



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: 13 October 2023

Appeal Ref: APP/U1430/W/22/3306209

Honey Land, Honey Lane, Ashburnham TN33 9FA

- 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 Allan Chamberlain against the decision of Rother District Council.
 - The application Ref RR/2022/1296/P, dated 20 May 2022, was refused by notice dated 13 July 2022.
 - The development proposed is a replacement barn.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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 the effect of the proposed development on:
 - i. highway safety;
 - ii. the character and appearance of the surrounding countryside, including the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (HW AONB); and
 - iii. nature conservation.

Reasons

Highway safety

4. Honey Lane is a narrow, single lane track. It is a byway used by pedestrians, cyclists and horse riders as well as vehicles. I understand it is closed to general motorised traffic between October and March each year to protect its surface.
5. The proposal would not change the layout of the access from Honey Lane into the site. Nevertheless, by changing the way in which the field would be used, the development has potential to affect the number and type of vehicles accessing the site. Any resulting damage to the surface of the byway could increase the risk of accidents, to the detriment of the safety of its users.

6. The appellant states that, by providing storage for vehicles, the proposed development would reduce the number of large vehicular movements to and from the site via Honey Lane, which would be a benefit of the proposal. The appellant's figures for current and proposed vehicular movements are unsupported by sufficient detailed evidence for me to be certain of this. There is also limited evidence about the anticipated impact of traffic movements to and from the development during the winter months. Therefore, I cannot be sure on the evidence before me of the effect of the proposal on the surface of Honey Lane or on the byway's other users. Consequently, in the absence of evidence to the contrary, there would be a risk of harm to highway safety.
7. The appellant's legal right to access the appeal site using vehicles between October and March is outside my jurisdiction in determining this appeal.
8. For the above reasons, I conclude the proposed development would have a harmful effect on highway safety. This is contrary to Policies CO6 and TR3 of the RLPCS, which together seek to ensure development avoids prejudice to road safety. It is also contrary to paragraph 111 of the Framework, which states development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Character and appearance, including landscape and scenic beauty of the AONB

9. The appeal site is in a remote countryside location and comprises a field and strip of ancient woodland, within which are some derelict structures. There is a small group of farm buildings and dwellings nearby at Sliverick's Lane. The appeal site's undulating topography is bordered by hedgerows and trees, beyond which are views of the wider rural landscape. This landscape is the HW AONB, which 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. Honey Lane is one such historic route.
10. Paragraph 176 of the Framework says great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. The outstanding beauty of the HW AONB derives from its essentially rural and human scale character, high proportion of natural surfaces, tranquillity, dark skies and rich diversity of wildlife, and from the relationship between the landscape and its past. The appeal site contributes to this landscape and scenic beauty as a part of the AONB's mosaic of fields and woods; and through its natural surface, tranquillity, dark skies and relationship with the historic route of Honey Lane.
11. The proposed development would introduce a barn near the entrance to the site in a location where there are currently no buildings. Although there would be some adjustments to land levels, the barn's siting would broadly reflect the contours of the land and would be parallel to an existing area of hardstanding. The area of natural surface in the site would not be reduced to a material extent. The agricultural use of the barn, visible through the open sides of the structure, means it would not look out of place in the rural setting. Its design and materials would reflect the local Sussex vernacular. Approval of details of external materials, including for areas of hard surface, could be secured by condition were the appeal to be allowed, to ensure a satisfactory appearance.
12. The barn would be partly concealed from Honey Lane by existing trees and hedges, to be retained, and by its slightly lower level relative to the byway. By

virtue of its siting close to the entrance of the site, and given the strip of ancient woodland, the building would not be unduly prominent in views from the surrounding countryside, notwithstanding its size. The development would have little effect on the overall historic pattern of fields, hedgerows, woodlands and routeways. Bearing in mind its agricultural use, the barn would also detract little from the tranquillity of the appeal site. Control of artificial lighting inside the barn to mitigate impacts on dark skies could be secured by condition were the appeal to be allowed. The removal of derelict structures within the wooded area would have a neutral effect on the appearance of the site.

13. Although the clay-tiled, steeply pitched roof would add height to the barn, this would be in proportion with the overall design of the building. Whilst use of lower-pitched metal sheeting might result in less height, no such proposal is before me. I have considered the appeal proposal on its own merits.
14. I have considered the Council's argument that the appellant has failed to demonstrate the proposed development in terms of its size and design is reasonably necessary for the purposes of agriculture within the holding. From the appellant's evidence, I understand the primary purpose of the barn would be to store hay and farm machinery already on the site, with possible use for lambing. The design of the barn reflects this by including separate bays in an open arrangement. The space provided would support haymaking and sheep husbandry, which are activities directly related to farming. These activities would also help maintain and enhance the quality of the meadow, thereby supporting sensitive land management. Given the modest footprint of the barn relative to the size of the field, I am satisfied it would not be unduly large for the purposes described and would be of an appropriate design.
15. Taking all this together, I find the change in appearance from the introduction of the barn would not have a materially detrimental effect on the character or landscape features of the surrounding countryside. I also find the landscape and scenic beauty of the AONB would be conserved.
16. For the above reasons, I conclude the proposed development would not have a harmful effect on the character and appearance of the surrounding countryside, including the landscape and scenic beauty of the HW AONB. Accordingly, I find no conflict with Policies OSS3, RA2, RA3 and EN1 of the RLPCS and Policies DEN1 and DEN2 of the DASA. Together, these policies support new agricultural buildings demonstrably needed to support farming, that are of appropriate size, siting, design and materials and directly related to the enterprise. They also seek to conserve the intrinsic value and locally distinctive rural character and landscape features of the countryside, with particular regard to the character components of the HW AONB. I also find no conflict with paragraph 176 of the Framework, or with paragraph 174 which says planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes.

Nature conservation

17. According to the appellant's Preliminary Ecological Appraisal (PEA), the appeal site comprises good quality semi-improved neutral grassland that is moderately species-rich but is not a priority habitat. The narrow band of ancient woodland is a priority habitat; and boundary hedgerows provide suitable habitat for some protected species. Overall, the site is described as having moderate to high

ecological value and I see no reason to disagree with the PEA's findings in this regard.

18. The proposed footprint of the barn would be modest relative to the size of the appeal site, and it would be sited in one corner near an existing gateway and area of hardstanding. Bearing this in mind, and having regard to the ecological evidence before me, I am satisfied the loss of grassland would be limited and would not involve loss of priority habitat. In addition, potential impacts of the development on habitats and protected species could be mitigated through the measures identified in the PEA, which could be secured by condition were the appeal to be allowed.
19. I have considered the Council's argument that the barn would not be necessary to manage the grassland for its ecological value. I note that, according to the appellant's PEA, the wider site is already being positively managed to improve its nature conservation value by the taking of a late hay crop, allowing hedgerows to 'fill out' and the creation of new ponds. However, management of the grassland habitat would not be the sole purpose of the proposed development, as it would also be used to support a farming enterprise. Given the limited harm to grassland habitat and mitigation measures noted above, I am satisfied on the evidence before me that the proposal would retain, protect and enhance biodiversity in a manner appropriate to the local context.
20. For the above reasons, I conclude the proposed development would not have a harmful effect on nature conservation. Accordingly, I find no conflict with Policy EN5 of the RLPCS or Policy DEN4 of the DASA, which together require development to retain, protect and enhance biodiversity in a manner appropriate to the local context, and seek measures for prevention and mitigation of any loss or harm to habitats and species. I also find no conflict with Objective FH3 of the HWMP, which aims to enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats. I also find no conflict with paragraph 174 of the Framework, or with paragraph 180 which seeks avoidance or mitigation of harm to biodiversity.

Other Matters

21. I note the appeal proposal has taken account of the outcome of previous planning applications for the site. Be that as it may, I have considered this appeal on its merits based on the evidence before me.
22. I acknowledge the field could be ploughed or cultivated at any time, but this consideration does not outweigh the harm to highway safety I have identified.
23. The Council is satisfied with the effect of the proposal on the living conditions of neighbouring occupiers. I see no reason to disagree. However, compliance with the development plan in this regard is a neutral factor.

Conclusion

24. I have found the proposed development would not have a harmful effect on the character and appearance of the surrounding countryside, including the landscape and scenic beauty of the HW AONB, or on nature conservation. However, the harm I have found to highway safety is determinative.

25. Consequently, 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