
Appeal Decision

Site visit made on 17 October 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 28th November 2017

Appeal Ref: APP/C1435/W/17/3179138

Patiala, Milton Street, Hankham, BN24 5AU

- 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 Mrs Jennifer Judge against the decision of Wealden District Council.
 - The application Ref WD/2016/2483/F, dated 7 October 2016, was refused by notice dated 2 February 2017.
 - The development proposed is removal of existing redundant and derelict buildings and erection of 2 dwellings with garages and access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the site is a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities, (ii) the effect upon the character and appearance of the area and (iii) the effect upon highway safety.

Reasons

Housing land supply

3. The main parties agree that the Council is not able to demonstrate a 5 year supply of deliverable housing sites. The Council states that its most up to date figures show a housing land supply of 2.61 years. This represents a significant housing shortfall. The proposal would make a modest contribution of two dwellings to the supply of housing. I have given this moderate weight which I take forward to the overall planning balance below.

Location of proposed development

4. The site is in the countryside, within a loosely defined ribbon of existing development on the periphery and away from the core of the village of Hankham. It is not located within a Strategic Development Area as identified in the Wealden Core Strategy Local Plan (WCSLP). The village of Hankham is indicated as being an unclassified settlement with few facilities. Given Hankham's very limited facilities, the proposal would not be supported by policies SPO3 or WCS6 of the WCSLP.

5. The site is located to the north of Stone Cross, which contains a good range of services and facilities to meet day to day needs. However, the site is much more closely aligned with its surrounding rural characteristics than the much more built-up and urban settlement of Stone Cross. Although it is proposed in current and emerging development plan policies that Stone Cross can be subject of growth, I do not consider that such growth should extend to the appeal site given the limitations I have outlined in this decision.
6. The very limited facilities within Hankham would mean that occupants of the proposed dwellings would be likely to need to travel to Stone Cross and other centres to meet their day to day needs. Although Stone Cross is not far away, there is lack of a footpath or street lighting along Milton Street. Whilst there is a footpath along Hailsham Road, this is a busy road which does not provide for a particularly inviting route for either pedestrians or cyclists. Consequently, future occupants would be likely to be largely dependent on the private car for access to services and facilities. Such a lack of accessibility by means of transport other than the private car weighs significantly against the proposal and would be contrary to the relevant sustainable transport aims of policy SPO7 of the WCSLP and the National Planning Policy Framework ('the Framework').
7. Whilst the provision of two new dwellings would provide some support for the vitality of the rural community, this would be limited due to the location of the site outside of the core of the village and the access constraints of the site.

Character and appearance

8. The appeal site appears to me to be outside of the curtilage of the adjacent dwelling (Patiala). It is largely open though contains several derelict outbuildings which the appellant describes as derelict smallholding outbuildings. As the buildings appear to have been linked with previous agricultural uses and to some degree have blended into the landscape, the site does not align with the definition in the Framework of previously developed land.
9. The existing dwellings along Milton Street are loosely arranged as sporadic ribbon development. Taking account of the generally spacious arrangement and the prevailing sense of openness around and beyond the buildings, the road has a distinctly rural character and feel. The space between Patiala and the neighbouring dwelling makes a contribution towards the rural character of the road.
10. The proposed two dwellings would significantly erode this openness. Whilst their set back positioning would reduce their prominence from the road and allow the retention of trees to the frontage, they would detract from the open setting to the rear of the neighbouring buildings. Although they would be of a similar size to existing dwellings and whilst noting that some other development is set back from the road edge, the proposal would adversely affect the rural character of the surrounding area. Whilst this impact would be limited to the surrounding vicinity of the site, it would still be significant.
11. Along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having an urbanising effect upon it. The proposal would be located outside of the the core of the village. Amounting to significant new development on

predominantly open land the proposed dwellings would not maintain the intrinsic character and beauty of the countryside.

12. Although the proposal would result in the removal of existing redundant and derelict buildings, these are generally in a very dilapidated condition and are most unlikely to be capable of conversion. The existing buildings are also relatively small in scale and do not visually impact upon the site and its surroundings to the same extent as would the proposed development. Therefore I have given them only minimal weight and find that their existence provides little justification for the development now proposed which would have a much more significant impact upon the character and appearance of the rural area.
13. The appellant argues that the development of sites such as this would help to alleviate the Council's housing land shortfall. However, given the harm I have found to result, the implementation of further similar proposals could have a very significant cumulative effect upon the intrinsic character and beauty of the countryside.
14. The proposal would therefore be contrary to the relevant landscape character and countryside protection aims of policy EN27 of the Wealden Local Plan 1998, SPO1 of the JCSLP and the Framework.

Highway safety

15. The Council states that the visibility for drivers at the junction of Milton Street with Hailsham Road is below normal standards. I noted at my site visit that visibility would be limited to a certain extent for vehicles turning left out of Milton Street. However, I do not consider it to be significantly constrained. The Council has provided no detailed evidence to support its concerns including the required visibility in this location or any records of previous traffic incidents in this location. Furthermore, the proposed two dwellings would be likely to result in only a modest increase in overall traffic movements.
16. Therefore I do not consider that the proposed development would result in any significant harm to highway safety. It would accord with the relevant highway safety aims of policy TR3 of the Wealden Local Plan 1998 and the Framework.

Other matters

17. The emerging Wealden Local Plan (WLP) is scheduled to be examined in 2018. As such it currently attracts only minimal weight in my consideration of the merits of this appeal.
18. The Council draws attention to a proposed policy of the WLP regarding housing mix. However, taking account the current status of the emerging WLP, this is not a matter which has a significant bearing on my considerations in this case.
19. The Council's statement also refers to the protection of the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). It says that the monitoring works that have fed into the emerging WLP in terms of nitrogen deposition on the Ashdown Forest SAC and SPA has identified a more severe issue than considered in the WCSLP. The further work indicates that this is now a matter for all parts of the district. However, no further evidence has been provided to me on this matter and in view of my overall conclusions

resulting in my decision to dismiss the appeal, it has not been necessary for me to consider this matter any further in this case.

20. My attention has been drawn to other development proposals that have been recently permitted by the Council. However, from the details before me, it appears to me that the merits and circumstances of such schemes are materially different to those of the appeal proposal. Two of these other schemes were permitted in the context of the Councils Development Management Briefing Note regarding flexibility in respect of Part Q permitted development rights. Given the dilapidated nature of the existing buildings on the appeal site, there appear to be considerable differences between those proposals and that now before me.
21. In the case of the appeal decision¹ at Oaklands, Hailsham the Inspector concluded that the harm to character and appearance would be outweighed by other matters, especially the delivery of housing. That proposal was for 170 dwellings and so the contribution towards the supply of housing would be much more beneficial than the proposal before me. Each scheme needs to be predominantly considered on its individual merits and circumstances against the relevant policies and taking account of other material considerations. I have given these other approvals some weight but for the reasons outlined above they do not override my findings of harm in this case.
22. I have also taken account of the impacts of the Shepham Farm turbines. Nevertheless, whilst the impacts are certainly noticeable, these turbines are a very different form of development than the appeal proposal with different planning considerations. Furthermore, the residential developments near to the A27 are much larger and appear to be of more strategic significance in terms of overall housing delivery than that current proposed. These other developments therefore only attract minimal weight in my considerations.
23. The February 2017 Government White Paper sets out the approach to the delivery of more housing. I have taken the relevant sections into account. However, for the reasons outlined above, I do not consider that the appeal site is suitable for the development proposed in this case. Such matters outweigh the general support for residential development as set out in the White Paper in this case.

Planning Balance

24. In the absence of a five year supply of housing, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the Framework states that where the development plan is out of date, 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, or there are specific policies in the Framework which indicate that development should be restricted. In this case, from the evidence before me, there are no specific policies in the Framework which indicate that development should be restricted.
25. In the context of the development plan I have found that the proposed development would be contrary to policies EN27 of the Wealden Local Plan

¹ APP/C1435/W/15/3006270

1998 and policies SPO1 and SPO7 of the WCSLP. For this appeal, I have found these policies to be generally consistent with the relevant aims of the Framework and whilst they can act to restrict the supply of housing I attach substantial weight to them. Whilst the existing settlement boundaries carry much reduced weight due to the significant housing shortfall, I have found significant harm to arise in the context of the policies stated above. Although, I have found no harm to arise in terms of highway safety, the proposal would not accord with the development plan when considered as a whole.

26. The proposal would provide a limited amount of short term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the two houses. The two new houses would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall. I have also taken into account the energy efficiency and biodiversity measures proposed which I have given moderate weight. However, the proposal would result in significant harm to the rural character and appearance of the area, and would result in the likelihood of a dependency on the use of the private car for access to services. As such it would be contrary to the aims of the Framework to recognise the intrinsic character and beauty of the countryside, to minimise the need to travel and to support the transition to a low carbon future.
27. Overall I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development. It would also therefore not accord with the sustainability aims of policy WCS14 of the WCSLP and policy EN1 of the Wealden Local Plan.

Conclusion

28. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR