
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/20/3257355

The Orchard, West Street, Mayfield, East Sussex

- 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 The Hon Mrs Camilla Cameron against the decision of Wealden District Council.
 - The application Ref WD/2019/1459/F, dated 30 May 2019, was refused by notice dated 3 June 2020.
 - The development proposed is erection of three detached 2-bedroom single-storey residential cottages including access, parking and landscaping.
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Decision

1. I dismiss the appeal.

Main Issue

2. This is the effect of the proposal on the character and appearance of the West Street area of Mayfield, within the High Weald Area of Outstanding Natural Beauty, and including the effect on heritage assets.

Reasons

3. 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 outside any development boundary defined within the adopted Plans and within the High Weald Area of Outstanding Natural Beauty.
4. Local Plan Policy EN1 states the aim of sustainable development, while Policy EN6 is specific to the High Weald Area of Outstanding Natural Beauty, and Policy EN19 sets out requirements for development within conservation areas and the front part of the site is within the Mayfield and Coggins Mill Conservation Area. Layout and design criteria are set out in Policy EN27.
5. Core Strategy Spatial Planning Objective SPO1 concerns the management of countryside resources, and SPO2 seeks the protection of the intrinsic quality of the historic environment. Policy SPO13 encourages the development of high quality, safe and attractive living environments with good design and Policy WCS14 states the presumption in favour of sustainable development.

6. 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 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues, and the scale and extent of development within these designated areas should be limited.
7. Paragraph 184 of the Framework states that heritage assets, both designated and undesignated, are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The Council have also 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 as a result of which, whilst outside a development boundary, the site cannot be considered isolated due to the proximity of other buildings.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
10. While the north-west side of the road is continuously built-up, albeit at a low density, the south-east side is developed in a more sporadic form with gaps between buildings due to the wide frontages. The appeal site is an undeveloped gap in that frontage, and it is necessary to assess the contribution it makes.
11. With regard to the Area of Outstanding Natural Beauty, the gap is a location where the countryside abuts the built-up area, and the development boundary in policy terms, and it not only provides medium to long views of rolling countryside, woodland and a far ridge, but provides a natural relief to the otherwise somewhat hemmed-in roadway, particularly when leaving the confines of the eastern end from the High Street. The natural beauty of the designated area is highly apparent at close quarters and this contributes greatly to the character and appearance of this part of the road.
12. Although the conservation area is drawn tightly in the vicinity of the site, excluding the dwelling to the north-east, and running across only the front quarter or so of the depth of the site, it does encompass the roadside boundary treatment and the openness of the site together with views out to the countryside provide a setting for the area commensurate with the loose form and rural nature of this section of road.
13. On the matter of listed buildings, the Council has provided the listing description for the Arts and Crafts house West Wood, which is some way to the north-east closer to the High Street and the intervening buildings limit the

degree to which the setting can be said to be affected by the site. However, Cranesden is another listed building, again some distance from the site, but the entry onto West Street is marked by later cottages that take the form and apparent function of gate lodges, and the Officer's Report contains Conservation and Design Issue comments stating that the appeal site had close links with that estate. The openness of the appeal site is matched by open land to the far side of the cottages at Cranesden Lodge, and these two open areas together with the entry of the road make a significant contribution to the character and appearance of the lodge cottages and the setting of the principle listed building, no matter its distance from the road.

14. From the forgoing analysis, it is concluded that the gap formed at the appeal site is of considerable importance to the conservation area, the Area of Outstanding Natural Beauty, the undesignated heritage asset of the lodge cottages, and to a lesser extent, the setting of the designated heritage asset of Cranesden, since the lodge cottages are the manifestation of that asset on West Street.
15. The appeal proposal is for 3 bungalows set in a slight arc and sited for the most part just off the boundary of the conservation area. The road entry would be towards the south-west end of the site where the levels almost equate across the boundary, and the Sections drawing 01-05A shows that the ridgeline of each dwelling would at or about eye level of an observer on the carriageway, indicating that long views would be preserved, to which should be factored the less interrupted views between the dwellings.
16. Nevertheless, the introduction of the bungalows would be plainly evident in those views, introducing built form and suburban forms to the present open rural appearance, and the presence of activity, parking and domestic paraphernalia would bring about a marked change in character to the detriment of the Area of Outstanding Natural Beauty. The fact that long horizontal views would be preserved does not mitigate the harm sufficiently and the value of the open land to the Area of Outstanding Natural Beauty would be severely reduced.
17. The conservation area would lose its rural edge and the grain of built form along the south-east side of the road would be tightened, also introducing an uncharacteristic low form of building at odds with the general appearance and harming the character and appearance of the designated area and its setting, as well as views in and views out.
18. The lodge cottages would have their rural, 'gatekeeper' character and appearance seriously eroded by the development of the south-west end of the site in particular, removing much of the relative isolation along the road that is part of their presence and reminder of the historic function. They would be subsumed into the run of development on the road and the remaining open space to the further side of the entrance drive would be less clearly appreciated as part of a country estate.
19. To conclude, the different harms identified above result in the proposal being contrary to Policies EN6, EN19 and SPO2, and the design and layout fails to reach the standard sought in Policies EN27 and SPO13. The proposal would not accord with the aims of the Framework with regard to the Area of Outstanding Natural Beauty, undesignated heritage assets and the conservation area, the latter failing being contrary to the test in Section 72(1) of 1990 Act.

Planning Balance

20. The Council have provided details of the housing land supply situation as required by paragraph 67 of the Framework, and this stood at 3.75 years, and therefore below the required 5 years with buffer. 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.
21. However application of Framework paragraph 172 with regard to the Area of Outstanding Natural Beauty provides a clear reason for refusing the development proposed and in line with the advice at footnote 6 to the Framework, the presumption is disengaged.
22. In addition the other harm to the conservation area and the heritage asset attract significant weight, and although the former harm is 'less than substantial' and Framework paragraph 196 applies, the public benefit of the provision of housing fails to outweigh the permanent harm that would occur.
23. The proposal would further the economic objective listed at paragraph 8 of the Framework in the short-term provision of employment in the building process and in further occupiers supporting the village centre facilities, and that would also aid the social objective in providing dwellings relatively close to the centre, but that objective also seeks a well design environment, which this proposal fails to do. The environmental objective would not be met due to the harm caused to the street-scene and the wider environment of the Area of Outstanding Natural Beauty, the Conservation area and the historic environment of the lodge cottages.
24. For completeness it should be made clear that the previous appeal of 1995, reference T/APP/C11435/A/95/234386/P7, whilst dismissed, carries very limited weight in the current considerations due to the changed circumstances and policy background, although it is noted that visual encroachment of the single dwelling proposed into the Area of Outstanding Natural Beauty was a significant consideration.

Conclusions

25. The proposal would cause harm to the matters of recognised importance contrary to Development Plan policies. For the reasons given above it is concluded that the balance lies in that harm not being outweighed by the provision of 3 dwellings in this location, and that the appeal should be dismissed.

S J Papworth

INSPECTOR