



Appeal Decision

Site visit made on 10 June 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/C1435/W/19/3225256

Land adjacent to Mountfield Lodge, Hooe Road, Russell's Green, Ninfield, East Sussex TN33 9EH

- 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 Scott White against the decision of Wealden District Council.
 - The application Ref WD/2016/0694/F, dated 17 March 2016, was refused by notice dated 27 September 2018.
 - The development proposed is to erect 3 new build 5 bedroom houses with garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has cited policies from the Wealden District Local Plan, 2018, in its reason for refusal. However, as these are emerging policies, I have afforded these only limited weight.

Main Issues

3. The main issues are:
 - i. whether or not the appeal site is in a suitable location for a residential development having regard to planning policy for the provision of housing;
 - ii. the effects of the development on the character and appearance of the area;
 - iii. whether the development would be prejudicial to highway safety; and
 - iv. the effects of the development on the living conditions of occupiers of Belton Cottages, having particular regard to privacy.

Reasons

4. The site is located in rural surroundings and forms part of a small dispersed hamlet, known as Russell's Green. It is accessed via a private un-made track from Hooe Road which itself leads to the small settlement of Ninfield. The proposal relates to the construction of 3 two-storey detached dwellings with detached double garages.

Location

5. The Council has developed a rural areas strategy which categorises settlements into a hierarchy based upon their size and availability of services, amongst other things. This is detailed within Policy WCS6 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan, 2013 (the WCS). Accordingly, the amount of development planned for each settlement will need to have regard to this hierarchy, but also take account of local development needs, including housing. The Council's plan-led approach to residential development within the District is therefore broadly consistent with the housing approach set out in the National Planning Policy Framework (the Framework).
6. The site is located in the countryside for the purposes of planning policy as it is not situated within one of the categorised settlements. Saved Policies DC17 and GD2 of the Wealden Local Plan, 1998 (the WLP) state that housing or other development will not be allowed outside development boundaries, unless it conforms with other policies in the Plan. These plan-led objectives are to protect rural amenities, in the form of local character and landscapes, and to provide the amount and type of housing that meets the needs of all sectors of the community, in the right locations, to avoid making abnormal demands on services.
7. The nearest development boundary is at Ninfield, where some local shops and other public facilities are located. However, there is little evidence to indicate that the development would be required to support the ongoing day to day needs of this or other rural communities, such as to accord with Policy SPO8 of the WCS.
8. The site itself is therefore not situated within a settlement. It would therefore be remote from many day to day services and facilities and future occupiers would be heavily reliant upon a private car, even to access Ninfield, as the nearby roads are narrow and unlit. Access to larger shops and services are likely to necessitate trips to the urban centres of Bexhill or Eastbourne. This would be contrary to Policy SPO7 of the WCS which encourages reduction of the need to travel by car by concentrating development where it can most closely relate to public transport opportunities. There is also little evidence about employment opportunities that could be accessed without being reliant upon a private car.
9. It is therefore not a location where new dwellings would normally be considered acceptable and is a significant factor weighing against the scheme. Owing to its location outside of a development boundary or categorised settlement, the siting for the proposal would thus be contrary to the strategy set out in the WCS.
10. It would therefore be in an unsuitable location. Given the sites location in the countryside, there is no suggestion from the appellant to indicate that the dwellings are required for agricultural or rural workers or accords with a specific policy of the WLP or indeed the Framework. The development is therefore not in line with the thrust of planning policy.
11. I therefore conclude the development would not provide a suitable location for a residential development having regard to local and national planning policy for the provision of housing. The proposal therefore conflicts with saved Policies

DC17 and GD2 of the WLP and Policies WCS6, SPO7, SPO8 and WCS14 of the WCS as well as the Framework, which seeks to locate new residential development in the most accessible and sustainable locations.

Character and appearance

12. The site is situated within the Low Weald landscape character area which has a gently undulating topography. The character of much of its countryside is deemed to be largely unspoilt.
13. The character of Russell's Green is rural and features dispersed residential development. Parcels of open land contribute to the spacious character and landscape framework of the area which informs the grain of development in the area. The site, although associated with Mountfield Lodge, is a relatively level grassed area which forms a part of this open low rolling landscape framework, despite being well treed and with mature boundaries. It therefore makes a valuable contribution to the visual appearance and character of the area.
14. Conversely, the scheme would effectively impose a cul-de-sac arrangement of uniform large dwellings which could in part be seen in views from Hooe Road. This is not reflective of the character or grain of development and would not be in keeping with the mixed and dispersed density of properties in the surrounding area.
15. The site is located within an established area with residential development that displays mixed characteristics. However, the siting, layout, appearance and scale of the proposed dwellings, being 8.8m in height and some 232sqm in size, would not be compatible with their surroundings. The subdivision of the site for 3 houses and garaging would therefore not be sensitive to their setting. I also have little evidence that they would be particularly representative of the mix of house sizes and styles in the locality, aside from the use of materials. Indeed, the introduction of 3 houses of the scale and layout proposed would seriously erode the intrinsic qualities of the area. I am not persuaded that additional planting, controlled by planning condition, could ameliorate the impact of the development.
16. I therefore conclude the development would be harmful to the character and appearance of the area and so would fail to accord with saved Policy EN8 of the WLP. This policy, amongst other things, will only permit development if it conserves the low rolling character of the landscape.

Highway safety

17. Hooe Road is subject to a 40mph speed limit and the private track has restricted visibility for vehicles re-joining this road. The scheme would result in an estimated 18 additional vehicle trips per day. Whilst the restricted visibility could possibly be addressed by the creation of a new access and junction, there are no details before me or evidence of what rights the site benefits from to undertake such works. In these circumstances, leaving such matters to planning condition would neither be appropriate nor reasonable given the extent of works that are likely to be required. On the basis of the available evidence, I am not satisfied that vehicular speeds would be low or that the scheme would not have an unacceptable impact on highway safety.

18. I therefore conclude the development would be prejudicial to highway safety and so would fail to accord with saved Policy TR3 of the WLP which, amongst other things, requires a satisfactory means of access.

Living conditions

19. The first dwelling would be situated closest to 1 and 2 Belton Cottages. The first-floor bedroom windows of this dwelling would afford oblique views towards the front primary habitable windows of these properties. Given the well treed boundaries, which could be retained by planning conditions, and distances involved, I am not persuaded this would be invasive to the established level of privacy currently enjoyed by the occupiers of these properties.
20. I therefore conclude the development would not be harmful to the living conditions of occupiers of Belton Cottages, having particular regard to privacy, and so would accord with saved Policy EN27 of the WLP. This policy, amongst other things, requires that development should not create an unacceptable adverse impact on the privacy and amenities of adjoining developments.

Other Matters

21. The scheme would result in additional vehicular trip generation across the Ashdown Forest and Pevensey Levels Special Areas of Conservation which are internationally important sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Policies SPO1 and WCS12 of the WCS seek to protect and enhance internationally important sites and contribute to targets provided in the Sussex Biodiversity Action Plan. An Appropriate Assessment has however not been undertaken and no tariff-based mitigation has been put forward by the appellant. Had I been allowing the appeal, I would have requested further information from the parties, however, as I am dismissing the appeal on other grounds, I need not consider this matter further.
22. I am satisfied that matters concerning archaeology, ecology and trees could have been dealt with by planning conditions, had I been allowing the appeal.
23. Representations have been received objecting to the proposal, but as I am dismissing the appeal in respect of the main issues, I need not consider the other matters raised further.

Planning Balance

24. I appreciate the appellant is seeking to make full and efficient use of his land. The Government is seeking to significantly boost the supply of housing and the proposal would make a contribution to this supply. However, the construction of 3 dwellings would bring only very limited benefits to the economic and social well-being of the local community based upon the available evidence.
25. Whilst the Council cannot demonstrate a five-year housing land supply, in February 2019, the Government published the results of the 2018 Housing Delivery Test. The delivery of housing in the District has accordingly not been substantially below the Council's recent housing requirement. Even if I were to agree with the appellant that this position is likely to change, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

26. I have therefore found that the proposal would not represent a suitable location for a residential development and that it would be harmful to the character and appearance of the area and highway safety. An Appropriate Assessment has also not been undertaken. There are no other considerations, including that I did not find the development harmful to neighbouring living conditions, that outweighs these harms.

Conclusion

27. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR