

Appeal Decision

Site Visit made on 18 May 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2021

Appeal Ref: APP/C1435/W/20/3263903

Land adjoining 2 Woodside Cottage, Muddles Green, East Sussex BN8 6HS

- 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 Stuart Birkbeck against the decision of Wealden District Council.
 - The application Ref WD/2018/2771/F, dated 12 December 2018, was refused by notice dated 11 August 2020.
 - The development proposed is a pair of semi-detached 2 bedroom cottages with off road parking.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located at the southern end of Muddles Green, a small village approximately 1 km north of the A22 between Uckfield and Hailsham. Under Policy WCS6 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013 (the Core Strategy), Muddles Green does not have a defined development boundary and is not identified for housing growth. Therefore, although the appeal site is not isolated, it is in the countryside for the purposes of planning policy.
4. The potential inclusion of the site within a defined development boundary in a future iteration of the development plan is speculation and I have no firm evidence to suggest that this would be case. Whilst the new Local Plan submitted for examination in 2019 may have contained a provision for 10 new houses in Muddles Green, this Plan was withdrawn and I must determine this appeal with reference to the existing development plan.
5. Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 (the Local Plan) resist development outside development boundaries unless it conforms with other policies in the Plan for specific forms of development. 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.
6. Muddles Green has a primary school and a village shop within a reasonable walking distance of the appeal site. The appellant indicates that the proposed dwellings are targeted at young families with children who could walk to the

primary school. However, no mechanism has been put forward to ensure that the properties would only be sold or let to prospective occupiers with primary school age children attending, or about to attend, the primary school. Consequently, the properties could be occupied by people without school-age children, including potentially older people looking to downsize.

7. A petrol station and convenience store can be found on the A22 at Golden Cross, approximately 1 km to the south and a public house, church and village hall are to be found in Chiddingly, slightly further to the north. However, whilst the village shop and convenience store may be useful for occasional purchases of daily essentials, they are unlikely to be used for any more substantive shopping.
8. Spatial Planning Objective SPO7 of the Core Strategy sets out that the Council will encourage 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. Access to Golden Cross and Chiddingly are both principally via narrow country lanes with no footways beyond Muddles Green or street lighting and generally only narrow uneven verges. Walking to either on a regular basis is therefore unlikely to be an attractive option, especially in the dark or inclement weather or for occupants with young children or who are elderly or of limited mobility. Using a public footpath to walk to Golden Cross would only be an attractive option in daylight and fair weather.
9. For a greater range of facilities and services, it would be necessary for future occupants of the proposed dwellings to travel to larger settlements such as Hailsham or Uckfield. Although the appellant refers to bus services on the A22 and has provided a map of bus routes in the area, I have no details of the frequency or timing of services. In any event, the inconvenience of walking to Golden Cross would be a disincentive to the use of the bus. With no dedicated cycleway on the A22 in the vicinity of the appeal site, cycling to Hailsham or Uckfield would not be an attractive option.
10. There are, therefore, very limited facilities reasonably conveniently and safely accessible by means other than the private car. Future occupants of the proposed dwellings are therefore likely to find the private car more convenient for many of their journeys and be largely reliant on the private car to access higher order facilities and services, employment opportunities etc. The provision of charging points would facilitate but not ensure the use of electric cars by future occupiers and would not reduce the need to travel.
11. I therefore conclude that the site is not an appropriate location for housing, having regard to local policies and the accessibility of facilities and services. In addition to the proposal's conflict with Saved Policies GD2 and DC17 of the Local Plan, I find that the proposal would not represent sustainable development and therefore fails to comply with Saved Policy EN1 of the Local Plan and Policy WCS14 of the Core Strategy, which promote such development.
12. The proposal also fails to comply with SPO7 and gains no support from Spatial Planning Objective SPO8 of the Core Strategy, which sets out the Council's support for an effective network of villages which will accommodate some additional growth where this would be sustainable.

Other Matters

Chiddingly and Muddles Green Conservation Area

13. The appeal site is within the Chiddingly and Muddles Green Conservation Area (the Area). In assessing the effects of the proposal, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. The National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets and any harm to or loss of significance of such an asset requires clear and convincing justification.
14. The Area is split into two between Chiddingly and Muddles Green. The latter covers the eastern and southern parts of the village. No character appraisal of the Area has been provided to me. However, from the evidence of interested parties and my observations during my site visit the significance of the Area appears to lie in the predominantly historic dwellings, some of which are listed, representing the historic core of the village. It is characterised by these dwellings, many of vernacular design and materials with strong intrinsic architectural or historic merit, and historic field boundaries. The extensive spaces around and between these dwellings and the trees and hedges give the Area a verdant character and appearance.
15. The appeal site is accessed via a byway off Burgh Hill Lane. The prevailing pattern of development along the lane and the byway is of built development interspersed with open spaces. The site is a garden to the south-west of Woodside Cottages, partially screened from Burgh Hill Lane by existing vegetation. However, it is clearly visible from a public right of way that runs along a field access immediately to the south-west. The garden has a domestic appearance and makes a positive but very minor contribution to the character and the appearance of the Area.
16. The proposed layout has space around both dwellings so that the proposal would reflect the prevailing pattern of development in this part of the Area. The retention and reinforcement of planting around the boundaries of the plot could be secured by a condition were planning permission to be granted. As there are two other dwellings to the south-west of the site within the Area the proposal would not extend beyond the existing limit of development in the village. The dwellings themselves would be of generally traditional design and materials could also be secured by a condition.
17. Therefore, although the proposal would represent change within the Area, it would have a neutral effect on, and would thus preserve, the character and the appearance of the Area.

Ashdown Forest

18. Ashdown Forest is an extensive area of heathland and woodland. It is designated as a Special Protection Area (SPA) and a Special Area of Conservation (SAC) because of its biodiversity interest, including breeding populations of Dartford warbler and European nightjar, North Atlantic wet heaths with *Erica tetralix*, European dry heaths and the presence of great crested newts.

19. The designated sites are vulnerable to disturbance from recreational activities associated with new residential development within 7 km and air pollution from vehicles. However, the appeal site is beyond 7 km from the Forest. The draft Wealden Local Plan 2019 sought to deliver a quantum of development far in excess of the proposal before me. Natural England was satisfied that this quantum would not adversely affect the integrity of the SAC from air quality impacts without mitigation measures being needed. I therefore conclude that there is not a pathway for the proposal to have a likely significant effect on the integrity of these designated habitats sites.

Other considerations

20. The appellant refers to the granting of permission for three residential developments at the north-western end of Chiddingly and another at Willetts Farm in Muddles Green¹. However, the Council explains that the schemes in Chiddingly related to the replacement of agricultural buildings; the replacement of a long-established residential mobile home; and the conversion of an existing rural building, as an exception allowed by the Local Plan.
21. The scheme for Willetts Farm was the replacement of existing agricultural and commercial buildings with seven new dwellings. The context for these other schemes is therefore significantly different to that for the proposal before me. In any event, I have determined this appeal on its own merits.
22. I note the significant number of objections to the proposal. One representation offered no objections, citing benefits of the proposal. I consider these below.

Planning Balance

23. The Council cannot demonstrate a 5-year supply of deliverable housing sites, with the supply as at 1 April 2020 being 3.28 years. The shortfall is therefore significant. Given this situation, paragraph 11 d) of the Framework is engaged by footnote 7 and so the conflict with the development plan attracts only moderate weight in the planning balance. I have found above that the proposal would preserve the character and appearance of the Muddles Green Conservation Area and would not have a likely significant effect on the integrity of the Ashdown Forest SPA or SAC. Accordingly, paragraph 11 d) ii) of the Framework applies.
24. The provision of two dwellings would make a small contribution to the housing supply. Whilst this is a factor in the scheme's favour, this social benefit would be very modest given the scale of the proposal. The appellant indicates that there is a significant shortage of starter homes in the area and a need locally for affordable housing for rent. However, whilst the Housing Strategy 2020-2025 identifies a need for smaller and privately rented houses in the district as a whole, the appellant has provided no evidence to demonstrate a specific need within Muddles Green.
25. Furthermore, the application form indicates that the dwellings are to be market housing and no mechanism has been put to me to secure the retention of the proposed dwellings as starter homes or as affordable houses for rent. Accordingly, this matter adds little weight in favour of the proposal. The lack of conflict with paragraph 79 of the Framework in terms of isolation is a neutral factor in the balance.

¹ WD/2015/2758/F, WD/2018/0848/F, WD/2018/1184/F and WD/2019/2409/F

26. The proposal would provide economic benefits from the construction and expenditure by future occupiers. The Framework encourages locating rural housing where it would enhance or maintain the viability of rural communities. However, given the scale of the development, the poor accessibility of Golden Cross and Chiddingfold by foot and the need to travel further afield for other services, it is unlikely that proposed development would make any significant contribution to the vitality of these communities or Muddles Green. Moreover, I have no evidence that the proposal is needed to ensure the survival of any of the facilities and services in these settlements. Consequently, the economic benefits of the proposal would also be very modest.
27. Set against these very modest benefits is the conflict with the Framework's policies on travel. Although the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it advocates limiting the need to travel; prioritising pedestrian and cycle movements; promoting walking, cycling and the use of public transport; and facilitating access to high quality public transport wherever possible. Even if most trips would be via Burgh Hill Lane and the A22 rather than through Muddles Green, the reliance on the private car would result in social and environmental harms that weigh significantly against the proposal.
28. This leads me to the conclusion that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case. This conclusion is consistent with the appeal decisions to which the Council draw my attention², one of them my own.

Conclusion

29. I have found above that the proposal would conflict with the development plan taken as a whole. The other considerations, including the policies of the Framework, are not sufficient to outweigh that conflict and to indicate that a decision should be made other than in accordance with the development plan.
30. For this reason, and having had regard to the other matters raised, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR

² APP/C1435/W/19/3240563 and APP/C14350/W/20/3249738