
Appeal Decision

Site visit made on 21 March 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/C1435/W/16/3165077

Land at Windmill Cottage, Windmill Hill, Argos Hill, Mayfield TN20 6NR

- 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 Andrew Wagstaff against the decision of Wealden District Council.
 - The application Ref WD/2016/1547/F, dated 15 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is the erection of a Class 3 dwellinghouse within the curtilage of an existing residential dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in a sustainable form of development having regard to development plan policy and the character and appearance of the area¹, including the effect on the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The proposal is for a large two-storey detached house on part of the extensive grounds of Windmill Cottage, a large two-storey property situated on the south west side of the A267 to the north of Mayfield. Access to the site would be from Argos Hill Lane, a side road off the A267, via an existing access alongside another property, Oaks Barn. The whole area lies within the High Weald AONB, where the statutory purpose of designation is to conserve and enhance natural beauty.
4. The appeal site lies within a group of residential properties in the vicinity of the Argos Hill Lane/A267 Tunbridge Wells Road junction. These comprise a row of substantial detached houses set in large plots along the north eastern side of the A267 and a more informal scatter of properties to the south west of the main road. However, the area lies well outside the development boundary of Mayfield as defined in the Wealden Local Plan 1998 (WLP) and consequently in the countryside for planning policy purposes. As such, Policies GD2 and DC17 of the WLP apply to the site which restrict new housing development to certain limited categories, none of which apply in this case.

¹ The character of the area is referred to in the Council's reason for refusal.

5. The Council has subsequently adopted the Wealden District Core Strategy Local Plan 2013 (WDCSLP) which set the housing requirement for the district over the period to 2027, but this is already under review with the publication of an Issues, Options and Recommendations document in late 2015. The Council accept that they cannot currently demonstrate a five year supply of deliverable housing sites against their objectively assessed housing need and in these circumstances policies for the supply of housing should not be considered up to date. Consequently, although there are no proposals for the Argos Hill area to have a defined development boundary, Policies GD2 and DC17 of the WLP can only be given limited weight in this appeal.
6. The settlement in the vicinity of Argos Hill does not benefit from any facilities or community buildings, the nearest being in the village of Mayfield, a recognised local service centre, which lies some distance away along the A267. According to the appellant Mayfield is circa one mile away, the Council put the distance at over 2 km. In any event, the village is too far away to be readily accessible by foot with the route along the busy and unlit A267 being without footways for most of its length. The alternative route along the quieter but narrow Rotherfield Lane is also unlit and without footways, making walking an unattractive option particularly at night and in winter. These problems would also be a deterrent against regular cycling to the village.
7. There are three bus routes which provide reasonable services to Crowborough and Royal Tunbridge Wells, but the nearest bus stop is five minutes walk away at the Bicycle Arms. This involves either walking along the busy and unlit A267, crossing twice to use a footway, or the route along Argos Hill Lane which is quieter but has no footways and is also unlit. Overall, whilst there is some limited scope for sustainable travel to and from the appeal site the occupiers of the proposed house would be mostly reliant on the private car.
8. The proposal would be sited on part of the residential grounds of Windmill Cottage with that large property immediately to the north west, a pair of semi-detached houses adjacent to the south east and the single storey dwelling Oaks Barn just to the south. In addition, the site is screened on its boundaries with a tall hedge and some Scots Pines on the A267 frontage which would reduce the visual impact of the new house when seen from that road. From Argos Hill Lane the proposal would be seen behind Oaks Barn with the roadside hedge being unaffected. However, the proposal is for a large five bedroom detached house and separate double garage which would be clearly visible amongst the surrounding properties. It would represent a material consolidation of built development in the area, noticeably eroding the verdant character of the scattered and low density housing to the south west of the A267. In its turn, and contrary to the views of the appellant, this would be detrimental to the rural character of this part of the High Weald AONB.
9. For these reasons the proposal would not result in a sustainable form of development having regard to development plan policy and the character and appearance of the area, and would harm the character of the High Weald AONB. This would be contrary to Policies EN1 and EN6 of the WLP which seek to ensure sustainable development and conserve the natural beauty and character of the High Weald AONB. The proposal would also be contrary to Policies SPO7 and WCS14 of the Wealden Core Strategy 2013 which seek to reduce the need to travel by car and promote sustainable development respectively. Finally, there would be conflict with paragraph 115 of the

National Planning Policy Framework (NPPF) which places great weight on the conservation of landscape and scenic beauty in AONBs.

Other matters

10. The arguments in favour of the proposal have been carefully taken into account. These include the status of the site as previously developed land because it is outside a built up area². The proposal would provide an additional dwelling which would have important social and economic benefits for the area and make a modest but worthwhile contribution to the housing land supply shortfall in the district. However, these advantages, even in combination, do not outweigh the significant harm that has been identified under the main issue. Because the site lies within the High Weald AONB, where paragraph 115 of the NPPF indicates that development should be restricted, the presumption in favour of sustainable development does not apply in this case³.
11. The appellant draws attention to the Council's recent decision to grant planning permission for two dwellings on the site of a former greenhouse and potting sheds further from Mayfield about 1 mile north of the appeal site⁴. However, this appears to relate to the redevelopment of a previously built up site and in the absence of further details does not amount to a precedent relevant to this case. No examples are provided of recent permissions near Argos Hill Lane.

Conclusion

12. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

² Although this conflicts with the claim that the proposal represents infilling *within* a built up area.

³ Footnote 9 to paragraph 14 of the NPPF.

⁴ Reference WD/2014/1757/F