



Appeal Decision

Site visit made on 6 June 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/U1430/W/22/3307160

**British Red Cross Society Centre, Highfields, Burwash, East Sussex
TN19 7HE**

- 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 K Brain of Matrix Claims Services Ltd against the decision of Rother District Council.
 - The application Ref RR/2022/1337/P, dated 23 May 2022, was refused by notice dated 13 July 2022.
 - The development proposed is demolition of an existing building and erection of dwelling with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing building and erection of dwelling with associated parking and landscaping at British Red Cross Society Centre, Highfields, Burwash, East Sussex TN19 7HE in accordance with the terms of the application, Ref RR/2022/1337/P, dated 23 May 2022 and subject to the conditions in the attached schedule.

Application for costs

2. A cost application has been made by Mrs Karen Brain of Matrix Claims Services Ltd against Rother District Council, which is the subject of a separate decision.

Main Issue

3. The main issue is whether the appeal site represents a suitable location for the proposed development, having particular regard to the character and appearance of the area.

Reasons

4. The appeal site lies outside of, but directly adjacent to the defined settlement boundary for Burwash and therefore, for planning purposes is located within the countryside. Highfields is predominantly characterised by 2 storey, brick-built terraced houses, which are modern in character. The site lies at a bend in the road, between 2 rows of terraced houses. There are mature trees adjacent to the site and open countryside to the rear. There is a vehicular and pedestrian route through the site, which provides access to the countryside beyond.
5. There is an existing building on the appeal site, which is surrounded by hardstanding. Based on the evidence before me and the overgrown nature of

the site, it appears that this building has not been in use for some time. Given the modest size of the existing building; the fact that it is set back from the highway; it is on lower level land than the adjacent terrace and highway; and, is finished with timber cladding, means that it is not a prominent building in the street scene and blends in with the surrounding trees and landscaping.

6. The appeal site lies within the High Weald Area of Outstanding Natural Beauty (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 landscape surrounding the settlement is predominantly in agricultural use and characterised by irregular shaped fields that are bound by hedgerows and trees. The land slopes away to the south of the site. There are panoramic views from the rear of the site across the valley of the picturesque countryside. The low-key nature of the existing building, with a backdrop of trees and views through the site to the open countryside beyond provides a green corner to this part of Highfields and an appropriate transition between the settlement and open countryside. Consequently, the appeal site makes a positive contribution to the street scene and the landscape and scenic beauty of the AONB.
7. Policy RA2 of the Rother Local Plan Core Strategy (CS) September 2014 seeks to strictly limit new development within the countryside to that which supports local agricultural, economic or tourism needs; none of which are applicable to this appeal. The proposal would also fall outside of the 'extremely limited circumstances' where new dwellings are allowed within the countryside, as set out in Policy RA3 of the CS. Consequently, the proposal would conflict with development plan policies, which seek to restrict new residential development within the countryside.
8. Policies RA1 and TR3 of the CS seek to ensure that new development is located in areas which minimise the need to travel and have good access to employment, services, community facilities and public transport links. The appeal site adjoins the settlement boundary for Burwash, which is defined as a Local Service Centre and includes facilities such as a doctor's surgery, primary school, church, village hall and shops, which are within walking distance of the appeal site. There are also bus stops within close proximity of the site, which provide services to neighbouring settlements. As a result, the appeal site is well related to existing facilities, services and public transport links.
9. The proposal seeks to demolish an existing building and replace it with a single storey dwelling. The proposed dwelling would not be significantly greater in size or height than the building it would replace and would be sited in a similar location. Whilst the size, design and materials would differ from that of adjacent properties, the proposed form and materials would reflect that of the existing building. The proposed dwelling would be modest in size and finished with timber cladding, which would help the building blend in with the surrounding rural landscape and ensure a soft transition between the settlement and wider countryside is retained. The siting, layout and design of the proposal would maintain the existing natural and built landscape character of the area and not result in overdevelopment of the site.
10. The proposed dwelling would be set back behind the front building line of 6 Lime Tree Terrace (No 6) and sited in a similar position to the existing building. As a result, it would respect the settlement pattern of the locality.

Although the proposal would come slightly closer to the shared boundary with No 6 than the existing building, the gap remaining would be in keeping with the relationship of neighbouring properties to their side boundaries. Whilst the proposal would extend further rearwards than the existing building, given its height and siting on lower level land than No 6, it would not appear prominent in the street scene or in views from the surrounding countryside or the track that runs through the site.

11. Excluding the open porch, the proposal would be sited further away from the track that runs through the site. Given the size and siting of the proposal, the existing open character of the site would be preserved and views through the site to the open countryside beyond would be retained.
12. The proposed boundary treatment adjacent to the open countryside is shown to match the existing in terms of its style and height. A close-boarded fence is shown on the proposed south-east elevation, but does not feature on the proposed layout plan and has the potential to have an urbanising impact. In order to ensure any boundary treatment is sensitive to the character of the area and appropriately located, details of boundary treatment will be required by condition.
13. With the exception of one small, self-seeded specimen there are no trees within the appeal site. However, there are mature trees adjacent to the boundary, which overhang the site. The proposed dwelling would be located away from the existing trees, in a similar position to the existing building. Given the distance between the proposed development and existing trees, no trees would need to be felled to facilitate the development and the proposal would not harm existing trees. As a result, the existing verdant nature of this corner of Highfields, which provides a green link to the wider countryside would be retained.
14. The existing building is surrounded by hardstanding, albeit weeds are growing through in places. The proposal would utilise the existing access and tidy up the site, which is in need of maintenance. The provision of a grassed rear garden would reduce the extent of hard surfacing on the site. Whilst the provision of a new dwelling, would introduce a domestic influence on the site, the proposal would have no greater urbanising effect on the landscape than the existing building and its associated hardstanding. As a result, the relationship of the settlement to the surrounding countryside would be maintained and the proposal would preserve the landscape and scenic beauty of the AONB.
15. For the reasons given above, I conclude that the proposal would comply with Policies OSS4 and EN5 of the CS and Policy DEN2 of the Development and Site Allocations Local Plan (DaSA) December 2019. These policies amongst other matters require that development respects and does not detract from the character of the locality; that proposals conserve and enhance the landscape and scenic beauty of the AONB; and, that development within the AONB is small-scale and in keeping with the landscape and settlement pattern. Whilst I find conflict with Policies RA2 and RA3 of the CS, which seek to restrict development outside the defined settlement boundaries, I give this conflict limited weight as the site is a brownfield site, which is well related to the settlement and has good access to services, facilities and public transport links.
16. The proposal would also comply with Objectives S2 and S3 of the High Weald AONB Management Plan 2019-2024, which seek that development protects the

historic pattern and character of a settlement and that development reflects the character of the High Weald in terms of its scale, layout, design and use of local materials.

Other Matters

17. Concerns have been raised by third parties in respect of matters not addressed above, including loss of light, loss of privacy, creating a sense of enclosure, insufficient parking, increase in traffic and conflict with the Neighbourhood Plan. These issues have not been raised as reasons for refusal by the Council and based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion to the Council on these matters. Concerns have also been raised that the plans are misleading, and no scale drawings have been provided. I have made my decision based on the evidence before me (which includes scale drawings) and my site inspection.
18. Third parties have also suggested amendments to the scheme; however, there are no alternative proposals before me for consideration and I am required to determine this application upon its own merits.
19. Burwash Parish Council consider that the proposal would be contrary to the High Weald Design Guide (HWDG). There is limited evidence before me to demonstrate why the proposal would be contrary to the HWDG. The proposed dwelling would be similar in design to the existing building. The Council has not raised an objection to the design of the proposal and based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion to the Council on this matter.
20. The Council advise that the development boundaries were reviewed as part of the Development and Site Allocations Local Plan (DaSA), which was adopted in December 2019. The Council state that this site was not included within the development boundary due to its character and landscape importance. The proposed development would not alter the development boundaries and for the reasons given above, would not result in any harm to the character and appearance of the area.

Conditions

21. In addition to the standard time limit condition, in the interests of certainty, I have included a condition specifying the approved plans. A foul and surface water drainage condition is necessary to ensure satisfactory drainage is provided for the proposal. This pre-commencement condition has been agreed with the appellant. In order to protect the character and appearance of the area, I have imposed conditions regarding external materials and boundary treatment.
22. A condition regarding vehicular parking is necessary to ensure adequate space is provided and maintained for parking on site. In the interests of maximising resource efficiency, a condition regarding water efficiency is required. To provide accessible and adaptable units, a condition requiring compliance with M4(2) of the Building Regulations is necessary.
23. A condition specifying the size of the parking spaces is not deemed necessary, as adequate space for parking is shown on the proposed plans. Given that the dwelling has its own private curtilage where bicycles could be stored, a condition regarding cycle storage is not deemed necessary. There is not clear

justification before me to demonstrate why it is necessary to remove permitted development rights and as a result such a condition would fail to comply with Paragraph 54 of the Framework.

Conclusion

24. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HM Land Registry Current Title Plan (with red line boundary); 559-06/B: Existing Site Plan; 559-16/P2: Proposed Ground Floor Layout; 559-17/P2: Proposed Elevations Sheet 1 of 2; and, 559-18/P2: Proposed Elevations Sheet 2 of 2.
- 3) Prior to the commencement of the development, details of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of above ground works, details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 5) Notwithstanding the details hereby approved, prior to the erection of any new boundary treatment, details of new boundary treatment shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. 559-16/P2 for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 7) The dwelling hereby approved shall not be occupied until details have been submitted to and approved in writing by the local planning authority, demonstrating that the dwelling can achieve maximum water consumption of no more than 110 litres per person per day. The development shall be carried out in accordance with the approved details.
- 8) The dwelling hereby approved shall be constructed in accordance with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and Adaptable Dwellings (2015 edition).