



Appeal Decision

Site visit made on 27 March 2023

by Guy Davies BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/U1430/W/22/3305181

Pebsham Rural Business Park, Pebsham Lane, Bexhill on Sea, East Sussex TN40 2RZ

- 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 M Worssam against the decision of Rother District Council.
 - The application Ref RR/2022/1295/P, dated 19 May 2022, was refused by notice dated 14 July 2022.
 - The development proposed is the erection of a single storey Class E business unit with parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey Class E business unit with parking and associated works at Pebsham Rural Business Park, Pebsham Lane, Bexhill on Sea, East Sussex TN40 2RZ in accordance with the terms of the application Ref RR/2022/1295/P, dated 19 May 2022, and subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr M Worssam against Rother District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the development on:
 - The strategic gap between Bexhill and Hastings/St Leonards
 - Economic growth.

Reasons

Strategic gap

4. The site lies within the strategic gap between Bexhill and Hastings/St Leonards as defined on the Policies Map. Within this strategic gap, Policy DEN3 of the Development and Site Allocations Local Plan 2019 (the Local Plan) requires that development be carefully controlled and only permitted where it is unobtrusive and does not detract from the openness of the area having regard to the objectives of the gap. The objectives are to maintain the separate identity and distinctiveness between settlements, maintain the strategic settlement pattern, and prevent the coalescence of settlements.

5. Pebsham Rural Business Park consists of a mixture of commercial buildings, some converted from former farm buildings and some new, forming an enclave of development otherwise surrounded by countryside. The proposed business unit would occupy a position alongside similar commercial buildings on the west side of the enclave, partly screened by a hedgerow and fence that defines the western boundary of the business park. Its location as part of the enclave of buildings, and the screening afforded by the boundary treatment, mean that it would have only a modest impact on views from outside the site.
6. Although the Council argue that the building would be read as an intrusion into the strategic gap, I consider that it would be perceived more as consolidating the collection of buildings that make up the business park, with views of it generally seen against a backdrop of other buildings. Its height would be comparable to the adjacent commercial units, its dark colour cladding would help to mitigate its prominence, and its siting would project no further westwards or northwards than existing buildings.
7. The parking and turning area associated with the new building would lie between it and existing buildings to the east. The area is already in use for the parking and turning of vehicles associated with other commercial uses in the business park. For those reasons its use would not have any appreciably greater impact on the openness of the site than the existing development.
8. I conclude that because the proposed development would add a new building in the strategic gap between Bexhill and Hastings/St Leonards it would conflict to an extent with the objectives of Policy DEN3. It would also conflict to a lesser extent with Policies OSS1, OSS3 and OSS4 of the Rother Local Plan Core Strategy 2014 (the Core Strategy) which relate to overall spatial development strategy and the location of development, and Policies HF1, RA2, RA3 and EN1 of the Core Strategy which relate to development in the countryside. However, the location of the appeal site within an existing commercial enclave of buildings, and the degree of screening afforded by them and the boundary hedgerow, means that such conflict would be modest. The settlements would maintain their separate identity, and the extent to which the new building would conflict with the strategic settlement pattern and contribute towards coalescence would be limited.

Economic growth

9. The proposal gains support from other policies in the development plan. Policy EC3 of the Core Strategy permits the extension of existing employment sites, having regard to other policies in the development plan. Policy RA3 of the Local Plan supports suitable employment opportunities in the countryside, including the small-scale growth of existing business sites. The proposal also gains support from paragraph 84 of the National Planning Policy Framework (the Framework), which says that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
10. The building is intended to allow the expansion of an existing firm on the site. Although it would not be appropriate to require occupation by a named end user as the building is likely to outlast any such specific need, the advantage of supporting an existing business on the site adds to the economic benefits I associate with the development. This was also one of the reasons that similar

commercial buildings were permitted by the Council adjacent to the appeal site in 2020¹.

11. I conclude that Policies EC3 and RA3 provide support for the proposal. In accordance with paragraph 81 of the Framework, I place significant weight on the need to support economic growth and productivity, particularly in this case where it would help the expansion of a local business.

Planning Balance

12. I consider the harm that would be caused to the objectives of the strategic gap, important though they are in maintaining a clear separation between the settlements of Bexhill and Hastings/St Leonards, would be relatively modest because of the degree of containment that would exist. Weighed against that harm would be the benefit of enabling economic and employment growth. That would be of immediate advantage in this case because it would enable the growth of an existing business on the site. Giving significant weight to the economic advantages and only modest weight to the strategic gap disadvantages, in this case I consider the benefits of the proposal outweigh the harm that would be caused.

Other Matters

13. Concern has been raised in representations about additional traffic generation along Pebsham Lane. Although Pebsham Lane is rural in character, and its western end gains access through a predominantly residential estate, the Highway Authority advises that the additional traffic likely to be generated by the use of the proposed building would be small and would not give rise to any material harm to road safety or congestion. I see no reason to disagree with that advice.
14. Pebsham Farmhouse is a grade II listed building lying on the eastern side of Pebsham Rural Business Park. It is well screened from the appeal site by intervening buildings that form part of the business park. I am satisfied that the proposal would have no appreciable effect on its setting.

Conditions

15. I have considered the conditions suggested by the Council and imposed them where I consider they accord with the tests set out in paragraph 56 of the Framework. Wording has been modified where necessary for clarity.
16. In addition to the standard time limit, a condition listing the approved plans is necessary in the interests of certainty, and a condition requiring use of the stated external materials is necessary in the interests of certainty and the visual appearance of the building. A condition requiring minimum sizes for the parking spaces is reasonable to ensure the spaces are usable. A condition requiring the parking and turning spaces are implemented and retained is necessary to ensure the efficient working of the business park and avoid such activities taking place on the public highway. I have combined 2 suggested conditions into one for simplicity. There is no need to require submission of layout plans as these form part of the approved drawings.

¹ RR/2019/2082/P

17. Notwithstanding the general approach to avoiding restrictions on national permitted development rights as set out in paragraph 54 of the Framework, I consider that in this case there is a clear justification to restrict changes of use within Use Class E. I reach that view given the wide range of potential uses that Class E encompasses, which may not be appropriate given the commercial nature of the business park, the means of access, and its rural location.

Conclusion

18. There are planning policies in the development plan that both support and oppose the proposal. For the reasons given above, I consider that the balance of weight lies in favour of the development and that the proposal therefore accords with the development plan when taken as a whole. There are no material considerations which indicate that a decision should be reached other than in accordance with the development plan. Consequently, I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of 6 conditions

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development shall be carried out in accordance with the following approved drawings:
BA2141.01 site location plan
BA2141.05 proposed site plan
BA2141.06 floor plan and elevations
BA2141.07 proposed sections
BA2141.08 proposed long elevations
3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall match in materials, colour and texture those stated on the application form and shown on drawing BA2141.06.
4. The proposed parking spaces shall measure at least 2.5m by 5m (at least 3m by 5m where the side of a space abuts a boundary).
5. The development hereby permitted shall not be occupied until the parking spaces and turning areas shown on drawing BA2141.05 have been provided. The parking spaces and turning areas shall thereafter be retained unobstructed for those uses.
6. The building hereby permitted shall be used for purposes falling within Class E(g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

***** End of conditions*****