
Appeal Decision

Site visit made on 6 June 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/C1435/W/17/3169918

Branden Farm, Lewes Road, Framfield, TN22 5RE

- 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 Terry Smith against the decision of Wealden District Council.
 - The application Ref WD/2016/1755/F, dated 1 September 2016, was refused by notice dated 26 January 2017.
 - The development proposed is erection of new build dwelling; in the alternative to permission granted under WD/2016/0582/P04, 'change of use from agricultural building to 2 dwellings'.
-

Procedural Matters

1. The development proposed is for a new build dwelling as an alternative to the permission granted under WD/2016/0582/P04. That approval relates to a prior approval under provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of an agricultural building on Branden farm to two dwellings. Planning permission has subsequently been granted for a new build dwelling as an alternative to that permission (WD/2016/1753/F).
2. I have limited information on these permissions, but it is clear from the evidence before me that they relate to development on the site of the existing agricultural buildings close to the main residential building on the farm. Both would utilise the existing access to Branden farm. It is evident from the appellant's statement that this proposal is submitted as an alternative to either of these approvals. I have considered the appeal on this basis.

Decision

3. I dismiss the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located within a large open expanse of rolling grassland bounded by woodland and fields used for various agricultural purposes. The main access to the site is from the north of the field, where there is a group of buildings principally comprising a detached house with separate garage and

two large agricultural buildings. This cluster of buildings are functionally connected by a shared driveway and surrounded by established landscaping. The remainder of the field has an open, uninterrupted character. It is screened from the B2192 by trees and hedging which is contiguous along the whole of the western boundary of the site.

6. The proposed development would create a single storey dwelling in a horseshoe footprint located within a newly formed residential curtilage within the remaining open field. It would be located approximately half way between the existing cluster of buildings associated with Branden Farm, and the southern boundary of the field. A new access to the B2192 would be created to serve the new dwelling.
7. Both fallback positions relate to either the conversion or redevelopment of existing agricultural buildings within the established curtilage of the existing cluster of buildings. As such, they would preserve the established built form and open character of the remaining field, and utilise the existing access to the farm. By contrast, the appeal proposal would create a new residential curtilage in another part of the field, breaking up its open and uninterrupted character.
8. In addition to being prominent in views in and around the field, and from its neighbours, the development would also be visible through a new access point in the B2192 created to serve the new residential dwelling. This road is a significant public thoroughfare, and the new access point would be located on a relatively uninterrupted stretch of road, consolidating an existing pattern of sporadic, linear development. I consider that the harm I have identified to the open, rural character of the countryside would be exacerbated by the provision of a new dwelling and access in close proximity to the public viewpoints afforded by the main road.
9. I therefore consider that the appeal proposal would harm the character and appearance of the rural area in which it is located, and this harm is greater than the fallback position. In coming to this view I have noted the appellant's contention that the building would be smaller and on lower ground than the respective fallback positions. However this would not outweigh the harm that would result from the location of the development in an open and undeveloped part of the field with a separate access to the adjoining road.
10. The proposal therefore conflict with saved policies GD2, EN8 and DC17 of the Wealden Local Plan Adopted December 1998 and SP01 of the Core Strategy Local Plan Adopted February 2013 which, amongst other things, seek to preserve the rural character and appearance of the area in which the development is located.

Other issues

11. I observed that the existing access to Branden Farm has restricted visibility splays due to tree cover and a bend in the B2192. The proposed development would retain this access for Branden Farm, however a separate access would be created for the new dwelling. This is considered by the appellant to be an improvement on the fallback position where vehicular traffic associated with additional dwellings would use the existing access to Branden Farm, thereby intensifying the use of a substandard access.

12. The Council's Development Management Briefing Note: Background to WDC approach to Class Q permitted development rights (February 2016) states that it will consider the relocation of buildings approved under class Q where there are clear highway safety benefits. I do not dispute that the access proposed would be an improvement in highway terms compared with the alternatives approved under the fallback, and note the evidence provided in the transport statement in this regard. However, it is clear from the proposed plans that under the appeal proposal the existing substandard access to Branden Farm would remain in use. I therefore consider the highway safety benefits of the appeal proposal are limited, and would not in any case outweigh the harm to the character and appearance of the area that I have identified above.
13. I have noted that the Council do not have a five year housing land supply. In this case however the fallback position would deliver the same number or more new houses, and as such there are no benefits of the appeal proposal in terms of housing supply. I do not therefore consider the Council's policies referred to in this decision as being relevant to housing supply in respect of the test set by paragraph 49 of the National Planning Policy Framework (the framework). In the circumstances of this particular appeal I find no conflict between the Council's policies that seek to conserve the rural character and appearance of the area and the framework as a whole.
14. I have also taken account of the decisions by my colleagues in respect of appeals in other authorities. I am satisfied that the circumstances are materially different to those under consideration in this appeal. I have dealt with this case on its merits, taking account of the individual circumstances of the case.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR