



Appeal Decision

Site visit made on 22 March 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/U1430/W/21/3288753

Poundfield Farm, Farm Lane, Camber, East Sussex TN31 7QY

- 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 Michelle Bristow against the decision of Rother District Council.
 - The application Ref RR/2020/2306/P, dated 15 April 2021, was refused by notice dated 22 July 2021.
 - The development proposed is described in the application form as: 'siting of one lodge for seasonal tourist/holiday makers accommodation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed that the development proposed has been carried out since the Council issued its decision. I am therefore aware that planning permission is being sought for the development carried out, as shown on the submitted plans.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the area; and the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.

Reasons

Character and Appearance

4. The appeal site comprises part of a large area of land occupied by a farmhouse, holiday cottages in converted stables, and animal shelters, set amongst open fields interspersed with trees. It is a rural area, located at the end of a private road made up of mainly low-scale detached dwellings. Despite the appeal site's proximity to those houses along Farm Lane, and more consolidated development to the east, it is not located in an area with the appearance or characteristics of a residential setting. The appeal site's wider surroundings include part of what have been described as the distinctive low-lying levels in the east of the district.
5. The development has been described as a 'lodge' in the application form, which is a type of static caravan. It has been finished in black composite cladding,

with black framed uPVC¹ windows and a dark pantile roof. Overall, it is a distinctly residential feature, forming part of a sprawling collection of buildings at Poundfield Farm. Although it is low-scale in height and finished in materials similar to some houses along Farm Lane and elsewhere in Camber, it has significant mass in the context of its immediate countryside surroundings and is experienced as a large caravan on the edge of an open setting.

6. It is partially screened by trees, hedgerows, and slightly raised levels along the western boundary. These, together with existing surrounding buildings, limit its visibility from Farm Lane and open fields to the north and west. However, it remains visible in passing views from Farm Lane and longer views from the south and south-west along Camber Road across flat, open fields. In all of those views it reads as an uncharacteristic residential feature in its countryside location on account of its size and design.
7. The limited extent and distance of those views mean the development's impact on the undeveloped rural character and appearance of the area is low, but harmful. Planting around the development would reduce its visibility, but I am unconvinced that it would be sufficient to appropriately mitigate that harm.
8. As a large residential caravan in open countryside surroundings the development causes harm to the rural character and appearance of the area and wider landscape to the south and south-west. For the reasons given above, the level of that harm is low, but the development conflicts with Policies OSS4, RA3, EN1, EN3 of the Rother Local Plan Core Strategy (2014) (CS) and Policies DEN1 and DEC2 of the Council's Development and Site Allocations Local Plan (2019). These require, amongst other things, development to respect and not detract from the character and appearance of the locality and to maintain and reinforce the natural and built landscape character, including the distinctive low-lying levels of the landscape in which the appeal site is located.

The SPA, SSSI, and Ramsar site

9. The appeal site is located within 50 metres of the SPA, SSSI, and Ramsar site. Natural England² (NE) has advised that the development could have potential significant effects on the SPA, SSSI, and Ramsar site which are internationally important wetland sites designated predominantly for wetland features such as birds, invertebrates and vegetation. These interest features rely on a high quality of water and stable water levels.
10. The SPA and Ramsar site comprise a European Site, as defined by the Conservation of Habitats and Species Regulations 2017 (as amended). Those Regulations require that, where a project is likely to have a significant effect on a European Site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives.
11. With regard to the SSSI, the Wildlife and Countryside Act 1981 (as amended) requires reasonable steps to be taken to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest. I therefore need to be

¹ Unplasticized polyvinyl chloride

² Consultation responses to the Council dated 1 June 2021 and 15 July 2021, NE's refs: 352356 and 359414

satisfied that any negative impacts to water quality potentially caused by the development can be avoided and/or minimised.

12. The application form, completed before the development was carried out, stated that foul sewage would be disposed of to a septic tank. In the absence of sufficient information at the time of their consultation, NE raised concerns with regard to the risk to water quality posed by the use of a septic tank to serve the development.
13. The appellant has since confirmed³ that waste drainage from the development is served by a pre-existing cesspit, which has been described as a solid watertight concrete construction with a sealed lid, with no discharge of effluent draining into the surrounding area. This claim is supported by details of its historic use and ongoing servicing arrangements, and a Cesspit Report⁴.
14. The Cesspit Report confirms the cesspit is in good working condition with no signs of damage, cracks or splits, and there are no nearby trees likely to pose a future risk to its integrity. It recommends that with regular emptying and annual inspections, it should provide many more years of service. Without appropriate management, maintenance, and inspections, it appears likely to me that the cesspit would be liable to leak effluent which could have significant effects on the SPA, SSSI, and Ramsar site.
15. Copies of documents have been provided which indicate the appellant is a member of a Regular Service Scheme operated by a company called CSG Waste Specialists, with a 24-hour emergency hotline service. The details provided of these services are limited. Even if I were to accept that these services are sufficient to ensure the development would not have any significant effects on the SPA, SSSI, and Ramsar site, there are no details confirming the length of the appellant's contract for those services.
16. I have not been provided with any form of legal agreement which may secure the provision of appropriate management, maintenance, and inspection services for the cesspit for the lifetime of the development. As the development has already been carried out, I am not aware of any alternative mechanism which could be used to secure such services. On the information presented, I do not consider a planning condition could achieve those aims with sufficient certainty in accordance with the tests set out at paragraph 56 of the National Planning Policy Framework (the Framework).
17. In the absence of a mechanism to secure appropriate management, maintenance, and inspections of the cesspit for the lifetime of the development I am unable to conclude that the development would not be likely to have any significant effects on the SPA, SSSI, and Ramsar site. This is because the cesspit is a potential pathway that could lead to such effects. However, as I have found the proposal would be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment unless if other considerations indicate planning permission should be granted.

Other Matters

18. It is claimed that planning permission would not be required for the stationing of a caravan at Poundfield Farm, dependent on its use and where it would be

³ The appellant's Appendix A: emails from Paul Bristow to NE, dated 6 and 15 October 2021

⁴ The appellant's Appendix C: Cesspit Report by Ostridge Contractors Ltd., dated 7 November 2021

located. No specific details have been provided as to where such a caravan could be located with a greater impact on the character and appearance of the area, or how such harm could be avoided through allowing the appeal. This does not lead me to conclude planning permission should be granted for the development.

19. Policies OSS1 and EC6 of the CS, amongst other things, acknowledge that a countryside location may be necessary or appropriate to promote sustainable land-based industries and sensitive diversification, primarily for employment uses, and offer support for tourism activities and facilities, where compatible with other policies of the CS. This is consistent with paragraphs 84 and 85 of the Framework, which support the sustainable growth and expansion of businesses and tourism in rural areas, where the character of the countryside is respected.
20. The development provides holiday accommodation and therefore has the potential to support employment opportunities. The level of support the development receives from Policies OSS1 and EC6 would be minimal on account of the very low-level of potential employment opportunities and its overall contribution to tourism.
21. Although the level of harm caused to the character and appearance of the area is low, that harm would be long-lasting and contrary to the development plan. I therefore assign great weight to that harm. Any support the development receives from Policies OSS1 and EC6 does not outweigh the weight I assign to the harm caused to the character and appearance of the area and the conflict I have identified with other parts of the development plan.

Conclusion

22. The development harms the character and appearance of the area and conflicts with the development plan taken as a whole. There are no material considerations that indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR