



Appeal Decision

Site visit made on 10 February 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/C1435/W/19/3240337

Land to the rear of Spring Cottage, Mayfield Flat, Cross in Hand, Heathfield TN21 0TU

- 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 Willy Brunsden against the decision of Wealden District Council.
 - The application Ref WD/2019/1718/F, dated 29 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the cessation of use of land for storage and distribution of plant, equipment and materials in connection with a contracting business, and ancillary maintenance of plant and equipment, and demolition of all associated buildings. The construction of a single dwelling with a detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB), and;
 - whether the appeal site would provide a suitable location for a residential dwelling, with particular reference to accessibility of local services and facilities.

Reasons

Character and appearance and the scenic beauty of the AONB

3. The main parties agree that the appeal site is located in the AONB outside any designated settlement boundary. Therefore, for planning purposes the proposal is in the countryside. Moreover, the development in the AONB must conserve and enhance the landscape and scenic beauty of the AONB, as required by Paragraph 172 of the National Planning Policy Framework (the Framework).
4. The immediate area is typified by loose knit development set back on one side facing Mayfield Flat (B2102), which is edged by verges, hedges or trees. The B2102 connects with the A267 which provides direct access to the nearby settlement at Cross-in-Hand, and the A265 which runs towards the village of Heathfield. Some bus services run along the B2102 to Heathfield, Uckfield and Haywards Heath.

5. The appeal site is accessed by a lane to the side of Spring Cottage which slopes down to a clearing and hardstanding surrounded by mature trees, including areas of semi-natural and ancient woodland. The garden of the neighbouring property of Beech Holm can be seen through trees to the left-hand side. The site, which has previously been used as a plant storage yard, includes a derelict open storage barn, a storage container, rubble, and a variety of other waste materials. The proposal is for a 4-bedroom, two-storey, traditional-style dwelling which would include a detached garage, patio area and a parking and turning area. The proposal would share the access from Mayfield Flat with the occupiers of Spring Cottage.
6. I acknowledge that the appeal site is currently encumbered by a derelict barn and a range of waste materials. However, the proposal is for a two-storey residential dwelling of significant scale and mass in comparison to the existing modest barn-style structure on site. Indeed, I noted at my site visit that while the surrounding woodland shields the appeal site, it would be located further away from the road in comparison to neighbouring properties along the B2102. As such, the proposal, adjacent the spacious neighbouring gardens, including Beech Holm, would be an unexpected and intrusive form of development in this deeper woodland location.
7. Furthermore, the development would introduce additional hard surfacing for car parking and other domestic paraphernalia into this woodland area of the AONB. Indeed, there is substantial scope for the introduction of a range of activities associated with the proposed residential dwelling. For example, washing lines, barbeques, sheds, informal play-areas, seating and so on. Whilst the existing use of the site in this location may be considered as less than ideal, the proposed development is incongruous with the character and appearance of the area. Moreover, the intrusive nature and activity associated with the proposal would fail to conserve or enhance the scenic beauty of the AONB.
8. Accordingly, the proposal is in conflict with saved Policy EN6 of the Wealden Local Plan 1998 (WLP98), the Wealden District Core Strategy Local Plan (incorporating part of the South Downs National Park) 2013, (WCSLP), and the emerging Policies of the Wealden Local Plan 2019 (WLP19), which when read as a whole say, that development will only be permitted if it conserves or enhances the natural beauty and character of the landscape.
9. Furthermore, the development is contrary to the requirements of Paragraph 172 of the Framework which requires that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Suitable location for a residential dwelling

10. The main parties agree that under the terms of the 'Braintree Judgement' (2017), and in respect of Paragraph 55 of the National Planning Policy Framework (the Framework), that the site is not an 'isolated' location in the countryside. Nonetheless, the suitability of the location for a residential dwelling should still be considered in respect of access to local services and facilities.

11. There are a limited number of services and facilities available to the future occupiers of the proposal at nearby Cross-in-Hand, while a larger range of day to day services, such as shops, restaurants, a library, public houses and leisure facilities can be found in Heathfield, which is approximately 3 miles away. However, without linking pavements or cycle routes, or a regular connecting bus service, these services are likely to be accessed using a private motor vehicle.
12. At the same time a proposal of this size is unlikely to generate a large number of journeys in respect of access to those day to day services. Indeed, the number of journeys associated with the proposal is unlikely to result in a significant increase on those already undertaken by neighbouring residents, or the vehicles associated with the previous use of the site. As such, the close proximity of day to day services and facilities render the appeal site as a suitable location for a residential dwelling.
13. Therefore, the proposal accords with Policies DC17 and SP013 of the WCSLP, the saved Policies of the WLP98 and the emerging Policies of the WLP19, which say amongst other things, when read as a whole, that development should create sustainable, distinctive and durable places where people want to live.
14. For similar reasons the proposal meets the aims of Paragraph 127 of the National Planning Policy Framework (the Framework) which says development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

15. In January 2019 the Council submitted Stage 1 of the new Wealden Local Plan for examination. However, in December 2019 the Council was informed that the submission failed to meet a number of requirements for legal compliance. The concerns included matters related to habitats and air quality. As such, in this case, the Council no longer intend to contest the need for an assessment related to the cumulative effects of development upon the Ashdown Forest and Lewes Downs Special Areas of Conservation. Given my conclusions on the main issues identified above omitted have not considered this matter further in this instance.
16. I acknowledge the reference to an earlier appeal¹ for a dwelling of the same design on the site. However, I do not have the details of that scheme before me and have considered the proposal on the basis of its own planning merits. I also note an appeal decision² submitted by the appellant in support of his proposal. As this appeal relates to another Council, which will have its own development plan policies. It therefore has limited relevance, and again I have I have considered the proposal on the basis of its own individual planning merits.

¹ APP/C1435/W/17/3177377

² APP/M2270/W/18/3215454

17. The main parties agree that the council cannot demonstrate a five-year housing land supply, and I see no reason to disagree. In such circumstances typically paragraph 11(d) of the Framework is engaged. However, Paragraph 172 of the Framework gives a clear reason for refusal related to the scenic beauty of the AONB. This is reinforced by Paragraph 11 (d)(i) and Footnote 6, which requires that areas of particular importance, including AONB, are protected and therefore, provides a clear reason for refusing development. Therefore, the presumption in favour of sustainable development, also known as the 'tilted-balance' should not be applied in this case.

Conclusions

18. Although I have found in favour of the appellant with regard to the location of the appeal site, this does not overcome the harm to the character and appearance of the area including the scenic beauty of the AONB.
19. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR