
Appeal Decision

Site visit made on 9 January 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/C1435/W/16/3154070

Meadowside, Eastbourne Road, Uckfield, East Sussex TN22 5QW

- 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 Dr Lorraine Pearce-Altendorff against the decision of Wealden District Council.
 - The application Ref WD/2016/0807/FR, dated 4 April 2016, was refused by notice dated 1 July 2016.
 - The development proposed is described as '*install one graf 1,500 gallon cesspool, one high level float alarm, one wash down area for chemical loo effluent and a fresh water standpipe*'.
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Decision

1. The appeal is allowed and planning permission is granted for 'install one graf 1,500 gallon cesspool, one high level float alarm, one wash down area for chemical loo effluent and a fresh water standpipe' at Meadowside, Eastbourne Road, Uckfield, East Sussex TN22 5QW in accordance with the terms of the application, Ref WD/2016/0807/FR, dated 4 April 2016.

Procedural Matter

2. It was evident from my site visit that the development proposed has been carried out. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would conflict with development plan policy by virtue of being outside a development boundary and if so, whether there are any material considerations that outweigh such conflict.

Reasons

4. The site lies outside of any development plan boundary as defined in the Wealden Local Plan 1998 ('LP'). Policy GD2 of the LP states that development in such areas will be resisted unless it is in accordance with specific policies in that plan. The Council has confirmed that there are no such policies that afford support for the development and the appellant does not suggest otherwise. Accordingly, the proposal would conflict with Policy GD2 of the LP.
 5. However, the proposal relates to a small area of the appeal site next to a substantial hedgerow that forms the boundary with Meadowside, a residential property. The only indications of development above ground are the opening for the cesspool tank and the associated inspection chamber along with a small
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concrete base and three small timber posts with supply pipes and taps attached to them.

6. I saw that the appeal site is a grassed field that is part of a varied and gently rolling landscape which includes open fields and areas of woodland. To my mind, the proposal is not dissimilar to the domestic tanks and standpipes of a relatively low-key appearance that are often found sited in fields and against hedgerows in rural areas such as this. Moreover, the proposal is not overly prominent or unduly dominant and sits comfortably in its rural setting in terms of design and appearance. It does not cause any harm to the character and appearance of the appeal site or the surrounding rural landscape.
7. On the evidence before me, the facilities are required in connection with the intended use of the land in accordance with the Camping and Caravanning Club's 'Exempted Certificated Sites' scheme, which enables small, privately run campsites to operate without the need for planning permission. Whatever the case may be in relation to the history of the appeal site and the Council's administration of the application, the proposal before me appears to be a necessary requirement relating to the exercise of permitted development rights. In my view, this would also benefit the local economy and tourism in the area.
8. Furthermore, in allowing a recent appeal in October 2016¹ for a proposal that included a 'chemical disposal point, fresh water supply and cesspool to contain effluent', the Inspector found that the Council's reasons for refusal did not include any reference to such matters and did not find any harm in this regard. Overall, I find that the above are strong material considerations which in this particular case outweigh the conflict with Policy GD2 of the LP.

Other Matters

9. In reaching this view I have had regard to the third party representations regarding the use of the land, living conditions of adjoining occupiers and highway safety. However, the acceptability or otherwise of using other parts of the land owned by the appellant as an 'exempted' site is not part of the appeal proposal before me and therefore, such representations do not alter my view.

Conditions

10. I have considered the condition put forward by the Council but find that a condition that confirms the decision relates solely to the information submitted is not necessary as the development applied for has already been carried out.

Conclusion

11. Although there would be conflict with Policy GD2 of the LP, for the reasons set out above I consider that material considerations indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston
INSPECTOR

¹ APP/C1435/W/16/3147684