

## 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: 30<sup>th</sup> January 2017**

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**Appeal Ref: APP/C1435/W/16/3158339**

**Former Woodcutters Cottage, Lewes Road, Chelwood Gate, East Sussex RH17 7DA**

- 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 Birch Grove House Estate against the decision of Wealden District Council.
  - The application Ref WD/2015/2674/F, dated 26 November 2015, was refused by notice dated 14 March 2016.
  - The development proposed is described as '*reconstruction of former Woodcutters Cottage to provide Birch Grove Estate workers accommodation*'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
  - The effect of the proposal on the character and appearance of the area, with particular regard to the High Weald Area of Outstanding Natural Beauty.

### Reasons

#### *Policy context*

3. The appeal site is located outside of any settlement boundary and within the High Weald Area of Outstanding Natural Beauty ('AONB'). It is therefore in the countryside for development plan purposes and the relevant reason for refusal refers to saved Policy DC17 of the Wealden Local Plan 1998 ('LP'). This discourages the siting of a dwelling in a location such as this, unless it conforms with other policies in the plan. One such policy is DC2 of the LP, which, although not referred to in the Council's reason for refusal does form part of their submissions and I have been provided with a copy.
  4. Both parties also refer to paragraph 55 of the National Planning Policy Framework ('the Framework') which discourages the provision of new isolated homes in the countryside unless there are special circumstances, such as the provision of a dwelling to meet the essential need for a rural worker to live
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permanently at or near to a place of work and the thrust of the appellant's submissions is that this policy allowance applies in this case.

5. Policy DC2 deals more specifically with proposals for new permanent agricultural dwellings outside development boundaries, setting criteria based on cancelled government guidance, Planning Policy Statement 7. The detailed and somewhat rigid criteria relating to financial and functional considerations are not entirely consistent with the national policy as now expressed in the Framework but as it is broadly consistent I attach significant weight to it.
6. By directing housing towards built up areas however, Policy DC17 seeks to restrict development in the countryside and forms part of the Council's strategic approach to the distribution and location of housing. It is a relevant policy for the supply of housing and given the Council has confirmed that it does not have a five year supply of housing land it cannot be regarded as being up to date. In such cases paragraph 14 of the Framework states (unless material considerations indicate otherwise) 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 taken as a whole; or specific policies in the Framework indicate development should be restricted. I have determined the appeal on this basis.

#### *Essential Need*

7. The proposal would be for a rural worker employed by the Birch Grove House estate, a 1,100 acre estate used for farming and leisure purposes providing full-time employment for 15 staff plus an unspecified number of part time workers. To my mind, a consideration relevant to determining whether there is an essential need is whether there are realistic alternatives to the proposed dwelling. The submitted Robert Luff & Co 'Best Price Guide' report does demonstrate that some house prices are high within the area and this is not in dispute. However, there also appears to be similar sized properties to the proposal before me that are available within a 5 mile radius. There is little substantive evidence before me to suggest that such alternatives would not be affordable to such a worker or unsuitable to fulfil such a need other than they may be in less rural locations.
8. Moreover, the appellant would also appear to own 10 cottages, only 6 of which appear to be occupied by full time members of staff. Although the appellant contends that the existing accommodation is insufficient to house the number of workers, the evidence does not demonstrate why other accommodation owned by the estate that could fulfil such a purpose, is not available or suitable. There is also no substantive evidence that there are no properties to rent, or that such properties would not be affordable.
9. Whilst I accept that this may be a convenient location given its proximity to the estate, there would still be vehicle movements to and from the appeal site to access services and facilities given its location. Whilst it is also commendable to look after the welfare of employees, including retired workers and their families, to my mind, this does little to demonstrate an essential need relating to the operation of the rural enterprise and the proposal would appear to relate to a general desire to add to the existing stock of homes as opposed to fulfilling an essential need for a rural worker. I am also mindful that whilst there is a large number of part time and/or seasonal staff required for the operation of the estate, this does not demonstrate an essential need for a worker to live

permanently at the site as it relates to fluctuating needs dependant on seasonal work demands and no details are given as to how the accommodation needs of such workers would relate to the proposal before me.

10. Overall, I am not therefore satisfied that an essential need has been demonstrated for a rural worker to live permanently at the appeal site and consequently, I find that the special circumstances to justify an isolated new home in the countryside do not exist. In this particular case, the proposal would therefore conflict with Policies DC17 and DC2 of the LP and paragraph 55 of the Framework.

#### *Character and appearance*

11. Paragraph 115 of the Framework states that with regard to AONBs great weight should be given to conserving the landscape and scenic beauty of these areas. The appeal site lies within a wooded landscape interspersed with open fields and paddocks and rural settlements and is part of a patchwork of such that positively contributes to the character of the AONB. Its boundaries contain mature trees and the topography of the land slopes away from Lewes Road and contains predominantly scrub with some storage of materials evident, including aggregates and building materials.
12. Regardless of its use, the existing structure is severely dilapidated and has blended into the landscape over time with only part of its walls evident, set amongst ivy, weeds and other vegetation. It reflects the surrounding distinctive balance of mature woodland and green, open space in which buildings are minor landscape elements. Its replacement with a much larger structure, that incorporates an extension, would be noticeably more conspicuous within the appeal site and the surrounding landscape. This would be exacerbated by the likely clearance of the scrub and other vegetation on the site once established.
13. It is also inevitable that there would be some associated residential paraphernalia, not least because of the limited size of the dwelling and although the existing access would be utilised, the plans show a considerable parking and turning area. As a result there would be a noticeable change in the rural character and appearance of the site and a degree of suburbanisation. In the context of such a designated landscape, which is afforded the highest status of protection there would be some moderate harm to the character and appearance of the area. This harm is not outweighed or justified by the presence of the existing structure or the fact that a much smaller dwelling may have previously existed on the site and furthermore, could not be mitigated by additional landscaping or the use of sympathetic materials.
14. For these reasons, the proposal would fail to conserve or enhance the natural beauty of the AONB and would harm the character and appearance of the area. The proposal would therefore conflict with Policies EN6, DC17 and DC2 of the LP and the Framework, insofar as they require such proposals to not be intrusive within the landscape and to conserve and enhance the natural beauty of the landscape.

#### **Other Matters**

15. The site is within a zone of influence around the Ashdown Forest Special Protection Area ('SPA'), Special Area of Conservation ('SAC') and Site of Special Scientific Interest ('SSSI'). The Council considers that because of the location

of the appeal site, the proposal would result in pollution effects associated with vehicle movements across the Forest which would not be mitigated against, adopting a precautionary approach due to on-going monitoring of the effects of atmospheric pollution.

16. The appellant contends that financial contributions are required to support Suitable Alternative Green Space ('SANGS') in combination with a package of Strategic Access, Management and Monitoring ('SAMMS') to mitigate the impacts predicted from recreational pressure. However no details of this are provided, nor any mechanism which would secure such access other than a suggested condition from the Council. Whatever the case may be, if the circumstances leading to a grant of permission had been present, I would have given further consideration to the impact upon the SPA, SAC and SSSI in accordance with the Habitats Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider these matters further.
17. The appellant would accept a condition restricting its occupation but as it has not been demonstrated that there is an essential need for the dwelling, this would not address the harm I have identified. I also note the support from the Parish Council, however this does not outweigh the harm I have identified in relation to the main issues and does not therefore alter my views.

*Planning balance and overall conclusions*

18. In accordance with the requirements of paragraph 14 and footnote 9 of the Framework, in these circumstances the presumption in favour of sustainable development should not be applied as I have found that specific policies in the Framework indicate that development should be restricted.
19. In the unweighted balancing exercise, one additional dwelling would make a limited contribution to the supply of housing within an area of undersupply and would provide some support for services and facilities in the wider community. There would also be some limited economic benefits during construction. However, these contributions would be very modest and therefore only weigh to a limited degree, in favour of the proposal.
20. Set against this, there would be conflict with Policies DC17 and DC2 of the LP, albeit that DC17 cannot be afforded full weight insofar as the policy relates to the supply of housing. I also attach substantial weight to the failure to conserve or enhance the natural beauty of the AONB and the resultant conflict with Policy EN6 of the LP and the Framework, in this respect. Furthermore, an essential need has not been demonstrated and the proposal would conflict with paragraph 55.
21. Bringing my conclusions together, I find that the harm that I have identified would not be outweighed by the benefits of the proposal. The proposal would conflict with the development plan, when taken as a whole and the Framework. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR