



Appeal Decision

Site visit made on 27 June 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2023

Appeal Ref: APP/U1430/W/22/3310329

The Cottage, Station Road, Robertsbridge, East Sussex TN32 5DB

- 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 Jane Papafio against the decision of Rother District Council.
 - The application Ref RR/22/1610/P, dated 29 June 2022, was refused by notice dated 22 August 2022.
 - The development proposed is alterations to a two storey outbuilding and garage to create a one bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an alternative Site Block Plan as part of this appeal. This plan shows the removal of a bank and soft landscaping, a new retaining wall and revised parking arrangement. The Procedural Guide for Planning Appeals makes it clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was determined by the Council, and subject to consultation. I have applied the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982) and find that in the interests of fairness, this appeal must be determined on the basis of the plans submitted to the Council. To do so otherwise could prejudice the interests of other parties who have not been consulted and may have representations to make.
3. The site is located within the High Weald Area of Outstanding Natural Beauty (AONB). The Council has not raised any concerns in this respect and even when giving great weight to the landscape and scenic beauty of the AONB, I see no reason to disagree.

Main Issues

4. The main issues are:
 - (i) whether the proposed boundary treatment would preserve or enhance the character or appearance of the Robertsbridge and Northbridge Street Conservation Area (CA);
 - (ii) the effect of the proposed development on highway safety; and
 - (iii) whether the proposed development would provide acceptable living conditions for future occupants of the proposed dwelling and occupants of The Cottage, with particular regard to outdoor amenity space.

Reasons

Character and appearance

5. The appeal site relates to a 2 storey building, with attached single storey garage. The 2 storey building has an open ground floor and enclosed first floor. It is constructed of timber, has a pitched roof and is in a poor condition. The garage is modern in design and lies on higher level land than the 2 storey building. The 2 storey building is also attached to The Cottage, which is a modest 2 storey dwelling, which lies outside of the appeal site. Although development within the appeal site is set back from the highway, it is visible from Station Road in views along the access track.
6. The appeal site lies within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA insofar as it relates to this scheme is derived from the tight knit built form associated with the historic High Street and the variety and mix of historic uses along Station Road, which include commercial and residential. Although the existing 2 storey building is in need of maintenance, its functional and working character make a positive contribution to the character, appearance and social history of the area.
7. The Cottage is defined as an 'Unlisted Building of Architectural Interest' in the Robertsbridge and Northbridge Street CA Appraisal (September 2009). The proposal seeks to convert the 2 storey building, which is attached to The Cottage into a one bedroom dwelling. The Council raise no objections to the design of the proposed dwelling or the effect of the proposal on the non-designated heritage asset. Based on the evidence before me and my site visit, I have no reason to reach a contrary conclusion to the Council on this matter.
8. The proposed dwelling would have a small front garden, which would be enclosed by a low brick wall with wrought iron railings above and a native hedge behind. Whilst railings are a common form of boundary treatment on dwellings in the locality, the proposed boundary treatment would appear overly domestic and have a suburbanising effect, which would appear incongruous in the context of this former workshop building.
9. The proposal seeks to retain the existing character of the cart entrance, by installing recessed glazing on the ground floor. Although views of the building would remain over the low boundary treatment from Station Road, the proposed boundary treatment would remove the historic and functional relationship that this building has with the highway. The proposed boundary treatment would fail to respect the context and historic function of the building and appeal site. As a result, the proposed boundary treatment would be harmful to the character and appearance of the existing 2 storey building and the significance of the CA.
10. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, such as a CA, great weight should be given to its conservation. As the harm would be localised and the proposal would be of a relatively small scale, I find the harm to be less than substantial, but nevertheless of considerable importance. In accordance with paragraph 202 of

the Framework, that harm should be weighed against any public benefits of the proposal.

11. The proposal would align with the aims of the Framework, which seek to significantly boost housing supply and promotes the development of under-utilised land and buildings. The provision of a good quality, one bedroom dwelling on a windfall site, within an accessible location would make a small contribution towards the Council's housing land supply and help to meet a demand for smaller units in the locality, which would have a social benefit. There would be economic investment from the construction of the development and future residents would help to support local services and facilities. Although limited details have been provided, the provision of new planting, cycle parking and electric vehicle charging points would have environmental benefits. Taken as a whole, the public benefits of the proposal are accorded moderate weight. However, they neither individually nor cumulatively outweigh the harm that would be caused to the significance of the CA.
12. For the reasons given above, I conclude that the proposal would fail to preserve the character and appearance of the CA and would cause less than substantial harm to its significance as a designated heritage asset. The public benefits of the proposed development would not outweigh this harm. The proposal would fail to comply with Policies EN2 and RA1 of the Rother Local Plan Core Strategy (CS) September 2014 and Policy DHG9 of the Development and Site Allocations Local Plan (DaSALP) December 2019, which require new development to reinforce the special character of the district's historic settlements, through siting, scale, form and design and protect local distinctiveness, by providing high quality design that responds to the local context. The proposal would also be contrary to the Framework, which requires that developments conserve and enhance the historic environment.

Highway safety

13. The appeal site is located within the centre of the village and has good access to services, facilities and public transport links, including a train station and bus services. Future residents would not be reliant on private motor vehicles to meet their day to day needs. The site is also located opposite a public car park, where visitors could park. Cycle parking is proposed as part of the scheme. Given the accessibility of the site to services/facilities and the other sustainable modes of transport available, the provision of one parking space per dwelling would provide adequate parking to meet the needs of future occupants of the development and occupants of The Cottage.
14. The site is accessed via a short track from Station Road, which is located close to the junction with the High Street. The appellant argues that the proposal would be unlikely to generate any additional trips compared to the existing dwelling, garage and former carpenter's workshop. Despite the fact that one parking space per dwelling is adequate, an additional dwelling would generate more visitors and deliveries than the existing uses. Although the Monson Technical Note (June 2022) states that parking would be restricted to one parking space per dwelling, there is no mechanism before me to restrict additional vehicles parking on the site and vehicles may park in tandem. Occupiers may have more than one vehicle and visitors and delivery drivers are likely to turn into the access road, without appreciating that there is no space to manoeuvre.

15. I acknowledge that there is no objection to the proposal from the local highway authority and that the proposal would not generate significant traffic movements. There is also no detailed evidence before me of traffic accidents at the site entrance. Vehicles are also likely to be travelling relatively slowly while manoeuvring this junction. However, given the width of the area of hardstanding, it would not be possible to manoeuvre a vehicle on site and exit in a forward gear. Vehicles would have to reverse out of the site, using an access which has substandard visibility, next to a busy junction. Although vehicles could reverse into the site, this cannot be guaranteed, and such a manoeuvre would interrupt the free flow of traffic and has the potential to be hazardous to drivers navigating the junction.
16. There is also no footway immediately opposite the access and pedestrians would need to cross at this point to access the village services and facilities. As a result, vehicles manoeuvring in and out of the appeal site would lead to conditions that would be prejudicial to highway and pedestrian safety.
17. Whilst an interested party has commented on the possibility of installing a car turntable, this does not form part of the scheme. I am required to make my decision based on the scheme before me.
18. For the reasons given above, I conclude that the proposed development would be harmful to highway and pedestrian safety. The proposal would conflict with Policy TR3 of the CS which requires that new development provides safe access arrangements. I do not find conflict with Policy TR4 of the CS, as adequate car parking provision would be provided for the proposed and existing dwellings.

Living conditions

19. The proposal seeks to provide a small front garden, which would consist of paving slabs, a path to the front door and a small area of grass. To prevent encroachment of this amenity space by vehicles, the front boundary would be enclosed by low level boundary treatment. Given the constraints of the site it is not possible to provide any rear garden.
20. The proposed garden would be visible from the highway and by neighbouring residents using the track to access their properties. The proposed garden would be very small in size and would fail to provide any meaningful private outdoor amenity space for future residents. While the proposal would only provide a small one bedroom home, this does not justify the small area of amenity space proposed and the lack of privacy that would be afforded to future residents.
21. The Cottage has an area of outdoor amenity space to the front and side. The proposal seeks to provide one car parking space for The Cottage on the existing driveway. There would be no encroachment into the garden of The Cottage and therefore no reduction in size of outdoor amenity space for this property.
22. Even though I find that the proposed development would retain adequate amenity space for occupants of The Cottage, I conclude that the proposal would provide unacceptable living conditions for future occupants of the proposed development, with regard to outdoor amenity space. The proposal would conflict with Policy DHG7 of the DaSALP, which requires that appropriate and proportionate levels of private usable external space are provided.

Other Matters

23. The appellant ascertains that the 2 storey outbuilding was last used as a carpentry workshop and that this use could be recommenced. However, there is no lawful development certificate before me to confirm this and it is not in my remit to assess whether such a use would be lawful. Given the poor condition of the 2 storey building, it does not appear to have been used as a carpenter's workshop for some time. Based on my site visit and the evidence before me, there is no greater than a theoretical possibility that the fallback position would be implemented and I therefore give the fallback position limited weight.
24. While interested parties support the reuse of the existing buildings and the provision of a small home in an accessible location, this does not alter my findings on the main issues.
25. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework advises that the most important policies for determining the appeal are deemed to be out-of-date and planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
26. The site lies within a protected area for the purposes of footnote 7 of paragraph 11 d) (i) of the Framework. The proposal would fail to preserve the significance of the heritage asset and the public benefits would not outweigh the harm that I have identified. Consequently, the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11 d) (i) of the Framework. As such, the presumption in favour of sustainable development does not apply.

Conclusion

27. 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