



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: 4 April 2023

Appeal Ref: APP/U1430/W/22/3298679

**Chestnut Meadow Camping & Caravan Park, Ninfield Road, Bexhill
TN39 5JG**

- 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 Osborn Leisure LLP against the decision of Rother District Council.
 - The application Ref RR/2021/102/P, dated 15 January 2021, was refused by notice dated 16 February 2022.
 - The development proposed is the change of use of land for the siting of 50 residential caravans (park homes) to form a retirement park.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Osborn Leisure LLP against Rother District Council. This application is the subject of a separate decision.

Preliminary Matters

3. During the course of the application, the number of caravan pitches shown on the layout plan was reduced from 51 to 50 with additional planting shown close to the access from Ninfield Road. It is on that layout that the Council reached its decision. The description of development in the banner heading above reflects that change.
4. Following discussion between the appellant and Lead Local Flood Authority, the concerns set out in the Council's fourth reason for refusal relating to drainage have been overcome. The Council therefore no longer raises objection on this matter, subject to imposition of a condition.
5. A legal undertaking has been submitted with the appeal which secures planning obligations relating to an off-site affordable housing contribution and monitoring of the undertaking. This seeks to address some of the matters raised in the Council's fifth reason for refusal, with others addressed through conditions. I comment further on the undertaking and conditions under other matters.

Main Issues

6. Having regard to the matters set out above, I consider the main issues to be the effect of the development on:

- The spatial strategy of the development plan
 - The character and appearance of the countryside
 - The accessibility of the site.
7. It is also necessary to consider what impact the lack of housing land supply should have in the decision. I do this as part of the planning balance.

Reasons

Spatial strategy

8. The spatial strategy set out in Policies OSS2 and OSS3 of the Rother Local Plan Core Strategy 2014 (the Core Strategy) direct most forms of new development to defined settlements. Outside those settlements Policy RA3 of the Core Strategy limits development to that which supports agriculture, employment or tourism needs. New dwellings are allowed only in extremely limited circumstances, as set out in the policy.
9. The appeal site lies outside any settlement boundary as defined on the Policies Map, the nearest of which is Bexhill lying some 0.5km away. Although the appellant suggests that Lunsford's Cross is an undefined settlement, neither it nor the houses around Thorne Crescent are identified as such in the Development and Site Allocations Local Plan 2019 (the Site Allocations Plan). Nor do either of these groups of houses have the appearance or function of a village in the sense of being self-contained communities with a range of facilities. I therefore consider the proposal to be development in the countryside.
10. The appellant argues that because park homes sell for less than bricks and mortar dwellings the proposal should be considered as a rural exception site to meet local affordable housing need under criterion (iii)(d) of Policy RA3. However, I do not consider that cost of a park home is directly comparable with a permanent house because they are a different type of product. They are intended to be offered on the open market without any subsidy and therefore are likely to be of a similar cost as other comparable residential park homes. I also have not been provided with any evidence that there is a local need for 50 affordable retirement homes in this rural part of the district. Use of the land as a residential caravan site does not therefore fall within any of the permissible categories of development set out in Policy RA3. Consequently, the proposal conflicts with the spatial strategy of the development plan and its approach to the location of new development.
11. The weight to be given to the policies that underpin the spatial strategy, in particular those relating to residential development, depends on other factors such as whether they have become out-of-date. I address this weighting in the planning balance, having considered the issue of the lack of housing land supply and the consequences that flow from that. In so far as the policies are relevant, I conclude that the location of the development outside any settlement boundary in the countryside runs counter to the spatial strategy of the development plan and conflicts with Policies OSS2, OSS3 and RA3 of the Core Strategy for the reasons set out above.
12. The Council also refers to Policy BX1 of the Core Strategy in its reason for refusal on spatial strategy. This policy relates to the overall strategy for Bexhill.

As the site lies outside Bexhill, Policy BX1 has little relevance to the proposed development and I have placed limited weight on it.

Character and appearance

13. The appeal site consists of two fields laid to grass, bounded by field hedges and trees. Other than the access road along one side and an agricultural barn (which has approval to be converted to 4 residential units), the site is open and undeveloped. To the south around Thorne Crescent is an estate of bungalows and chalet bungalows of somewhat suburban appearance opposite which is a scatter of houses along Ninfield Road, some new. To the southwest is a recently developed field of static holiday caravans and beyond that a field used for camping and caravanning. To the north is another scatter of houses around the Lunsford crossroads, with a ribbon of development leading up Potmans Lane. Notwithstanding these quite sizeable groups of houses, the area is generally agricultural in character consisting mainly of small pasture fields bounded by hedges and interspersed with blocks of woodland. The appeal site contributes positively to this rural character.
14. Using the land for 50 park homes of similar design would result in a wholly different appearance to the site. The park homes, together with the associated roadways and parking spurs, would suburbanise what is currently grassland changing its character and appearance from that of agricultural fields to a built-up residential park home estate. I acknowledge that the trees and understorey along Ninfield Road and the intended planting on the corner of the access would partly screen the park homes from the road, but glimpses of them would still be seen by passers-by. The estate would also be readily visible to visitors to the camping and caravanning site. Field hedges and hedgerow trees would be retained but would not prevent views from surrounding farmland.
15. The recently developed field of static holiday caravans has a similar impact to that which I describe above, although being set back is not as visible from Ninfield Road and is partly bounded by woodland. The Council recognised that it would cause harm to the character and appearance of the locality but determined that the benefits towards tourism outweighed that harm. The appeal scheme differs from it in that respect.
16. Some residential houses have recently been built off Ninfield Road. Two parcels of these were allowed on appeal in part because the inspectors found that they would not have a harmful impact on the character or appearance of the surrounding countryside, the houses being located in what was garden land to existing properties and being viewed as part of the existing cluster of houses¹. A similar conclusion was reached by the Council on a subsequent residential scheme². That is not the case with the appeal site being agricultural land and lying in between rather than being part of the groups of residential dwellings around Thorne Crescent and Lunsford's Cross.
17. Notwithstanding the views expressed in the landscape and visual appraisal submitted with the application³, I consider that the proposed development would have a significant adverse effect on the rural character and appearance of the countryside, and that effect would persist even taking into account the

¹ APP/U1430/A/13/2202104 and APP/U1430/W/17/3176154

² RR/2019/1477/P

³ Lizard Landscape Design and Ecology, Landscape and Visual Appraisal, February 2020

landscaping shown on the revised layout plan. I do not consider that development of these fields in the manner proposed would constitute infilling. Rather it would result in the suburbanisation of a significant area of countryside which would join together scattered groups of housing and erode what is otherwise a predominantly rural setting. The countryside around the site may not be a valued landscape in terms of national or regional designations, but it is largely unspoilt and maintains an intrinsic character and beauty of its own.

18. I conclude that the development would harm the character and appearance of the area for the reasons given above. As a result it would conflict with Policies OSS4, RA2, RA3, EN1 and EN3 of the Core Strategy and Policy DEN1 of the Site Allocations Plan, which requires new development to conserve locally distinct rural character, and maintain and reinforce the natural and built landscape features in which it is located.

Accessibility

19. There are limited facilities and services within the immediate locality of the appeal site. There is a shop and café on the camping and caravanning site, together with some ancillary facilities, although it is not clear from the evidence before me whether they remain open out of season. Otherwise, most other day-to-day needs would require occupiers to travel, the nearest neighbourhood centre being in Sidley which is about 2.5km away.
20. There are bus services along Ninfield Road with bus stops within walking distance of the site, and a public footpath alongside the carriageway. These provide some degree of choice in modes of transport although in reality it is likely that the majority of trips would be by private motor car, particularly for elderly residents who may not wish to walk or cycle any great distance. I note that in the appeal decision that addressed this issue on a nearby site⁴, the Inspector concluded that the proposal could not be characterised as being in an accessible location.
21. The appellant draws attention to an appeal decision in a neighbouring district in which accessibility was also an issue⁵. In that case a much larger park home estate offered a wider range of facilities including a doctor's surgery and post office, and the applicants had entered into a legal agreement securing a travel plan aimed at reducing the need for private motor vehicles. The Inspector concluded that the site provided a good level of self-sufficiency for its day-to-day needs with residents enjoying a much better range of facilities than any recognised local village in the area.
22. Some facilities would be available adjacent to the appeal site, but they would not provide the same degree of self-sufficiency as on the site referred to above. Taking all of the above matters into account, I conclude that the appeal site is not located in an accessible location. The proposal would therefore conflict with Policies PC1, OSS3, SRM1 and TR3 of the Core Strategy which require new development to minimise the need to travel and support good access to employment, services and community facilities.

⁴ APP/U1430/A/13/2202104 – Land at The Thorne, Ninfield Road, Bexhill-on-Sea

⁵ APP/C1435/W/20/3265476 – Deanland Wood Park Ltd, Deanland Road, Golden Cross, Chiddingfold

Other Matters

23. The appellant has submitted a legal undertaking with the appeal that secures contributions towards off-site affordable housing and monitoring of the undertaking. The Council confirms that the undertaking overcomes its concern in respect of these matters. I have considered the undertaking against the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and am satisfied that it is necessary, and fairly and reasonably related to the development in scale and kind. I have consequently placed weight on it in addressing a policy requirement for affordable housing in the development plan.
24. The Council also confirms that matters relating to management of the amenity open space within the scheme and appropriate surface water drainage can be secured by conditions. Paragraph 55 of the National Planning Policy Framework (the Framework) encourages the use of conditions in preference to legal obligations wherever possible. I therefore have no objection to the use of conditions rather than obligations to overcome these aspects of the Council's fifth reason for refusal and am satisfied that they would be suitable in addressing the future maintenance and drainage requirements on the site.
25. The Council and Highway Authority consider that highway related requirements could also be secured by condition. However, as some of these involve works outside the site, that would not be possible either directly by condition or by a condition requiring a highway licence, as that would fail the test of enforceability set out in paragraph 56 of the Framework. The appellant has no objection in principle to the highway requirements so I have little doubt that they could be secured in another way. However, given my decision, I have not sought to resolve the matter as that would only involve the parties in abortive work.

Conclusion

26. The Council acknowledges that it cannot demonstrate a 5-year housing land supply. The evidence before me is that current housing land supply stands at 2.89 years, which is significantly below that expected, and its housing delivery test result at 57% is also below target.
27. The lack of an adequate housing land supply and low housing delivery means that for applications involving the provision of housing, footnote 8 of the Framework deems the policies which are most important for determining the application to be out-of-date. Although the proposed development is for the use of land for a caravan site rather than houses, I consider this provision to be applicable because the caravans are intended for residential use rather than as holiday accommodation.
28. In such circumstances criterion (ii) of paragraph 11 of the Framework says that planning permission should be granted unless 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. This presumption in favour of sustainable development forms part of the Government's approach to boosting housing supply, particularly in places where it is currently lacking.
29. In terms of benefits the proposal would provide 50 units of residential accommodation, aimed at older people, which would help to meet the need for

residential accommodation in the district. Given the extent of the shortfall that is of significant benefit.

30. The development would also contribute towards off-site affordable housing, which is needed in the area and is therefore a material benefit. Although highway related improvements cannot be secured by condition, I am satisfied that they could be secured in other ways. Since the appellant has no objection in principle to those works, I give limited beneficial weight to the highway proposals as well.
31. Weighed against those benefits is the harm I have identified to the spatial strategy of the development plan. The development would not only be outside any defined settlement boundary, but some distance from the nearest boundary at Bexhill. It would therefore represent development in open countryside, having little regard to the strategy of focusing new development in existing settlements. Even accepting that the strategy carried less weight because of the lack of housing land supply, I consider that conflict to be significant.
32. The development would also harm the character and appearance of the countryside. Unlike the recent residential developments off Ninfield Road, which were held not to harm the countryside because they were on land which already formed garden and were contained amongst other buildings, the proposal would introduce substantial development on agricultural land that would adversely affect its open undeveloped appearance and agrarian character. I consider that conflict to be significant as well.
33. The development would also not be particularly accessible. Although I acknowledge the facilities available close to the site, and the alternative transport modes available to future residents, these are limited in scope and a substantial proportion of trips would still be likely to be undertaken by private motor car. The limited accessibility to facilities and services would run counter to the need to site development in such a way as to minimise the need for travel. I give this conflict moderate weight.
34. Notwithstanding the presumption in favour of sustainable development that applies in this case because of the provisions of paragraph 11 of the Framework, it is my view that the collective harm identified above would significantly and demonstrably outweigh the benefits of the scheme, significant those some of those are. I reach that view having taken account of the extent of the short fall in housing land supply and housing delivery. The presumption is therefore insufficient in this case to 'tip' the balance in favour of the appeal proposal.
35. I conclude that because of the harm to spatial strategy, the countryside and accessibility, the proposal would conflict with the development plan when taken as a whole. There are no material considerations, including the benefits of the scheme and paragraph 11 of the Framework, that outweigh that conflict. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR