

Appeal Decision

Site visit made on 20 October 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 14 November 2016

Appeal Ref: APP/C1435/W/16/3151715

Cuckmere Rise, Browns Lane, Cross in Hand, Heathfield TN21 0QJ

- 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 & Mrs J Trepass against the decision of Wealden District Council.
 - The application Ref WD/2016/0074/O, dated 12 January 2016, was refused by notice dated 4 March 2016.
 - The development proposed is demolition of existing barn and construction of new dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with approval being sought for access, layout and scale. The matters of appearance and landscaping are reserved for future consideration. Nevertheless, plans have been submitted showing the house type illustratively. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - i) whether or not the proposal would be in a suitable location, having regard to the principles of sustainable development;
 - ii) the effect of the proposed development on the character and appearance of the surrounding area, including the High Weald Area of Outstanding Natural Beauty (the AONB);
 - iii) the planning balance having regard to housing provision.

Reasons

Background

4. The site is located on the corner of Browns Lane and Fir Grove Road within a small cluster of mainly dwellings, but including a small business park, set within the open countryside. The bungalow of Cuckmere Rise is immediately to the south-east of the site and there is a two storey dwelling on the opposite
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side of Fir Grove Road. Further detached dwellings set in generally large plots continue from that cluster lining Fir Grove Road to the south-west. The site itself comprises a small field with a fairly modest sized barn. That barn, as with the site generally, is significantly screened or softened in views from the road by existing hedgerow and trees along the site's roadside boundaries, making it a fairly discreet structure. The field is connected to a larger field to the south and west.

Suitability of location

5. I have had regard to paragraph 49 of the National Planning Policy Framework (the Framework) which states that housing applications should be considered in the context of the presumption in favour of sustainable development. That paragraph goes on to say that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council acknowledges that it does not currently have a 5 year housing land supply (HLS) and I have no basis to consider otherwise.
6. It is therefore necessary to consider the proposal in the context of the presumption in favour of sustainable development. As set out in paragraph 14 of the Framework, for decision-taking this means granting permission 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 specific policies in the Framework indicate development should be restricted. I have therefore determined the appeal on that basis.
7. The site is located in the open countryside outside of the settlement of Heathfield and the main cluster of buildings comprising Cross in Hand to the north-east.
8. Policy DC17 of the Wealden Local Plan (the Local Plan) states that housing development will not be allowed outside development boundaries unless it conforms with other policies in the Local Plan relating to appropriate rural development, as referred to in the supporting text to that policy. This is therefore a policy that restricts the supply of housing and so is out-of-date in that respect, in so far as there is an assumption that housing development can generally be accommodated within settlement boundaries. As it has not been demonstrated that there is a 5 year HLS, those restrictions alone can be given little weight. However, Policy WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan (the CSLP) sets out the presumption in favour of sustainable development and reflects paragraph 14 of the Framework.
9. In respect of this issue, the key question remains as to whether the proposed development would be in a sustainable location. In this respect, I have had regard to paragraph 55 of the Framework which sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. I have also had regard to bullet point 11 of paragraph 17 of the Framework which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
10. The proposed dwelling would not be isolated in so far as its location close to a number of other existing dwellings located along Fir Grove Road and to a lesser

extent along Browns Lane. However, it would be clearly separated from the main part of Cross in Hand where very limited services and facilities are located, including a very small number of shops, public house and doctors surgery, along with bus stops relating to services to the wider area including Heathfield. It would also be significantly separated from the village hall. The separation from the eastern end of the village and Heathfield, where most services and facilities for day to day needs are located, including a greater range of shops, leisure and health facilities and schools, would be even greater.

11. Importantly, the intervening stretch of road comprises a fairly narrow lane without any footway or lighting. Together with the length of that stretch of road, future residents of the proposed dwelling would therefore be highly likely to access the local and wider services and facilities, by car rather than on foot or cycle. I acknowledge that development in urban areas still generates car use. However, there is a greater likelihood of less reliance on car use than in a rural location such as that proposed.
12. Furthermore, I do not consider that the provision of one dwelling in this location would amount to providing sufficient support to services in Cross in Hand or any other nearby villages, to outweigh the above concerns. In this respect I note in any case that there is extant planning permission for up to 26 dwellings on land at Dad's Hill, Ref WD/2015/1150/MAO. That site is adjacent to the main cluster of Cross in Hand to the north-east of the appeal site and so also in a more sustainable location.
13. I have had regard to development for five dwellings granted planning permission at Springfield Nursery, Back Lane, application Ref WD/2015/1893/F which I visited. I do not have details of the full circumstances behind that decision including whether or not it was intended to meet specific local need as set out in the Council's Issues, Options and Recommendations Report (the IORR), in advance of a new Local Plan. However, I note that the site differs from that of the appeal in that it is located closer to the facilities and services of Cross in Hand and Heathfield. It would also have the benefit of contributing a small number more houses to the supply of housing than is proposed in this case. The circumstances are therefore different. In any case, I have determined this appeal on its own merits.
14. The appellant refers to the special circumstance set out in paragraph 55 of the Framework relating to where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, and adds to that, replacement of such buildings. Whether or not the latter fits in with the basis of that bullet point of paragraph 55, due to the existing barn's fairly discreet nature and not unexpected utilitarian form in a rural setting, I do not find that its removal would be a material enhancement to the immediate setting that would amount to a special circumstance.
15. For the above reasons, I conclude on this issue that the proposal would not be in a suitable location, having regard to the principles of sustainable development. As such, in respect of this issue, it would be contrary to paragraphs 17 (bullet point 11) and 55 of the Framework.
16. The Council, in its decision notice, also refers to policy TR3 of the Local Plan. However that policy relates to traffic impacts of new development which is not directly relevant to this issue.

Character and appearance

17. The Framework, in paragraph 115, states that with regard to AONBs great weight should be given to conserving the landscape and scenic beauty of these areas.
18. Although a prominent corner location, the proposed dwelling would be seen in the context of the existing cluster of buildings. It would also be set back from both roads and a large area of garden between it and Fir Grove Road would maintain a high degree of openness immediately adjacent to the road junction. A substantial gap would also be maintained between the dwelling and the neighbouring residential plot to the south-west, including the existing strip of intervening field.
19. The dwelling and any associated paraphernalia in the garden would also be likely to be significantly screened or softened by the roadside boundary vegetation. Furthermore, although only illustrative, the elevation drawings, with the first floor rooms within the roofspace, show how the proposed dwelling could be designed so as to avoid it appearing as a bulky and dominating feature.
20. Additionally, although it would be significantly larger and higher and more prominent than the existing barn on the site, it would nevertheless not be occupying an existing space devoid of built form. Equally though, I have also found that its demolition would not be a material benefit.
21. I am therefore satisfied that the proposal would adequately maintain the pleasant open and verdant character of this location.
22. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, including the AONB. As such, it would accord with policies EN6 and EN27 of the Local Plan which together, in respect of this issue, require that development proposals within the AONB conserve or enhance the natural beauty and character of the landscape, and that they are of an appropriate high standard of design. It would also accord with paragraph 115 of the Framework as well as paragraph 17, which, in respect of this issue, states that planning should take account of the different character of different areas, recognising the intrinsic character and beauty of the countryside, and section 7 which relates to requiring good design.

Planning balance

23. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
24. I have found that the proposed dwelling would not cause unacceptable harm to the character and appearance of the surrounding area, including the AONB. However, this amounts to a neutral factor in the balancing process as it is unlikely that there would be any material enhancements to the site.
25. It would have a small social and economic benefit in respect of contributing one additional dwelling to the local and general housing supply. This would be particularly given the Council's current position in respect of not having a 5

year HLS and that 30 houses are envisaged for Cross in Hand in the IORR, albeit that the Council states that these would be located to the east side of the village, in or adjoining it.

26. Any local benefits in respect of short term construction jobs, and longer term spending by prospective residents and support of the limited village services and facilities would again be small due to it relating to a single dwelling.
27. The appellant also refers to two other appeal decisions elsewhere in the District, Refs APP/C1435/A/2223431 and APP/C1435/W/3006270 where the Inspectors allowed the proposals with reference to the failure of the Council to have a 5 year HLS. However, the Council informs me in its submission that those sites are for much larger developments which would therefore make a more substantial contribution to HLS, making the circumstances different.
28. In balancing the issues concerned, I find that the unsustainability of the proposal's location, without any special over-riding circumstances, would significantly and demonstrably outweigh the small benefits referred to above, when assessed against the policies in the Framework taken as a whole.

Conclusion

29. For the above reasons, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR