
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/16/3161255

29a High Street, Uckfield, East Sussex TN22 1AG

- 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 Centaur Estates (Southern) Ltd against the decision of Wealden District Council.
 - The application Ref WD/2016/0234/F, dated 29 January 2016, was refused by notice dated 20 April 2016.
 - The development proposed is extension and conversion of existing building to provide 3 one bedroom apartments and associated works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the Ashdown Forest, which is designated as a Special Protection Area (SPA), a Special Area for Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

Reasons

3. The appeal site lies within 15km of the Ashdown Forest. Along with other nearby SPAs, Ashdown Forest forms part of an area of heathland which support birds of European importance. The SPA was declared under the European Birds Directive and is mainly concerned with populations of Nightjar and Dartford Warbler. The SAC has two qualifying features relating to wet heaths and dry heaths.
4. The case set out by the Council relates to the effects on the SAC which would arise from an alleged increase in car use and consequent Nitrogen emissions. The crux of the difference between the Council and the appellant concerns the likelihood of the proposal to increase car use and, as a consequence, emissions which would have a detrimental effect on the SAC.
5. The existing appeal site accommodates a 3 bedroom flat and planning permission exists to increase its size but still with 3 bedrooms. The permitted size of the building is the same as in the appeal scheme. The appellant states that the approved flat could accommodate a family 5 people and that the likely number of vehicle trips would be 4 per day; they then add that the proposed 3 flats would be less likely to accommodate car owners and that the proposal

- would amount to a “trade-off” and would not significantly alter the number of vehicle movements.
6. The Council sets out in its submissions that evidence suggests that a significant number of dwellings are not occupied to their theoretical maximum and so there will not be a directly proportionate correlation between an increase in bedrooms and numbers of people within a household. The Council adds that the spread of 3 bedrooms across a single household would not have the same impact as 3 bedrooms each in 3 individual households. In relation to this point, I agree with the Council, that 3 individual households will be more likely to generate trips than a single household (comparing the appeal scheme with the approved scheme). Three separate households are more likely to have greater numbers of adults than a single household and so the general likelihood of the presence of drivers is greater. Again, the likelihood of deliveries, visitors etc to 3 individual households is greater than to a single household. I have taken account of the probability that a household occupying a 3 bedroom flat would have greater numbers but I consider that 3 individual and smaller households would be likely to generate more vehicle trips, even accounting for a reduced likelihood of owning a vehicle.
 7. The appellant refers to the appeal site as being in an accessible location where reliance of the car could be low as alternative modes are available, as are services and employment. However, I am mindful that this would equally apply to residents of the permitted scheme as well as the appeal proposal and so may suppress the overall numbers for each scenario but would not affect the relative differences between each scheme, in my view.
 8. The SAC is sensitive to pollutants arising from vehicle emissions as they lead to a deterioration of both the wet and dry heathland. I am required to exercise a precautionary approach in determining these effects and also to consider the effects of the proposal by itself and in combination with other projects. In relation to this matter, there is no mitigation which would reduce the effects of the proposal. As a consequence, I find that the proposal would be likely to result in an increase in vehicle movements which would have an adverse effect on the SAC.
 9. In relation to the SPA, the Council have set out that the effect relates to the visitor impact and that these may be mitigated for by the provision of measures which may include Suitable Alternative Natural Greenspace (SANGS) and a package of Strategic Access Management and Monitoring (SAMM) measures, but may also appropriately include others. The Council have indicated that these could be secured by a condition, if permission were to be granted. The Council indicates that such a scheme may not necessarily include a payment to the Council and so consider that a condition is appropriate. Whilst I have reservations that this could be seen as conflicting with the advice in the national PPG regarding such matters, the Council have offered other cases where it has been found acceptable. As I am dismissing the appeal for other reasons, I need not take this matter further.

Conclusions

10. I have taken account of the location of the proposal and the fact that the Council has also recently agreed to additional development as a result of an identified “headroom” arising from unimplemented schemes locally. From the submissions, it appears that the “headroom” has already been taken up. The

appellant refers to the possible fall-back of the approved scheme and also to a possible change to a HMO of 6 people, which could be undertaken without permission; I have addressed the first point earlier and in relation to the HMO, I find it likely that car ownership would be significantly lower for such a development and so is not comparable to the appeal scheme. I have also taken account of the Council's inability to demonstrate a suitable supply of housing land but this does not outweigh the harm that I have identified.

11. In exercising the required judgement, I have found that the proposal would be likely to give rise to additional car movements which would have a detrimental effect on the SAC which cannot be mitigated for. Therefore, the proposal is contrary to Saved Policies EN1, EN7 and EN15 of the adopted Wealdon Local Plan and Policies WCS12 and WCS14 of the Wealdon Core Strategy. Accordingly, the appeal is dismissed.

S T Wood

INSPECTOR