



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: 21st November 2023

Appeal Ref: APP/U1430/W/22/3309344

Sant Roc, Cackle Street, Brede, East Sussex TN31 6EA

- 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 Miss Goldie Hawkins against the decision of Rother District Council.
 - The application Ref RR/2022/1315/P, dated 20 May 2022, was refused by notice dated 22 July 2022.
 - The development proposed is described as 'demolition of existing dwelling and 1 x outbuilding. Replace with row of 3 x terraced dwellings. 1 x seeking self building exemption.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following determination of the planning application, a revised planning application was submitted to the Council for 3 dwellings (Ref RR/2022/2072/P). The appellant has submitted copies of the plans/documents from the revised application as part of this appeal; however, the appellant has chosen to appeal the first scheme only. My decision is therefore based solely on the plans that were considered by the Council as part of application Ref RR/2022/1315/P.

Main Issues

3. The main issues are the effect of the proposed development firstly, on the character and appearance of the area, having particular regard to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB) and, secondly on the setting and therefore the significance of nearby listed buildings.

Reasons

Character and appearance

4. The appeal site lies within the AONB. While I note that a high percentage of the district falls within the AONB, this does not affect my statutory duty as set out at Section 85 of the Countryside and Rights of Way Act 2000 (as amended), which requires me to have regard to the purpose of conserving and enhancing the natural beauty of AONBs. Furthermore, the National Planning Policy Framework (the Framework) requires that great weight is given to conserving and enhancing the landscape and scenic beauty of AONBs.

5. The area is characterised by low density residential development, which is predominantly traditional in design. The residential development is surrounded by agricultural land and woodland. The appeal site is located on the south facing slope of the Brede Valley. There are far reaching picturesque views from the appeal site across the valley of the surrounding countryside.
6. The appeal site contains a modest sized bungalow, which is set back from the highway. The existing bungalow lies in an elevated position on higher level land than the highway and adjacent properties. The appeal property has a car port at road level, with steps leading up to the dwelling. To the front of the property is a low retaining wall, with grass bank and picket fence behind. There is further soft landscaping directly to the front of the bungalow. The existing bungalow by reason of its design and use of traditional materials is in keeping with the local vernacular. There are several outbuildings to the rear of the bungalow, which are largely screened from the public realm by the existing built form and soft landscaping.
7. The land level rises steeply towards the rear of the site and as a result, the trees and soft landscaping to the rear of the bungalow are visible in the street scene and provide a green backdrop to the property. The soft landscaping within the appeal site also provides an appropriate transition between the existing built form and surrounding countryside and woodland. Although the landscaping within the appeal site is somewhat overgrown, this is more a matter of maintenance. While the condition of the bungalow is a slight detractor, overall, the appeal site makes a positive contribution to the character and appearance of the area and the landscape and scenic beauty of the AONB.
8. The proposal seeks to demolish the existing bungalow and outbuilding and construct a terrace of 3 nos 4 bedroom dwellings. The proposed dwellings have been designed to respond to the changing topography and would appear two storeys high, when viewed from the street and single storey in height when viewed from the rear. The size of the proposed dwellings would not be dissimilar to the adjacent terrace and the use of timber cladding, facing brickwork and slate for the roof would respect the local vernacular.
9. The proposed dwellings would have their rear elevations facing the highway. Although, I noted that a property on the opposite side of the road has its flank elevation facing the highway, dwellings along this part of Cackle Street typically front onto the street. In this regard, the orientation of the proposed terrace would fail to respect the street scene or the existing settlement pattern of the locality. The proposal would be set further back in its plot and sited on higher level land than the existing bungalow and the residential development on either side. As a result of its two storey form with accommodation in the roof, it would appear significantly higher than the existing bungalow and adjacent residential development. Given the orientation, siting and height of the proposed development, it would appear out of keeping in the locality.
10. The proposal seeks to utilise the relatively flat area of land between the dwellings and the highway to provide good sized, accessible gardens. The proposed gardens would be enclosed by close boarded fencing facing the highway, which would have an urbanising impact and appear incongruous in this location. The proposal seeks to retain the low level wall adjacent to the footway. A native hedge is proposed to the rear of the wall to provide some

screening of the new fence. However, the hedge would take some time to mature and may not fully screen the proposed fence. There is the likelihood that domestic paraphernalia within the gardens would be visible from the public realm, which would cause further harm to the street scene. The land rises up steeply towards the rear of the site and as a result, the rear elevations of the proposed dwellings would be highly visible over the proposed boundary treatment.

11. The proposal seeks to demolish the existing car port and provide a driveway, with parking for 6 cars to the rear. Although the parking area would be largely screened from the public realm by the proposed dwellings, it would be visible from neighbouring properties. The proposed area of hardstanding would span across the width of the plot and result in the loss of existing trees and soft landscaping, which currently make a positive contribution to the character and appearance of the area. While the existing trees do not appear to be protected, there is no reason for such a significant loss of trees/soft landscaping if the development does not go ahead. The loss of trees/soft landscaping and proposed extent of hardstanding would have a harmful urbanising impact on the locality and would result in significant harm to the landscape and scenic beauty of the AONB. The harm that I have identified could not be overcome via a landscaping condition.
12. For the reasons given above, the proposed development would cause harm to the character and appearance of the area and the landscape and scenic beauty of the AONB. The proposal would conflict with Policies EN1, EN2, EN3 and OSS4 of the Rother Local Plan Core Strategy (CS) September 2014 and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan December 2019. These policies among other things require that development conserves and seeks to enhance the landscape and scenic beauty of AONBs and reinforces the special character of the district's historic settlements.
13. While the proposal would provide a small-scale development that maintains the separation between settlements, the proposal would conflict with Objectives S2 and S3 of the High Weald AONB Management Plan 2019-2024, which seek to protect the historic pattern and character of settlements, enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

Listed buildings

14. The appeal site forms part of the setting of the Old Post Office and Lion Cottage, which are Grade II listed buildings. 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 buildings in the determination of this appeal. The Old Post Office lies immediately to the south of the appeal site. The significance of The Old Post Office insofar as is relevant to this appeal, is derived from its early nineteenth century architecture, use of traditional materials, including weatherboarding and slate roofs and its position directly fronting the highway.
15. Lion Cottage is a modest, two storey detached dwelling, which lies to the north-west of the appeal site, on the opposite side of the road. Its significance insofar as is relevant to this appeal is derived from its traditional architecture and materials and position directly fronting the highway.

16. Although the existing bungalow is in a poor condition, its modest size, use of traditional materials and the soft landscaping surrounding it, makes a positive contribution to the settings and therefore the significance of the nearby listed buildings.
17. The proposal seeks to utilise brick, weatherboarding and slate roofs, which would be in keeping with the nearby listed buildings. However, the proposal as a result of its elevated position and two storey form, with accommodation in the roof, would tower over the Old Post Office, which lies directly to the south of the appeal site on lower level land. Both the Old Post Office and Lion Cottage front the highway. For the reasons given in the character and appearance section above, the proposal by reason of its siting, height, orientation, boundary treatment and extent of hardstanding would also cause significant harm to the setting and therefore the significance of the nearby listed buildings.
18. The proposed dwellings would also be sited closer to the boundary with the Old Post Office than the existing bungalow. Based on the information before me and given the proximity of the proposed development to this boundary, I am not satisfied that the existing trees along the boundary with the Old Post Office would be able to be retained. The existing boundary vegetation provides a green back drop to the Old Post Office and its loss along with the increase in built form would cause harm to the setting of this listed building.
19. The proposal would result in harm to the setting and therefore the significance of both the Old Post Office and Lion Cottage. I find the harm to be less than substantial to both heritage assets, but nevertheless of considerable importance. In accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
20. The proposal would replace an existing bungalow which is currently uninhabitable and unsafe. In the absence of an approval, the existing bungalow is likely to deteriorate further, which I appreciate could result in harm to the character and appearance of the area and the setting of nearby listed buildings. The scheme would provide a net gain of 2 residential units on land which lies within the development boundary for Brede, close to existing services/facilities and public transport links. The proposal would align with an objective of the Framework, which seeks to significantly boost housing supply, particularly on previously developed land. Given the small number of dwellings proposed, I give these benefits limited positive weight.
21. The appellant ascertains in their Statement of Case that the scheme would deliver an affordable housing scheme by exercising the 'help to build' government supported incentive. However, the planning application form confirms that the proposal is for market housing. There is no appropriate mechanism before me to secure the development as affordable housing. There is also limited evidence before me to demonstrate that the proposed 4 bedroom dwellings would be affordable to people on low incomes and I therefore give this alleged benefit little weight.
22. The appellant ascertains that one of the houses would be a self-build unit. The national Planning Practice Guidance is clear that for a home to be considered as a self-build, the initial owner needs to have primary input into its final design and layout. Off-plan housing, which is purchased at the plan stage prior to construction, without input from the future buyer does not meet the definition

of self-build housing. In addition, there is no appropriate mechanism before me to secure one of the terraced houses as a self-build unit. I therefore give the self-build aspect of the scheme very limited weight in my decision.

23. The proposal would enable cars to turn on site and exit in a forward gear, which provides an improvement in highway safety terms when compared to the existing car port. However, given that the existing car port can only accommodate one vehicle, vehicular movements associated with the dwelling when it was in use are likely to have been low. I therefore give this benefit limited weight.
24. Although the existing bungalow is currently in a poor condition, overall, I do not find that the appeal site currently harms the settings and therefore the significance of nearby listed buildings. The proposal would help to tidy up the site. However, given the landscape harm I have identified above, I give this benefit limited weight. Overall, the proposed benefits carry limited weight in favour of the development. As a result, there are no public benefits of sufficient weight to outweigh the less than substantial harm that would arise from the development.
25. For the reasons given above, the proposed development would cause harm to the setting and therefore the significance of nearby listed buildings. The proposal would conflict with Policy EN2 of the CS, which relates to the stewardship of the historic built environment and seeks to preserve the setting of locally distinctive vernacular building forms.

Other Matters

26. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on Inspectors to consider whether there is a reasonable likelihood of protected species being present and affected by a development. However, there is no need for me to consider the implications of the proposal on protected species because the scheme is unacceptable for other reasons.
27. While I note that the Council raise no objections to the development on highway grounds or in respect to the living conditions of neighbouring occupants, this does not make the scheme acceptable for the reasons set out above.
28. I acknowledge the concerns raised by the appellant in relation to the Council's handling of the application; however, this is not relevant to my consideration of the planning merits of the scheme. While I note the Council did not carry out a full site inspection, ultimately, I concur with the findings of the Council.

Conclusion

29. 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, which would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR