
Appeal Decision

Site visit made on 8 December 2021

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th December 2021

Appeal Ref: APP/C1435/W/21/3269773

Wealden, Butcherfield Lane, HARTFIELD, TN7 4LB

- 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 & Mrs B Hart against the decision of Wealden District Council.
 - The application Ref. WD/2020/1613/F, dated 13 August 2020, was refused by notice dated 17 November 2020.
 - The development proposed is erection of detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. The Council's appeal statement and the appellants' final comments both addressed the revised document, and comments made have been taken into account.

Main Issue

3. The main issue is whether the appeal site would be in a suitable location for a dwelling, having regard to the accessibility of services and facilities.

Reasons

4. The appeal site comprises garden land of a dwelling located in the High Weald Area of Outstanding Natural beauty (AONB). It is one of a scatter of buildings within the landscape, which is notable for its topography. This part of the garden is occupied by a tennis court enclosed by wire fencing, and although there are many trees across the site it is open to view from the private road in front. The adjacent South Reddins Wood is an Area of Ancient Semi-Natural Woodland. The parties agree that the site is beyond any defined settlement in the development plan, and is therefore within the countryside.
5. The statutory purpose of AONBs is to conserve and enhance the natural beauty of their area, as reflected in Paragraph 176 of the Framework, which advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. It notes that the scale and extent of development within such areas should be limited. Policy EN6 of the Wealden Local Plan 1998 (WLP) has largely the same aims.

6. The Council has concluded that the proposal would not harm the intrinsic nature of the AONB, on the basis of the low profile of the proposed dwelling, its relatively discreet siting, the limited public vantage points and the screening effect of existing trees. The proposal would have a greater visual impact in the wider landscape than the existing tennis court and enclosure but I agree that the natural beauty of the AONB would be conserved.
7. The parties agree that the site would not be isolated having regard to the Braintree judgement¹ and paragraph 80 of the Framework, given its relationship to the host house and other dwellings in the vicinity. However, rather than being part of a recognisable settlement, the proposal would consolidate sporadic development in the countryside, and it is appropriate to consider access to services and facilities as part of an assessment of the suitability of the location for a dwelling.
8. WLP Policies GD2, DC17 and Policy WCS6 of the Wealden District Core Strategy Local Plan 2013 (CS) seek to restrict housing outside of defined development boundaries. This is aligned with CS Policy SP07, which encourages a reduction in car travel by concentrating development close to public transport. Although Hartfield is defined as a Local Service Centre in the CS, the submitted Transport Sustainability Report (TSR) confirms that the site is about 3km from Hartfield centre, 5km from Forest Row, 8km from East Grinstead, and 10km from Tunbridge Wells. A farm shop/small supermarket is identified 2.25km from the site.
9. The appeal site is accessed via a private track and the surrounding highway network is of rural and unlit lanes. Given the distance from public transport, I find it unlikely that future occupants of the dwelling would opt to use other methods than the private car for most journeys. Reference is made to the appellants walking 30 minutes across an off-road bridleway to the village shop and pub, but this is unlikely to be an attractive option at night or in inclement weather. Cycling would not be practical, for example, for 'the school run', heavy food shopping or to visit a doctors' surgery when unwell. Indeed, the appellants acknowledge that, despite increased home working and home deliveries, the car remains the quicker, safer and more convenient means for people to go about their day-to-day lives.
10. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. In this context, the appeal site is some distance from any settlement, defined or otherwise, where day-to-day services are located. Whilst I do not dispute the level and nature of the services available in Hartfield, they are nevertheless far from the site. The submitted Transport appeal statement advises that shorter car travel distances is a sustainability gain, but this proposal would create avoidable trips in the countryside. The planning condition suggested in the TSR, to secure the installation of rapid car charging facilities, would not mitigate this issue as it is not possible to ensure that future residents and their visitors would use electric vehicles.
11. Notwithstanding the above, accessibility is only one aspect of sustainable development, and the Framework acknowledges that housing should be located

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610

where it will enhance or maintain the vitality of rural communities, and notes that where there are groups of smaller settlements development in one village may support services in a nearby village. Whilst Hartfield may be the nearest village to the appeal site, I do not consider it to be 'nearby', and the contribution of the proposal to the support of its services would be limited.

12. Both parties have drawn attention to other appeal decisions. With regard to those supplied by the appellants, the site at Bramley² appears to directly abut a settlement boundary which is the focus for at least 200 new homes up to 2029, and with good access to the village's facilities and public transport; and the Buxted³ case appeared to focus more on the landscape impact of the proposal rather than matters of accessibility and location. On the basis of the information provided, these decisions offer limited support to the proposal.
13. I therefore conclude that, whilst not isolated from other dwellings, the site is nevertheless too remote from services, facilities and non-car travel options to be a suitable location for a further dwelling. This would conflict with WLP Policies GD2 and DC17 and CS Policies WCS6 and SP07; and with the sustainability objectives set out in WLP Policy EN1 and CS Policies SP01 and WSC14. I find no conflict with WLP Policy EN6 and the Wealden Design Guide Supplementary Planning Document regarding the effect on the AONB, but that does not alter my assessment.
14. For similar reasons, the proposal does not meet the aims of Paragraph 130 (f) of the Framework which seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matter

15. The appeal site is located within the Ashdown Forest Site of Special Scientific Interest Impact Risk Zone, and within 7km of the Ashdown Forest Special Protection Area and Special Area of Conservation, notable for breeding Dartford Warbler and Nightjar, being rare and vulnerable birds of European importance. The Council has a strategy that seeks to mitigate the impacts on this site arising from recreational pressures, and the appellants have suggested a condition which could be attached to any planning permission granted to secure mitigation. However, as I have found the proposal to be unacceptable for other reasons there is no need to consider further the implications of the proposal on the protected site.

Planning Balance and Conclusion

16. There is no dispute between the parties that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Having concluded that the proposal would not harm the AONB, the housing supply shortfall would engage paragraph 11 d) of the Framework. This renders WLP Policies GD2 and DC17 out of date, and weighs heavily in favour of the grant of planning permission.
17. The Framework gives substantial weight to the value of using suitable brownfield land within settlements for homes, but given the location of the site as part of a scatter of dwellings in the countryside as opposed to a more

² APP/H1705/W/20/3256041 - Land south of Silchester Road and west of Vyne Road, Bramley

³ APP/C1435/W/20/3254759 - Saxon Court, Pound Green, Buxted

recognisable settlement, I consider that the weight afforded in this case is reduced.

18. This windfall proposal would make a small contribution towards meeting the shortfall of housing supply in the district, and the site could be built out relatively quickly. Its design incorporates energy efficient measures to reduce its environmental impact. Whilst the proposal may satisfy some aspects of the economic, social and environmental objectives of sustainable development, I consider that the land would not be in the right place, and would conflict with the aim to create safe places with accessible services that reflect current and future needs and support communities' health, social and cultural well-being. As noted above, the support that the dwelling would offer to the vitality of the rural community and to services would be limited.
19. The adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. For the above reasons, I conclude that the appeal is dismissed.

H Lock

INSPECTOR