



Appeal Decision

Site visit made on 25 July 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/U1430/W/19/3220578

Land at Telham Farm, Hastings Road, Battle TN33 0TP

- 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 AN, R and J Harvey, Body and Crummy against the decision of Rother District Council.
 - The application Ref RR/2018/2041/P, dated 31 July 2018, was refused by notice dated 26 October 2018.
 - The development proposed is the erection of four dwellings, access drive and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in a suitable location and with regard to access to services and facilities;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on highway safety.

Reasons

Suitability of location

3. The appeal site comprises a grass paddock on Hastings Road, which is generally characterised by residential development in a linear pattern to either side of the highway, punctuated by views through to fields and woodland beyond. The site is surrounded by open countryside that forms part of the High Weald Area of Outstanding Natural Beauty (AONB).
4. The nearest town of Battle is approximately one mile away by road from the site and has local facilities including shops, schools and a train station. There are bus routes in the area with a number of services during the day, albeit relatively infrequent. Whilst it would also be possible to walk or cycle to the town, the journey would only be practical via Hastings Road, which is a busy country lane that has limited street lighting and a single pavement that is quite narrow in places. Within this context I do not consider that the closest services or facilities are within a distance of the site that makes them readily convenient by sustainable modes of transport.

5. Accessibility to services, facilities and employment from the site other than by private car would therefore be poor, and it is likely that those occupying the dwellings would rely heavily on this mode of transport. Whilst I recognise that there is generally a greater reliance on the private car in rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. To my mind this weighs heavily against the development.
6. Paragraph 78 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the development would make a limited contribution to the local economy and social well-being of the area, this factor would not outweigh my concerns over the location of the proposal.
7. I conclude that the proposal would not provide a suitable location for housing. It would conflict with policy DS3 of the Rother District Local Plan July 2006 (LP) and policies OSS3, BA1 and TR3 of the Rother Local Plan Core Strategy September 2014 (CS), which state that the majority of all new development will take place within the development boundaries of existing towns and villages and should minimise the need to travel and improve accessibility, especially by non-car modes. The scheme would also be inconsistent with the National Planning Policy Framework (the Framework) which seeks to limit the need to travel and offer a genuine choice of transport modes.

Character and appearance

8. The existing appeal site comprises a grassed field with open countryside to the north and east. In my opinion although there are dwellings laid out to either side of Hastings Road, the undeveloped qualities of the site have more natural affinity with the predominant surrounding rural landscape.
9. The result of the proposal would be to extend the line of residential ribbon development into the open countryside. The appeal scheme would also result in the creation of new residential curtilages, subdividing the field. Taken together these would significantly increase the prominence of the proposal in comparison to the existing situation, to the detriment of the verdant setting. Residential development of this order with gardens and any associated domestic paraphernalia, such as washing lines, children's play equipment and barbecues, would lead to the urbanisation of an essentially rural environment, harming the intrinsic character and beauty of the countryside.
10. I therefore conclude that the scheme would harm the character and appearance of the area. It would conflict with policies OSS3 and RA3 of the CS, which require proposals to be considered in the context of the character and qualities of the landscape and to ensure that all development in the countryside is of an appropriate scale and will not adversely impact on landscape character. The scheme would also be inconsistent with the advice in the Framework which advocates good design and recognises the intrinsic character and beauty of the countryside.

Highway safety

11. There is dispute between the main parties as to whether an appropriate visibility splay to the north west can be provided in accordance with the

highway authority's requirements. The appellant has suggested that this matter could be addressed either by entering into an agreement with the owner of the adjoining land to exchange covenants to provide and maintain the splay, or to impose a negatively worded condition stating that no development takes place until all parties have entered into a legal obligation to provide and maintain the splay.

12. I share the Council's concerns that the Local Authority would not be party to the private covenant and as such it would not be enforceable. With regard to the imposition of a condition, there has to be a reasonable prospect of a condition being capable of being complied with in order for it to mitigate any adverse effects of the development. A condition in this respect would relate to land outside the appeal site, and I have not been presented with any specific arrangements to indicate that the appropriate visibility splay can be provided and maintained. In the absence of such details I cannot be certain that a condition would be capable of being complied with in order for it to mitigate the adverse effect of the development on highway safety.
13. I therefore conclude that the proposal would be harmful to highway safety, contrary to policy TR3 of the CS, which seeks to ensure adequate, safe access arrangements. The proposal is also inconsistent with the advice in the Framework which seeks to ensure development does not have an unacceptable impact on highway safety.

Planning balance

14. I have had regard to the other decisions cited by the appellant in Battle and the neighbouring Wealden District. However, the approval of other development would be a neutral consideration in any balance against planning harm and in any event each case must be assessed on its own merits.
15. I note the other matters raised including concerns from local residents relating to the Area of Outstanding Natural Beauty, wildlife, contaminated land, setting a precedent, pressure on infrastructure, increased traffic and loss of privacy. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.
16. It is not a matter of dispute that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing, with the evidence drawn to my attention by the appellant suggesting a shortfall of around one year of supply. Consequently, the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.
17. The development would make a modest contribution to housing supply with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation. However, to my mind, when assessed against the policies of the Framework as a whole, the adverse impacts of granting planning permission in this case in terms of the unsustainable location of the development, the harm to the character and appearance of the area and the harm to highway safety would significantly and demonstrably outweigh the benefits of the scheme. In any event, having regard to Framework paragraph 11 d) i and footnote 6, the application of policies in the Framework that protect areas or assets of particular importance,

including AONBs, provides a clear reason for refusing the development proposed, regardless of the scheme's benefits from the provision of additional housing. The proposal would not therefore represent sustainable development.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR