



Appeal Decision

Site visit made on 23 April 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/C1435/W/18/3215931

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/2018/1107/F, dated 21 May 2018, was refused by notice dated 31 October 2018.
 - The development proposed is described as: New single shared access with improved visibility to serve new build dwelling, relocation of approved agricultural barn and Branden Farm (house) following closure of existing access with poor visibility; in the alternative to permissions granted under WD/2016/1753/F, 'new build dwelling', WD/2018/0196/F 'agricultural building' and WD/2018/0076/F field access from highway.
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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 area.

Reasons

3. The appeal site is in the countryside within a large open expanse of rolling grassland bounded by woodland and fields close to a main road. Between the road and the appeal site is a line of trees. The surrounding area is largely agricultural, flat and open.
4. The appeal scheme proposes a new dwelling, a new barn to replace two existing agricultural buildings and a new access from the main road to serve the above as well as to serve an existing farm house. The access would replace an existing access which is proposed to be removed.
5. Permission¹ has previously been given to erect an agricultural building on the field where the dwelling which is the subject of this appeal is proposed. Permission² has also been given to replace the two aforementioned agricultural buildings with a dwelling. In this respect, the appeal scheme represents a 'swapping over' of the position of the new dwelling and new agricultural building from an arrangement which has previously been approved as a result of the permissions noted above.

¹ Council Ref WD/2018/0196/F Approved 26 March 2018

² Council Ref WD/2016/1753/F Approved 20 October 2016

6. However, the dwelling which already has permission would be cited significantly closer to the existing farm house than the new dwelling which is the subject of this appeal, and, it would be sited on an established building curtilage. As proposed in the appeal scheme, the new dwelling, with its substantial curtilage, would extend residential development significantly into the countryside. This would break up the open and uninterrupted agricultural character of the existing field.
7. The new dwelling would be prominent on the site and in views from neighbouring land. It would be visible through the new access and through the trees lining the main road which are largely deciduous and which are not accompanied by any significant amount of hedgerow screening. Consequently, as I saw at my site visit, the dwelling proposed in this appeal would be clearly seen when travelling along the main road.
8. In my judgement the effect described above would be significantly different and more harmful than the arrangement previously approved where a new agricultural building would be erected in the field and the new dwelling would be on an established building curtilage, notwithstanding that the dwelling proposed in this appeal may have an agrarian appearance. Once occupied it will be clear that the dwelling proposed in this appeal would be in residential rather than agricultural use, as would be the case with the previously approved barn in this position.
9. Considering all of the above points I conclude the appeal scheme would harm the character and appearance of the area. This would not comply with Policies GD2, EN8 and EN27 of the Wealden Local Plan 1998 or SPO1 of the Core Strategy Local Plan 2013. Together these seek that development respects and conserves the agricultural character of the landscape.

Other Matters

10. The evidence indicates the Council does not have a 5 year housing land supply. As such, paragraph 11 (d) of the Framework is engaged. Accordingly, 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.
11. The appeal scheme would provide one additional dwelling but from the evidence provided this is not more than the arrangement proposed as a result of the extant permissions noted above. Therefore, in respect of housing supply, the appeal scheme would not offer a benefit beyond the arrangement previously approved by the Council.
12. The Council has not alleged that the appeal scheme would be unsustainable or isolated in respect of its location in relation to services or facilities. It would therefore be beneficial in that regard and I give this moderate weight.
13. The evidence indicates the existing vehicular access to the site is substandard and as such the appeal scheme would result in an improvement in this respect. This is a benefit of the scheme to which I give significant weight.
14. However, the benefits of the scheme must be balanced against the harm identified above. In my judgement the harm identified above would not be outweighed by the benefits of the scheme.

15. In my judgement, the harm identified above significantly and demonstrably outweighs the benefits of the appeal scheme when assessed against the policies of the Framework taken as a whole, notwithstanding the Council's position in respect of housing land supply.
16. Whilst the site may be non-Green Belt and not in an Area of Outstanding Natural Beauty, these are neutral points and not benefits of the scheme.

Conclusion

17. For the reasons given above the appeal is dismissed.

L Perkins

INSPECTOR