



Appeal Decision

Site Visit made on 8 March 2021

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2021

Appeal Ref: APP/C1435/W/20/3261701

Kewins, Gallipot Hill, Hartfield TN7 4DH

- 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 L Tam against the decision of Wealden District Council.
 - The application Ref WD/2019/2555/O, dated 21 November 2019, was refused by notice dated 7 August 2020.
 - The development proposed is an outline application for residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form gave the description of the proposal as an outline application for residential development. With the appellant's agreement this was amended to an 'outline application for the erection of two dwellings with garages' and this is reflected on the Council's decision notice and the appeal form. I have dealt with the appeal accordingly.
3. The application sought for issues of access and appearance to be determined at this stage, with landscaping, layout and scale reserved for future consideration. Nevertheless, a plan showing how two dwellings and their associated garages and parking could be provided on the site was submitted with the application. I have had regard to this, treating it only as illustrative.

Main Issues

4. The main issues are:
 - a) Whether or not the site is suitable for a residential development having regard to local and national planning policy for the location of housing;
 - b) The effect of the proposed development on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

Suitability of location

5. The appeal site is part of the substantial grounds surrounding Kewins, a large detached property on the southern side of Newtons Hill. It lies outside the settlement boundary of Hartfield, as retained in the Wealden Core Strategy Local Plan 2013 (Core Strategy). For planning purposes, it is in the countryside

where new housing would normally be resisted as being contrary to Policies GD2 and DC17 of the Wealden Local Plan 1998 (Local Plan).

6. Policy WCS6 of the Core Strategy sets out categories of rural settlement which relates to their respective roles and functions. The hierarchy seeks to direct additional development to those settlements taking account of the services and facilities they provide. Hartfield is a local service centre and therefore has a limited range of local facilities including a shop, school, church and pub.
7. The appeal site is 600m from the settlement boundary of Hartfield and a little further from the facilities within the village. There is a footpath that would enable future residents to access most of them within a 10 to 15 minute walk. However, the propensity to walk is not solely related to distance, but also the quality and character of the route and how it would be experienced. In this case the footpath is narrow, unlit and on a gradient, which would make the return journey more challenging. Whilst traffic flows on the B2110 are not particularly heavy, speeds are probably in excess of 30mph. The route is therefore unlikely to be attractive in inclement weather or in the hours of darkness. However, future occupants could easily undertake the 5-minute walk to the Gallipot Inn further up the hill and there are recreational walks within Ashdown Forest within the immediate vicinity. Nevertheless, even if residents made use of the village's facilities and walked to them from time to time, it is likely that they would usually find it more convenient to access most of them by car.
8. For more substantive shopping trips and to access a range of employment, education and leisure facilities it would be necessary to travel further afield to Crowborough, East Grinstead or Tunbridge Wells. However, there is a bus service along the B2110, which would provide an opportunity to make use of public transport. Taking all these factors into consideration, future occupants would not be entirely reliant on a car. However, the appeal site is not in a location where it would be easy to make regular journeys on foot, by bike or using public transport. The practical reality is that if future occupants owned a car, they would be highly likely to rely on it as the most convenient means of carrying out their day-to-day activities.
9. I conclude that the appeal site is not a suitable location for a residential development due to its location in relation to the limited facilities available in the village of Hartfield. The proposal would conflict with Policies GD2 and DC17 of the Local Plan and Policies WCS6 and SPO7 of the Core Strategy, which seek to restrict development in the countryside and reduce the need to travel by car by concentrating development where it can most closely relate to public transport opportunities.

Character and appearance

10. The appeal site lies within the High Weald AONB, an area designated for its landscape and scenic beauty. The surrounding area is predominantly open countryside, although scattered dwellings create loose knit ribbon development along the southern side of Gallipot Hill. The site is on ground that rises gently from the road and overlooks attractive open country which falls away steeply to the north. It is part of an exceptionally large front garden to the property so that the building is barely visible from the street. The part of the garden where it is proposed to erect two dwellings is an area of lawn with some trees but no ancillary buildings or domestic paraphernalia.

11. The introduction of two good-sized, two-storey dwellings as suggested by the indicative drawings would be visible from the road above the boundary hedge. This would be out of character with the street scene where other development is more hidden. Furthermore, it would be visually separate and distinct from the pattern of development which surrounds the pub on the opposite side of the road and to the west of the site. The proposal would therefore have a suburbanising influence in an area that has a predominantly rural character.
12. Even though the proposal would share the access with the existing house, some minor widening of the entrance would be required which would increase its visibility in the street scene, detracting from its appearance. In any event the primary purpose of AONB designation is to conserve and enhance the landscape as a whole. Introducing new dwellings, hardstanding and the associated residential activities would not sit comfortably with that objective.
13. I therefore conclude that the proposal would harm the landscape and scenic beauty of the High Weald AONB contrary to Policy EN6 of the Local Plan and Policy SP01 of the Core Strategy. These policies seek to protect and enhance the district's nationally designated landscapes.

Other Matters

14. Permissions which have been granted for other dwellings in the vicinity were mostly the result of conversions of existing buildings. They are therefore not directly comparable with the appeal proposal which would introduce entirely new built form and associated hard standings. Furthermore, those schemes were assessed against a different policy context which did not form part of the adopted development plan. That approach is not relevant to my assessment of the appeal proposal.

Planning Balance

15. Policies GD2 and DC17 of the Local Plan are inconsistent with the Framework insofar as they restrict development beyond settlement boundaries as a matter of principle. The weight to be attributed to conflict with these policies is therefore limited. Policies WCS6 and SP07 of the Core Strategy are broadly consistent with the Framework's approach to locate development according to the range of facilities available within settlements and the need to encourage the use of sustainable modes of travel to access them. Conflict with these policies therefore carries significant weight. Policies EN6 of the Local Plan and SP01 of the Core Strategy which are consistent with the Framework's approach to the protection of valued landscapes. There are no policies in either the Local Plan or Core Strategy which favour development in this location. As there would be conflict with all the above policies, the proposal would be contrary to the development as a whole, including Policy EN1 of the Local Plan and WSC14 of the Core Strategy which promote sustainable development.
16. However, the Council is unable to demonstrate a 5-year supply of deliverable housing sites, so paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged.
17. The provision of two dwellings would make a minor contribution to the supply of housing with associated social and economic benefits. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, so decisions should take this into account.

However, paragraph 78 states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. In this case the distance from the appeal site to the village, when combined with the quality and character of that route, indicates that future occupants would not necessarily make use of the village's facilities and would almost certainly choose to use a car in preference to other modes for most of their day-to-day activities. This leads me to conclude that the adverse environmental impacts of locating housing on this site would significantly and demonstrably outweigh the limited social and economic benefits associated with two dwellings.

18. Even if I had come to a different conclusion, paragraph 172 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs which have the highest status of protection in relation to these issues. Furthermore, paragraph 11 d) i) states that the application of policies in the Framework that protect areas of particular importance can provide a clear reason for refusing a proposal. Footnote 6 to this paragraph identifies an AONB as such an area.
19. It therefore follows that the presumption in favour of sustainable development does not apply in this case.

Conclusion

20. The proposal would conflict with the development plan. There are no other considerations, including the provisions of the Framework, which outweigh this finding.
21. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR