

Appeal Decision

Site visit made on 5 July 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 13 July 2017

Appeal Ref: APP/C1435/D/17/3173351

2 Smugglers Cottages, Hoadleys Lane, Crowborough TN6 1TH

- 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 Stephen Palmer against the decision of Wealden District Council.
 - The application Ref WD/2016/2819/F, dated 20 November 2016, was refused by notice dated 17 January 2017.
 - The development proposed is the construction of a driveway access and parking area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the local landscape area.

Reasons

3. No 2 Smugglers Cottage comprises a semi-detached cottage located in a countryside location outside the built up area of Crowborough, and set up approximately 2 metres above the level of Hoadleys Lane. The latter is a lane of some character being largely enclosed with high banks and mature vegetation to both sides for its most part. Access to both Nos 1 & 2 Smugglers Cottages is via a short lane leading off Hoadleys Lane to the north west of the site. The access provides both vehicular and pedestrian access to both cottages and I am advised that each benefits from an informal parking arrangement courtesy of an agreement with the owners of the main estate house. Opposite the site of the proposed access is a recently formed parking area which provides off road parking for 5 vehicles adjacent to Hoadleys Lane. The site is within the High Weald Landscape Character Area.
4. The appellants argue that the formation of the parking area opposite has had a significant urbanising effect and that the arguments raised by the Council in this case do not appear to have been raised in that instance. There is thus an inconsistency in decision making. Reference is also made to other examples where accesses have been formed by cutting into banks, including within the Area of Outstanding National Beauty.

5. The Council advises that Hoadleys Lane was identified in the Wealden Landscape and Settlement Character Assessment 2014 as part of a remnant historic landscape falling within the Central High Weald Character Area. Some of the key characteristics identified in that area include: '*ancient route ways in the form of ridge top roads and a dense system of radiating droveways often narrow, deeply sunken and edged with trees....*'. In my view, Hoadleys Lane is a charming example of such routeways with a largely enclosed feeling to both the east and west of the application site, particularly because of the high banks and vegetation. I acknowledge that considerable care has been taken to devise a scheme which would mitigate impact, but because of the height of the bank and the engineering works required to facilitate an 8m wide opening, it would have a significant effect on the character of the lane, which, together with loss of vegetation, would have a harmful visual impact. I note that new planting is proposed, but this would not compensate for the enclosed and vegetated character which currently exists.
6. I acknowledge the impact caused by the recently constructed parking area opposite the site. In that respect, the evidence before me is somewhat contradictory in that the Council claim that informal parking arrangements were already in place whereas a photograph provided by the appellant suggest that was not the case, or at least to the extent that now exists. The Council advises that there were a number of other factors which influenced its decision to grant permission in that instance. However, whatever the previous situation, in my view the formation of the parking area has significantly opened up the enclosed nature of the lane to the detriment of its prevailing character. To compound that by allowing further significant engineering works directly opposite, would cause further significant harm and the previous permission is not a good reason in itself to justify such additional harm.
7. I note the reference to other apparently similar examples elsewhere, but the full background or site contexts of those cases are not before me and I have reached my findings above based on the circumstances of the current site. I also acknowledge that the site does not form part of the Area of Outstanding National Beauty (AONB), a point the Council has since clarified, and have therefore not attached any significant weight to the relevant policies relating to development within the AONB in reaching my findings.
8. Turning to the potential impact upon the adjoining mature Oak tree in the front garden of No 1 Smugglers Cottage, the Council considers that a significant amount of the root protection area would be adversely affected by the proposed works, but there is no specific evidence before me to support the figures quoted. In contrast, a detailed Arboricultural Impact Assessment prepared by PJC Consultancy dated 22 March 2017, suggests that less than 5% of the root protection area would be affected. I afford greater weight to that report and consider that had I been minded to allow the appeal, a condition requiring suitable methodology for excavation could have satisfactorily preserved the health and condition of the existing tree.
9. I acknowledge the desirability of providing direct access and on-site parking to the site, which would provide greater long term security than the informal arrangement which currently exists. However, for the reasons set out above, the proposed extent of engineering works required, together with the loss of road side vegetation, would seriously harm the character of Hoadleys Lane.

10.I also note there were no objections from the Highway Authority, Parish Council or local community. However the absence of such objections is not necessarily a good reason to justify a proposal which I have found would cause significant harm.

11.The proposal would therefore be contrary to Policies SP01 and SPO13 of the Council's Core Strategy Local Plan 2013, and Policies DC19, EN12 and EN27 of the Council's Local Plan 1998, in that it would not enhance a distinct landscape of the District or promote local distinctiveness, would be intrusive in the landscape and detrimental to the rural setting. Although the Council also cites conflict with other Development Plan policies, those do not seem to be directly relevant in this instance.

12.Accordingly, for the reasons set out, the appeal is dismissed.

Kim Bennett

INSPECTOR