings situated within generous plots. The host dwelling is constructed from brick with prominent front dormers and tile hung flank walls. The neighbouring dwelling to the west of the appeal site is modern and of simpler form and appearance. A modern barn of utilitarian appearance with a sheet metal roof and rendered walls, along with two aged metal caravans, are situated adjacent to the site's rear boundary enclosing the back of the site. A dwelling of brick and timber weatherboard at the farmyard to the rear is partially visible from the site. The proposed holiday let would be constructed from composite weatherboard and metal sheeting. Due to the variety of materials and styles in the area surrounding the appeal site and combination of dwellings and functional buildings, the proposed development would not appear unsympathetic or out of keeping with its surroundings.
7. The Council indicates that the nearby caravans and other features related to the neighbouring farm have no planning status and do not justify development of lesser quality. However, the presence of these structures contributes to the variety of development types and styles within the area and are relevant in assessing the proposal within its context.
8. The plot benefits from an existing access point positioned at one end of the site. A dropped kerb and area of hardstanding serves three accesses including the appeal site, neighbouring dwelling and farm. The plans do not indicate the access would be widened nor result in a loss of vegetation along the bank. As annotated on the plans, the driveway would be constructed from 'grasscrete' which would have a lesser visual impact relative to the concrete driveways serving neighbouring sites. The existing hedgerow adjacent to the proposed driveway would also be retained. Consequently, the formation of the access is not likely to erode the rural street scene or adversely impact upon the landscape character of the AONB.
9. The appellant's statement indicates that siting the holiday let unit close to the hedge would place it at the furthest point away from other dwellings and would provide a close relationship to the host dwelling where access would be required to service the unit. To connect the holiday let unit to the existing access point, a driveway would be positioned along the side and rear boundaries, broadly forming a U-shape. A rectangular plot of land would remain between the driveway and holiday let unit. Whilst described as a small field or paddock in the Council's delegated report, at time of my site visit the site was uncultivated. The site's most recent use appears to have been related to forestry activities of a former occupant of the host dwelling. Since the site is currently vacant with no obvious use, I consider the layout of the proposed unit and driveway would not adversely affect the use of the remaining land.
10. For the reasons set out above, the proposal would not consolidate development nor have an unjustified urbanising effect upon the street scene and would not

be visually intrusive within the countryside. The proposal would not therefore harm the character and appearance of the area and would not harm the landscape and scenic beauty of the High Weald AONB. The proposal would therefore comply with Policy OSS4, Policy RA2 and Policy RA3 of the Rother Local Plan Core Strategy 2014 (RLPCS) and Policy DEN1 of the Development and Site Allocations Local Plan 2019 (DSALP) which together require all development to conserve and not adversely impact on the locally distinctive, rural, landscape character. In addition, the proposal would accord with RLPCS Policy EN1, DSALP Policy DEC2, DSALP Policy DEN2, and paragraphs 174 and 176 of the Framework which together require proposals to conserve and enhance the landscape and scenic beauty of the AONB.

11. Furthermore, the proposal would provide tourist accommodation which is in keeping with the character of the countryside in accordance with Policy RA2, Policy RA3, and Policy EC6, and supported by paragraph 84 of the Framework.

Other Matters

12. The appellant has confirmed that the proposed holiday let unit is a permanent structure and is not intended to be moved. The proposed siting of the holiday let unit, and therefore the location of foundations, along with the location of hard landscaping features and planting are illustrated clearly on the plans. I have determined the appeal on the basis that the proposed holiday let unit would be sited permanently in accordance with the layout shown on the plans.
13. The appellant has also confirmed they do not intend to use the proposed holiday let unit as ancillary residential accommodation. I have therefore considered the appeal solely on the basis of its proposed use as a holiday let.
14. The Council has suggested alternative ways to provide holiday accommodation on the site. However, these do not reflect the proposed appellant's business aspirations. Since I have identified no harm to the character and appearance of the area, including the landscape and scenic beauty of the AONB, consideration of alternatives is not necessary.
15. At the planning application stage, comments were received from local residents, including support for the provision of more tourist accommodation in the area. Some comments queried the differences between the proposal and a previously refused application for the site. However, these matters are addressed in the Council's delegated report.

Conditions

16. In the interests of certainty, in addition to the standard time limit of the planning permission granted I have attached a condition specifying the approved plans. In addition, the Council has supplied a list of conditions which I have considered against the Framework's tests.
17. To conserve the landscape character of the High Weald AONB, I have included a condition requiring the submission and implementation of a landscaping scheme. To protect existing trees on site and their important contribution to landscape character, I have included a condition requiring the erection of protective fencing.
18. To ensure no unauthorised use of the proposed unit, I have included a condition which requires the unit to be occupied only for holiday

accommodation, places a time limit on the maximum period any one person may use the accommodation, and requires the operator to maintain a register of guests. In the interests of conciseness, I have combined the Council's three suggested conditions into a single condition.

19. I have not included the Council's suggested condition which seeks to restrict the extension or erection of structures within the curtilage of the proposed unit. Such conditions would conflict with paragraph 54 of the Framework which states that national permitted development rights should not be restricted by condition unless there is a clear justification to do so. Whilst I understand the purpose of the condition is to ensure the character of the area is not adversely affected by further development, it is by no means certain that such works would result in harm. I therefore consider that such a condition would not be reasonable in the context of the Framework's tests.
20. In addition, the Council's suggested condition requesting an ecological appraisal is not necessary due to the scale of development proposed, and thus not reasonable in the context of the Framework's tests.

Conclusion

21. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed and planning permission granted, subject to the conditions set out in the formal decision.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6710/1/A; 6710/2/A; 6710/LBP/B; 6710/EX.
- 3) No development above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall commence on site until the tree protection fencing is erected in accordance with the Tree Protection Plan provided with the submitted tree report titled: Arboricultural Implications Assessment for Proposed Static Caravan/Lodge (authored by Broad Oak Tree Consultants Limited, dated 20/07/2021) and shall be retained and maintained on site until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area within the protective fencing.
- 5) The holiday unit hereby approved shall be occupied for holiday-let purposes only and shall not be occupied as a person's sole or main place of residence, nor shall it be used as ancillary residential accommodation. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday unit, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority. The holiday unit shall not be occupied for more than 56 days in total in any calendar year by any one person.