



Appeal Decision

Site visit made on 27 June 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 26th July 2017

Appeal Ref: APP/C1435/W/17/3168816

Hazeldene, Lower Horsebridge, Halisham BN27 4DN

- 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 Mrs Christine Cook against the decision of Wealden District Council.
 - The application Ref WD/2016/2800/O, dated 16 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form and sought planning permission for the construction of a dwelling with matters of access and scale being for determination. Matters relating to appearance, landscaping and layout have been reserved for future consideration.
3. The third reason for refusal identified a concern with respect to waste water treatment capacity at the North and South Hailsham Waste Water Treatment Works (the water works) and the potential for there to be an adverse effect on the integrity of the Pevensey Levels Ramsar site and Special Area of Conservation (SAC). However, the Council in making its appeal case has stated that it has determined that it will not now be making an allocation for 700 dwellings via its emerging Local Plan at Hailsham and Polegate and that decision has created headroom capacity at the water works to accommodate the drainage requirements of the appeal development. The Council has therefore advised that it no longer wishes to defend the third reason for refusal. I have therefore treated the third reason for refusal as being withdrawn.

Main Issues

4. The main issues are the effect of the development on: the character and appearance of the area; and highway safety, with particular regard to the width of the site access and the visibility at its junction with the A271.

Reasons

Character and Appearance

5. The dwelling would be sited between Hazeldene, a detached house, and a stable block that is used for purposes ancillary to Hazeldene's occupation. The dwelling would also be sited behind Wyncroft and Ferndene, which are also detached houses and all three of these houses have frontages to the public highway. Vehicular and pedestrian access to the new dwelling would be via the driveway that serves Hazeldene. The indicative elevation submitted with the application suggests that the dwelling would be a chalet bungalow of quite modest proportions.
6. The dwelling would have a backland siting and it would be sited beyond the rear garden boundaries of Wyncroft, Ferndale and the houses to the east in Brooklands Terrace. To the north, east and west of Hazeldene there are open fields, which are free from built development. The dwelling's siting would be at odds with the general pattern of development in Lower Horsebridge, which is characterised by dwellings that front directly onto the A271. I consider that the new dwelling, because of its siting, would not be respectful of the character and appearance of the area, which at this point has the feel of being in the countryside.
7. The appellant has submitted that the site should be considered as being previously developed land (PDL) because in the past it was used in association with the operation of a chicken rearing unit, with the previously mentioned stable block, just beyond the northern extremity of the application site, being a remnant of that former use. It has also been submitted that more recently the site was used in connection with the operation of a builders' yard and the storage and repair of vehicles, although the Council records in its officer report that the latter use ceased in 2003. As far as the application's red line area is concerned I saw no obvious signs (buildings or foundations) of the site's previous commercial use, with the land having the appearance of being part of Hazeldene's garden. The available evidence relating to the site's previous use does not persuade me that this site should be treated as being PDL and thus benefit from the general policy support for the reuse of such land.
8. My attention has been drawn to the redevelopment of the former depot opposite Hazeldene. The former depot was clearly PDL and thus gained policy support for its redevelopment. The application plan for the depot's redevelopment and the aerial photograph showing its former use¹ indicate that the backland element of that site's redevelopment will occupy a former yard and will involve no encroachment into the countryside. I therefore consider that the appeal scheme is not directly comparable with the depot's redevelopment.
9. I therefore conclude that the development would cause unacceptable harm to the character and appearance of the area. The development would therefore be in conflict with saved Policies EN8 and EN27 of the Wealden Local Plan of 1998 (the Local Plan). That is because the development would constitute unacceptable backland development and it would fail to conserve the setting of the settlement. I also consider that there would be conflict with paragraphs 17 (the fifth core planning principle), 56, 58, 60 and 64 of the National Planning

¹ I.e. the drawings and photograph respectively included in the appellant's and Council's appeal statements

Policy Framework (the Framework) because the dwelling would fail to recognise the intrinsic character of the countryside and would therefore not add to the overall quality and distinctiveness of the area.

Highway Safety

10. Hazeldene's driveway emerges onto the A271 on the inside of a bend and that means that the visibility on the eastern side of the access is in part impeded by the brick and railing enclosure that marks Wyncroft's front boundary. While the eastern sight line is partially restricted, I consider that impairment would not be of such significance, given that the A271 is subject to a 30mph speed limit at this point, as to unacceptably compromise the visibility for the additional drivers that would use the driveway to access the new dwelling. On the western side of the driveway a low hedge stretches across Hazeldene's frontage and does not interfere with the western sight line.
11. The driveway only has sufficient width for it to be used by one vehicle at a time. There would therefore be potential for vehicles seeking to gain access to the driveway to have to wait on the A271 on the occasions when another vehicle happened to be using the driveway. However, I consider the likely frequency of such occurrences and the forward visibility that there would be for any standing vehicles would mean that any vehicle queuing associated with the additional use of the driveway would neither cause undue interruptions to the flow of traffic nor any significant danger to other road users.
12. I therefore conclude that the development would not give rise to unacceptable harm to highway safety. The development would therefore not conflict with saved Policy TR3 of the Local Plan or paragraph 32 of the Framework. That is because the development would not be a significant traffic generator, it would not create unacceptable traffic conditions and the access would be suitable for the scale of the development.

Other Matter

13. Given my conclusion on the main issue there is no need for me to consider the development's biodiversity implications for the Ashdown Forest Special Protection Area and Special Area for Conservation.

Planning Balance

14. There is no dispute that the Council cannot currently demonstrate the availability of a five year supply of deliverable housing sites (HLS). 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'.
15. The construction of one house would make a very modest contribution to the supply of housing in the area and there would therefore be some very limited economic and social benefits arising from the development. However, I have found that the development would be harmful to the character and appearance of the area. I consider that the adverse impact to the area's character and appearance would significantly and demonstrably outweigh the development's benefits. I therefore find this development cannot be

considered to be a sustainable one, with there being conflict with the Framework, when it is read in the round, and Policy WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan of 2013.

Conclusions

16. While I have found that the development would not be harmful to highway safety, I conclude that it would give rise to unacceptable harm to the area's character and appearance. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR