



Appeal Decision

Site visit made on 6 November 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/U1430/W/24/3340816

Hazel Bank Stables, Ivyhouse Lane, Guestling, East Sussex TN35 4NN

- 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 P Crump against the decision of Rother District Council.
 - The application Ref is RR/2023/1955/P.
 - The development proposed is the construction of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is an appropriate location for residential development, having regard to the spatial strategy and the accessibility of services and facilities; and,
 - the effect of the proposal on the High Weald National Landscape (HWNL).

Reasons

Location of proposal

3. Policy OSS2 of the Rother Local Plan Core Strategy, September 2014 (CS) and Policy DIM2 of the Development and Site Allocations Local Plan, December 2019 (DAS) seek to focus development within identified development boundaries. The appeal site is located outside of these boundaries and is within the countryside for the purposes of the spatial strategy.
4. CS Policy RA3 specifies exceptions where the creation of new dwellings in the countryside would be supported by the development plan. Although the Appellant has indicated that a home in this location would support the vitality of the livery business, they have not sought permission for a rural workers' dwelling. As such, the proposal does not meet the exceptions identified within the policy. In these circumstances, the construction of a dwelling in this location would be contrary to the spatial strategy.
5. There are several facilities located on The Ridge including convenience stores, a public house, church, and a veterinary practice approximately 1km walking distance from the appeal site. There are also bus stops a similar distance away, which provide regular services to the town centre, hospital, and to both St Leonards and Hastings train stations, amongst other places.

6. Nonetheless, to access these facilities future occupiers would have to travel along Ivyhouse Lane and Chowns Hill. These roads are very narrow in places and large sections are subject to the national speed limit. Whilst there is a footpath along parts of Chowns Hill, there is not one along Ivyhouse Lane, in proximity to the appeal site. Furthermore, there is no street lighting along most of the route. In the dark and inclement weather, it would be unpleasant to walk or cycle this route and potentially unsafe in some circumstances. Therefore, future occupiers would not be incentivised to walk or cycle to nearby facilities. Although there is evidence that some people currently walk to the site, future occupiers of the proposed dwelling would be largely reliant on the use of private motor vehicles. For these reasons, the proposal would be contrary to guidance within paragraphs 83, 109 and 114 of the National Planning Policy Framework (the Framework).
7. If the Appellant occupied the proposed dwelling, they would not have to undertake six daily journeys to support the livery business. There may also be further reductions in vehicle movements associated with customers of the livery business, as they may check on their horses less due to the Appellant being on site more often. Nonetheless, the Appellant has identified in their supporting letter that they have other employment and a family. The Appellant and their family members may need to travel to work and/or school. There would also be other vehicle movements associated with living at the site, including delivery drivers. As such, it has not been demonstrated that if the Appellant lived on site the total number of vehicle movements would be reduced.
8. Given the physical connection and proximity to the livery business, it is likely that future occupiers of the dwelling would work in the business. However, planning permission is sought for a dwelling with an unrestricted occupancy. If someone unrelated to the livery business occupied the dwelling, the number of vehicle movements would increase further. Furthermore, the installation of electric vehicle charging points would not overcome the harm caused by increased vehicle movements as it would not be reasonable to require future occupiers to have electric vehicles.
9. The Council permitted a change of condition¹ to allow caravans at the nearby Coghurst Hall Holiday Park to be occupied all year round for holiday purposes. Occupants of the Holiday Park would need to travel further along Ivyhouse Lane to access services and facilities. As such, the Holiday Park is in a less accessible location than the appeal site. Notwithstanding this, the previous use of that site and the planning history is not before me so I am unaware of any material considerations that may have outweighed the harm. Also, based on the evidence before me, the Holiday Park cannot be used as primary accommodation and is therefore materially different to the appeal proposal. Regardless, one residential use being in a less accessible location does not justify allowing another.
10. Several planning permissions² and allowed appeals³ for residential developments in the countryside or villages have been put before me. In these instances, the decision makers have either decided they are in accessible locations, or that material considerations outweigh the identified harm. It

¹ Planning Permission Ref. RR/2014/900/P

² Planning Permission Refs. RR/2023/887/P; RR/2023/1077/P; and RR/2019/241/P

³ Appeal Refs. APP/U1430/W/18/3201084; APP/U1430/W/21/3285269; and APP/U1430/W/18/3218578

appears in some of those circumstances that the permitted dwellings were further from services and facilities than the appeal site. Nevertheless, the harm in this proposal is caused by the characteristics of the local road network, not the distance to services and facilities. Therefore, those decisions do not set a precedent for the appeal proposal.

11. The appellant has also highlighted an allocated site in Bexhill which is over a mile from the nearest shop. There is no information before me on whether other services and/or facilities are close by. That proposal is also materially different due to the scale of the development; therefore, it does not set a precedent for the appeal proposal.
12. I conclude that the appeal site is not an appropriate location for residential development, having regard to the spatial strategy and the accessibility of services and facilities. The proposal would therefore be contrary to CS Policies OSS2, OSS3, RA3, SRM1 and TR3, and DAS Policy DIM2. These policies indicate that new development should minimise the need to travel, and development will be focussed within defined settlement boundaries, amongst other matters.

HWNL

13. In accordance with Section 85 of the Countryside and Rights of Way Act 2000, I have sought to further the purposes of conserving and enhancing the natural beauty of the HWNL.
14. The appeal site comprises of a cluster of buildings which form an equestrian yard. The buildings are utilitarian in appearance and generally short and are surrounded by paddock land. Views of the appeal site are largely screened from public areas and neighbouring land by mature vegetation including small areas of woodland. These features combined with the undulating landscape are characteristic of the HWNL. As such, the site positively contributes toward the landscape and scenic beauty of the HWNL.
15. The proposed dwelling and garden shed would be built within the confines of the existing equestrian yard and would not encroach upon neighbouring fields. The design of the proposed dwelling would be like others in the wider area, and it would assimilate with the low profile of surrounding buildings. Nevertheless, the proposal would introduce permanent residential development to the site. The inclusion of a significant amount of glazing in the proposed dwelling, alongside the introduction of domestic paraphernalia and residential activity, would have an urbanising effect on the appeal site. The proposed dwelling would appear incongruous to the rural character of the area. Therefore, the proposal would neither conserve nor enhance the natural beauty of the HWNL.
16. The site is well screened and there are only glimpsed views of the appeal site from public areas. However, the proposed dwelling would be viewed by customers of the livery business and from areas of neighbouring land. Whilst the screening would reduce the extent of the harm, harm would still occur.
17. The proposal also includes the removal of a caravan, which appears incongruous, and a timber building, which has fallen into a state of disrepair. Nonetheless, these are modest structures, and the barn is reflective of the wider rural character. Therefore, only modest weight can be ascribed to the

benefit associated with their removal and this would not outweigh the identified harm.

18. I conclude that the proposal would have a harmful effect on the HWNL. It would be contrary to CS policies OSS2, OSS4, RA2, RA3, EN1 and EN3, and DAS policies DIM2, DEN1 and DEN2. These policies indicate that the overarching strategy for the countryside is to generally conserve the locally distinctive rural character, and all development within the HWNL shall conserve and seek to enhance its landscape and scenic beauty, amongst other matters.

Other Matters

19. The definition of an agricultural use within the Town and Country Planning Act 1990 (the 1990 Act) includes the keeping of livestock and the use of land as grazing land. Whilst in some instances equine related activities may be considered an agricultural use, based on the evidence provided and the definition within the 1990 Act, the existing use would not be agricultural. Therefore, the appeal site would meet the definition of previously developed land outlined within the Framework.

Planning Balance

20. The proposed dwelling would be harmful to the landscape and scenic beauty of the HWNL and would be sited outside of the development boundaries and does not conform with the specified exceptions for residential development in the countryside. Therefore, it would be contrary to the policies identified above. As there are no policies within the development plan which support residential development of this nature in this location; the proposal is contrary to the development plan when considered as a whole.
21. The Council can only demonstrate 3.09 years supply of deliverable housing land and has underperformed in relation to the Housing Delivery Test (HDT). Notwithstanding this, the identified harm to the HWNL would provide a clear reason for refusing the development proposed. Consequently, because of the provisions of footnote 7, paragraph 11 d) i of the Framework applies.
22. The CS dates from 2014 but the weight to be attached to its policies does not hinge on its age. Rather paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework makes it clear that the creation of high-quality places is fundamental to what the planning process should achieve, and great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. Further to this, it identifies that the planning system should be genuinely plan led, and directs development toward places which are sustainable and reduce the need to travel, and promotes walking, cycling, and the use of public transport. For these reasons, I ascribe substantial weight to the harm caused by the appeal proposal.
23. Set against the identified harm would be several benefits. The development would help address the shortfall in deliverable housing land supply. I also note that the appeal site is in proximity to a neighbouring authority which also cannot identify 5 years' worth of deliverable housing land supply and has underdelivered in relation to the HDT. As such, the proposal could help meet

the demand for housing in the neighbouring authority area. Moreover, it would lead to the creation of a family home in a rural area, which would help meet a need identified by the Council. The Framework is supportive of the use of brownfield sites and identifies the important contribution small sites can make to meeting the housing requirement of an area.

24. Residential development at the site would provide a security benefit, which would improve the vitality of the livery business. In turn, there could be additional social benefits of improved access to rural recreational pursuits. There would be economic benefits associated with the construction of the dwelling and an increase in the local population would support local businesses. There would also be environmental benefits including a biodiversity net gain, the use of renewable energy sources, energy and water efficiency measures, and the installation of electric vehicle charging points.
25. It has been suggested that the proposed dwelling would be self-build. However, there is no mechanism before me which would ensure that the dwelling would be occupied by an individual on the Council's self-build and custom housebuilding list. Therefore, it is not clear whether the proposal would help meet demand for self-build and custom housebuilding in the area. As such, the weight given to this benefit is reduced.
26. Although the scale of the proposal is modest, considering the Council's housing land supply position, I ascribe moderate weight to the benefits of the proposal. As such, the material considerations do not outweigh the conflict with the development plan and the identified harm.

Conclusion

27. The proposal conflicts with the development plan, as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR