



Appeal Decision

Site visit made on 13 May 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/U1430/W/24/3337516

1 Frymans Cottages Frymans Lane, Brede, East Sussex TN31 6HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Carley against the decision of Rother District Council.
 - The application Ref is RR/2023/2163/P.
 - The development proposed is the part change of use and conversion of an existing barn to 4 no new holiday lets with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the part change of use and conversion of an existing barn to 4 no new holiday lets with associated parking at 1 Frymans Cottages, Frymans Lane, Brede, East Sussex TN31 6HA in accordance with the terms of the application, Ref RR/2023/2163/P, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The description of development within the application form refers to the proposal being a resubmission of an earlier scheme. I have amended the description of development in the banner heading and my formal decision to remove reference to resubmission as this is not an act of development under s55 of the Act.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed as National Landscapes to reflect *"their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do"*. Therefore, I have replaced references from AONBs to National Landscapes.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for the proposed development, having regard to the development plan and the accessibility of the site to services and facilities;
 - the effect of the proposed development on the character and appearance of the area, including the High Weald Area National Landscape; and
 - whether suitable living conditions would be provided for future occupants of the development, with regard to odour, noise and disturbance.

Reasons

Whether the site is a suitable location

5. The proposal is for the partial conversion of two agricultural buildings to four holiday let properties. The site is located outside of any settlement boundaries and is therefore within the countryside. The Council has referred to Policies OSS2 and OSS3 of the Rother Local Plan Core Strategy 2014 (CS), which address the use of development boundaries and the location of development. Policy OSS2 of the CS sets out how existing development boundaries will be reviewed, and requires this process to have regard to accessibility to facilities and services. Policy OSS3 requires decisions to be made in the context of the spatial strategy for the particular settlement or area and the capacity of, as well as access to, existing infrastructure or services amongst other things.
6. There is no information before me that indicates that the existing infrastructure or services do not have the capacity for the development proposed. However, the site is detached from the nearest settlement and the associated facilities and services. The narrow unlit roads and lack of bus stops and other sustainable transport modes mean that it is likely that future users of the site would be reliant on private motor vehicles during their stay.
7. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Taking this into account, along with the likely limited number of vehicle movements associated with four holiday lets, there would be harm in this regard, albeit it would be minor.
8. I conclude that the site would not be a suitable location for the proposed development, having regard to the development plan and the accessibility of the site to services and facilities. The scheme would therefore conflict with Policies OSS2 and OSS3 of the CS and Policy DEC2 of the Rother District Council Development and Site Allocations Local Plan 2018 (DSALP), which, in addition to the aims set out above, require proposals to be considered in the context of access to services and accord with other relevant policies of the plan.

Character and appearance

9. The appeal site is located in the High Weald National Landscape, which is characterised by large open fields (bounded by mature trees and hedgerows), areas of woodland interspersed with sporadic development. Paragraph 182 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB (National Landscape). I am also mindful of the statutory purpose of National Landscapes to conserve and enhance the natural beauty of the area.
10. The appeal site is set away from Frymans Lane and is accessed via a lengthy and narrow track. The site comprises two large agricultural buildings that form a farmyard with an additional building outside of the site. The site is surrounded by open fields, which are primarily used for grazing.
11. The topography of the area is such that views of the buildings at the site from public vantage points are limited and are primarily from a longer distance. Given the position of the buildings and the fall in land levels to the rear, the rear elevation of Building 2 is fleetingly visible from Brede Lane. The existing

buildings at the site are overtly agricultural in character and given the undulating landscape, rest comfortably within the rural context.

12. The proposal includes the conversion of part of a large agricultural building to four holiday let properties. The physical changes necessary to convert the building would be limited but include the installation of new openings within the buildings and the enclosure at one end of the buildings. The alterations to Building 1 and to the front elevation of Building 2 would be largely indiscernible from outside of the site due to the discreet position of Building 1 amongst the surrounding landscape and the presence of Building 2. Furthermore, the effect of the alterations to the access would be minimal given the presence of mature trees and hedgerows and the limited extent of the changes proposed.
13. The rear elevation of Building 2 would be altered to include new openings facilitating the conversion of residential use. While the sliding timber doors would help to retain the rural character of the building, the four glazed bifold doors would result in a minor domestication of the building. Furthermore, although the drawings do not indicate any external areas would be provided for future occupants, the bifold doors would provide access to the external area to the rear. The changes to the building and the likely activity and paraphernalia to the rear would alter the agricultural character of the site. Nonetheless, the effect of the changes within the landscape would not be harmful given the minor scale of the alterations and the secluded position of the site.
14. Furthermore, the appellant has provided measures that would mitigate the minimal visual effect of the proposal on the landscape. While soft landscaping would assist in screening the site including reducing light pollution, the measures set out in the appellant's Visitor Management Plan are particularly onerous and would be difficult to enforce.
15. I conclude that the proposal would conserve the landscape and scenic beauty of the National Landscape. The development would therefore accord with Policies OSS2, OSS4, RA2, RA3, EC6, EN1 EN3 and EN5 of the CS and Policies DEC2, DEN1 and DEN2 of the DSALP, which collectively seek to ensure development within the National Landscape conserves and seeks to enhance its landscape and scenic beauty, as well as conserving the intrinsic value of the rural character of the countryside and maintaining dark night skies and the Framework, which seeks to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.

Living conditions

16. The holiday lets would be within part of a building that would retain an element of agricultural use. The site would also continue to be used for agricultural purposes and may involve movements of large machinery and animals. The drawings indicate that part of the buildings would be used for housing of livestock, whilst Building 1 would also be used for farm storage. The appellant indicates however that livestock would not be kept in the same building as the accommodation when occupied.
17. Future occupants of the holiday lets would be within close contact with livestock and machinery given the location of the accommodation on a working farmyard. While the agricultural use of the site may give rise to noise and odours that would typically not be compatible with a residential use, visitors to the site may expect an active farmyard to have different smells and noises in

comparison to a site in an urban setting. Moreover, the operator would need to consider whether the activity and livestock at the site would be acceptable to both in respect of the well-being and efficient running of the farm and to ensure a positive experience for visitors.

18. The Council has referred to the provisions under Part 6 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015 in respect of livestock development. However, these provisions relate to new agricultural development and are therefore not applicable in respect of the appeal before me.
19. The holiday let properties would be close to machinery and livestock and could lead to the spread of diseases. Nevertheless, the management of risks associated with the operation of the farmyard would reside with the operator and it would be expected, in line with appropriate health and safety guidelines that access would be restricted during the course of any disease outbreaks.
20. I conclude that suitable living conditions would be provided for future occupants of the proposed development. The proposal would therefore accord with Policies OSS4, RA2, RA3 and EC6 of the CS and, Policies DEC2 and DEN7 of the DSALP, which collectively support suitable tourism opportunities in the countryside and require proposals meet the needs of future occupiers including providing appropriate amenities.

Other Matters

21. The Council has referred to two appeal decisions within its statement. The first¹ relates to a proposal for the change of use of a barn to holiday accommodation. While there are similarities in respect of both schemes being for holiday accommodation, I note that the Inspector found there to be harm to the AONB, which I have not found in respect of this appeal proposal.
22. The second appeal² was in respect of land near the site. I note that the proposal was for the erection of an agricultural dwelling introducing a new source of illumination in addition to the barns. Consequently, the previous scheme differs from the conversion of the existing buildings that is the subject of this appeal.

Planning Balance

23. For the reasons set out above, the site would not be a suitable location for the development due to the future occupants' likely reliance on private vehicles to access local services and facilities. The harm in this regard would be minor.
24. Policy RA3 of the CS sets out the Council's approach to development in the countryside, which includes supporting suitable tourism opportunities, including the conversion of farm buildings generally in keeping with the rural character. In addition, Policies EC4 and EC6 of the CS support the re-use of suitable buildings and encourages the increase in supply of self-catering accommodation.
25. The proposal would create four holiday let properties through the sensitive re-use of an existing building. This would increase the supply of quality self-catering tourist accommodation and promote business activities on the site

¹ APP/U1430/W/21/3285681

² APP/U1430/W/21/3281371

through the diversification of the rural enterprise. Also, visitors would be likely to use facilities and services in nearby settlements, resulting in economic benefits to these rural areas.

26. The development would provide a suitable tourism opportunity in the countryside and would encourage visitor spend, resulting in a boost to the local rural economy. As such, these are important benefits of the scheme which would be supported by other policies within the development plan as set out above.
27. In addition, the re-use of an existing building for tourist accommodation that would not harm the character and appearance of the National Landscape is supported by the aforementioned policies.
28. The proposal would not wholly accord with the development plan. However, in this particular case, the considerations set out above outweigh the minor conflict for this specific proposal. In these circumstances this indicates that planning permission should be granted.

Conditions

29. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
30. A condition is included in respect of contamination in the interests of public safety. As this would affect the early stages of construction, the condition needs to be discharged prior to the commencement of the development.
31. The quality of the environment, including biodiversity and the National Landscape, would be protected by conditions in respect of external materials, hard and soft landscaping, ecology and external lighting. As the materials relate to construction works, it is necessary for this condition to be discharged prior to the commencement of the development.
32. Conditions requiring the properties to be used for holiday purposes, the maintenance of a register of visitors and limiting occupation to 56 days is included to ensure that the properties are occupied as tourist accommodation only.

Conclusion

33. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P31-PL-05 Rev A, P31-PL-15, P31-PL-30 and P31-PL-45.
- 3) Prior to commencement of development, a scheme to deal with contamination of land and/or ground has shall be submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 - i. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice.
 - ii. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - iii. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved, A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 - iv. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
 - v. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development hereby permitted. Details of any post remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 4) Prior to commencement of the development hereby permitted, precise detail of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 5) Prior to commencement of the development hereby permitted, a scheme of hard and soft landscaping, including any garden area for the holiday-let units and associated boundary treatments, shall be submitted to and approved by the local planning authority.

All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

- 6) No floodlighting or other external means of illumination shall be provided, installed or operated at the site.
- 7) The development hereby permitted shall be implemented strictly in accordance with the recommendations/enhancements stated in the Bat Building Survey and Preliminary Ecological Appraisal (Martin Newcombe, 20th June 2023).
- 8) The development hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.
- 9) The owners/operators shall maintain an up-to-date register of names of all occupiers of each holiday accommodation property on the site, and of their main home addresses, and shall make this information available for inspection by the local planning authority.
- 10) The development hereby permitted shall not be occupied for more than 56 days in total in any calendar year by any one person.

End of Schedule