

Appeal Decision

Site visit made on 29 October 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/Y9507/W/19/3234546

Land adjacent to the Eight Bells Public House, to the west side of Jevington Road, Jevington, East Sussex BN26 5QB

- 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 Richard Green against the decision of the South Downs National Park Authority.
 - The application Ref 19/01030/FUL, dated 28 February 2019, was refused by notice dated 24 May 2019.
 - The development proposed is the provision of 3 residential dwellings, comprising 2 x three bed units and 1 x two bed unit, with associated access, parking, gardens and landscaping. Restoration and rebuilding of flint faced front wall. Inclusion of biodiversity enhancement meadow area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the planning application that is the subject of this appeal, the South Downs National Park Local Plan 2014-2033 (The LP) has been adopted by the National Park Authority. This has superseded the Wealden District Local Plan 1998 and as such several of the policies referred to in the reason for the refusal of the application have fallen away. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether this is a suitable location for residential development.
 - The effect of the development on the character and appearance of the area.

Reasons

Suitability of the Location

4. The appeal site is located outside the boundaries of the settlements listed within policy SD25 of the LP. Policy SD25 restricts development outside of the settlement boundaries other than in circumstances where a specified exception applies. As such, the proposal is contrary to the Park Authority's development strategy.

5. The submitted Settlement Facilities Assessment identifies that Jevington has limited facilities. Even having regard to the critique of this assessment that has been provided by the appellant which indicates that more services and facilities are available than suggested, the occupiers of the proposed development would be dependent on other settlements which would create a need to travel. The poor credentials of the site in terms of accessibility to services therefore runs contrary to the environmental and social objectives of sustainable development.
6. The appeal site sits within the South Downs National Park and as such I am required to pay special regard to the duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. The appellant has commented on the need for housing to be provided within the National Park to meet a demand that would not be met by the development plan. However, the suggested need has not been quantified in detail by the appellant and, in any event, paragraph 11 of the Framework indicates that the tilted balance in favour of development in areas that cannot demonstrate an adequate supply of housing land does not apply in National Parks.
7. Following the refusal of the application, the appellant has suggested that the dwellings would be occupied as Discounted Market Housing. In relation to rural exception sites, Policy SD29 of the LP sets out a requirement that such proposals meet a local need that has been demonstrated through robust and up-to-date evidence. Furthermore, a site selection process should have been undertaken, community engagement should have occurred and occupancy restrictions should be secured. On the evidence available, it appears that these requirements have not been met and as such the proposal does not comply with the policy requirements. Furthermore, in line with the Planning Practice Guidance and in the absence of any exceptional circumstances, it is not appropriate to secure a planning obligation that would deliver occupancy restrictions under the terms of a condition.
8. For these reasons, the site does not constitute a suitable location for development and as such the development would be contrary to policy SD25 of the LP which requires that development is focussed on land within settlement boundaries unless exceptional circumstances apply. The development would also be contrary to paragraph 172 of The Framework which requires that the scale and extent of development within National Parks is limited.

Character and Appearance

9. The appeal site sits between a residential property and the grade II listed Eight Bells Public House and represents an unkempt parcel of land that is enclosed by fencing and a flint wall, with trees to the side and rear boundaries. The string of loose-knit buildings that extend along Jevington Road gradually become more dispersed as the road continues away from the nucleated cluster of buildings that forms the focus of Jevington, which is a short walk to the south. Open countryside extends beyond the rear of the site. The built form of the area is mostly in close proximity to the road and is of mixed height, consisting mostly of two storey buildings and single storey projections.
10. In addition to the National Park designation, the site is located within the Jevington Conservation Area. The submitted Conservation Area Appraisal indicates that the significance of the heritage asset is derived from the linear arrangement of the settlement, the high proportion of historic buildings that

reflect the morphology of the settlement and the traditional materials and means of construction. It also identifies that the topography of the area means that views of the countryside from the public domain within the Conservation Area are limited. However, where they are available, they help to link the Conservation Area to its rural setting. Although I understand it to be of some age, these findings of the Conservation Area Appraisal appear to remain applicable. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

11. The proposed development would involve the erection of a building of 2 distinct parts, accommodating 3 dwellings. The main 2 storey part of the building would be narrow but deep with a half-hipped gable to the front and rear. To the side would be a wider element that would be of single storey scale but with accommodation in the roof, including a dormer to the rear. Access would be achieved from the main road, with a driveway and parking area at the frontage of the site that would provide 7 parking spaces. The existing flint wall at the frontage of the site would be repaired and extended and a meadow/wildlife enhancement area would be provided at the side and rear of the site.
12. The recessed positioning of the building would be at odds with the arrangement of most buildings within the locality. Although it appears that some efforts have been made to reflect the architecture of surrounding buildings, the side wing would appear taller than the other comparable projections at neighbouring properties as a result of the presence of accommodation within the roof and the ridgeline being above the eaves of the primary building. The large dormer and the amount of glazing in the proposed building, particularly on the front elevation, would also cause the building to have an appearance that substantially contrasts from the other buildings within the surrounding area. In each of these respects, the proposal would not be sympathetic to the established local character.
13. Furthermore, although the space around the building and the falling ground levels would ensure that some views of the countryside beyond the building are retained, the scale of the building would cause it to impose upon the view of the countryside from Jevington Road. The Framework states that the scale and extent of development within National Parks should be limited and therefore, giving great weight to the conservation of landscape and scenic beauty in the National Park as required by The Framework, I find that the imposition in views of the countryside would conflict with the aim to conserve the natural beauty of the National Park. As the view of the countryside is also identified as an important feature of the Conservation Area, the obstruction of the view would also not represent the preservation or enhancement of the Conservation Area.
14. There appears to be an opportunity to enhance the appearance of the site as a result of its existing unkempt condition and the proposal including the restoration and extension of the existing flint wall at the site frontage. However, for the reasons set out above, the proposal fails to fully take the opportunity available and as such the proposal is contrary to paragraph 130 of the Framework.
15. Therefore, for these reasons set out above, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and cause harm that would detract from its significance. I consider this harm to be less than substantial. As the proposal would cause less than substantial harm to

the Conservation Area, it is necessary to weigh this harm against the public benefits. In this respect, having regard to all of the benefits that are discussed above and below, the public benefits of the proposal do not outweigh the harm caused to the heritage asset which should be given great weight.

16. For these reasons, the proposal would have an unacceptable effect on the character and appearance of the surrounding area. The development is therefore contrary to Policies SD4, SD5 and SD12 of the LP which require that development conserves and enhances the character of the landscape and the local area, utilises sympathetic architectural design, makes a positive contribution to the overall character of the area and conserves or enhances the historic environment. The proposal is also contrary to paragraphs 172 and 193 of the Framework which require that great weight is afforded to the conservation of landscape and scenic beauty in National Parks and heritage assets.

Other Matters

17. The appellant has identified economic benefits deriving from the proposal including a Community Infrastructure Levy contribution, a new homes bonus payment and support for local business during construction and occupation. However, the scale of the development means that the benefits are modest and therefore they do not outweigh the harm that has been identified in relation to the main issues.
18. The proposal includes the provision of a meadow/wildlife enhancement area. Whilst the submissions provide some details and identify several options in respect of this feature, the content and management arrangements do not appear to be finalised. As such, it is not possible to be certain of the extent to which the biodiversity of the site would be enhanced in comparison to the existing vegetation at the site. The evidence available does not therefore give me reason to give this benefit more than limited weight.

Planning Balance & Conclusion

19. Bringing together my conclusions on the main issues I have found that the development does not represent a suitable location for development and would be harmful to the character and appearance of the area, which is the subject of National Park and Conservation Area designations that are required to be afforded great weight. Some benefits would arise from the proposal including the repair of the existing flint wall, the use of a currently unkempt site, economic benefits and the provision of a wildlife/meadow enhancement area and additional housing. However, overall, I find that the harm caused in relation to the main issues would outweigh the benefits.
20. For the reasons given above I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR