



Appeal Decision

Site visit made on 4 May 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/U1430/W/22/3303908

The Cedars, Station Road, Northium TN31 6QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Brasseur against the decision of Rother District Council.
 - The application Ref RR/2021/1084/P, dated 28 April 2021, was refused by notice dated 11 February 2022.
 - The development proposed is demolition of existing single storey bungalow and erection of 2 dwellings with retained access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name in the banner above is taken from the Application Form. Nevertheless, it is noted that the appellant's name is spelt "Brassuer" on the Appeal Form and within the appellant's Appeal Statement.
3. The validation letter incorrectly stated that the planning application was a full application. Likewise, the appellant has referred to the application as outline with all matters reserved except for access within correspondence with the Council. The application form states that the application is outline with all matters reserved and the Officers Report considers the development as outline with all matters reserved. I have therefore assessed the proposed development on that basis. Details of the access, appearance, landscaping, layout and scale shown on the application plans are all considered to be indicative.
4. The appellant contends that the Council should not have refused the planning application on appearance grounds as it is a reserved matter, and it did not need to consult conservation specialist. Whilst appearance is a reserved matter it is still necessary at the outline stage to establish the effect of the proposed development on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB).

Main Issue

5. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area, including the High Weald AONB.

Reasons

6. The appeal site is an irregular shape and narrows towards Station Road. The existing property is modestly sized and is set back from properties on Station Road within a spacious plot surrounded by grassland and taller vegetation

towards the rear of the site. When viewed from Station Road, the appeal site appears open and verdant and there are views across the site. The appeal site currently performs an important role as a visual transition between the built development on Station Road toward fields to the rear of the appeal site, which are largely free from development.

7. The appeal site is located within the High Weald AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs which have the highest status of protection in relation to these issues. The open and verdant character of the existing site conserves the landscape and natural beauty of the AONB.
8. The proposed development is for the erection of two dwellings within the appeal site. In having regard to the indicative plans submitted, whilst the application is outline with all matters reserved, it is highly likely that the proposed development would lead to the site being more densely developed. The increase in the number of dwellings is also likely to lead to increased activity and domestic paraphernalia which would have a suburbanising effect on the site. These factors combined, would be contrary to the existing open and verdant character.
9. As the site slopes downwards towards the rear, taller buildings could be partially screened by development to the front of the site. Notwithstanding that, large development to the front of the site, where it is most narrow, would be incongruous with the open character of the site.
10. I acknowledge that the proposed development would respond to certain aspects of the High Weald Housing Design Guide, specifically where it states that domestic buildings in the High Weald are typically two storeys in height. However, there are sections of the Design Guide which it is not in accordance with. For example, it states new development should reflect the historic density and grain of the area. Therefore, the proposed development does not accord with the advice contained within the Design Guide, when considered as a whole.
11. The development, subject to the extant planning permissions highlighted by the appellant, appeared to be fully constructed when I observed them during my site visit. These neighbouring developments are materially different to the proposed development. Whilst they accommodate a denser pattern of development those sites are less prominent in the street scene as they are located along the secluded track and are largely screened from views from Station Road by Ivy Lodge, therefore the character of the site is different. For the reasons given above, the granting of those planning permissions does not weigh in favour or against the proposal which has been assessed on its own merit.
12. For the above reasons, the proposed development would have a harmful effect on the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the AONB.
13. As such, the proposed development would be contrary to policies OSS4 and EN3 of the Rother Local Plan, Core Strategy (CS), September 2014. These policies indicate that all development should respect the character and appearance of the locality and residential development should be of an

appropriate density to its context; and, new development will be required to be of high design quality by having an empathetic understanding of the character and continuity. The proposed development would also be contrary to paragraph 124 of the Framework which indicates that planning decisions should support development that makes efficient use of land, taking into account, amongst other things, the desirability of maintaining an area's prevailing character and setting.

14. It would also be contrary to the guidance contained within the High Weald AONB Housing Design Guide, when taken as whole, for the reasons stated above.

Other Matters

15. Ivy Lodge is a Grade II listed building and dates from the 19th century. I have therefore had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I find the setting of the building to be primarily associated with its immediate formal grounds which includes outbuildings. The boundaries of Ivy Lodge are clearly demarcated by large boundary treatments and tall, dense vegetation. The appeal site makes a very limited contribution to the setting of the listed building as it could be viewed across the secluded lane through the vegetation from the lodge.
16. Although the proposed development would lead to an increase in built development, it would be viewed alongside more extensive residential development on Station Road and outside Ivy Lodge's formal grounds. For these reasons, I conclude that the proposed development would preserve the special historic setting of the Grade II listed building. This would satisfy the requirements of the Act and paragraph 199 of the Framework.
17. I acknowledge the appellant's concern with the handling of the planning application. However, the conduct of the Council during the determination of the application does not weigh in favour or against the proposed development, when assessing its planning merits.

Planning Balance

18. As above, the proposed development would have a harmful effect on the character and appearance of the area. Also, the proposed development would not conserve or enhance the landscape and scenic beauty of the AONB. As outlined in paragraph 176 of the Framework great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
19. Given the identified shortfall in deliverable housing land supply, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Paragraph 11d i) of the Framework states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development.
20. The site is within the AONB and as such relates to one of those areas or assets referred to under paragraph 11d i) and the corresponding footnote 7 of the Framework.
21. The Council acknowledge that they can only demonstrate 2.79 years' worth of deliverable housing land supply; the provision of a net additional house would

partially help address the identified shortfall. The ability of both proposed dwellings to be adapted to be accessible for all users; the principle of residential development on the site being accepted; the site being located close to services; the ability of both dwellings to exceed minimum space standards and provide functional external amenity spaces; the provision of appropriate parking and refuse arrangements; and the economic benefits associated with the construction of the proposed development weigh in favour of the scheme.

22. Combined, I ascribe these benefits moderate weight given the scale of the proposed development, balanced against the significant shortfall in deliverable housing land supply.
23. The lack of an impact on neighbouring residents' living conditions is a neutral factor.
24. The harm caused by the appeal proposal failing to conserve or enhance the landscape and scenic beauty of the AONB, is not outweighed by the moderate benefits generated by the proposal. As per paragraph 11d i) of the Framework, the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the appeal proposal.

Conclusion

25. The proposed development would cause harm to the character and appearance of the area, including the High Weald AONB. There are no material considerations, including the provisions of the Framework, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
26. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR