



Appeal Decision

Site visit made on 24 January 2023

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2023

Appeal Ref: APP/C1435/W/21/3281254

Plot 2, Friths Farm, Highlands Lane, Chiddingly

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs L Hazlegrove against the decision of Wealden District Council.
 - The application Ref WD/2020/1246/F, dated 16 June 2020.
 - The development proposed is a new timber framed holiday let.
-

Decision

1. The appeal is dismissed and planning permission is refused for a new timber framed holiday let.

Procedural Matters

2. The appeal is against the non-determination of a planning application by the Council. Had it been in a position to do so, the Council indicates it would have refused the planning application on the main issues below, having regard to development plan policy and material considerations.
3. The use of an existing mobile home for the holiday let in another alternative location, to that originally proposed, has been suggested. However, this building has been subject to an enforcement action, upheld on appeal, that involves the removal of the building. Such an amendment would result in further considerations and would be a departure from the application that was consulted upon and determined by the Council. Accordingly, I have considered the proposal as originally determined by the Council.

Main Issues

4. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) Protected Species, having regard to Great Crested Newts.

Reasons

Character and appearance

5. The plot comprises part of a complex of rural buildings at Friths Farm that have converted and altered. Plot 2 comprises the northern most section of the Friths Farm complex, comprising a converted dwelling and an associated curtilage. Within this curtilage, the 'mobile home' building, subject to the enforcement

action, is located. The curtilage has two ponds alongside its countryside boundary which has hedgerow, small trees and vegetation. There is a hard standing area between the converted building and the track serving the site, for vehicle parking and access. There is an adjoining equestrian development but nevertheless, the site and complex of buildings, together with adjoining Friths Farmhouse, are within an attractive rural setting comprising fields/paddocks, ponds, hedgerows, trees and wooded areas. The area is designated as the Low Weald Landscape Character Area under the Wealden Local Plan (LP) 1998.

6. The timber clad single storey rectangular building would be for tourist use. LP Policy TM1 encourages the provision of new or extended tourist facilities, where such applications would normally be permitted where development would respect and, where possible, enhance the character, heritage and environmental quality of the area. The building would have a low profile due to its single storey scale.
7. However, it would have a significant urbanising effect on the character and appearance of the area by reason of its footprint, associated veranda, hard standings for parking and access, and domestic paraphernalia, such as parked vehicles, bins, lighting, garden chairs, etc that would be associated with the use. There is a dispute regarding the footprint size of the buildings but even if the appellant's smaller area is accepted, the adverse effect of the proposal would be significant, especially from the public bridleway. The urbanising effect would be incongruous with the rural character of the landscape.
8. For all these reasons, the proposal would harm the character and appearance of the area. Accordingly, it would conflict with Policies EN1, EN8, EN27 and TM1 of the LP, which collectively and amongst other matters, requires sustainable development, having regard to national policy, the conservation of the low rolling agricultural character of Low Weald landscape, development scale, site coverage and design to respect the character of the adjoining development, and where appropriate, promote local distinctiveness. It would also conflict with paragraph 174 of the National Planning Policy Framework (the Framework) where it indicates that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Protected species

9. Within and surrounding the site, there are several ponds providing potential habitat for Great Crested Newts. Under the Council's mapping for suitable habitats, the site and wider area is confirmed to be a 'Red Impact Risk Zone' for this species. The Council's impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. The red impact zone indicates a high likelihood of the newt's presence.
10. No ecological information for the site has been submitted so as to be able to determine whether the proposal would have a likely impact on the protected species. Consequently, insufficient ecological information has been submitted to demonstrate that the development would not result in the loss of and/or harm to a Protected Species. Accordingly, the proposal would be contrary to Policy WCS12 of the Wealden Core Strategy Local Plan (CS) 2013, which

amongst other matters, requires the Council to ensure habitats, biodiversity features and ecological networks are maintained.

Other matters

11. Paragraph 84 of the Framework states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. The proposal would add to the accommodation offer in the area for visitors. There would be benefit to the local economy through the use of services and facilities, and employment. On a nearby site, the Council's Tourist Officer supported two holiday lodges given their contribution to the local economy.
12. Within East Sussex, tourism is a significant contributor to the economy in terms of total business turnover and jobs. The Council's tourism strategy supports increased tourism accommodation. Nearby, there is an established caravan and camping site, and other holiday lets. The benefits of tourism must be weighed against other planning considerations within the planning balance. CS Policy WCS14 requires the Council to undertake determination of planning applications to reflect the presumption in favour of sustainable development. Such a policy relates to the Council's procedure of dealing with planning applications and as such, it has not been commented upon here.

Conclusion

13. There would be tourist and business benefits, but these would be limited by reason of the small-scale nature of the proposal. The harm to the character and appearance of the area, and ecology would be significant and outweigh these benefits. There would be conflict with Policies EN1, EN8, EN12, EN27 and TM1 of the LP and Policies WSC12 of the CS. Conflicts would be overriding and there would be conflict with the development plan taken as a whole.
14. Even if the tilted test under paragraph 11 d) ii of the Framework applied, the adverse effects impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan. Under section 38(6) of the Act, the decision should be taken in accordance with the development plan and planning permission refused.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal is dismissed.

Jonathon Parsons

INSPECTOR