



Appeal Decision

Site visit made on 6 September 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/U1430/W/20/3265770

Cherry Tree Nursery, Hawkhurst Road, Flimwell TN5 7QL

- 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 Cherry Tree Farm Investments against the decision of Rother District Council.
 - The application Ref RR/2020/174/P, dated 27 January 2020, was refused by notice dated 30 June 2020.
 - The development proposed is demolition of existing buildings and erection of 8no. dwellings with access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A unilateral undertaking has been submitted with the appeal which would secure 4 of the dwellings as affordable housing. The Council is satisfied that this addresses its fifth reason for refusal and no longer wishes to contest it as an issue in the appeal.
3. During the course of the appeal the National Planning Policy Framework (the 'Framework') was revised. Both main parties were given the opportunity to comment. I have taken the revised Framework into account in my decision.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for residential development having regard to local and national spatial strategy;
 - the effect of the development on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, including its form and layout; and
 - the size and mix of dwelling types.
5. It is also necessary to consider what effect a lack of housing land supply should have in the appeal decision. I address this issue in the planning balance.

Reasons

Spatial strategy

6. Policy H1 of the Ticehurst Neighbourhood Plan 2018-2028 (the 'Neighbourhood Plan') states that the overall spatial strategy is to focus residential development in existing villages, and that no residential development will be allowed outside the villages' development boundaries unless it requires a countryside location. Policy H1 is consistent with the overall spatial strategy set out in Policy OSS2 of the Rother Local Plan Core Strategy 2014 (the 'Core Strategy').
7. The site lies outside any village boundary as defined in the Neighbourhood Plan, and the proposed development does not fall within any of the limited categories of development considered to be appropriate in the countryside in Core Strategy Policies RA2 and RA3. Policy RA3 does support rural exception sites but the proposed development does not fall within the criteria for such sites as set out in Core Strategy Policy LHN3 and the appellant has not sought to argue that it should be considered within this category. The proposal therefore conflicts with the local spatial strategy for the location of development as set out in the development plan.
8. National policy on development in rural areas is contained in paragraphs 78-80 of the Framework. Paragraph 80 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply, none of which are applicable to the proposed development.
9. The site is some distance from the nearest settlement boundary of the village of Flimwell, which lies on the opposite side of the A21 London Road, and is separated from it by open land. While there is other development in the immediate vicinity of the site, including a row of houses to the east and a commercial business to the west, when viewed in the wider context these constitute sporadic development along the A268 Hawkhurst Road, with the surrounding land forming mostly or wholly undeveloped countryside. The site is therefore perceived as being physically and visually separate from the built up part of the village.
10. In terms of accessibility the site is within walking distance of the village along the A268, a busy road which has footways on either side but is unlit until its junction with the A21. It would therefore be possible to access the village from the site on foot. However, Flimwell has very limited services and facilities, such that for most day-to-day activities future occupants of the site would still have to travel to other towns or larger villages. I acknowledge that some residential development has been permitted and allocated in Flimwell including a village shop, but that does not alter the fact that accessibility would be limited and is likely to result in a large proportion of journeys being undertaken by motor car.
11. I conclude that the development would not be a suitable site for residential development because it would conflict with local and national spatial strategies for the location of new development. It would therefore be contrary to Policies OSS2, RA2 and RA3 of the Core Strategy and Policy H1 of the Neighbourhood

Plan, which direct residential development that does not need to be sited in the countryside to more sustainable locations in existing centres of population.

Area of Outstanding Natural Beauty

12. The site lies within the High Weald Area of Outstanding Natural Beauty, designated of national importance for its landscape and scenic beauty. The High Weald is characterised by ridges and valleys covered in extensive woodland interspersed with small pasture fields bounded by hedgerows and wooded shaws. The settlement pattern is one of scattered farmsteads and occasional villages, with distinctive local building styles using timber framing, brick, weatherboarding, tile hanging and clay tiled roofs. The condition of the landscape is given as high and sensitivity to change moderate¹.
13. The appeal site and surrounding landscape exhibit elements of those landscape characteristics with small pasture fields contained by field hedges and trees either side of the A268, with extensive woodland beyond. Some of the developments along the A268, such as the car dealership to the east, and to an extent the Weald Smokery to the west, are not characteristic of the traditional building forms found in the High Weald, but these are only occasional interruptions in what is otherwise a verdant and largely undeveloped rural landscape. The appeal site being largely open contributes to the undeveloped nature of the landscape. The polytunnels and timber clad barn at the western end are more modern in appearance, but they are of an agricultural character consistent with that of the wider landscape.
14. The introduction of detached and semi-detached houses on the site would erode the rural and undeveloped character of the area. Notwithstanding the retention of the majority of the hedgerows and trees bounding the site, the proposed dwellings would be visible from the A268, from a public footpath to the east and from surrounding land. The development would suburbanise the site and consolidate the sporadic development along this part of the A268 into more of a 'ribbon' form of development, losing the visual break and longer views towards woodland beyond that the site currently provides. The Landscape and Visual Appraisal undertaken on behalf of the appellant accepts that there would be an initial adverse effect on the character of the site and wider landscape. Contrary to the conclusions of that appraisal, I do not consider that additional screen planting would mitigate that harm in the long term, and the adverse effect on the landscape would persist into the future.
15. The Council also objects to the development on the grounds of it being suburban rather than rural in form and layout. In so far as it would consist of a largely linear layout along an access road and footway, I agree that the layout would appear suburban in character and would not reflect the historic pattern of scattered farmsteads found in the High Weald. The buildings would however be traditional in form with a palette of materials that would be characteristic of the local area. The variation in materials and building designs would also avoid the repetitive appearance of development found in some urban and suburban settings. The suburban layout of the scheme would therefore contribute, to a limited extent, to the adverse impact of the development on the wider landscape.

¹ Landscape Collective, Landscape and Visual Appraisal, p33 - summary of county landscape character assessments.

16. I conclude that the proposed development would cause harm to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, and consequently would conflict with Policies OSS4, EN1 and EN3 of the Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan 2018 (the 'Site Allocations Plan') and Policies R1 and H5 of the Neighbourhood Plan, which collectively seek to conserve and enhance the landscape qualities of the High Weald. In reaching that conclusion I have taken account of the objectives and policies set out in the High Weald Area of Outstanding Natural Beauty Management Plan and the High Weald Housing Design Guide.

Size and mix of dwelling types

17. The development proposes 8 dwellings, of which there would be 2 x 2-bed, 2 x 3-bed and 4 x 4-bed units. In rural areas Policy LHN1 of the Core Strategy requires a mix of housing sizes and types with at least 30% of units as 1 or 2 bed dwellings (being mostly 2 bed). With the 2-bed units comprising 25% of the overall number of dwellings in the proposed scheme, it would fall short of the requirement in Policy LHN1.
18. Policy H3 of the Neighbourhood Plan provides indicative percentages for housing sizes in new developments, with an expectation that only 15% would be 4-bed, the remainder being between 1 and 3-bed in size. The proposed mix of dwelling sizes would therefore conflict with the objective of Policy H3.
19. Four of the 8 units would be for affordable housing. This proportion exceeds the requirement of Policy DHG1 of the Site Allocations Plan, which in the High Weald is for 40%. Policy H3 of the Neighbourhood Plan also seeks 40% of the total number of units as affordable, which the proposed scheme exceeds. The policy also breaks this requirement down by unit size. The proposed scheme would exceed the expected affordable percentage for 2 and 3-bed units of 15% each, but falls marginally short for 4-bed units, which is for 5%.
20. I conclude that the mix of dwelling sizes proposed in the scheme would fail to achieve the proportions sought by the Council to meet current housing needs and would therefore conflict with Policy LHN1 of the Core Strategy and Policy H3 of the Neighbourhood Plan. The mix of proposed tenures with half the units proposed to be affordable would, however, exceed the requirement of Policy DHG1 of the Site Allocations Plan and would largely exceed the requirements of Policy H3 of the Neighbourhood Plan. I take account of the advantages and disadvantages of the housing size and mix in the planning balance.

Other Matters

21. The appellant has drawn attention to other developments in the vicinity, including a mixed use scheme at Flimwell Park to the east of the site, which is nearing completion. I have not been given much detail by either party of the justification for this scheme, but it would appear that at least part of the site was previously developed. The development at Flimwell Park has a significant visual impact when viewed from the A268, but its circumstances differ from that of the appeal site and therefore it carries only limited weight as a comparison to the current proposal.

Planning Balance

22. I have concluded that the proposal would conflict with local and national spatial strategies for the location of new development, would harm the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, and would fail to provide a suitable mix of dwelling sizes to meet local housing need. In relation to the High Weald, paragraph 176 of the Framework says that great weight should be given to conserving and enhancing the Area of Outstanding Natural Beauty, which has the highest status of protection in relation to landscape issues.
23. Balanced against this harm is the benefit of adding an additional 8 dwellings to the local housing stock. There is also the benefit of having 4 of these dwellings as affordable housing. I give these benefits significant weight, particularly given the lack of housing land supply in the district.
24. The Council acknowledges that it is unable to demonstrate a 5 year housing land supply, being only able to identify 2.87 years' supply at present. In such circumstances, paragraph 11 of the Framework says that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
25. Protection of an Area of Outstanding Natural Beauty is one such policy in the Framework². The harm identified above to the High Weald Area of Outstanding Natural Beauty provides a clear reason for opposing the development. The presumption in favour of sustainable development contained within paragraph 11 of the Framework is therefore not applicable to this appeal.
26. Considering the main issues together, I conclude that the significant benefits of the scheme in providing additional housing, including affordable housing is outweighed by the great weight attached to the harm to the landscape of the High Weald, and the harm caused to local and national spatial strategies and the imbalanced housing mix. The proposed development would therefore, conflict with the development plan when taken as a whole. There are no material considerations, including a comparison with other development in the vicinity, that are of sufficient weight to indicate an outcome other than in accordance with the development plan.

Conclusion

27. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

² Footnote 7 to paragraph 11 of the Framework.