

Appeal Decision

Site visit made on 29 September 2016

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2016

Appeal Ref: APP/C1435/W/16/3150981

Unit 1, Triangle of land between Whitesmith Lane and A22, Whitesmith Lane, Chiddingly, Lewes, East Sussex, BN8 6JD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alan Farrell against the decision of Wealden District Council.
 - The application ref: WD/2016/0337/0, dated 9 February 2016, was refused by notice dated 1 April 2016.
 - The development proposed is new bungalow.
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Procedural Matters

1. The application made to the Local Planning Authority was in outline, with all matters reserved for subsequent approval.
2. The application form contained a lengthy description of the development in the form of a detailed justification. In the interests of clarity, I have amended the description of the development in the heading above and in my formal decision to reflect that adopted by the Council in its refusal notice and by the appellant's agent, both in Section E of the planning appeal form and in the grounds of appeal. The Council considered the application upon that basis and so shall I.

Decision

3. The appeal is allowed and planning permission is granted for new bungalow at Unit 1, Triangle of land between Whitesmith Lane and A22, Whitesmith Lane, Chiddingly, Lewes, East Sussex, BN8 6JD, in accordance with the terms of the application ref: WD/2016/0337/0, dated 9 February 2016, subject to the conditions set out in Annex A to this decision.

Main Issue

4. The main issue here is whether the proposal represents a sustainable form of development in terms of the availability of local services and facilities.

Reasons

3. The appeal site comprises a triangular shaped parcel of cultivated garden land belonging to The White House, a large detached property on the opposite side
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of Whitesmith Lane. The site is closely contained by the main A22 London to Eastbourne road to the west, by modern residential development to the north and by a ribbon of housing on the other side of Whitesmith Lane. There is an existing vehicular access to the site from the lane.

4. The land is part of a small cluster of dwellings that are outside of any defined development boundary and within the Low Weald Landscape Character Area. Abutting the site on the A22 is a 'bus stop, which provides services to Lewes, Hailsham and Ringmer. A school 'bus service to Chiddingly primary school and the community colleges at Hailsham and Ringmer has a pick-up point located close to the appeal site.
5. There are limited facilities within the nearby village of Chiddingly, together with a small general store in the petrol filling station some 1.5 miles to the south on the main A22 at Golden Cross.
6. In addition to the nearby settlement of Chiddingly there are numerous small communities at Laughton, Golden Cross, Muddles Green and East Hoathly. The town of Hailsham is approximately 5 miles to the south and the county town of Lewes, with its main line railway station, is approximately 10 miles distant.
7. The Council is currently unable to demonstrate a five year housing land supply. In such circumstances, national policy in the Framework¹ requires applications for housing to be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or unless specific policies in the Framework indicate that development should be restricted (see paragraph 14).
8. Paragraph 50 of the Framework requires Local Planning Authorities to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities. This should include a mix of housing based on current and future demographic trends. Paragraph 55 of the Framework acknowledges that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.
9. Although it is not within a designated settlement, development of the appeal site as proposed would not represent an isolated dwelling in the countryside having regard to its physical characteristics, being surrounded by man-made development and closely related to other nearby settlements.
10. The Rural Areas Strategy of the Wealden Core Strategy 2013 states that: *'The rural areas outside of the main urban areas cover almost 93% of Wealden District, and contain around 50% of its population. The majority of this area is undeveloped countryside ... Within this area is a large and diverse range of villages, hamlets and scattered development ...'*
11. Having regard to the high percentage of the population living within the rural areas such as Whitesmith, it is to be expected that there will be a demand from residents within those areas for additional housing. Such is the case with the appellant, who wishes to downsize from a larger house.

¹ The National Planning Policy Framework.

12. The Council rightly seeks to locate most new development within existing urban areas. However, this should not be at the expense of allowing a certain amount of development in the rural areas where some 50% of the population is resident. Indeed, the Council has acknowledged that some additional housing should be allowed within the villages set out in Table 6 on page 46 of its Issues, Options and Recommendations document.
13. That Issues and Options document was published for consultation purposes in October 2015 as part of the Council's preparations for the new Wealden Local Plan. As such, I can afford its contents only limited weight. Nevertheless, it provides an indication as to the need for some limited development in the rural settlements in line with national policy (see paragraph 55 of the Framework).
14. The appeal site is not in an isolated location, being adjacent to the main A22 and within easy reach of local facilities, schools and the larger towns of Lewes and Hailsham. It is closely contained by man-made development, is in use as a residential garden and has an existing vehicular access to Whitesmith Lane.
15. Given these physical characteristics, I have found upon the main issue that in the particular circumstances of this case development of the appeal site by a single dwelling as proposed would represent a sustainable form of development by reference to national policy in the Framework as detailed above and Policies SP07 and SP08 of the adopted Core Strategy².

Other Matters

16. I have been referred by the Council to a number of other appeal decisions. However, the circumstances of these other cases differ from those now before me. Moreover, I have been advised that planning permission for a dwelling has recently been granted on the opposite side of the A22 at Buckle Cottage, with direct access onto the main A22 (ref: WD/2016/0341/0).
17. That permission brought about the removal of a caravan storage facility at the property, the highway benefits of that cessation no doubt weighing heavily in its favour. The Council nevertheless considered the principle of sustainability in reaching its decision, as evidenced by the Officer's Report, which states:

'The construction of a dwelling would make a modest contribution to housing stock, create employment and wider benefits to the economy during construction and incoming residents will add "spend" to the local economy.'

Such considerations equally apply in this case in terms of the benefits to the wider communities, as recognised at paragraph 55 of the Framework.
18. In arriving at my decision I have had regard to the location of the appeal site within the Low Weald Landscape Character Area. However, given the size of the plot and the existence of mature hedgerows to both the east and west boundaries, I am satisfied that development as proposed would not be harmful to the character or appearance of that designated area.

² Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan: adopted February 2013.

Conditions

19. I have considered the 8 conditions put forward by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2016.
20. I do not consider suggested Condition 8 to be appropriate having regard to the fact that the whole of the appeal site is part of a residential curtilage. I do, however, find the balance of the conditions to be reasonable and necessary in the circumstances of this case, although I have amended their wording where required.
21. My reasons for the conditions are:
22. Conditions 1, 2 and 3 are the standard conditions imposed on outline planning permissions in accordance with section 92 of the Town and Country Planning Act 1990.
23. Conditions 4, 6, 7 and 8 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area, while Condition 5 will allow the Local Planning Authority to exercise control over future development at the appeal site given its location within the Low Weald Landscape Character Area.
24. Condition 9 will secure the necessary mitigation against any adverse impacts of the development upon designated habitats. Condition 10, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins; and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until full details 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) Notwithstanding the provisions of Schedule 2, Part 1, Classes A-E inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions, alterations or enlargements shall be carried out to the dwelling hereby permitted, nor shall any buildings or structures other than those expressly authorised by this permission be erected within its curtilage without the prior approval in writing of the Local Planning Authority.
- 6) No development shall take place until full details of the finished ground floor levels of the buildings in relation to the existing and proposed site levels, the adjacent highway and adjacent properties, together with details of the finished levels of all accesses including pathways, driveway, steps and ramps have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include boundary treatments; proposed finished levels and contours; hard surfacing materials; retaining walls, steps, railings, walls, gates or other supporting structures; car parking layouts; other vehicle and pedestrian access and circulation areas; minor artefacts and structures (e.g. street furniture, play equipment, refuse and other storage units) and a plan indicating all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development, such measures to comply with the requirements of British Standard 5837:2012 '*Trees in relation to design, demolition and construction. Recommendations*'. Details of soft landscape works shall include planting plans, written specifications, schedules of plants noting species (which should be indigenous), plant sizes and proposed numbers/densities, where appropriate, and an implementation programme.

- 8) All hard and soft landscape works shall be carried out in accordance with the approved details before the development hereby permitted is first occupied or in accordance with the programme agreed in writing by the Local Planning Authority; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written approval to any variation.
- 9) No development shall take place until details of a scheme to secure mitigation of the additional recreational pressures to the Ashdown Forest Special Area of Conservation and Special Protection Area arising from the development hereby permitted, together with an appropriate mechanism to secure delivery of the mitigation have been submitted to and approved in writing by the Local Planning Authority.
- 10) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – scale 1:2500; Block Plan – scale 1:500.