The Planning Inspectorate

Appeal Decision

Site visit made on 22 November 2016

by Nick Palmer BA (Hons) BPl MRTPI

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

Decision date: 09 December 2016

Appeal Ref: APP/C1435/W/16/3154744
Olives Farm, Back Lane, Cross in Hand, East Sussex TN21 0QG

- 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 Mr & Mrs Tim Hugo against the decision of Wealden District Council.
- The application Ref WD/2015/2634/F, dated 20 November 2015, was refused by notice dated 20 April 2016.
- The development proposed is two residential dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:

   i) the effect of the proposed development on the character and appearance of the area; and

   ii) the accessibility of the site to services and facilities by means other than the car.

Reasons

Character and Appearance

3. The site is in the open countryside to the south of Cross in Hand and is outside any development boundary as defined in the development plan. Back Lane is a narrow lane with trees and hedges along both sides. There are open areas to the immediate south of the village but the part of the road where the site is located has a number of large detached houses which stand in large gardens. The built form of those dwellings contributes to the character of the area but a sense of spaciousness is maintained and the dwellings do not change the predominantly rural character of the area.

4. The Council has granted permission for 5 dwellings at Springfield Nursery which is on Back Lane to the north of the site. That development would replace an existing dwelling and nursery buildings and would increase the amount of built development but would nonetheless maintain the sense of spaciousness in that the approved dwellings would be set back from the road.

5. The site forms part of the garden of Olives Farm. To its rear is an open paddock and beyond that ancient woodland. Although the site together with

the built development along Back Lane is identified as 'sensitive urban edge' in the Wealden Landscape and Settlement Character Assessment (LSCA) (2014) the adjacent open landscape is identified as being of very high sensitivity in the LSCA. The site is within the High Weald Area of Outstanding Natural Beauty (AONB).

6. The site includes a garage and workshop/stable building but this is small in scale. A tennis court is to the rear and not readily visible from the road. The site would be divided into two plots which would be of similar width to others in the area including those to be formed at Springfield Nursery. However their depths would be less than is typical and in this respect the development would be at a relatively high density. The designs of the proposed dwellings would be of good quality but their scale in relation to the plot sizes would be intensive in relation to adjacent dwellings. For this reason the development would have an urban appearance which would be out of keeping with the generally open rural character of the area. The frontage hedge would screen the dwellings from the road to some extent and this could be supplemented by further planting but this would not be sufficient to overcome my concerns on this issue. For the reasons given the proposal would not accord with the first paragraph of saved policy EN27 of the Wealden Local Plan (LP) (1998) which requires development to respect character and promote local distinctiveness.

7. The Framework encourages the use of previously-developed land such as the appeal site but this is subject to the proviso that the land is not of high environmental value such as land within an AONB. The statutory purpose of the AONB designation is to conserve and enhance natural beauty and the National Planning Policy Framework[1] (the Framework) requires that great weight should be given to this. While the site is within an area of built development, that area is defined as 'sensitive' in the LSCA. For the reasons given the proposal would not conserve or enhance the natural beauty of the AONB and would unacceptably harm the character and appearance of the area. The proposal would not accord with saved policy EN6 of the LP which requires conservation and enhancement of the natural beauty and character of the landscape in the AONB. Neither would the proposal accord with policy SPO1 of the Wealden Core Strategy Local Plan (CS) (2013) which requires protection and enhancement of the nationally designated landscape.

Accessibility

8. The site is about 800 - 850m from the main road junction at the centre of Cross in Hand which is an easily walkable distance. The village has a limited range of facilities including a bakery, a petrol filling station with shop, a public house and recreation ground. The site is about 2 km from Heathfield which has a full range of local facilities including schools and supermarkets.

9. Back Lane does not have footpaths or street lighting however the appellant has provided evidence that it is used by pedestrians and indeed that it is an attractive route. The speed limit is 30 mph along most of the route as far as the appeal site and actual vehicle speeds have been measured lower than this. The route may not be attractive in bad weather or after dark but it nevertheless provides access to local facilities in the village which is designated in the CS as a neighbourhood centre.

[1] NPPF paragraph 115

10. There are bus services between Cross in Hand and Heathfield and footpaths along the main road. Access by bicycle to local facilities would be possible. There is a footpath to Heathfield which runs from the side of Olives Farm although I understand that this gets muddy and may not always be suitable for pedestrian access.

11. Cross in Hand no longer has a development boundary as defined in the CS. However the village is identified under policy WCS6 of the CS for an allocation of 25 dwellings and the Council is considering an increase in the size of that allocation to 30 dwellings in its review of the Local Plan. Thus the settlement is recognised by the Council as having sufficient facilities to support modest housing growth.

12. The occupants of the proposed dwellings would undoubtedly make use of the private car to access facilities needed on a day-to-day basis but there are opportunities for the use of sustainable means of transport. For these reasons I find that there would be a reasonable degree of accessibility from the site to services and facilities by means other than the car.

13. Saved policy EN2 of the LP requires that major development is located efficiently in relation to public transport. The proposal in terms of its scale would not be a major development but for the above reasons it would accord with the aims of that policy. Policy SPO7 of the CS encourages reduction of the need to travel by car and the availability of alternatives would go some way to meeting that requirement.

Balance

14. Planning permissions have recently been granted for a net increase of 30 dwellings at Dad's Hill and Springfield Nursery which meet the Council's envisaged level of growth in the settlement. The proposal would exceed that number by a small amount but the Council cannot demonstrate a five year supply of deliverable housing sites. The Council's *Five Year Housing Land Supply as at 31 March 2016* report calculates that it has 3.96 years' supply of housing land. The appellant considers that the supply is likely to be less than this. However no alternative evidence on the objectively assessed need or the housing land supply is before me.

15. In the absence of a 5 year supply, paragraph 49 of the Framework states that policies for the supply of housing should not be considered up-to-date. Where this is the case, paragraph 14 states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate development should be restricted. The latter include policies relating to sites in AONBs. Policy WCS14 of the CS has a similar requirement to the Framework in this respect.

16. Policy SPO3 seeks to concentrate housing development in the main settlements. This restriction on the location of new housing is a policy for the supply of housing and is out-of-date in the absence of the requisite housing land supply. The proposal would not accord with the locational strategy of that policy but I can only give limited weight to this.

17. I have found there to be conflict with saved policy EN6 of the LP and policy SPO1 of the CS. Saved policy EN6 is permissive subject to specified

requirements and as such does not necessarily constrain the supply of housing. Policy SPO1 expresses support for development of the rural economy and while it requires protection of the landscape it is worded in a general sense and so would not necessarily have the effect of constraining housing supply. Those policies are consistent with the Framework and I give them full weight.

18. The proposal would be of benefit in helping to address the shortfall in housing supply. The appellant says that the shortfall is more severe than claimed by the Council in that more up-to-date data should have been used. In any case the scale of the development is limited and its contribution in this respect would also be limited. Accordingly I give limited weight to that benefit.

19. The appellants have put forward proposals for management of the adjacent woodland which is within their ownership. The suggested management proposals may be of benefit to biodiversity and to the woodland as a landscape feature but there is no suggestion that the management proposals are dependent on the proposed development. Accordingly I cannot give this matter material weight as a potential benefit.

20. On the other hand I have found there to be significant harm to the character and appearance of the area. One of the core planning principles of the Framework is to take into account the character of different areas and to recognise the intrinsic character and beauty of the countryside. Taking into account the Framework requirement to give great weight to the conservation of landscape and scenic beauty in the AONB I give significant weight to the harm that I have identified. That weight significantly and demonstrably outweighs the limited weight that I have given to the benefit. The proposal would not accord with policy WCS14 of the CS on this basis.

21. Details of a number of other appeals have been provided which concern housing proposals in the District in the absence of the required housing land supply. The weights which have been given to the benefits of each proposal and the adverse impacts identified vary in each case according to site-specific factors and other matters including the scale of development proposed. I have considered the proposal on its individual merits and because circumstances differ the other decisions do not alter my conclusions.

Habitats Regulations

22. The site is within 15 km of a number of habitats with Special Protection Area (SPA) and Special Area of Conservation (SAC) status. Appropriate assessment of the proposal would be required under the Conservation of Habitats and Species Regulations 2010 if I were to allow the appeal. However given my findings on the main issues I have not considered this matter further.

Other Matters

23. The Council's decision refers to saved policies HG5 and TR3 of the LP and policy SPO12 of the CS. Those policies relate to housing mix, means of access and road safety. The reason for refusal does not concern these matters however and so I have not considered them.

Sustainability

24. Saved policy EN1 of the LP requires development to be sustainable. Policy SPO8 of the CS allows for growth of villages where this would be sustainable.

The proposal would meet the social role of sustainable development by providing new units of housing and addressing the housing supply shortage. The occupants would be likely to support local community facilities and businesses and these aspects would accord with the social and economic dimensions. Employment would be generated during construction in accordance with the economic dimension.

25. Sustainable means of construction and energy saving measures could be incorporated. Such measures together with the ability to use sustainable means of transport including the provision of electric car charging points would accord with the environmental dimension. However the significant harm that I have identified in terms of impact on the character and appearance of the area would weigh significantly against that dimension. For this reason when considered in total the proposal would not be a sustainable form of development and would not accord with saved policy EN1 or with policy SPO8.

Conclusion

26. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR