
Appeal Decision

Site visit made on 1 February 2021

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/C1435/W/20/3257499

Millwood, Millwood Lane, Maresfield, Uckfield TN22 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs Wallace against the decision of Wealden District Council.
 - The application Ref WD/2020/1034/PIP, dated 29 May 2020, was refused by notice dated 2 July 2020.
 - The development proposed is erection of single detached dwelling.
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Decision

1. I allow the appeal and grant permission in principle for residential development comprising a maximum of 1 dwelling at Millwood, Millwood Lane, Maresfield, Uckfield TN22 3AS in accordance with the terms of the application reference WD/2020/1034/PIP, dated 29 May 2020.

Procedural Matters

2. The appeal proposal is for a permission in principle and the Planning Practice Guidance explains that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail. The permission in principle consent route has 2 Stages; the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is when the detailed development proposals are assessed. The appeal proposal is at the first Stage.
3. Paragraph: 012 Reference ID: 58-012-20180615 of the Guidance states that the scope of permission in principle is limited to location, land use and amount of development, and all other matters are considered at the technical details consent stage if permission in principle is granted; the Appeal is determined accordingly.

Main Issue

4. This is whether the principle of the proposed development is acceptable having regard to its location, the proposed land use and the amount of development.

Reasons

5. Saved Policy GD2 of the Wealden Local Plan 1998 states that outside development boundaries development will be resisted and Policy DC17 says similar but specific to housing development. Policy WCS6 of the Core Strategy

sets out the Rural Area Strategy with certain development boundaries in the Local Plan removed. The site is in a rural area within the Low Weald, outside any development boundary defined within the adopted Plans.

6. Local Plan Policies EN1 and EN8 state the aim of sustainable development and the conservation of the landscape character of the Low Weald, while Core Strategy Spatial Planning Objectives SPO1 and SPO7 concern the management of countryside resources and the protection of the Ashdown Forest; and the reduction of the need to travel by car by concentrating development where it can most closely relate to public transport. Policy WCS14 states the presumption in favour of sustainable development.
7. The most up-to-date version of that presumption is contained at paragraph 11 of the National Planning Policy Framework, and the three overarching objectives for achieving such development are set out in paragraph 8. Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
8. The Council have referred to paragraph 79 of the Framework which states that Decisions should avoid the development of isolated homes in the countryside, other than in specified exceptions. The definition of 'isolated' was the subject of the 'Braintree' judgments, and the findings of the site inspection are that the site is not isolated in that sense, so that paragraph 79 is not a reason to withhold permission.
9. The site is part of the residential curtilage and garden of Millwood and would abut the site of an extant permission for extension to a garage. On the south-east boundary is a wide paved footpath running along the top of the cutting for the A26 which is a by-pass in this location, and by the east corner of the site a wide modern bridge carries Millwood Lane over than sunken main road.
10. There is other development in the vicinity including a sawmill in a diametrically opposite position across the bridge and whilst development is sporadic to the west along the lane, there is a more regular line of development on the north-east frontage towards the A272. There are further footpaths and a bridleway as set out in the appellant's Appendix D, providing alternative routes to various places such as bus stops and village services. The routes to the Post Office and public house by way of the roads would be within a 30mph zone other than the bridge which is wide with footways on both sides, and the lack of streetlighting is not unusual and would not be likely to deter cycling.
11. The appellant lists railway stations at 11 minutes cycle ride, although that at Uckfield would be the less hilly and a more comfortable ride than the fast road to Buxted. The full details provided at Appendix D give a picture of a site location that is not seriously remote from transport, services or day-to-day shopping, and additional residents would assist in their viability.
12. In terms of location, the conclusion is that although the site is outside development plan boundaries it is accessible to facilities by means other than a private vehicle and those routes would be sufficiently attractive as to encourage that mode of transport.
13. Another aspect of location is the site's position within 7km of the Ashdown Forest Special Protection Area and Special Area of Conservation. However, full

planning permission is only secured when both permission stages have been passed. For that reason, whilst it appears that contributions would overcome the likely harm, these can be sought and agreed at the second stage, as the harm cannot occur without that technical details consent, and that consent could be withheld or made conditional on satisfactory completion of an Undertaking. There is no provision for conditions under the permission in principle stage.

14. The proposed residential land use would be appropriate in the curtilage of a dwelling and would make better use of that land than at present, and on the matter of the amount of development, the application is clear as to this, being for a single dwelling, and there is no reason to consider that this would appear intrusive or out of place in the rural location, particularly given the proximity of the highly engineered bridge and road cutting. The full particulars of the design and its visibility or otherwise would be a matter for the second stage submission and decision.
15. The Council are unable to demonstrate a 5-year supply of housing land as required under paragraph 67 of the Framework and as a result, the 'tilted' balance in paragraph 11 of the Framework is engaged. This states that in those circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The policies that define development boundaries should therefore be deemed to be out-of-date.
16. There are no policies in the Framework regarding the protection of areas or assets of particular importance which provide a clear reason to refuse permission in principle, and in the balance the conclusion is that there are no adverse impacts which would significance and demonstrably outweigh the benefits of providing a dwelling in an accessible location.
17. Subject to technical details considerations, there is no reason for concern at this stage that the additional dwelling would undermine the aims of policies on the Ashdown Forest, the Low Weald or the character and appearance of the countryside in general and its level of accessibility would enhance and maintain the vitality of rural communities without the use of a car. It is therefore concluded that the appeal should be allowed.

S J Papworth

INSPECTOR