

Appeal Decision

Site visit made on 28 March 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2023

Appeal Ref: APP/U1430/W/22/3303100

Overshaw, Batemans Lane, Burwash TN19 7DT

- 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 Barclay against the decision of Rother District Council.
 - The application Ref RR/2022/578/P, dated 20 February 2022, was refused by notice dated 24 June 2022.
 - The development proposed is described as 'removal of existing stables and derelict barn and construction of new stables (amended proposals following refusal of original scheme ref. RR/2021/1983/P).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of this appeal, I requested an update from the Council on the status of the Burwash Neighbourhood Development Plan 2020-2028 (NP). The NP was made in July 2022 and now forms part of the development plan. The delegated report sets out the NP policies that the Council consider are most relevant for this appeal. I am required to determine the appeal in accordance with the development plan policies in place at the time of my decision. The appellant has had the opportunity to comment on the NP and I have taken their comments into account in coming to my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site forms part of a field, which adjoins the property of Overshaw. There is a small timber stable within the appeal site, that lies to the rear of the dwelling. The existing stable by reason of its size, design and materials is in keeping with its rural location and blends into the landscape. To the north of the appeal site is a storage container and former agricultural building, the latter is in a dilapidated condition. Access to the appeal site is via a field access to the north of Overshaw.
5. The appeal site lies within the AONB. The National Planning Policy Framework (the Framework) requires that great weight is given to conserving and

enhancing the landscape and scenic beauty of AONBs. The surrounding landscape is predominantly in agricultural use and characterised by irregular shaped fields that are typically bound by hedgerows and trees. There are areas of woodland interspersed within the landscape. The land slopes away towards the south and east of the appeal site, with few trees interrupting views. Consequently, there are panoramic views of the surrounding countryside from the appeal site. The appeal site and surrounding undulating landscape are picturesque and make a positive contribution to the landscape and scenic beauty of the AONB.

6. The proposed stable building would have an L shaped design and would be significantly larger and bulkier than the stable it would replace. Buildings in the locality consist of a variety of architectural styles and materials. Whilst stables are not uncommon in the countryside, the size, design, materials (brick walls with a tiled or slate roof) and fenestration would not be commensurate with its proposed function and would appear more akin to a domestic outbuilding. The proposed stable would not be dissimilar to more modern domestic architecture found on the outskirts of the village. As a result, the proposal would appear as an incongruous feature in this rural location.
7. The proposal would be set into the ground and would have a similar overall height to the existing stable. The proposed change in levels would create a harsh step down in the landscape, which would result in a harmful and unnatural change to the existing gently sloping landscape. I acknowledge that there would be limited visibility of the proposed building from Batemans Lane. However, given the size, height and roof form, glimpses of the proposed development may be visible from the lane. The proposal is unlikely to be visible from the nearest footpaths due to the tree screening and undulating nature of the landscape. However, long distance views would be available across the valley and the proposal would also be visible from neighbouring residential properties. Given the size, design and materials, the proposal would appear at odds in this rural location and would result in harm to the landscape and scenic beauty of the AONB.
8. The proposed track would be constructed from self-binding gravel and would appear visually hard. The appellant considers that the realigned track would more closely follow the established physical boundaries within the site, thereby reducing the visual impact of the current track which cuts across the field. The extent of hard surfacing proposed around the stable building and manure stores would have an urbanising appearance, which would be harmful to the landscape character of the locality. Although the appellant states that the existing track would be removed, there is no mechanism before me on how this would be secured, and I therefore give this benefit limited weight.
9. Limited information has been provided on the design and height of the manure stores. The proposed manure stores would extend the footprint of the development across the site and this further adds to my concerns in respect to the visual effect of the development.
10. The proposal seeks to demolish a former agricultural building, which is in a dilapidated state. This building is located on higher level land than the proposed development, adjacent to the rear gardens of properties that front the A265. Consequently, the former agricultural building is seen against the backdrop of residential properties and their outbuildings. Given its relationship

to the surrounding built development; the extent of building remaining; and, tree screening, it does not appear prominent in the landscape. Its removal would provide a limited benefit to the landscape and scenic beauty of the AONB.

11. I disagree with the appellant's assertion that the domestic outbuildings are more visually intrusive than the appeal proposal. The domestic outbuildings form part of the residential curtilage of adjacent dwellings and are partially screened from the wider countryside by the existing boundary treatment and soft landscaping. The site of the proposed development is far more exposed and open in landscape terms and does not relate well to existing built form.
12. Whilst the appellant has submitted examples of other brick stable buildings in the locality, I have limited information before me in respect to the circumstances of each case. Some of these buildings appear historic and would not have been assessed against the same development plan policies. Others are enclosed by soft landscaping and would therefore be less prominent in the landscape. These schemes are materially different than the proposal before me and I have considered the proposed development on its individual merits.
13. Taken as a whole, the proposed benefits alleged by the appellant, which include the reduction in the amount of built form on site and the realignment of the access track would not outweigh the harm to the character and appearance of the AONB.
14. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area and the AONB. The proposed development would fail to comply with Policies OSS4, RA2, RA3 and EN1 of the Rother Local Plan Core Strategy 2014, Policies DEN2 and DC02 of the Development and Site Allocations Local Plan 2019 and Policies EN01, GP01 and GP04 of the NP. Collectively, these policies amongst other matters seek to ensure that development proposals conserve and enhance the landscape and scenic beauty of the AONB; safeguard the locally distinctive landscape character of the countryside; ensure that development is of high quality and appropriate to the AONB in terms of its scale, size, design, type and use of materials; and require that any new access routes, associated earthworks or manure bays do not have an adverse impact on the surrounding countryside.
15. Furthermore, the proposal would be contrary to the Framework, which seeks to conserve and enhance the landscape and scenic beauty of AONBs.
16. Policy EN04 of the NP, which has been submitted by the Council seeks to minimise light pollution. Should the appeal be allowed, details of any external lighting could be required by condition to ensure compliance with this policy.

Other Matters

17. I acknowledge that no objections were raised to the development on other matters including the principle of the development, highways, biodiversity and the living conditions of neighbouring occupants. I also note that the Parish Council support the application and no objections were received from neighbouring residents. However, this does not affect my overall conclusions on this appeal.
18. Whilst I note that the Environmental Impact Assessment screening direction undertaken by the Secretary of State concludes that the proposal would not

have a significant environmental impact, this direction is based on a different legislative framework and thresholds. The direction does not prejudice the determination of this appeal.

19. Whilst reference is made by both parties to alternative sites for the proposed stable building, full details of such schemes are not before me to consider.

Conclusion

20. For the reasons given above, having regard to the development plan as a whole, the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

A James

INSPECTOR