



Appeal Decision

Site Visit made on 23 February 2021

By Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2021

Appeal Ref: APP/C1435/W/20/3258056

Worth Farm, Worth Lane, Little Horsted, Uckfield, TN22 5TT

- 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 Peter Walters of Tarbock Developments Limited against the decision of Wealden District Council.
 - The application Ref WD/2020/0090/FR, dated 21 April 2020, was refused by notice dated 21 July 2020.
 - The development proposed is demolition of existing building and erection of 3 no. dwellings, access, landscaping & associated infrastructure. Retrospective application for drainage field and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Planning permission has been granted for the demolition of buildings and erection of 6 no detached houses immediately to the south of the appeal site¹. At the time of my site visit, this development was under construction. The approved scheme included a drainage field to the north of the new dwellings. However, the drainage field has been laid out in a different location further to the north-east. The appeal, in part, seeks approval of this alternative location. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the site is an appropriate location for housing, with regard to local and national policies and the accessibility of services and facilities.

Reasons

4. The appeal site is located on Worth Lane, which runs off the A26 within Little Horsted, which comprises a loose collection of dwellings either side of the A26. In addition to the 6 houses currently under construction, Worth Lane provides access to a small number of other dwellings. Surrounding these dwellings is a golf course, fields and woodland.
5. Under Policy WCS6 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013 (the Core Strategy), Little Horsted does not have a defined development boundary. The appeal site is therefore subject to the countryside policies of the development plan.

¹ WD/2016/1995/F

6. Spatial Planning Objective SPO3 of the Core Strategy seeks to direct new housing to existing towns and villages in the district where it can be accommodated in a sustainable manner. Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 (the Local Plan) resist development outside development boundaries with certain exceptions. It has not been suggested that any of these exceptions apply in this case. The proposal would therefore conflict with the Council's spatial strategy.
7. Little Horsted has a church and primary school and Isfield has a farm shop, public house and village hall. Isfield is accessible via a public footpath but this is only likely to be an attractive option in fine weather and for the occasional visit. Otherwise walking or cycling to Little Horsted and Isfield would be via Worth Lane and the A26 and, for Isfield, Horsted Lane.
8. Both Worth Lane and Horsted Lane are narrow without a footway. Whilst there is a narrow footway along the A26 to Horsted Lane, there is no continuous footway to the church and primary school in Little Horsted, with only a narrow grass verge in parts. The speed limit on this section of the A26 is 50 mph and it has no dedicated cycleway. There is no street lighting along these routes. Therefore, walking or cycling to Little Horsted or Isfield would be uncomfortable and potentially dangerous, particularly during the winter months, which would discourage these modes of travel.
9. The nearest settlement with a range of higher order facilities and services is Uckfield, the centre of which is approximately 3.5 km from the appeal site. Given the disincentives identified above, walking or cycling to Uckfield would not be an attractive option for future occupiers of the proposed dwellings.
10. Uckfield is accessible by a bus service along the A26 and there are bus stops on the road close to the junction with Worth Lane. The service runs approximately hourly during the day but not in the evenings. Moreover, accessing these bus stops would still require walking approximately 600 m along Worth Lane. The bus is therefore unlikely to be an attractive option for any future occupiers with young families or who are elderly or of limited mobility, or for anyone during the winter months or in inclement weather.
11. Consequently, in reality, future occupiers of the proposed dwellings would use cars for the substantial majority of journeys to access employment, shops, leisure and medical facilities. The provision of a minimum of a double garage with additional parking for each dwelling indicates that cars are likely to be the transport of choice for future occupiers.
12. Spatial Planning Objective SPO7 of the Core Strategy sets out that the Council will encourage the reduction of the need to travel by concentrating development where it can most closely relate to public transport opportunities, with noticeable improvements in journey quality for those making trips on foot, by bicycle or by public transport. Even allowing for some use of the bus, the proposal would not fully accord with SPO7.
13. Neither the suggested offsetting of future car emissions by the sustainable design of the dwellings nor the provision of electric car charging points would reduce the need to travel or encourage the use of means other than the private car. Furthermore, given the range of facilities in Little Horsted and Isfield compared to those in Uckfield and the proximity of the latter to the appeal site, the future occupiers of the proposed dwellings would be likely to travel to

Uckfield for those facilities. The proposal would therefore not enhance the vitality of the rural communities of Little Horsted or Isfield.

14. The 6 houses immediately adjacent to the appeal site were approved having regard to the Council's former Development Management Briefing Note (DMBN) and the potential conversion of a range of buildings on the site to residential use as permitted development. The DMBN has since been withdrawn. Consequently, the policy context for the proposal before me is different.
15. The appellant has drawn my attention to a number of appeal decisions for residential development elsewhere within Wealden district². In the Isfield case, the Inspector found that the proposal would lead to moderate harm in terms of the site's accessibility to services and facilities but allowed the appeal on the basis of the benefits of 10 new dwellings, including the support from future occupiers for local services. The proposal before me would not provide the same level or nature of support and so is materially different.
16. For Maynard's Green, the Inspector found that future occupiers would have some travel options, notwithstanding limitations with each. Nevertheless, the appeal was dismissed, partly because it was in an unsuitable location contrary to the National Planning Policy Framework (the Framework). A footpath provided access to a public house, village/farm shop and a primary school from the Blackboys site.
17. In the Cross in Hand appeal, the Inspector considered that the site was located within convenient reach of the village facilities and public transport network. From the evidence before me, the degree of accessibility to facilities and services for these 3 appeals therefore differs sufficiently from the proposal before me to allow a distinction to be drawn between them and this appeal.
18. Having regard to all the above matters, I conclude that the site is not an appropriate location for housing, having regard to local and national policies and the accessibility of services and facilities. The proposal would conflict with saved Policies GD2 and DC17 of the Local Plan and Policy WCS6 of the Core Strategy. As the proposal would not represent sustainable development, it would not comply with Policy WCS14 of the Core Strategy which promotes sustainable development. The proposal would also fail to fully comply with SPO7 of the Core Strategy.
19. Whilst not specifically cited in the reason for refusal, the Planning Officer's Report references saved Policies EN1 and EN2 of the Local Plan and Spatial Planning Objective SPO8 of the Core Strategy. The proposal would conflict with saved Policy EN1 which promotes sustainable development in considering the location of development. It would not accord with the Council's objective to maintain and enhance of the network of villages that support the day to day needs of rural communities as set out in SPO8. However, as saved Policy EN2 relates primarily to major new developments it is of little relevance to this proposal and has not been determinative in my decision.

Other Matter

20. The Council's reason for refusal contends that the revised location of the drainage field would reduce the use of the remainder of the land. However, the Council has not given any indication that this would be materially harmful or

² APP/C1435/W/17/3178137, APP/C1435/W/17/3189368, APP/C1435/W/19/3227196, APP/C1435/W/17/3179061

referred me to any relevant development plan policies. Although local residents have expressed concerns about the revised position of the drainage field, the Council's Pollution Control team raised no objection. I therefore consider that the Council has not substantiated its claim regarding the revised location of the drainage field. Accordingly, I conclude that the resiting of the drainage field does not conflict with the development plan.

Planning Balance

21. The Council is unable to demonstrate a 5-year supply of deliverable housing land. The Planning Officer's Report indicates the supply as at October 2019 to be 3.67 years. The shortfall is therefore significant. As a consequence of the provisions of footnote 7, paragraph 11 d) of the Framework is engaged. The conflict with the development plan therefore attracts only moderate weight in the planning balance. Accordingly, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
22. The provision of 3 dwellings would make a small contribution to the housing supply and would provide modest economic benefits. These are factors in the scheme's favour, particularly given the Framework's aim of significantly boosting the supply of housing. However, the proposal would be likely to result in the increased use of the private car due to the need to travel to facilities and services and the lack of a safe and convenient route for cycling or walking, including to access bus services.
23. The Framework does not specifically preclude the use of private cars in rural locations and recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the location of the site and the use of the car would be contrary to the Framework's policies for limiting the need to travel and encouraging walking, cycling and the use of public transport. The proposal would not ensure a safe access to the site for all users nor would it significantly enhance the vitality of rural communities. These are significant and cumulative factors that weigh against the proposed dwellings.
24. I therefore consider that the adverse impacts of the proposal would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework as a whole. Consequently, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

25. I have found that the proposed housing would conflict with the development plan taken as a whole. There are no other considerations in this case, including the provisions of the Framework, to indicate that a decision should be made other than in accordance with the development plan.
26. For this reason, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR