



Appeal Decision

Site visit made on 27 January 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/C1435/W/19/3240563

Land adjoining Latchetts Cottage, Highlands Lane, Chiddingly BN8 6HE

- 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 Ms Jane Meston against the decision of Wealden District Council.
 - The application Ref WD/2019/0596/F, dated 4 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is pair 3 bedroom cottages with integral garages and offroad parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision notice makes reference to emerging policy within the Draft Wealden Local Plan 2018. Since the application was determined the Council has received the Inspector's findings on Stage 1 of the examination of the Submission version of the plan. The Inspector has advised that the plan cannot be taken forward to adoption because it has failed one of the requirements for legal compliance, that of the duty to co-operate.
3. Following the examining Inspector's comments, the Council has withdrawn its objections in relation to the impact of the proposed development on the Ashdown Forest, Lewes Downs and Pevensey Levels Special Areas of Conservation. It is content that 2 dwellings in this location would not have in-combination effects which harm the integrity of the European protected sites. Based on the evidence presented, I have no reason to take a different view.

Main Issues

4. The main issues are:
 - a) whether the site is an appropriate location for housing development, having regard to its accessibility to services and facilities;
 - b) the effect of the proposed development on the character and appearance of the area; and
 - c) whether, in light of my findings on the above issues and the housing land supply position of the Council, there are material considerations to outweigh the conflict with the development plan in respect of the location of the site outside of development boundaries.

Reasons

5. The site lies outside of any development boundary and therefore saved Policies GD2 and DC17 of the Wealden Local Plan (1998) (WLP) would restrict new residential development. The site is also outside of any location identified for development in the Wealden Core Strategy Local Plan (2013) (WCS). Chiddingly is not listed within Policy WCS6 as being suitable to take development. The appellant concedes that in normal circumstances the appeal scheme would be refused permission.

Access to services and facilities

6. Chiddingly is a small village with a nucleus of development clustered around the church, village hall and Six Bells public house. The nearest primary school is located in Muddles Green approximately a kilometre to the south, with a village shop and café nearby. Residents of Chiddingly must travel further afield for employment opportunities, healthcare and secondary education. The closest settlement of any size is Hailsham, but this is several kilometres away and existing residents need to use their own private motor vehicles as there are no regular public transport services operating through the village.
7. The appeal relates to the Latchetts Caravan and Camp Site to the west of Chiddingly. The appellant describes the site as abutting other developments close to the centre of the village. However, there are intervening fields which create physical detachment. In reality, the site forms part of a loose knit pattern of development beyond the main built-up part of the settlement. The proposed homes would not be isolated within the meaning of paragraph 79 of the National Planning Policy Framework (the Framework), as there are other buildings in the vicinity, but they would nonetheless have a countryside setting.
8. Highlands Lane linking the site to the village was quiet at the time of my visit. Nevertheless, the lack of pavements and street lighting provide a deterrent to walking, especially during the hours of darkness. In all probability, occupiers of the new dwellings would be reliant upon the private car to access most services and facilities.
9. The appellant has cited an appeal decision¹ for the adjoining site known as The Orchard. The development allowed in that case was the replacement of a mobile home with a dwelling. The Inspector had regard to the fallback position of indefinite use of the land for siting a mobile home. Notwithstanding its use as a caravan and camping site, there is no dwelling on the appeal site. As such, the schemes are not directly comparable.
10. The Orchard appeal decision makes reference to emerging local plan policy which identifies Chiddingly as a possible location for up to 10 new dwellings. The evidence base supporting the change in stance towards new housing in the village is not before me, but I note that Policy RAS1 of the Submission Wealden Local Plan would require new homes to be either 1 or 2 bedroom and located within or adjoining an identified Core Area. The proposal would meet neither of these criteria. I have no means of knowing whether the policy would survive detailed scrutiny, but in any event the deficiencies identified in relation to legal compliance mean that the local plan examination is unlikely to proceed any further. For these reasons, I attach the emerging plan minimal weight.

¹ Council Ref WD/2015/0329/F

11. To conclude, occupants of the proposed dwellings would have access to a limited range of services and facilities within Chiddingly. There would be the option to access these on foot in daytime, but residents would be less likely to use sustainable transport modes after dark. Without access to a bus service, residents would be heavily reliant upon the private car for most everyday journeys. I appreciate that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, but even taking this into account I consider that the proposal runs contrary to the environmental objective of sustainable development. Consequently, I find that the site is not an appropriate location for new housing.

Character and appearance

12. The appeal site lies outside of the main built-up part of Chiddingly. There are residential properties and other buildings in the immediate vicinity, but the surroundings are essentially rural. The land upon which the development would take place is periodically occupied by caravans and motorhomes, but this activity is transient and seasonal. The hardened pitches qualify as previously developed land, but they are modest in extent and screened by a roadside hedge. Most of the site is laid to grass.
13. In my judgement, there would be no benefits to the character and appearance of the area of redeveloping this part 'brownfield site' with buildings. Although it would not have any significant wider landscape impacts, the appeal scheme would consolidate the existing sporadic pattern of development and erode the distinctive rural character of the locality.
14. I therefore find conflict with WLP Policies GD2, DC17, EN8 and EN27 insofar as these seek to recognise and protect the intrinsic character and beauty of the countryside consistent with paragraph 170 of the Framework.

Whether there are material considerations to outweigh the policy conflict

15. The Council concedes that it cannot demonstrate a 5 year supply of deliverable housing sites. The Framework states² that in such circumstances the development plan policies which are most important for determining the application are out-of-date. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
16. The location of the site means that the proposal is contrary to WLP Policies GD2 and DC17 and WCS Policy WCS6. Given the Council's housing land supply position these policies are out-of-date, and this reduces the weight I can attach to the policy conflict. However, I shall give full weight to the development plan conflict as regards its objective to protect the countryside for its own sake. This is consistent with the Framework.
17. The proposal would make a very modest contribution to meeting the undersupply of housing in the district. Spending by occupiers of the new homes would provide support for facilities such as the public house. Moreover, the scheme would contribute in a small way to enhancing or maintaining the rural community and there would also be short term economic stimulus during construction.

² Paragraph 11(d) and Footnote 7

18. Against the benefits I must balance the adverse environmental impact arising from the erosion of countryside character and additional car use resulting from the site's poor access to services and facilities. The new dwellings would generate a modest number of daily vehicle movements, but the carbon emissions arising from the travel patterns over the lifetime of the development would be considerable. Overall, the adverse impacts would significantly and demonstrably outweigh the benefits. Accordingly, I find that the proposal would not constitute a sustainable form of development.

Other Matters

19. It is argued that the planning balance should be comparable to that in the case of land at 4 Brewers Row, Fletching³. However, each appeal must be considered on its merits having regard to the circumstances of the case. Although there are some similarities with the current appeal, the Fletching site has a more proximate relationship to the built form of the village and also the shop and school. That scheme will also involve the redevelopment of industrial buildings leading to a visual enhancement of the locality within an Area of Outstanding Natural Beauty. The balance of factors is different and therefore it does not follow that the grant of permission in the Fletching case should lead to this appeal being allowed.

Conclusion

20. The proposal conflicts with the development plan and there are no material considerations to outweigh that conflict. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

³ Ref APP/C1435/W/19/3228738