
Appeal Decision

Site visit made on 29 November 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 08 December 2016

Appeal Ref: APP/U1430/W/16/3155711

Penard, Watermill Lane, Bexhill, East Sussex TN39 5JB

- 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 C. L. Yates against the decision of Rother District Council.
 - The application Ref RR/2016/693/P, dated 8 March 2016, was refused by notice dated 2 June 2016.
 - The development proposed is a single detached house with garage on land adjoining Penard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

The application was submitted in outline with all matters reserved with the exception of access and appearance. The appellants in their grounds of appeal indicate that the planning application consisted of Plans Indicative House (Plans & Elevations) (drawing number 79510/E/2). An additional plan was provided during the course of the application to show on-site parking. I have dealt with the appeal on this basis, treating the site plan and elevational drawings as illustrative, with the exception of the proposed access and parking layout.

The site address provided on the application has been replaced by a more concise version in subsequent documents. I consider this to be useful and have thus employed it here.

Main Issues

2. The main issues in this case are: -
 - a) Whether the proposal is in an inappropriate location for new residential development: and
 - b) The effect of the proposal upon the character and appearance of the surrounding area.
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Reasons

Location of new residential development

3. Policy RA3 of the Rother Local Plan Core Strategy (the Core Strategy) sets out a restrictive criteria approach to general housing development and protects the appeal site from development as it falls in the countryside. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid new isolated homes in the countryside unless there are special circumstances. The proposal does not fall within the criteria of Policy RA3 or Paragraph 55, therefore, the proposal would not support the rural community or economy. In this case there are no special circumstances before me that would justify residential development in the countryside. However, the Council has acknowledged it is currently unable to demonstrate a five year supply of housing. I will deal with the housing land supply shortfall below.
4. The appeal site is located in a small cluster of predominantly residential dwellings and a small number of non-retail businesses in this part of Watermill Lane. Whilst the appeal site would be an in-fill development between two established dwellings, it is isolated in terms of services and some distance from Bexhill and other established settlements, such as, Crowhurst and Catsfield. Future occupiers would have to travel in order to access a wider range of shops and services as none are in close proximity to the appeal site. There are limited public transport options close by. Access to public footpaths is available but these traverse fields and woodlands and provide recreational walking opportunities but no direct links to nearby settlements. Watermill Lane is a narrow, winding, undulating, rural lane that is not served by lit footpaths. Walking and cycling to and from the site would be potentially hazardous and unappealing, particularly at night and in the winter.
5. There are therefore practical difficulties for access by walking, cycling and public transport. The proposal would provide two parking spaces, turning and access acceptable to the Highway Authority. The occupiers would rely to a large extent on the use of private vehicle to access services and facilities on a day-to-day basis. The appellant contends that with changing lifestyles there are more opportunities for home working and many people no longer visit shops for general purchase but access these on line. Increasingly the alternative would be to have deliveries from local stores in service centres. I am not persuaded by the appellants' point that the work/life balance at an affordable cost offered by the property would, in terms of energy use and carbon footprint, be more sustainable. Vehicle travel, whether it is by the future occupiers or deliveries to the property would take place and this is the least sustainable mode of transport.
6. The appellants contend that this small settlement forms part of a hierarchy of different sized settlements that rely in turn on one another. The overall impression is of a dispersed rural community with very limited local facilities. In this context, an additional dwelling on this isolated site could not make a significant contribution to the long-term vitality and sustainability of this cluster of rural dwellings and small number of businesses or other settlements, villages or towns, or support the provision of other nearby services and facilities, whether related to the rural economy or not.
7. For these reasons, the proposal would conflict with paragraph 55 of the Framework as the dwelling would be isolated in the countryside and would not

meet the criteria that would amount to special circumstances. It would also conflict with Policy TR3 of the Core strategy which seeks to minimise the need to travel and supports good access to employment, services and community facilities, amongst other matters.

The character and appearance of the surrounding area

8. The core planning principles set out in paragraph 17 of the Framework include a need for planning to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Policies OSS4 (iii) and RA3 (v) of the Core Strategy indicate that development should not detract from the character and appearance of the locality ensuring that all development in the countryside does not adversely impact upon the landscape character.
9. Although there is a small collection of dwellings in this area the surrounding land is open green fields. The character of the area remains distinctly rural. The properties are mainly detached houses set back from the highway and situated in spacious landscaped plots. Although a proposed dwelling of appropriate design and scale could be achieved similar to those located nearby and the proposal would not result in the change in residential use of the site, the proposal would introduce new built development where none currently exists and infill the existing space between developments. The proposal would increase the density of development and result in a reduction of the separation between properties and create two narrow plots. Although, in my opinion, the resulting plot widths and the development density would be comparable to others in this location, a dwelling on the undeveloped part of this site would significantly change the appearance of the area and harmfully fill the gap that contributes to the rural character of this location. The creation of built development would have an incremental urbanising effect harmful to the character and appearance of this rural area.
10. The proposal seeks to create a parking area to the front. Thick roadside hedges and mature trees along the property frontages contribute to the rural character of the area. The requirement of parking and turning to the front of the plot is brought about by the proposal to create an additional dwelling at the site and would be unlikely to happen if the proposal did not take place. This is likely to require the removal of existing trees and vegetation within the garden. Although a grass-crete surface is proposed, I am not persuaded that this would result in a natural appearance that would be fully compatible with its surroundings. The creation of a parking area within the frontage of the site would be visible from the road and would create a further urbanising feature out of keeping with the rural character of the surrounding area.
11. I acknowledge that the proposal may not conflict with other development plan policies and that the application did not meet with public objection. The site is not constrained by Area of Outstanding Natural Beauty or Conservation designations. However, such advantages would not fully outweigh the significant environmental impact of the proposal in this location.
12. For these reasons, the proposed development would be harmful to the character and appearance of the appeal site and its surrounding area and conflict with Policies OSS4 and RA3 of the Core Strategy which seek development to respect and not to detract from the character and appearance

of the locality and to ensure that all development in the countryside does not adversely impact on the landscape character, amongst other matters.

The planning balance

13. In relation to housing, paragraph 49 of the Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision-taking, paragraph 14 of the Framework explains this means approving proposals that accord with the development plan without delay and, where the development plan is absent, silent or out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits. This concept has three dimensions which are mutually dependant – economic, social and environmental (paragraph 7).
14. The Council has indicated it falls slightly short of providing a 5 year future housing land supply. The appellants contend that there is limited opportunity to make up the shortfall in housing sites within the District as much of the District, being rural, is off-limits. The appellant suggests that if the Council had established development boundaries around the settlement of Watermill Lane the development would be considered acceptable and would offer an opportunity for individuals who desire to live in the countryside. However, this is not the case. In view that the Council cannot demonstrate that a 5 years supply of housing sites is in place only little weight can be given to Policy RA3 insofar as they relate to restrictive rural housing criteria; nonetheless, Policy RA3 (v) also has a role in protecting the character and appearance of the countryside which is consistent with the Framework.
15. The proposal would provide an additional housing benefit by contributing a dwelling to the District's overall housing supply. Such a benefit would be consistent with the social and economic dimensions of paragraph 7 of the Framework, although it would in my view be relatively limited. Notwithstanding this, the appeal site falls in the countryside well away from existing towns and villages and the proposed development would not meet the environmental role by failing to respond to the need to mitigate and adapt to climate change by moving to a low carbon economy and causing harm to the character and appearance of the area. I find that the harm identified would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

Other Matters

16. The appellant has drawn my attention to the potential to convert agricultural buildings to dwellings under permitted development but this does not apply in this case. I therefore give this little weight in reaching my decision.

Conclusion

17. The proposal does not, therefore, represent a sustainable form of development. Consequently, having had regard to all other matters raised, including lack of local representation, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR