



Appeal Decision

Site visit made on 24 April 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 11 May 2017

Appeal Ref: APP/C1435/W/17/3167086

Robin Post, Gingers Green, Herstmonceux BN27 4PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs W Martin-O'Donoghue against the decision of Wealden District Council.
 - The application Ref WD/2016/2139/O, dated 26 August 2016, was refused by notice dated 11 November 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with access for consideration at this stage. I have dealt with the appeal on this basis, treating the proposed site layout plan as illustrative only with the exception of the details pertaining to the access arrangement.

Main Issues

3. The main issues in this case are whether the proposal is an appropriate location for new residential development to avoid the over-reliance on the car and highway safety.

Reasons

4. Policy WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013 (the Core Strategy) sets out the presumption in favour of sustainable development. Policy SPO7 of the Core Strategy encourages reduction of the need to travel by car by concentrating development where it can most closely relate to public transport opportunities and make it easier to travel by more sustainable modes of transport. Policy SPO8 of the Core Strategy indicates that some additional growth that will continue to support the day to day need of rural communities will be accommodated where it would be sustainable. The site lies outside of any designated development boundary and is in the countryside.
 5. The Council, however, has acknowledged it is currently unable to demonstrate a five year supply of housing. Paragraph 47 of the National Planning Policy Framework (the Framework) and, in such circumstances, paragraph 49
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instructs that policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The presumption in favour of sustainable development at paragraph 14 of the Framework requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Accessibility

6. The appeal site is located within a loose linear cluster of dwellings positioned either side of the highway. These dwellings are surrounded by open countryside. Gingers Green has no services or facilities. The appeal site comprises part of the garden of Robin Post and is enclosed by a mature hedge. A single garage currently occupies the appeal site, although my attention has been drawn to planning permission being in place to erect a replacement double garage with first floor storage in the roof space.
7. Paragraph 55 of the Framework seeks to avoid isolated homes in the countryside unless there are special circumstances. The Council advise that the appeal site is located approximately 1.5 km from Herstmonceux, a 'Local Centre', that has a relatively limited number of services, although it has a primary and secondary school, village hall, post office, health facility, village stores and food and drink establishments. However, overall I consider it has a limited supply of social and economic infrastructure and local residents would depend upon other centres to meet a broad range of needs. The main service centre of Hailsham is approximately 3.5km travel distance from the appeal site, where there is a good range of employment, leisure and retail services and facilities, including supermarkets.
8. Public transport is available along the A271 some distance to the south of the appeal site. There are no footways or street lighting along the adjoining highway which shows all the characteristic of a narrow rural lane. Walking and cycling to and from the site would be potentially hazardous and unappealing, particularly at night and in the winter. There are therefore practical difficulties for access by walking, cycling and public transport. The occupiers of the proposed dwellings would, in my opinion, rely to a large extent on the use of private vehicles to access services and facilities on a day-to-day basis even if cycle storage facilities were provided at the appeal site.
9. Further to the above, paragraph 55 of the Framework promotes sustainable development in rural areas where it would enhance or maintain the vitality of rural communities. The creation of one dwelling in this location would not, in my opinion, contribute in any significant way to supporting services in a nearby village or other rural communities.

Highway Safety

10. I observed that the visibility at the access is restricted by the high hedgerow either side of the access. I also observed that vehicles park at the side of the highway. Whilst the nature of this rural lane is likely to reduce travel speed, the visibility, and particularly that of oncoming traffic at the right side of the access, would be extremely restricted. The occupiers of a new dwelling would likely use the access with more frequency than the current occupiers. The visibility of oncoming traffic, pedestrians or cyclists would be extremely limited

when leaving the site. There would, therefore, be an increased risk to highway safety as a result of poor visibility at the access.

11. For the above reasons, the proposed development would conflict with Policies SPO1, SPO7, SPO8, WCS12 and WCS14 of the Core Strategy that seek to reduce the need to travel by car and to accommodate housing growth where it would support the day to day needs of rural communities, amongst other matters. The proposal would also conflict with Paragraphs 17, 30 32, 34 and 55 of the Framework that seek to actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling and focus development in locations which are sustainable supporting the reduction in greenhouse gas emissions. This weighs heavily against the scheme.

Other Matters

12. The appellant refers me to the Council's emerging Rural Areas Strategy and the Wealden Local Plan Issues and Options Report dated September 2015. The Council has advised that this is a preparatory document and the first stage of the formal consultation relating to the emerging Local Plan. This plan is at a very early stage and remains to be fully scrutinised and tested through the adoption process. As a consequence I give little weight to this emerging Local Plan or those documents informing it.
13. Both parties have referred me to a number of appeal decisions. I accept they are similar to the proposed development before me in that they deal with the Council's present lack of housing sites. However, the location and context of these sites, including their previous use, and, in some cases the number of dwellings proposed, are different to that being considered here. The appeal before me relates to a different site and therefore can and should be considered in its own right.
14. My attention has been drawn to foul drainage and capacity for waste water treatment at both the North and South Hailsham Waste Water Treatment Works, along with pending future upgrades to these facilities. The appellant indicates that a sealed foul drainage system could be put in place until such times as a future connection to the main drainage system is possible. I have no reason to consider that this matter could not be satisfactorily dealt with.

Planning Balance and Overall Conclusion

15. The Council confirms that they do not have a 5-year supply of housing in place. The Council's policies that relate to the supply of housing are therefore out-of-date. Paragraph 14 of the Framework is therefore engaged, which states 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. Furthermore, I am mindful that the Framework and Policy WCS14 of the Core Strategy require decisions to be made with regard to the presumption in favour of sustainable development.
16. The new dwelling would support the social and economic dimensions of sustainable development, as set out in paragraph 7 of the Framework and construction costs would contribute to the local economy and provide employment during construction. The proposal would make beneficial use of a previously developed site and provide a four or five bedroom family home. The proposal would contribute toward the District's targets for housing delivery and

5-year land supply. However, given that the proposal is only for a single dwelling, I attach only moderate weight to these social and economic benefits.

17. Notwithstanding these considerations, the appeal site is remote from any existing town or village. The proposed development would not meet the environmental role by failing to respond to the need to mitigate and adapt to a low carbon economy or enhance or maintain the vitality of rural communities placing it in conflict with the environmental dimension of sustainability, as set out in paragraph 7 of the Framework. This weighs very heavily against the scheme. When the Framework is considered as a whole, I find the scheme does not constitute sustainable development. This is because the positive housing supply and other benefits set out above, are significantly and demonstrably outweighed by the identified environmental harm. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.
18. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR