
Appeal Decisions

Site visit made on 20 June 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 19 July 2017

Appeal A Ref: APP/U1430/W/17/3171529

Newlands, Dixter Lane, Northiam, East Sussex TN31 6PR

- 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 Town against the decision of Rother District Council.
 - The application Ref RR/2016/1839/P, dated 12 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is demolition of single property and erection of eight dwellings.
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Appeal B Ref: APP/U1430/W/17/3171532

Newlands, Dixter Lane, Northiam TN31 6PR

- 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 A Town against the decision of Rother District Council.
 - The application Ref RR/2016/3213/P, dated 14 December 2016, was refused by notice dated 21 February 2017.
 - The development proposed is demolition of existing property and erection of 3 No. four bed dwellings and 2 No. three bed dwellings, along with an additional vehicular access.
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Decisions

1. Appeals A and B are dismissed.

Procedural Matters

2. The appeals concern separate proposals for the demolition of the existing house on the site and its replacement with eight and five houses, respectively Appeals/schemes A and B. As Appeals A and B raise some issues that are common to one another I have considered them concurrently, although in my reasoning below I have differentiated between the issues that are unique to one or other of the appeals.
3. Reference has been made to the Council's emerging Development and Site Allocations Local Plan (the DaSA). However, the DaSA is at a very early stage in its preparation and I therefore consider very little weight can be attached to it for the purposes of the determination of these appeals.

Main Issues

4. The main issues are:

- the effect of the development on the character and appearance of the High Weald Area of Outstanding Natural Beauty (the AONB) – schemes A and B;
- the effect of scheme A on the living conditions for its occupiers, with particular regard to internal and outdoor space and accessibility to the parking area; and
- whether the site in accessibility terms would be an appropriate location for additional housing, having regard to local and national planning policies concerning housing in rural areas – scheme B.

Reasons

Effect on the AONB – Appeals A and B

5. Newlands is a two storey house that sits in a substantial plot, which is bounded to the north by some very sporadic residential development in Crockers Lane, to the east by fields and to the south and west by dwellings adjoining Dexter Lane.
6. For scheme A the siting of the semi-detached and terraced houses would have a quite formal, 'L' shaped, layout, with the dwellings fronting onto a green to be created as part of the development. There would be a single parking area with fourteen spaces occupying the site's southern extremity. Under scheme A the very mature conifer tree screen fronting Dexter Lane and Crockers Lane would be removed and replaced by new tree and hedge planting. Under scheme B the layout would be a little less formal and a shared access/drive and on-plot parking would be provided for four of the houses, replacing the green proposed under scheme A. The fifth house would have its own access and drive. Under scheme B some of the existing conifer trees fronting Dexter Lane and Crockers Lane would be retained.
7. The site lies on the edge of Northiam's readily recognisable built up area, with the housing to the south of Dexter Lane being quite intensive, with the plot areas for those properties being quite varied. Much of the land to the north of Dexter Lane between its junctions with Station Road and Crockers Lane is free from built development, with Newlands and the dwellings to north of it on Crockers Lane being exceptions. While there is a ribbon of twenty dwellings or so on the northern side of Dexter Lane (in the section to the west of Crockers Lane) those properties are varied in design and appear to occupy substantial plots, and their lower density is compatible with them being located at the transition between Northiam's built up area and the open countryside to the north.
8. Under both schemes the site's character would change from being the host for a single dwelling, largely screened from view by the road frontage conifer trees, to a much more intensively developed plot of land. The removal of either all or the majority of the conifer screen would mean that the residential development on the site would be much more overt than is currently the case. While the new native tree and hedge planting would be more compatible with the site's surroundings, it would take a significant amount of time to become established and would therefore be of little benefit in the short to middle terms. I also consider that the lowering of the site's levels to facilitate the

developments would do little to assist with integrating them into their surroundings.

9. While there are substantial areas of mown grass at Dixter Lane's junctions with Crockers Lane and Cavix Field, I consider that the incorporation of the small green into the layout for scheme A would do little to assist with this scheme's integration into the area. The fact that the site lies in a slight dip would mean that it is likely that the eye would be drawn to the new houses in both schemes. I am of the opinion that the layout and accessing arrangements for scheme B would mean that this development would have an appearance that would be more akin to a suburban rather than edge of village location.
10. I consider that there is nothing objectionable about the architecture for the houses subject to either scheme. However, I consider that the intensity of development under both schemes, at the transition between Northiam's recognisable built up area and the open fields of the AONB would be inharmonious and would result in unacceptable harm to the character and appearance of the area. I accept that the development would not be visible in distant views of the site, but nevertheless I consider that the local adverse visual effect would be unacceptable.
11. I therefore conclude that the development would give rise to unacceptable harm to the character and appearance of the AONB. The development would therefore be in conflict with Policies OSS4, EN1 and RA3 of the Rother Local Plan Core Strategy of 2014 (the Core Strategy). That is because the development would not be respectful of the character and appearance of this part of the countryside, with it neither protecting nor enhancing the AONB and it would involve more than the one off replacement of a house. There would also be conflict with paragraphs 109 and 115 of the National Planning Policy Framework (the Framework) because a valued landscape would not be protected or enhanced.

Living conditions for the occupiers of the development – Appeal A

12. It is contended that scheme A would provide inadequate internal and external space for its occupiers. While the rear gardens for plots 1 and 4 to 8 would be quite small I consider that regard should be paid to the availability of the front green. When the green is taken into account I am not persuaded that the occupiers of scheme A would have an inadequate amount of outdoor space available to them.
13. With respect to the internal space the houses would have, the Council has not drawn my attention to any space standards that form part of its adopted development plan. As part of its appeal case the Council has implied that the Government's 'Technical housing standards – nationally described space standard' of March 2015 (the THS) should be considered. However, the Written Ministerial Statement of 25 March 2015, which introduced the THS, makes it clear that the THS should only be applied when adopted development plans contain space standard policies. I therefore consider that it is inappropriate to apply the THS in this instance.
14. While the houses within scheme A would be quite small, I consider that they would not be so small as to provide cramped living conditions for their occupiers.

15. The properties at the northern end of the development would be at some distance from the parking area at the southern end of the site. However, there would be a dedicated footway providing a convenient access route between all of the houses and the parking area. I therefore consider that all of the occupiers of scheme A would have an appropriate level of accessibility to the parking area and that they would experience no harm to their living conditions in this regard.
16. For the reasons given above I conclude that scheme A would provide acceptable living conditions for its occupiers. The development would therefore accord with Policies OSS4 and EN3 of the Core Strategy and paragraphs 17 (the fourth core planning principle) and 56 of the Framework. That is because the development would meet the needs of its occupiers by providing acceptable levels of internal and external space and accessibility to the on-site parking area.

Location for additional dwellings – Appeal B

17. Northiam is a quite extensive village which has various community services and facilities available to its residents. The site is situated just beyond the village's readily identifiable built up area and I therefore consider that this would not be an isolated location for new housing, having regard to paragraph 55 of the Framework. There would also be some opportunities for the occupiers of the development to contribute to Northiam's vitality by making use of the local services available in the village.
18. I therefore conclude that in accessibility terms this would be an appropriate location for a net increase of four houses on the site and that in this respect there would be no conflict with paragraph 55 of the Framework. I am similarly of the view that no objection should be raised, in accessibility terms, to the development subject to scheme A. There would, however, be some conflict with Policy RA3 of the Core Strategy in that the development would fall within none of the exceptions for permitting housing in the countryside. However, that conflict is moderated by the fact that the Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites (HLS).

Planning Balance

19. In the absence of an HLS paragraph 14 of the Framework indicates that planning permission should be granted unless '... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.
20. Schemes A and B would make quite limited contributions to the supply of housing in the area. There would therefore be some modest economic and social benefits arising from either of these developments during their construction and occupational phases. However, I have found that both developments would be harmful to the character and appearance of the AONB, an area where the relevant parts of the Framework indicate that new development should be restricted. I therefore consider that the environmental harm that I have identified would significantly and demonstrably outweigh the benefits of either scheme A or B. I therefore find

that neither scheme can be considered to be sustainable development for the purposes of the Core Strategy and the Framework.

Conclusions

21. I have found that scheme A would provide acceptable living conditions for its occupiers and that in accessibility terms this would be an appropriate location for additional housing. However, both schemes would unacceptably harm the character and appearance of the AONB. Appeals A and B are therefore both dismissed.

Grahame Gould

INSPECTOR