
Appeal Decision

Site visit made on 21 January 2020

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/C1435/W/19/3238928

Ivy Cottage, Mill Lane, Ripe BN8 6AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Philip Young against the decision of Wealden District Council.
 - The application Ref WD/2018/2581/O, dated 20 November 2018, was refused by notice dated 10 July 2019.
 - The development proposed is construction of a new dwelling attached to Ivy Cottage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, the Council withdrew the draft Wealden Local Plan 2019 from Examination. The Council has therefore withdrawn its evidence relating to the impacts of the proposal on the Ashdown Forest and Lewes Downs Special Area of Conservation (SAC) and has provided an updated position on the likely effects of the proposed development on the SAC. Consequently, the policies of the draft Plan have had no bearing on my decision.
3. The application was made in outline with all matters reserved for future consideration. Consequently, although plans have been submitted showing options for access, layout and appearance I have considered these plans solely on the basis that they have been submitted for illustrative or indicative purposes.

Main Issue

4. The main issue is whether the site represents an appropriate location for housing having regard to the settlement strategy, access to services and facilities, the character and appearance of the area and the Ripe Conservation Area.

Reasons

Settlement strategy and access to services and facilities

5. Policy WCS6 of the Core Strategy Local Plan 2013 (CSLP) removed the development boundary for Ripe and as such, in planning policy terms the appeal site is in the open countryside. Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 (WLP) restrict housing outside development boundaries unless it conforms with other policies in the Plan.
6. Although CSLP Policy WCS6 provides for 10 additional dwellings for the village up until 2027, the evidence before me is that this has already been exceeded. As this figure is not expressed as a minimum, and as the proposed dwelling would further

exceed it, it would therefore conflict with that Policy and consequently with WLP Policy DC17. The policies of the draft Local Plan included allowance for small scale development in Ripe of 15 dwellings, however they have now been withdrawn so cannot be relied upon. The proposal would therefore conflict with the settlement strategy in the development plan.

7. The appeal site is seen as part of a series of properties alongside the road leading into the village. With housing on three sides, it is more closely related to the settlement than to the surrounding countryside. Consequently, the proposal would not create an isolated dwelling in the countryside, which paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid.
8. Framework Paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Occupiers of the proposed dwelling would be reliant on the private car for access to many day-to-day services, however the appeal site is only a short distance from the village shop, post office and church along a public footpath or quiet road. Both are unlit but I saw on site that they were well maintained and provided suitable and attractive routes to these local facilities and bus stops. As such, occupiers of the proposed dwelling would be likely to use and support the local facilities, contributing to enhancing or maintaining the vitality of this rural community as promoted by Framework paragraph 78.
9. Consequently, although the proposal would conflict with the settlement strategy in the CSLP, it is in a relatively sustainable location and would comply with the aims of the Framework in respect of rural housing.

Character and appearance of the area and Ripe Conservation Area

10. The Ripe Conservation Area includes the two historic cores of the village and the more dispersed development around them, along with areas of historic field pattern around the village. It derives considerable significance from the historic pattern of development and the relationship of the village to Eckington Manor and St John the Baptist Church, the various historic buildings in and around the cores and from the agricultural landscape setting of the village.
11. The village cores have a close-knit pattern of development which contrasts with the dispersed pattern of farm buildings, farmhouses and other dwellings around the outskirts of the village. The area around the appeal site is dominated by the Grade II listed Mill Farm, a large farmhouse set in a substantial plot. Other dwellings are generally set back from the road in relatively spacious plots with mature vegetation around the boundaries. Most back onto farmland. Dwellings are generally set well apart from one another, although there is some low-level development comprising single storey outbuildings and extensions in-between. The result is a green, spacious and rural character markedly different to the denser development in the village cores.
12. Ivy Cottage and its neighbour Meadow Cottage are a pair of relatively small cottages of simple form, with small windows, multiple chimneys and decorative brick detailing. The date '1887' is picked out in brick on the end gable of Ivy Cottage and can be seen when approaching the village. The pair are set well back from the road in sizeable plots. Although some parts of Ivy Cottage and its outbuildings are in poor condition, the form and detailing of the dwellings and their age make a positive contribution to the character and appearance of the area and the date contributes to understanding of the evolution of the village. As such, the pair make a positive contribution to the significance of the Conservation Area.

13. Although layout is a reserved matter, the description of development states that the proposed dwelling would be attached to Ivy Cottage. While terraces are not unusual features of some villages, there are none in the vicinity of the appeal site. As such, the proposal would be a marked change to the built form of the locality, out of character with the historic pattern of dispersed development on the outskirts of the village which forms a distinctive part of the character of the Conservation Area as a whole.
14. Even if designed to match Ivy Cottage as the appellant suggests, the addition of an attached dwelling would unbalance the existing pair, the original form and symmetry of which remain apparent despite various extensions. In addition, the proposal would result in the loss or obscuration of the date on the end gable. As such it would detract from the character and appearance of the dwelling and features which contribute to the significance of the Conservation Area.
15. While it may be possible to site the proposed dwelling with a gap between it and the side boundary, it would nevertheless significantly reduce the gap between Ivy Cottage and Mill Farm Cottage. The distance between those properties is slightly larger than the gap between Meadow Cottage and Forge House to the north. However, Forge House is set towards the front of its plot and Meadow Cottage is set much further back with a largely open garden in front, and the outbuildings between the two dwellings are relatively low level. As such, a sense of space remains around Meadow Cottage. In contrast, Ivy Cottage and Mill Farm Cottage are on a similar alignment, therefore the insertion of a dwelling between the two would bring the dwellings markedly closer together. Consequently, it would significantly diminish the sense of spaciousness around these dwellings. Furthermore, it would obscure the glimpsed views of open fields currently achievable from both the road and public footpath.
16. The intensification of development on the site would be further evident from the subdivision of the garden, provision of parking and other domestic paraphernalia. Even with the front hedge retained, this would be clearly apparent in views through the access and from the footpath. It has not been demonstrated that additional landscaping could be accommodated to mitigate these impacts. Consequently, the proposal would erode the spacious character of the site and detract from the rural character of the area.
17. Accordingly, the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with CSLP Policies SPO1 and SPO13 and WLP Policies EN8 and EN27 which, amongst other things, seek to achieve good design which respects the character of adjoining development; promote local distinctiveness; and protect the character of the landscape, including attractive vernacular buildings, groups of buildings and the setting of settlements. Furthermore, it would conflict with Framework paragraph 127 which requires development to add to the overall quality of the area and be sympathetic to local character and history.
18. The proposal would be of limited scale in the context of the Conservation Area as a whole, but would result in incremental, harmful change to features that contribute to its heritage significance. As such, it would harm the character and appearance of the Conservation Area as a whole. As only a discrete part of the Conservation Area would be affected, in the terms of the Framework the harm would be less than substantial.
19. The listed building at Mill Farm derives significance from its age and architectural features, its substantial plot and formal boundaries, and its relationship with the agricultural landscape around it. Both the appeal site and Mill Farm can be seen

from the public footpath, a historic trackway to the village, and Mill Lane, a former medieval road. However, there is a significant gap in built form between the pair of cottages and the enclosure around Mill Farm. This provides physical and visual separation of the properties, such that the cottages and appeal site do not contribute to the setting of the listed building. The proposal would therefore preserve the setting of Mill Farm and any features of special architectural or historic interest which it possesses.

20. Notwithstanding this, my finding in respect of the listed building does not prevent or reduce the harm identified to the Conservation Area as a whole. Framework paragraph 196 requires that harm to be weighed against the public benefits of the proposal.
21. The proposal would contribute to the Framework objective of boosting housing supply in a relatively sustainable location. It would also contribute economic benefits through construction and occupation, including New Homes Bonus, council tax and a contribution to infrastructure through the Community Infrastructure Levy. It would also provide a small dwelling at the lower end of the market, contributing to the mix of housing and meeting identified needs. It would therefore accord with the Framework objectives to make more effective and efficient use of land, meet housing needs and support the development of small sites and windfall sites in existing settlements.
22. The Council can currently only demonstrate a 2.62 year supply of housing land. The circumstances of the draft Local Plan mean it can no longer be relied upon to address this shortfall. However, while all new dwellings contribute to housing supply, even in the context of the significant shortfall the small scale of development proposed means that the benefits of one additional dwelling carry only limited weight.
23. The appellant states that they intend to make improvements to Ivy Cottage and renovate the existing outbuilding. None of these works form part of the proposal before me however, which is an outline application for a new dwelling. Without any details of these proposals it is unclear whether they could be carried out as permitted development. Biodiversity enhancements are also proposed. There is however no substantive evidence that these proposals cannot be achieved independently of the proposed development, nor is there any mechanism to secure these improvements. As such, I afford them minimal weight. However, even if such works were to take place, the resulting benefits would not outweigh the harm I have identified.
24. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I give great weight to that heritage asset's conservation and the harm I have found to its significance carries considerable importance and weight. I find that the proposal would result in limited public benefits and that these would not be sufficient to outweigh that harm. Accordingly, the proposal would conflict with CSLP Policy SPO2 which seeks to protect the intrinsic quality of the historic environment and with the provisions of the Framework in respect of heritage assets.
25. Overall therefore, I find that the site does not represent an appropriate location for housing having regard to the settlement strategy, access to services and facilities, the character and appearance of the area and the Ripe Conservation Area.

Planning Balance

26. The site is within the influence of the Ashdown Forest and Lewes Downs SAC. Based on the evidence before me, I find that the proposal would be unlikely to

have a significant effect on the internationally important features of the site, either alone or in combination with other permitted and planned development in the area. As such, it is not necessary for me to undertake an appropriate assessment.

27. The appeal site is in an Archaeological Notification Area, however any impacts on below ground heritage assets could be mitigated by a planning condition to secure adequate protection measures.
28. I have been made aware of planning permissions for 2 dwellings at Mill Farm Cottage and 4 at Roseneath Farm. I have not however been provided with any details of those schemes or the circumstances which led to the permissions. I cannot therefore be sure that they are comparable with the appeal proposal, which I have considered on its own merits.
29. Overall, although the appeal site is in a relatively sustainable location in terms of access to services and facilities, I have found that the proposal would result in significant harm to the character and appearance of the area and less than substantial harm to the Ripe Conservation Area, which is not outweighed by the public benefits of the scheme. I therefore find that the proposal would conflict with the development plan when read as a whole.
30. Although the proposal would accord with certain objectives of the Framework as set out above, it would conflict with Framework policies which require good design and which give great weight to the conservation of heritage assets. Therefore, I find that the proposal would conflict with the Framework when considered as a whole.
31. Despite the shortfall in housing land supply, Framework paragraph 11d) is not engaged because the policies of the Framework that protect heritage assets provide a clear reason for refusing the development. As the proposal does not comply with the policies of the development plan, it does not benefit from the presumption in favour of sustainable development in CSLP Policy WCS14.
32. Although the Council cites Policy DC19 in its refusal reason, this relates to extensions and alterations to existing dwellings and ancillary buildings, none of which form part of the appeal scheme before me. Consequently, I find no conflict with that policy.

Conclusion

33. Taking account of the Framework and the above considerations, including the benefits of the development, I conclude that there are no material considerations that would indicate that the decision should be taken otherwise than in accordance with the development plan. Consequently, the appeal is dismissed.

L McKay

INSPECTOR