

Appeal Decision

Site visit made on 21 August 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/U1430/W/23/3332233

Riccards Farm Hastings Road, Whatlington, East Sussex TN33 0NH

- 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 L Parsons against the decision of Rother District Council.
 - The application Ref is RR/2023/88/P.
 - The development proposed is the creation of 3no. holiday lets, to include the demolition and replacement of an existing barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice and appellant's appeal form as they more accurately reflect that for which permission is sought.
3. In November 2023, all designated Areas of Outstanding Natural Beauty became National Landscapes. However, the National Planning Policy Framework (the Framework) continues to refer to them as Areas of Outstanding Natural Beauty (AONBs). In this decision I have used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) highway safety.

Reasons

Character and Appearance

5. Policies in the Rother Local Plan Core Strategy 2014 (Core Strategy) and Development and Site Allocations Local Plan 2019 (DaSA) seek to protect the rural character of the countryside. Whilst development is restricted in such areas, Policy RA2 of the Core Strategy does provide general support for tourism needs, including those which respond to identified local needs and

are of a scale and location in keeping with the rural character of the countryside. Policy EC6 encourages tourism activities and developments, including the increase in the supply of quality services and self-catering accommodation. Compatibility with other Core Strategy policies is required.

6. The appeal site is within an area of open countryside which is also designated as part of the High Weald AONB. The AONB is characterised by rolling countryside of a pastoral nature, punctuated by areas of woodland. The landscape in and around the appeal site displays these characteristics. Policies in both the Core Strategy and DaSA are broadly consistent with the Framework's policies of seeking to ensure that great weight is given to conserving and enhancing the landscape and scenic beauty of the AONB, which has the highest status of protection.
7. The existing site comprises a dwellinghouse, with a wooden stable building to the rear and barn positioned on the northern boundary of the site. Although located within the open countryside, there is some sporadic ribbon development alongside the A21, including immediately to the north of the site. This does not significantly detract from the sense of remoteness and tranquillity that the site offers.
8. The existing barn largely comprises precast concrete panels and corrugated sheeting which give it a utilitarian appearance. Whilst it is not intrinsically attractive, the building has a simple form and sits unobtrusively amongst its surroundings. The proposal would replace it with a building of similar size and height but which would, given its dormers and fenestration pattern be clearly residential in appearance and have a residential use, albeit for holiday purposes.
9. A further building on the opposite side of the site is also proposed. I understand that planning permission has previously been granted for a domestic garage building, to be used in connection with the host dwelling, on this part of the site. Although the materials and some of its design features are no doubt intended to portray a rural character, the proposed building would unmistakably be a residential dwelling providing two floors of accommodation, albeit to be used as a holiday let.
10. I acknowledge that the new buildings would replace existing/permitted buildings of similar sizes. While the accommodation would be used for holiday lets, the buildings would nonetheless appear as residential dwellings rather than as subservient or ancillary buildings to the main dwelling. They would not lose their characteristics even if occupied for only part of the year, or at infrequent intervals, or by a series of different people.
11. Any public views would be limited. Nevertheless, the proposal would be development in the countryside, resulting in four dwellings positioned around a parking/turning area, albeit three of them restricted for use as holiday let accommodation. The creation of this residential grouping would be out of keeping with the rural character and appearance of the appeal site and the wider area. Even in the context of being part of the residential curtilage of Riccards Farm, the development would still have a suburbanising effect.
12. Given that there is an existing dwelling on site, there is the potential for some domestic paraphernalia, external lighting and activity to already arise

from it. Nevertheless, three additional residential units would represent a notable increase in activity around the site from guests and their associated vehicle movements.

13. The likely increase in artificial lighting, particularly from internal lighting due to the areas of glazing proposed, would draw attention to the additional activity on site, particularly during periods of darkness, when light spillage would have an adverse effect on the area. The change is likely to be significant compared with the existing situation. The appellant suggests the use of smart glazing to the buildings, but this would not overcome external light sources or occasions when windows were left open. I also note that all three units incorporate bi-fold doors, which are designed to be kept open when in use, and so on such occasions would render any smart glazing ineffective.
14. The proposed development would be occupied as holiday accommodation and therefore it may require fewer items of garden paraphernalia than a dwelling that is permanently occupied. Nevertheless, it would still include some items, which could include an external seating area, a barbeque or play equipment. The additional presence of any garden paraphernalia would further increase the extent of the harm caused through the suburbanisation of the site.
15. Whilst the overall effect on the AONB would be localised, the development would undermine any sense of remoteness or tranquillity the site currently offers. Furthermore, it could not be said to conserve or enhance the landscape and scenic beauty of the AONB. For these reasons, I conclude that the proposed development would cause harm to the character and appearance of the area.
16. The proposal would therefore conflict with Policies OSS4, RA2, RA3, EN1, EN3 and EC6 of the Core Strategy and Policies DEN1, DEN2, DEN7 of the DaSA which, amongst other things, require developments in the countryside, including those relating to tourism, to have regard to the character and appearance of the surrounding locality and ensure no harmful impacts; and particularly in the AONB, where there is a requirement to protect the landscape and enhance it where possible.
17. The proposal would also be contrary to Paragraph 182 of the Framework which requires that in AONBs great weight be given to conserving and enhancing landscape and scenic beauty.

Highway Safety

18. It is not uncommon for holiday let developments to be limited to the number of consecutive days any one person can reside in the property. As such, the three units could be occupied all year round. Each would be provided with parking for two cars. Although the appellant suggests that the scheme would not represent a material increase in vehicular flow, an additional three units of the sort proposed, could result in a noticeable uplift in the use of an access which falls below current standards.
19. The appellant indicates that the nearby hedges would be cut back to assist visibility. However, this is not a permanent solution, and it would be difficult

to control future cutting back through a condition, even if it were shown to be sufficient to overcome any visibility concerns.

20. As an alternative, the appellant indicates a willingness to accept a condition requiring alterations to the access, but no details are provided. Furthermore, there is no substantive evidence before me to demonstrate that an acceptable visibility splay could be created and retained or what the wider visual effects might be on the area of such works. In such circumstances a condition requiring the submission of details would not be appropriate.
21. The Highway Authority has not objected to the scheme. However, it appears that there is standing advice, which the Council has considered. Therefore, the lack of objection is not a reason in itself to allow the appeal.
22. The development plan provides support for developments where safety can be promoted and in the case of transport impacts, that mitigation is provided. Based on the information before me and my own observations on site, it is not apparent that the scheme would meet these requirements. Therefore, I am unable to conclude that the proposal would be acceptable with regard to highway safety. Therefore, insofar as this matter is concerned, the proposal would be contrary to Policies CO6 and TR3 of the Core Strategy and Policy DHG12 of the DaSA.
23. It is not clear that the proposal would accord with the Framework's objectives of achieving safe and suitable access to the site and that it would have an acceptable impact on highway safety.

Other Matters

24. The Framework supports a prosperous rural economy. The proposal would bring some spend to the area both during the construction phase and upon occupation. However, there is no evidence to demonstrate it would be an enterprise that might provide significant economic benefits to the area in the longer term. This limits the weight I can attribute to this matter.
25. The site is said to comprise previously developed land which has a presumption in favour of redevelopment to economic uses. However, the Framework's support for the efficient use of previously developed land is not at the expense of satisfying other relevant requirements, including those relating to the AONB.
26. There are a number of matters on which it is said the Council raised no objection, such as the absence of harm to neighbours, ecology and biodiversity. However, these would represent a lack of harm and as such are neutral factors within the overall decision.
27. I have had regard to the other decisions which have been presented to me. Whilst these provide helpful background, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the site and its surrounds.
28. The appellant draws attention to the Council's lack of a five-year supply of deliverable housing land. Paragraph 11 d) i) of the Framework indicates that where the application of policies that protect areas of particular importance provides a clear reason for refusing the development, the presumption in

favour of sustainable development does not apply. In this case I have found harm to the AONB. Consequently, the Council's housing land supply shortfall is not a justification for applying the approach set out in paragraph 11 d) ii).

Conclusion

29. The proposal would result in harm to the High Weald AONB, a nationally designated landscape which the Framework advises has the highest status of protection in relation to the conservation and enhancement of its landscape and scenic beauty. I have also been unable to conclude that the proposal would protect highway safety.
30. Whilst there would be some beneficial aspects of the scheme, considered overall the development would cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
31. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR