

Appeal Decision

Site visit made on 22 May, 2017

by Nicola Davies, BA DipTP MRTPI

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

Decision date: 5th June, 2017

Appeal Ref: APP/C1435/W/17/3167192

Land adjacent to 2 Summer Bank Cottages, The Dicker, Lower Dicker, BN27 4BT

- 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 Purdie against the decision of Wealden District Council.
 - The application Ref: WD/2016/1972/O dated 6 August, 2016 was refused by notice dated 14 November, 2016.
 - The development proposed is an outline application for construction of one detached dwelling with use of existing access to lane. All other matters to be reserved for later determination.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with access only for consideration. I have dealt with the appeal on this basis, treating the 'ground floor plan and indicative elevation to lane' drawing as illustrative only.

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 whether the proposal would provide significant benefits to existing rural services and communities.

Reasons

4. The appeal site is located to the end of a loose cluster of dwellings positioned along one side of a lane extending from the A22. The appeal site comprises the side garden of 2 Summer Bank Cottages. Although there are detached dwellings immediately to the north and south of the appeal site, fields surround these existing dwellings. Whilst there are existing developments along the A22 on either side of the highway, these are intermittent and I consider these to be typical of sporadic development along 'A' roads. Although the appellant asserts that the appeal site forms part of the village of Lower Dicker, the site lies outside any defined development boundary and, in terms of planning policy, the appeal site does not form part of a settlement and is in the countryside.
-

5. The appellant submits that there would be a low level of trips associated with a single dwelling and that there are a number of facilities in the wider area that can be reached by walking or cycling. Notwithstanding the café at the end of the lane there is a limited range of commercial uses along the A22 and I observed that these generally are not of the type that would support day to day living. Whilst there are petrol station shops at Boship and Golden Cross, both are over a mile from the appeal site. Whilst the appellant refers to three other retail outlets located within 8 minutes walk of the appeal site no details have been provided that would indicate that these could support the day to day needs of future occupants.
6. The larger centre of Hailsham is further away, the appellants suggesting it is 3 miles from the appeal site. I consider it highly unlikely that future occupiers would walk or cycle this distance, especially with shopping, even if the route is lit and safe. Whilst I accept it would be physically possible to walk or cycle to Hailsham, Boship and Golden Cross this would not be very pleasant due to the traffic travelling along the A22.
7. A bus service runs along the A22 but I observed the nearest bus stops to be some distance along the A22 in either direction of the lane. Although this would offer access to smaller villages and the larger centres of Hailsham, Eastbourne, Uckfield and Lewes amongst others that have train services the bus timetables provided by the appellants indicate that the most frequent services run hourly. The appeal site, in my opinion, is not well served by public transport despite the availability of a school bus stop at the end of the lane.
8. I acknowledge the appellant's point that there may be a lack of general guidance that would clarify what represents 'good' access to services and facilities in terms of distance. A degree of judgement should therefore be applied. In my opinion, I consider future occupiers would be highly reliant on the private car to access a wider range of facilities and services to fulfil their day to day needs and in this respect the appeal site is isolated even if a new bus stop were created closer to the appeal site. Home deliveries from service centres would in their own right create vehicular travel even if they off-set some car journeys of the occupiers.
9. I note the appellant's letter submitted in support of the appeal that reflects their patterns of travel over the years. Nonetheless, despite the family walking, cycling and making use of bus services they retain the use of at least one private car.
10. Paragraph 55 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas where it would enhance or maintain the vitality of rural communities. The applicant considers that the appeal site is located where any future residents would feel fully part of the community. I accept that the appeal site would be close to business parks that could provide employment for future occupiers. In these particular respects the appeal site could not be considered isolated. Notwithstanding this, due to the very limited day to day services and facilities in the area and the ease of access to Hailsham for motorists, future residents would be unlikely to support these limited local services. Furthermore, the creation of one dwelling would not, in my opinion, contribute in any significant way to supporting local services and the vitality of other rural communities, including schools, public houses or village shops in the wider area.

11. The appellant refers me to the Council's emerging Wealden Local Plan Issues and Options Report which identifies Lower Dicker as a 'Local Settlement' and within a proposed employment sector. 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, those policies contained within it or future settlement designations and transport provisions.
12. Both parties have referred me to other appeal decisions. The appellant has provided me with an appeal decision at The Triangle¹ some distance north of this appeal site. I accept that appeal has some issues that are similar to the proposed development before me. The Council has referred me to appeals at Golden Cross. Although each proposal must be considered on its own merit I consider the conclusions of the Inspectors pertaining to those appeals at Golden Cross to be more relevant to this appeal given their closer proximity to this appeal site despite being earlier decisions than that of The Triangle.
13. In the appeal at Land at Golden Cross² the Inspector indicated that Lower Dicker is not the form of population settlement that warrants support through ad hoc permission for the building of dwellings given his observations in relation to the sporadic nature of the existing development at Lower Dicker. The Council has also indicated that the Inspector's decision at Land adjacent to West View³ had regard to the absence of a five year supply of housing land and took into account the proposal was unlikely to support the limited services and the rural community.
14. The appellant has also provided aerial maps that refer me to planning permissions for dwellings granted at other rural locations. The sites were either located inside or close to the areas identified for housing growth within the emerging Local Plan which the Council indicates is not the case with this appeal site. The appeal before me relates to a different site and therefore can and should be considered in its own right.
15. For those reasons set out above, the proposed development would conflict with Policies GD2, EN1 and DC17 of the Wealden Local Plan (the Local Plan) and Policies SPO7, SPO8, SPO14 and WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013 (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 services and communities, amongst other matters. The proposal would also conflict with Paragraphs 7, 17, 28, 30, 34, 51 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.

Planning Balance and Overall Conclusion

16. The Council's stance is that, given the site's location beyond the settlement boundary, it lies within the countryside for the purposes of the relevant development plan policies where restraint is placed on new housing. Both parties agree, given the Council's current position with regards to the supply of

¹ Appeal ref: APP/C1435/W/16/3150981

² Appeal ref: APP/C1435/A/14/2228185

³ Appeal ref: APP/C1435/W/15/3129798

housing sites, that Policies GD2 and DC17 cannot be considered up-to-date (in accordance with paragraph 49 of the Framework) and that limited weight should be given to these policies.

17. 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, Policy EN1 of the Local Plan and Policy WCS14 of the Core Strategy require decisions to be made with regard to the presumption in favour of sustainable development.
18. The new dwelling would, to some extent, support the social and economic dimensions of sustainable development, as set out in paragraph 7 of the Framework. The proposal would make a small contribution to the District's housing supply and potentially provide a home for elderly or less mobile persons. However, given that the proposal is only for a single dwelling, I attach only moderate weight to this social benefit. The proposal would bring about some economic benefit through construction works but such benefits would be short-lived. There would be some localised spend by future occupiers at businesses close by but this is unlikely to be significant. The new homes bonus and annual council tax would both contribute to the local economy. I attach moderate weight to these economic benefits.
19. Turning to environmental considerations, I acknowledge the dwelling could be well screened by landscaping and is a well contained site in terms of its landscape impacts and would not affect the wider Low Weald Landscape Character Area. I am satisfied that a dwelling that would reflect the existing residential development close by could be created at the appeal site. The proposed development is acceptable to the Council in terms of ecology, design, parking and access arrangement and has the support of Hellingly Parish Council. I therefore afford modest weight to such benefits.
20. Notwithstanding these considerations, the proposed development would not meet the environmental role as it would not reduce the need to travel by car and would not support the day to day needs of existing rural services and 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 specific environmental harm identified. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.
21. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR