



Appeal Decision

Site visit made on 12 September 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2023

Appeal Ref: APP/U1430/W/22/3311389

Land adjacent to Holly Cottage, Moat Lane, near Sedlescombe TN33 0RY

- 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 Cindy Cane against the decision of Rother District Council.
 - The application Ref RR/2022/1323/P, dated 23 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is construction of a single residential dwelling with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - i. The effect of the proposed development on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (HW AONB).
 - ii. Whether the proposal would be in a suitable location in respect to adjacent settlements.

Reasons

Landscape and scenic beauty of the AONB

4. Paragraph 176 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. Having regard to the HW AONB Management Plan 2019-2024 (HWMP), the HW AONB comprises a mosaic of small fields interspersed with farmsteads and villages, surrounded by hedges and abundant woods and arranged around a network of historic routeways. Its outstanding beauty derives from its essentially rural and human scale character, high proportion of natural surfaces, tranquillity and dark skies, and from the relationship between the landscape and its past.

5. The appeal site comprises a grassy paddock with a small structure near one corner. Access is through a gate on Moat Lane, with glimpses of the site possible through trees and vegetation lining the road. At the opposite end, the site falls away to a fence, with views across the open fields and valley beyond. Although partly obscured by trees, these long views can be appreciated from the site entrance. There are also partial views into the site from the valley. The site is separated from neighbouring Holly Cottage and its garden by trees and planting, with some intervisibility through openings in the foliage. There is a public footpath along the fourth side of the site, from which little of the site can be seen owing to a fence and tall trees along the boundary. The footpath is separated from other dwellings on this side of Moat Lane by a substantial area of scrub and woodland.
6. The appeal site makes a positive contribution to the landscape and scenic beauty of the HW AONB through its primarily rural character and natural surface; its relationship with the surrounding patchwork of fields, woodland, and the valley below; and its relative tranquillity and dark skies through separation from significant areas of development.
7. The proposed house together with its associated terraces, access, parking and turning areas would occupy a significant proportion of the site, spanning its width. This would reduce the amount of natural surface on the site to such an extent that its intrinsic character as a rural paddock would be greatly diminished, despite the size of the plot. Although the siting of the house's frontage would be like that of other houses in Moat Lane, the dwelling's layout would give the impression of a small group of buildings. This would contrast with other dwellings in Moat Lane and significantly increase the proposal's visual impact. The scale of the development and domestic activity associated with it would largely eclipse the site's rural character and tranquillity. Storage of garden paraphernalia away from sight would do little to reduce this harm.
8. With regard to the effect of the development on dark skies in the AONB, given the quantity of fenestration proposed I am not satisfied that a condition requiring closure of black-out curtains/blinds during hours of darkness would be enforceable. Monitoring compliance with such a requirement would be so onerous as to be practicably impossible.
9. I have considered the appellant's Landscape and Visual Impact Assessment (LVIA) and acknowledge the methodology used. I note screening from boundary vegetation would be greatest on the upper part of the site where the building would be sited, that the majority of boundary trees would be retained and that additional planting would increase screening. Existing fences would also remain. Nevertheless, the development would still be seen or glimpsed from three sides, including in long views across the valley, particularly when trees are not in leaf. Given its breadth, the step down of the structure would do little to reduce its scale from this perspective. Views into the site from the entrance gate would also be dominated by the development in the foreground, to the detriment of longer views of the countryside beyond. Consequently, the site's relationship with the surrounding landscape would be eroded.
10. For the above reasons, I conclude the proposed development would have a harmful effect on the landscape and scenic beauty of the HW AONB. This is contrary to Policies RA2, EN1 and EN3 of the Rother Local Plan Core Strategy 2014 (RLPCS) and Policy DEN2 of the Rother Development and Site Allocations

Local Plan 2019 (DASA). These policies seek development of high design quality that respects and reinforces local character; conserves the intrinsic value and locally distinctive rural character of the countryside; and conserves and seeks to enhance the HW AONB, having regard to its character components. It is also contrary to Objective S3 of the HWMP, which seeks to enhance the architectural quality of the High Weald and ensure development reflects its character in its scale, layout and design. It is also contrary to paragraph 176 of the Framework.

Location in respect to adjacent settlements

11. Policy OSS2 of the RLPCS and Policy DIM2 of the DASA seek to focus new development within defined settlement boundaries. The appeal site is not within a settlement boundary as defined in the RLPCS and DASA. It is therefore in a countryside location. There are several other dwellings on both sides of Moat Lane, but these are grouped at some distance away from Holly Cottage and the appeal site. The appeal site is, therefore, isolated.
12. Policy RA3 of the RLPCS only supports the creation of new dwellings in the countryside in extremely limited circumstances; and it seeks to ensure that all development in the countryside is of an appropriate scale and would not adversely impact on landscape character. Although not an exhaustive list, the proposal would not satisfy any of the exceptional circumstances listed in Policy RA3 (iii). In addition, for the reasons set out above, the proposal would not be of an appropriate scale for the site and would adversely impact on landscape character. Consequently, the requirements of Policy RA3 of the RLPCS would not be met.
13. Paragraph 80 of the Framework states planning decisions should avoid the development of isolated homes in the countryside unless one or more of five circumstances apply. The appellant argues that the fifth of these is relevant to the proposal. This circumstance is where a design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and it would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
14. I have considered the appellant's original Design and Access Statement and subsequent Design Statement. I accept that the design of the proposed house would be of high quality. The emphasis on forms and materials reflective of modern agricultural buildings would respect the rural surroundings. The proposed use of novel and innovative construction methods with a high environmental performance could set an example for other developments. I also acknowledge that a range of measures, including a tree management programme, are proposed that would have a positive effect on the remaining soft landscape on the site; and that proposed native planting and re-seeding would support biodiversity. These measures could be secured by condition were the appeal to be allowed, as could external materials and the detailed design of access gates and hard landscaping.
15. However, notwithstanding these factors, by virtue of its scale relative to the size of the site, the proposal would detract from rather than enhance its immediate setting. It would also not be sufficiently sensitive to the defining characteristics of the HW AONB for the reasons set out above. Consequently,

the proposal would not satisfy the exceptional circumstances under paragraph 80 of the Framework.

16. Even if the site is within walking and cycling distance of the settlement of Westfield and its facilities, given its relatively isolated location on an unlit country lane I consider the occupants of the proposed house would be likely to rely on private car use for most journeys.
17. For the above reasons, I conclude the proposed development would not be in a suitable location in respect to adjacent settlements. This is contrary to Policies OSS2 and RA3 of the RLPCS, Policy DIM2 of the DASA and paragraph 80 of the Framework. It is also contrary to Objective S2 of the HWMP, which seeks to protect the historic pattern and character of settlement in the High Weald.

Other Matters

18. The Council accepts it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, according to the Framework, the policies most important for determining the appeal are out of date. However, for the reasons set out above, policies in the Framework that protect AONB provide a clear reason for refusing the development proposed. Therefore, according to paragraph 11(d)(i) and footnote 7 of the Framework, the presumption in favour of sustainable development does not apply.
19. The proposal would deliver one family-sized home, which would make a modest contribution to meeting housing need in the area. The development would also contribute to local economic growth during the construction process and through future occupiers' use of local services and facilities. Given only one dwelling is proposed, these benefits would not outweigh the harm I have found.
20. The appeal site falls within the Impact Risk Zones for Hemingfold Meadow Site of Special Scientific Interest (SSSI), Maple Hurst Wood SSSI and Marline Valley Woods SSSI. I am satisfied on the evidence before me that the proposed development would not have an adverse effect on these SSSIs, either individually or in combination with other developments.
21. The Council is satisfied with the effect of the proposal on the living conditions of both future occupiers and neighbouring residents. It has also raised no concerns in relation to heritage assets, trees, parking, access, highways, drainage, refuse and recycling, boundary treatments and mitigation of any impacts on protected species, subject to appropriate conditions. I see no reason to disagree with these conclusions. However, an absence of harm in these regards is a neutral factor.

Conclusion

22. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR