
Appeal Decision

Site visit made on 21 March 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/C1435/W/16/3165912

The White Hart Public House, London Road, Hellingly, East Sussex BN27 4DJ

- 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 London and Continental Securities Ltd against the decision of Wealden District Council.
 - The application Ref WD/2016/1133/F, dated 9 May 2016, was refused by notice dated 19 September 2016.
 - The development proposed is change of use from public house (A4) to residential (C3); demolition of existing pub and ancillary buildings; 6 new dwellings; car port.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description used above is an agreed amendment to the description originally used on the planning application forms.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the area and the future residents.

Reasons

4. The appeal relates to the site of this public house and its car park which are situated on the opposite sides of London Road. All of the existing buildings would be demolished on the site of the public house and would be replaced by 4 houses (plots 1-4) and 2 houses (plots 5 and 6) would be sited on the opposite side of the road. It is clear from the Council's submissions that their main area of concern relates to plots 5 and 6.
5. The existing car park is open and is bounded on all sides by open land forming garden, the recreation ground to the rear and the associated car park to the side. Rather than appearing largely built-up, as the opposite side of the road does, the existing car park appears as part of a much larger open area which provides relief from buildings here.
6. The car park is relatively shallow and wide and the proposed pair of houses would be sited at the rear edge of the pavement and a very short distance from

the rear plot boundary. The only garden would be to the side of each house. The garden for plot 5 is shown to be about 7m wide and that for plot 6 about 11m but some of that would be taken up by 2 car parking spaces (one for each house). The appellant points out that there are a number of existing houses in the area that are sited close to the back edge of the pavement and some houses have side garden areas. Those houses close to their front boundaries that I saw mainly formed longer groups within largely built-up frontages whereas the proposed 2 houses here would stand in relative isolation with significant gaps to either side.

7. The garden area for plot 5 in particular appears very small to me and is only roughly equivalent to the footprint of the modest house itself. Even taking account of the slightly larger garden at plot 6, this would still appear small and constrained by the 2 parking spaces. The small size of the plots would be obvious when viewing the houses as the rear boundary formed by the existing hedge marks the clear limit of the site. Whilst I have noted the other forms of development that have been drawn to my attention by the appellant, I consider that the proximity to the front boundary, the relative isolation of the site, the small side gardens and the clear lack of depth of the site are factors that all combine to result in a form of development that would be clearly cramped and out of place in its context.
8. Other than the 2 car parking spaces provided at plots 5 and 6, those for the other 4 houses are to be located in a car parking area on the main part of the appeal site; this would include an additional space each for plots 5 and 6. The layout proposed has resulted in a particularly small rear garden for plot 1 due to 2 car parking spaces. I agree that the rear garden of plot 1 would be unacceptably small and this has arisen due to the need to provide sufficient car parking space for plots 5 and 6 which cannot be accommodated within their plots.
9. In relation to the internal layout of the houses on plots 5 and 6, the Council are critical of the proximity of the front and rear plot boundaries to the elevations of the houses. Whilst I agree that they are close, I consider that the internal open layout of the ground floor would mean that the development would not be oppressive for the intended residents, in this respect. I have also considered the likelihood of disturbance from the recreation ground but find that the prospect of this to be unlikely to be sufficient to resist the appeal by itself.
10. Although not contained in the Council's reason for refusal, their appeal statement raises the issue of foul drainage and the possibility of its effects on the capacity of the Hailsham North Waste Water Treatment Works and the consequent effects on the Pevensey Levels, which is a Ramsar Site and Candidate Special Conservation Area. However, I note in the submitted documents and the proposed schedule of conditions that the Council appears to accept that this is a matter that can be dealt with by a suitable condition.

Conclusion

11. I have taken account of the fact that the officers of the Council recommended that planning permission should be granted for the proposal. However, when assessed against local and National policies I have found that there is a sound basis for rejecting the appeal.

12. For the reasons set out above, I consider that the proposal would have an unacceptable effect on the character of the area due principally to the inadequacies of proposed plots 5 and 6 to accommodate the proposal. I have taken account of the fact that the Council cannot demonstrate a 5 years supply of housing land but I consider that the deficiencies in the appeal scheme clearly and demonstrably outweigh the benefits of providing more houses here. Therefore, the proposal is contrary to Saved Policy EN27 of the Wealdon Local Plan, Objective SPO13 and Policy WCS14 of the Wealdon Core Strategy and there are no matters which outweigh this. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR