



## Appeal Decision

Site visit made on 17 November 2020

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

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**Appeal Ref: APP/U1430/W/20/3246632**

**British Red Cross Society Centre, Highfields, Burwash TN19 7HE**

- 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 Matrix Claim Services against the decision of Rother District Council.
  - The application Ref RR/2019/2193/P, dated 18 September 2019, was refused by notice dated 27 January 2020.
  - The development proposed is the removal of an old timber structure and replacement with two semi-detached small dwellings.
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### Decision

1. I dismiss the appeal.

### Main Issues

2. These are;
  - The effect of the development on the character and appearance of Highfields within the High Weald Area of Outstanding Natural Beauty.
  - Whether the proposed development would provide acceptable living conditions for the prospective occupiers with particular regard to external amenity space, outlook, floor area and parking.

### Reasons

#### *Character and Appearance*

3. Policy EN1 of the Local Plan - Core Strategy concerns landscape stewardship and seeks the protection of the distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty. Design quality is the subject of Policy EN3 with criteria used to test for robust design solutions. Policy OSS4 sets out general design considerations and criterion (iii) requires that development respects and does not detract from the character and appearance of the locality.
4. The Development and Site Allocations Local Plan Policy DEN2 is specific to the Area of Outstanding Natural Beauty and states that all development within or affecting the setting of the Area shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the Management Plan; development within the Area should be small-scale, in keeping with the landscape and settlement pattern.

5. Paragraph 124 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues, and the scale and extent of development within these designated areas should be limited.
6. There had been a previous appeal on the site in 2003 concerning an application for a single dwelling, and whilst the Inspector found that the loss of the building and its use would not cause harm, the proposed development was considered not to accord with exceptions in the Development Plan and emerging policy at that time, and was found to cause harm to the character and appearance of the locality and the appearance of the Area of Outstanding Natural Beauty.
7. Whilst there has been change to the Development Plan and national policies referred to, the site remains outside the settlement boundary and within the High Weald Area of Outstanding Natural Beauty, and the immediate site surroundings do not appear to have changed significantly. The previous Decision is a material consideration of moderate weight, although a full reappraisal is warranted by the passage of time and the possibility of other changed circumstances.
8. The site is a gap between 2 terraces at the bend in the road, and the presence of the small, low and generally unobtrusive timber building, akin to a hut, does not intrude greatly into the through views of woodland and open countryside beyond. The site is a link with undeveloped land and performs a valuable role in relieving the solid lines of built form in the terraces along both sides of the narrow road and allowing the natural beauty of the surroundings to be appreciated.
9. The proposed dwellings would occupy an area of the site currently containing the hut, sharing a common south-west corner and hence south and west faces, but extending further to the rear towards Lime Tree Terrace and further to the east beyond the rear building line of that terrace. In addition, the building would be taller than at present, although the overall height would be controlled by having rooms within the pitched roof and through the slab level being lower than the nearby dwelling at number 6.
10. This combination of size and height, together with the location to the rear of the front building line of Lime Tree Terrace, would result in the building being poorly related to the existing built form and appearing cramped against that terrace and not responding in an appropriate manner to the roofscape and detailing of that or the earlier terraces along the road.
11. That placement may allow views through the site to remain, but when considered along with the proposed hardstanding and parking, as well as the apparent requirement to retain a through vehicular route to the agricultural land beyond, the layout would appear a poor balance between the natural beauty of the surroundings and the existing built form, failing to enhance either aspect of the location; rather, the result would be harm to both the built form and the Area of Outstanding Natural Beauty. The proposal would fail to reach the standard of design sought in the Framework or the level of protection that

should be afforded the High Weald designated area, and would be contrary to the aims of Policies DEN2, EN1, EN3 and OSS(iii).

### *Living Conditions*

12. Core Strategy Policy OSS4 states at criterion (i) that development is to meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users. Development and Site Allocations Plan Policy DHG7 on external residential areas details requirements for private external space, parking and cycle storage, and waste and recycling.
13. Paragraph 127 of the Framework states that decisions should ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future user.
14. Shortcomings in the design have been identified through the placement on the site and the requirement for a through route. These failings further manifest themselves in the poor outlook from the rear windows, too close to the higher fence and gable wall to 6 Lime Tree Terrace, and whilst serving a bedroom or study and a kitchen alcove, would, when the north aspect is considered, provide a low quality of light and outlook.
15. The parking arrangement is contrived and awkward, again apparently derived from the need to allow a significant area of the centre of the site for the access route, and the remaining land specifically allocated to each dwelling as amenity space is limited and poorly proportioned. The Council Report refers to the Technical Housing Standards – Nationally Described Space Standards and the dwellings being below the size for a 2-bedroom property, and Policy DHG3 specifically adopts these standards.
16. As a result, the proposed design and layout of the development would not provide an acceptable quality of accommodation for prospective occupiers, and would not reach the standard sought in Policies DHG3, DHG7 and OSS4(i), and is not of the high standard sought in the Framework.

### **Planning Balance and Conclusions**

17. Policy OSS2 of the Core Strategy concerns the use of development boundaries and the site is outside that for Burwash. Whilst not in the open countryside and not isolated in the post 'Braintree' operation of Framework paragraph 79, the site is one where development would not be generally acceptable in principle. The Council explain the situation with regard to the allocation of sites and the emerging Neighbourhood Plan, but the use of the site would be for market housing and not one of the exceptions to the policy of restraint.
18. It is however the case that the Council are not able to demonstrate a five-year supply of housing land as required by the Framework, and paragraph 11 applies. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in this Framework taken as a whole.

19. The findings of this Decision are that harm would be caused to the High Weald Area of Outstanding Natural Beauty, one of the policy areas referred to in footnote 6 to paragraph 11. That harm alone provides a clear reason for refusing the proposal, and the shortcomings in the design and their likely effect on prospective occupiers adds weight to the conclusion that the benefits of providing 2 dwellings in this location are outweighed by the adverse impacts.
20. The proposal fails to accord with Development Plan and national policies which seek to direct the location of development, and to control the quality of built form, and there are no overriding reasons to permit this standard of development on this site. For the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR