



Appeal Decision

Site visit made on 26 September 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2023

Appeal Ref: APP/U1430/W/23/3320127

Land at Watermill Lane, Beckley, Rye TN31 6SH

- 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 Mr W J R Banister against the decision of Rother District Council.
 - The application Ref RR/2022/2191/P, dated 30 August 2022, was refused by notice dated 4 November 2022.
 - The development proposed is an outline application for the proposed erection of a single dwelling (all matters reserved other than site access).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline with all matters reserved apart from access. I assessed the appeal on that basis. I have had regard to drawing numbers 7233/LBP/A, 7233/300/A, 7233/100/A and 7233/300, but have considered all elements shown as indicative, apart from the proposed access.
3. The appellant has submitted a revised block plan (drawing number 7233/300/B), Arboricultural Survey, Arboricultural Impact Assessment and Preliminary Ecological Survey with this appeal. The proposed access has not changed. As the application is an outline, I am satisfied that these details would not result in a fundamental change to the application. The parties have had the opportunity to comment on this information. As such, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content.

Main Issues

4. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to the Council's spatial strategy for the supply of housing, with reference to the accessibility of services and facilities;
 - the effect of a new dwelling on the character and appearance of the area, with reference to the High Weald Area of Outstanding Natural Beauty (AONB); and
 - the effect of the development on biodiversity.

Reasons

Suitability of the location

5. The appeal site is located outside of any development boundary, within the countryside. Beckley is the closest settlement to the site and is reasonably well served by local services. Northiam, which is one of the larger villages in the district is also not far from the site. The closest bus stop is on the B2088 but otherwise there is no public transport.
6. Policy OSS2 of the Core Strategy 2014 (CS) sets out the spatial strategy for the Borough and directs development to the settlement areas. Policy RA3 of the CS seeks to limit the circumstances in which new dwellings would be created in the countryside. The proposed dwelling would not be provided in connection with farming and other land-based industries nor would it be a 'rural exception site' to meet an identified local affordable housing need. As such, the proposal would conflict with the Borough's spatial strategy.
7. Policy T3 of the CS seeks to minimise travel and support good access to employment, services and facilities, as well as ensure adequate, safe access arrangements. Watermill Lane is a narrow, poorly surfaced rural lane with no street lighting or footway. The closest bus stop is at a 12-minute walking distance and the route between the site and this bus stop is via the B2165, a single carriage way that in this area has no refuge from vehicles or formal footpaths.
8. As such, I consider that the site is within an isolated countryside location to the extent that it would not encourage walking or cycling. Consequently, the future occupants of the proposed dwelling will be highly likely to rely on private car use for most journeys.
9. The appellant has referred to two appeals in relation to this issue, at Mountfield and Beckley respectively. However, the issue of access to services is fact sensitive and turns on site specific circumstances; the proximity to a settlement must also be considered against the quality and safety of any journey. These decisions have therefore had little influence on my reasoning.
10. For the reasons set out above, I conclude that the proposed development would not provide a suitable location for housing, having regard to the Council's spatial strategy for the supply of housing, with reference to the accessibility of services and facilities. This would conflict with Policies PC1, OSS2, OSS3, RA2, RA3 and TR3 of the CS; Policies DEN1 and DIM2 of the Development and Site Allocations Local Plan 2019 (DSA), where these policies seek to protect the countryside and direct new development to areas with good access to services and facilities.

Character and appearance

11. AONBs are defined as 'valued landscapes' by the National Planning Policy Framework (the Framework), which states that AONBs have the highest status of protection in relation to conserving and enhancing their landscape and scenic beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to the purpose of AONBs to conserve and enhance the natural beauty of the area. The Framework requires that great weight be given to these matters in decision making.

12. The appeal site lies within the High Weald AONB and its special qualities include historic farmsteads, routeways and field boundaries set in a mosaic of small fields interspersed by woodlands, hedges and water features.
13. Watermill Lane is a simple routeway largely bounded by trees and hedges. Development in the lane is loose knit and comprises of occasional dwellings set within large plots interspersed with undeveloped parcels of land. Beyond the dwellings there are agricultural fields and woodlands. Given the low density of built form, the character of the street scene is dictated by the field parcels, hedges and trees which ensure that the natural and scenic beauty of the AONB predominates. The surrounding fields ensure that Watermill Lane retains an overall rurality, despite the proximity of settlements fairly close by.
14. The site is an undeveloped parcel of scrub land that is open to the road and set against a backdrop of trees on two of its boundaries. The scrub landcover set against rough woodland and hedging gives it a picturesquely wild, rough quality. This is not diminished by the enclosure of the site and the fact public views of it are therefore localised. Rather, it is an intimate but nonetheless significant part of the AONB that contributes well to its landscape and scenic beauty. Moreover, its open appearance is important in maintaining the space and absence of urbanising development between the dwellings to the north and south.
15. The proposed development would infill the space between the adjacent properties, thereby resulting in the detrimental urbanisation and overall loss of an undeveloped parcel of land that makes an important contribution to the rural character of the AONB. Indeed, to consider the site as an infill plot fails to recognise the overriding and sensitive rurality of this location within the AONB.
16. Furthermore, an offsite hawthorn tree, located on the opposite side of Watermill Lane, has been surveyed and is estimated to have 20+ years of life expectancy and to be of good quality. This is a B category tree which makes a positive contribution to the character of the area.
17. The Arboricultural Impact Assessment shows that the proposed access would be partly located within the RPA of the tree. However, I have not been provided with any measures to demonstrate that the tree would be adequately protected during construction works and would indeed be retained following implementation of the proposal. The loss of this tree would be detrimental given its high amenity value. As the proposal before me does not provide sufficient information, I cannot conclude that the access could be implemented without causing unacceptable harm to this tree.
18. The proposed mitigation measures include planting of a native species hedge along both edges of the Watermill Lane. Given the potential scale of the new dwelling, it is unlikely that this planting would offer sufficient mitigation for the urbanising effects of the proposed development. In practical terms 15 years is a long and perhaps unrealistic time to wait for planting to fully establish in any event. As such, the proposal would fail to conserve the landscape and scenic beauty of the AONB.
19. With reference to the appeal decision at Beckley, this site appears to be located within the settlement, so it is significantly different to this case. Accordingly, this decision has had little influence on my reasoning.

20. In conclusion, the proposal would be harmful to the character and appearance of the area, with reference to the High Weald AONB. The proposal would be contrary to Policies OSS4, RA2, RA3 and ENV1 of the CS and Policies DEN1 and DEN2 of the DSA. Collectively, these policies support development that conserves the locally distinctive rural character and landscape features of the countryside, amongst others. Further, without any certainty in relation to the retention of the hawthorn tree, I conclude that the proposal would be contrary to Policies OSS4 and EN3 of the CS in this respect. The proposal would be contrary to the Framework, where it seeks to conserve and enhance the landscape and scenic beauty of AONBs.

Biodiversity

21. The site contains dense scrub, bracken and modified grassland which would be lost to accommodate the proposed development. The Preliminary Ecological Appraisal demonstrates that, overall, the appeal site is suitable for development without harming wildlife, through implementation of the suggested mitigation measures and recommendations which could be secured by planning condition in the event of an approval.
22. Overall, I am satisfied that the proposal would not be harmful in terms of ecology, in accordance with Policy DEN4 of the DSA which supports the conservation of biodiversity.

Planning Balance

23. Given the conflict with the Council's spatial strategy for the supply of housing, and the harm to the AONB, the proposal would conflict with the development plan when read as a whole.
24. The Council cannot demonstrate a 5 year housing land supply of deliverable housing sites, and has not disputed the appellant's evidence that the supply figure has deteriorated to around 2.89 years. Consequently, the provisions of paragraph 11d) i. of the Framework should be applied. It states that in such circumstances 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 proposed. This includes policies relating to AONB's. Given such, I have not gone on to consider the scheme against the requirements of paragraph 11d) ii).
25. Set against the identified harm to the Council's spatial strategy and the AONB, the development would contribute to addressing the significant deficit in the Council's housing supply. However, the benefits associated with a single dwelling would be small and the support that one extra household would make to the local economy would also be limited. Whilst the conflict with the Council's spatial strategy attracts limited weight given the supply position, the modest benefits of the scheme would not outweigh the harm to the AONB, a landscape designation with the highest status of protection.

Conclusion

26. Drawing this together, I conclude that the proposal would conflict with the development plan when read as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR

