



Appeal Decision

Site visit made on 3 October 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2023

Appeal Ref: APP/U1430/W/22/3313694

Old Coghurst Farmhouse, Rock Lane, Hastings, East Sussex TN35 4NX

- 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 Messrs Harris and Manuell against the decision of Rother District Council.
 - The application Ref RR/2022/1071/P, dated 19 April 2022, was refused by notice dated 21 July 2022.
 - The development proposed is described as 'replacement of two existing barns with new similar sized structures in new positions and associated access and hard landscaping.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a typographical error on the decision notice, which cites Policy E1, instead of Policy EN1 of the Rother District Local Plan Core Strategy (CS) September 2014. This error is rectified in the Council's appeal statement, which the appellants have had the opportunity to comment on. As a result, I do not find that the appellants have been prejudiced by this error.

Main Issues

3. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development having regard to the need for the buildings and development plan policies in respect of development in the countryside; and,
 - the effect of the proposed development on the character and appearance of the area, having particular regard to the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

Location and need for the development

4. The appeal site lies within the countryside. The proposal seeks to replace 2 Nissen huts and a former hay barn with two new structures. A new building is proposed to be sited slightly further to the west than the former hay barn. The second building would be sited to the north of the Nissen huts. The proposal also seeks to provide an area of hardstanding adjacent to the proposed buildings for parking and turning.

5. Policy OSS3 of the CS seeks to direct development to the main built-up confines of towns and villages, especially previously developed land. Policy OSS3 also requires consideration of the character and qualities of the landscape. Although part of the appeal site contains existing structures, the National Planning Policy Framework (the Framework) is clear that land that is or was last occupied by agricultural buildings is excluded from the definition of previously developed land. While the existing structures no longer appear to be required for the purposes of agriculture, based on the evidence before me, I cannot be satisfied that the proposal falls within the definition of previously developed land. Nevertheless, the appeal site lies some distance from the main built-up confines of the nearest village and would thus conflict with this policy.
6. Policies RA2 and RA3 of the CS seek to strictly limit new development in the countryside to that which supports agriculture, land-based industries, economic or tourism needs and maintains and improves the rural character. The proposal seeks to provide a workshop, store and garage space. It has not been demonstrated that the proposal falls within one of the uses supported by Policies RA2 and RA3 of the CS. Nevertheless, for the reasons given below, the proposal would cause harm to the character and appearance of the area and would thus conflict with these policies.
7. The appellants assert that the existing structures are in partial use, due to their poor condition, not due to a lack of need. The appellants seek to replace the existing structures with better quality and more secure structures. At the time of my site visit, there was one car parked in the former hay barn. One of the Nissen huts was being used to store timber that is used in the log burner at the farmhouse. The other hut is in a dilapidated condition. It is unclear from the evidence before me, why there is a need for the proposed buildings in this location. No specific policies have been brought to my attention which support the replacement of former agricultural buildings with new buildings within the countryside.
8. The appellants claim that the site is within the Hastings Fringe and consider that Policy HF1 of the CS is applicable. The Council has provided a copy of the Policies Map for the Hastings Fringe and confirmed that the site does not fall within the Hastings Fringe. While Policy HF1 refers to Rock Lane, this relates to the southern part of Rock Lane only. Policy HF1 is not therefore applicable to this main issue.
9. The appellants consider that the proposal would accord with Point (v) of Policy OSS3. However, the modest low carbon and renewable energy measures proposed in respect to solar panels and storage of fuel to be used in wood burning stoves, do not outweigh the conflict with the Council's spatial strategy. Furthermore, as set out below, the proposal would cause harm to the character and qualities of the landscape, which are further requirements of this policy.
10. For the reasons given above, I conclude that the proposal has failed to demonstrate a need for the proposed buildings in this rural location. The proposed development would fail to comply with Policies OSS3, OSS4, RA2 and RA3 of the CS. These policies among other things seek to direct development to the main built-up confines of towns and villages and strictly limit new development within the countryside to that which supports local agriculture, economic or tourism needs and maintains or improves the rural character.

Character and appearance

11. The appeal site is accessed via a track that runs adjacent to Old Coghurst Farmhouse. Adjacent to the Nissen huts and former hay barn are a stable and other single storey buildings, one of which appears to be within a commercial use. To the south of the site are agricultural buildings and to the west is a holiday park development. To the north is a field, which at the time of my site visit was used for the grazing of horses.
12. The appeal site lies within the AONB. The Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty of AONBs. I acknowledge that the appeal site is not isolated and that there is a holiday park development immediately to the west and some commercial uses in the locality. Nevertheless, the historic farmstead of which the existing structures forms a part is accessed from the east and has a rural approach and is thus appreciated within its rural and landscaped surrounds. The landscape surrounding the historic farmstead consists of irregular shaped fields, which are bound by hedgerows, and areas of woodland.
13. The existing structures, which are proposed to be replaced are in a poor condition and are of limited architectural merit. However, they appear agricultural in character and are in keeping with the rural landscape of the High Weald AONB. The existing structures are set back from the highway and largely screened from the public realm by the existing built form and soft landscaping. The Nissen huts in particular are not prominent features in the landscape, given their modest size, their siting to the rear of the former hay barn and the existing boundary screening. The soft landscaping adjacent to the existing structures makes a positive contribution to the character and appearance of the area.
14. The appellants consider that the proposed development is agricultural in style. However, features such as roller shutter doors, metal faced door, windows and mono pitched roofs make the proposed buildings appear more akin to commercial/industrial units. As a result, the design of the proposed buildings fails to respect the agricultural character of the locality. While I acknowledge that the proposed buildings would be smaller in size than buildings adjacent to the site, the adjacent built form is far more in keeping with the agricultural heritage of the area.
15. The proposed buildings would be of a similar size and floor area to the existing structures. The appellants argue that the proposed location would result in a negligible change and would help to open up the site. However, the proposal would spread built form further across the site and significantly increase the area of hardstanding into an area of previously undeveloped land. Although the proposed development would help to tidy up this part of the site, the proposal would result in the loss of soft landscaping, including trees, which currently make a positive contribution to the character and appearance of the area.
16. While the proposal seeks to enhance the existing hedge lines, I find that the proposed built form, extent of hardstanding and loss of soft landscaping would have an urbanising impact on the area, which would be harmful to the landscape and scenic beauty of the AONB. The proposed planting would not mitigate the harm that I have identified, particularly in relation to the loss of the existing soft landscaping.

17. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area and the landscape and scenic beauty of the AONB. The proposed development would fail to comply with Policies OSS3, OSS4, RA2, RA3 and EN1 of the CS and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan December 2019. These policies among other things seek to ensure that development proposals conserve and enhance the landscape and scenic beauty of the AONB; safeguard the locally distinctive landscape character of the countryside; and, ensure that development is of high quality and appropriate to the AONB in terms of its scale, size, design, type and use of materials. Furthermore, the proposal would be contrary to the Framework, which requires great weight to be given to conserving and enhancing the landscape and scenic beauty of AONBs.

Other Matters

18. The appeal site lies to the rear of Old Coghurst Farmhouse, which is a Grade II listed building, which dates back to the 17th century. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed building in the determination of this appeal. Given the distance from the listed building to the proposed development and intervening buildings, I find that the proposal would preserve the setting of the listed building. While I acknowledge that the appellants have carried out conservation and repair work to the listed building and other buildings within the farmstead, there is nothing to link these works directly to the appeal proposal and the works do not justify the harm that I have identified.
19. I acknowledge that the Parish Council and neighbouring residents support the scheme. However, their support does not outweigh the harm I have identified.
20. The appellants state that the Council has confirmed through pre-application advice that an amended scheme is acceptable in terms of character and appearance, but that the Council continue to object in respect to the need of the proposed development. However, I have not been provided with details of the pre-application scheme, nor the Council's advice. Nevertheless, I am required to determine the appeal based on the information before me.
21. I note the concerns raised by the appellants in relation to the Council's handling of the application; however, these are not relevant to my considerations of the planning merits of the scheme.

Conclusion

22. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR