



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: 22nd March 2021

Appeal Ref: APP/C1435/W/20/3263604

Land to the north of Boathouse Farm, Lewes Road, Isfield TN22 5TY

- 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 Martin Tebbutt against the decision of Wealden District Council.
 - The application Ref WD/2020/0486/F, dated 3 March 2020, was refused by notice dated 10 September 2020.
 - The development proposed is erection of two detached dwellings, parking and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the site is suitable for a residential development having regard to local and national planning policy for the delivery of housing.

Reasons

3. The appeal site lies to the south of Isfield which was defined by a settlement boundary in the Wealden Local Plan 1998 (Local Plan). However, this boundary was revoked by the Wealden Core Strategy Local Plan 2013 (Core Strategy). The whole of the village is therefore in the countryside for the purposes of planning policy and where saved Policy GD2 of the Local Plan seeks to resist all development beyond settlement boundaries. Saved Policy DC17 of the Local Plan specifically resists residential development in the countryside, although the supporting text sets out a series of exceptional circumstances where housing may be acceptable. It has not been suggested that any of these exceptions apply to this case, including the one relating to the provision of affordable housing. The proposal would therefore be contrary to the Council's spatial strategy.
4. It is suggested that the site is between 100-300m from the centre of the village. However, from my observations, that is not a location which is particularly obvious on the ground. There is a cluster of residential development around the public house and the station serving the Lavender Line which is close to the Lewes Road/Station Road junction. This is about 200-250m from the site. Other facilities, including the farm shop, playground and village hall are somewhat scattered and all are further away along Station Road. Nevertheless, the footpath through the village connects this limited range of facilities with the pub.

5. However, there is no footway between the appeal site and the pub. To reach any of the facilities in the village would necessitate a walk along an unlit road, parts of which do not even have a narrow grass verge. This road is only 6m wide, is straight and the 85th percentile speed was observed to be 40-41mph, notwithstanding the proximity of the site to the commencement of the 30mph speed restriction through the village. So, whilst traffic flows are not high, vehicles are travelling at considerable speed which would make walking along the road feel at best, uncomfortable, and at worst, dangerous.
6. At the junction with Station Road there is potential for vehicles to come into conflict with each other when passing between the gates of the disused railway crossing. The absence of a footway at this point would be a further hazard to negotiate for anyone walking from the appeal site into the village. I accept that there have been no recorded accidents along Lewes Road in the vicinity of the site, and adequate visibility splays could be provided to serve a vehicular access, which was the principle concern of the highway authority. However, I am not satisfied that any pedestrian would feel safe walking from the site into the village. In this context, I think it is highly unlikely that future residents would choose to walk to the village even in good weather and during the hours of daylight. To do so in the dark or inclement weather would, in my view, present them with unacceptable risks. It is much more likely that they would use a car to make use of the village's very limited facilities.
7. There can be little doubt that to access most shopping, employment, education (both primary and secondary), health and leisure facilities would require a journey at least as far as Uckfield, the nearest town. Whilst there are bus services that provide an alternative to the car during the day, they would not be available for journeys in the evenings. Reaching the bus stops would necessitate a walk along Lewes Road which would not be easy. In any event such journeys would be much more conveniently undertaken by car. This combination of factors would result in the use of modes other than the car being the exception rather than something that was done regularly.
8. I am aware that permission was granted on appeal¹ in 2018 for 10 dwellings to the west of Culpepper Close, although at the time of my site visit these houses had yet to be built. In allowing the appeal the Inspector was satisfied that the site had reasonable accessibility to services and facilities without being entirely dependent on the private car. His assessment took account of the fact that Culpepper Close is to the rear of existing development and the footpath along Station Road would provide access for pedestrians to the village's facilities. This makes the accessibility of that proposal significantly different to the one before me.
9. I have also carefully considered a number of other appeal decisions² to which the appellant has referred me in Fletching, Golden Cross, Five Ashes, Palehouse Common and Buxted. In assessing the accessibility of the site and the likelihood of future residents walking into Fletching from it, the Inspector was satisfied that the road was not busy. He also took account of the range of services available in the village, which appears to be more comprehensive than

¹ APP/C1435/W/17/3178137

² APP/C1435/W/19/3228738, APP/C1435/W/20/3249689, APP/C1435/W/20/3253541, APP/C1435/W/20/3254759 and APP/C1435/W/19/3237487

those available in Isfield. No mention was made of traffic speeds or the quality of any highway verge which I considered to be important in my assessment of this scheme. The scheme at Golden Cross related to a change of use from holiday accommodation to permanent homes. The starting point for the Inspector's assessment was therefore significantly different to a proposal for two dwellings in an undeveloped field. In assessing the site's access to services, he noted that a convenience store associated with a filling station was within easy reach of the site. No such comparison can be made in this case.

10. The appeal at Five Ashes related to the conversion of an existing agricultural building and was therefore materially different to the appeal proposal. The Inspector acknowledged the site scored poorly in its accessibility and that future occupants would rely on the use of private vehicles. However, this was only one factor he took into consideration in undertaking the overall planning balance. In allowing the appeal at Palehouse Common, the Inspector was particularly mindful of the site's previous use and its relationship to a cluster of surrounding development, including some commercial activities. However, there was no suggestion that he thought that future residents would be able to access services and facilities on foot. The Buxted proposal sought permission for 2 dwellings adjacent to an existing care home. The provision of suitable visibility splays for vehicles was the main issue that addressed by the Inspector, but in his planning balance he noted that there was a footpath link to Buxted with its train services and village facilities.
11. In summary, all these schemes these differed significantly from the appeal proposal in many ways, including the nature of nearby services, the availability of footways and the existing uses of those sites. None of those schemes is therefore directly comparable with the appeal proposal which I have determined on its individual merits taking account of its site-specific circumstances.
12. Taking all the above matters into consideration, I conclude that the appeal site is not a suitable location for a residential development, having regard to the development plan's policies for the location of housing. It would conflict with Policy SP07 of the Core Strategy, which seeks to reduce the need to travel by car and improve the quality of journeys that can be made on foot, bicycle or public transport. This would be in addition to conflict with saved Policies GD2 and DC17 of the Local Plan which strictly limit residential development in the countryside.

Planning Balance

13. The Council also cited saved Policies EN8 and EN27 of the Local Plan and Policies SPO1 and SPO13 of the Core Strategy in its decision notice. Policies EN8 and SPO1 seek to protect the district's countryside and distinct landscapes. The appeal site is a field enclosed by the farmyard to Boathouse Farm, the trees alongside the stream and the embankment of the disused railway. The site relates visually to the farm and the surrounding rural landscape rather than the ribbon development alongside Lewes Road. Although the loss of the field would be regrettable, it would not cause significant harm to the wider Low Weald Landscape.
14. Policies EN27 and SPO13 relate to design and no objections to the layout or design have been put before me. It is therefore not necessary for me to consider these aspects of the scheme.

15. Nevertheless, as the proposal would be contrary to the Council's spatial strategy, its ambition to encourage the use of sustainable transport and its pursuit of sustainable development as set out in Policies EN1 of the Local Plan and Policy WCS14 of the Core Strategy, there would be conflict with the development plan when read as a whole.
16. However, the Council is unable to demonstrate a 5-year supply of housing land (5YHLS) as required by the National Planning Policy Framework (the Framework). Following publication of the Housing Delivery Test the Council states that its land supply is 3.28 years. This is a significant shortfall and consequently, the conflict with the development plan carries only moderate weight in the balance. In these circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
17. The provision of two dwellings would make a small contribution towards the shortfall of housing supply. This is a factor in the scheme's favour. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (paragraph 103). It also advocates locating rural housing where it will enhance or maintain the vitality of rural communities (paragraph 78). However, given the distance of the site from the limited facilities in the village, the lack of a safe route by which to reach them on foot and the need to travel further afield for the majority of services, the proposal would make only a minimal contribution to the vitality of the village. The proposal would also be contrary to the Framework's aims of giving priority first to pedestrian movements (paragraph 110) and ensuring safe access to the site for all users (paragraph 108). These are significant and cumulative factors that count against the scheme.
18. This leads me to the view that the adverse impacts of the proposal would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply.

Conclusions

19. I have found that the proposal would conflict with the development plan. The other considerations in this case, including the provisions of the Framework, are insufficient to outweigh that conflict.
20. For this reason, I conclude that the appeal should be dismissed.

S M Holden

INSPECTOR