



Appeal Decision

Site visit made on 12 May 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: **16th June 2021**

Appeal Ref: APP/C1435/W/20/3263283

Land Opposite Lovers Farmhouse, Church Farm Lane, Chalvington, Hailsham, East Sussex, BN27 3TD

- 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 A Southgate against the decision of Wealden District Council.
 - The application Ref WD/2019/1963/F, dated 20 October 2019, was refused by notice dated 1 October 2020.
 - The development proposed is the erection of 1no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would represent development which would be acceptable in terms of principle and sustainability.

Reasons

3. The appeal site is an area of land used as ancillary space, or detached garden, for the dwelling opposite. It includes soft landscape, a garage, open parking area, and a tennis court. It has boundary vegetation and is elevated above the lanes in a corner position with an existing steep vehicular access. It lies at the hamlet of Chalvington and has generally low-density development in three directions. The appeal proposal is for a single storey dwelling in the architectural idiom of a barn with a garage and incorporating a repositioning of the access point.
 4. Chalvington has no development boundary in the development plan. The Council cites Saved Policies GD2, and DC17 of the Wealden Local Plan 1998 (LP) and Policies WCS6 and WCS 14 of the Wealden Core Strategy Local Plan 2013 (CS). Taken together and amongst other matters the LP policies restrict development within the countryside to protect character, amenity and prevent undue demands on services. CS Policy WCS6 offers some flexibility for development at specific rural locations, not including Chalvington in the named list, and is based on an aim to achieve necessary development levels; at smaller settlements and rural areas with the
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protection of countryside is to take precedence. The Appellant refers to CS Policy SP08 which, in summary, supports some rural growth where it would help meet the needs of rural communities and be sustainable.

5. However, the principal parties agree that this District does not have a five-year housing supply. The policies most important for determining the proposal are thus out-of-date in accordance with the National Planning Policy Framework (the Framework). There is a presumption in favour of sustainable development within the Framework. Using that document's content, I must assess whether the appeal scheme falls within the sustainable development category, which embodies economic, social and environmental objectives. As the Framework (paragraph 11) makes clear the development should be approved unless adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the document taken as a whole.
6. By way of context, I found Chalvington to be a small, dispersed and disjointed hamlet with numerous gaps such as the appeal site lying between built development and extremely limited services. A dwelling on the appeal site would not reasonably be described as isolated. I would however assess the site as lying within a rural area, it is part of the countryside.
7. With out-of-date development plan policies, the Appellant points to the engagement of the tilted balance as explained in the Framework's Para 11 and Footnote 7. The Appellant also sees as paramount Paras 59, 68, 78, 84, 117, 118, 122 & 123. In summary these are concerned with boosting housing supply, enhancing or maintaining the vitality of rural communities, the contribution which can be made from small sites, supporting the rural economy with development on suitable sites, making effective use of land, targeting under-utilised land especially where land supply is constrained, using land efficiently having regard to need, and avoiding low density and making optimal use of use of a site's potential.
8. The Council refers to Framework Paras 2, 7, 8, 103 and 108. These are concerned with the basis for using local and national planning policies in decisions, the achievement and definition of sustainable development, managing patterns of growth having regard to transport implications, and promoting sustainable transport modes.
9. I have carefully considered all references made by both principal parties.
10. From my perspective I see some short-term economic gain from construction and there would be little economic benefit locally beyond that or assistance with vitality at this hamlet. The property would provide the social benefit of another household in the hamlet and of a further home to meet the shortfall in the District albeit numerically any gain would be minimal and there is no evidence that a large four bedroomed property would meet local needs. On the environmental front I am in no doubt that the erosion of the character of the countryside point raised by the Parish Council and others would be valid. Additionally, the dwelling would not

accord with the Framework's aim to achieve sustainable patterns of growth. Finally given limited public transport and other options residents here would rely almost solely on travel by private car with the environmental implications that entails.

11. Having carefully considered all matters I conclude that the scheme would not represent sustainable development in accord with the purpose of the planning system and the central thrust of the Framework. The adverse impacts on the environmental front would significantly and demonstrably outweigh the economic, social and other benefits including the contribution which would be made to housing land supply.

Other matters

12. The site lies within the Chalvington Conservation Area and is proximate to listed buildings. However, given my conclusion on the identified main issue I do not need to consider the implications of these facts. I note that the District Council raises no objection on these fronts albeit this is in contrast to the Parish Council. I have seen the Appellant's reference to Paras 193-200 in the Framework. In my opinion the heritage asset matter is not clear cut and had I been taking this further I would have needed to give very careful consideration to the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Similarly with Section 66(1) of the same Act setting out the need to have special regard to the desirability of preserving the setting of a Listed Building.
13. I do recognise that the number on the site and the nature and design of the property comprising the appeal proposal has been the subject of considerable dialogue and a thoughtful architectural approach. I would agree with the Appellant, and the Council, that there would be a clean bill of health on a number of technical and environmental detailed matters including some specific concerns raised by third parties. I do appreciate the points on Covid, electric car, working from home and, in my view limited, public transport options highlighted by the Appellant. I also note the brownfield land argument put by the Appellant, although any such definition does not automatically render a site as being sustainably located.
14. I have carefully considered the range of planning decisions which have been cited by the Appellant. For reasons of variations in locations, proposed development form, policy context, or other planning considerations I do not find any to be directly comparable or grounds for a precedent-type argument. In any event I must assess the case before me on its own merits.
15. I am cognisant of the case made by the Appellant through the citing the Wealden Local Plan 2019 (now withdrawn) which had Core Areas identified and some flexibility on the siting of new dwellings at rural settlements. I can appreciate the implications drawn from this which are well set out by the Appellant but the fact remains that this Plan was withdrawn and not

independently tested through an examination process. I consider it would be very unwise for me to draw conclusions from the withdrawn Plan. This is regardless of the scheme being small scale for an individual plot – I say this as a fresh development plan will have to provide policy on, for example, settlement hierarchy strategy, numerical distribution and site selection within that, and types of dwelling required.

16.I have carefully considered all points raised by the Appellant and these matters do not outweigh the concerns which I have in relation to the main issue identified above.

Overall conclusion

17.For the reasons given above I conclude that the appeal proposal would represent unacceptable development in terms of its principle and sustainability. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR