
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: 30th December 2021

Appeal Ref: APP/C1435/W/21/3272108

Land west of Hurstbrook House, Thornhill, Ashurst Wood, RH19 3SL

- 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 Pierre Lederer against the decision of Wealden District Council.
 - The application Ref. WD/2020/0225/F, dated 31 January 2020, was refused by notice dated 4 December 2020.
 - The development proposed is erection of detached family home, carport and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged a revised version of the National Planning Policy Framework (the Framework) has been published. The Council's appeal statement and the appellant's final comments both addressed the revised document, and comments made have been taken into account.
3. Policies in respect of the effect on the High Weald Area of Outstanding Natural Beauty (AONB) are not cited in the reasons for refusal, but the Council's report and appeal statement refer to paragraph 172 of the Framework (now 176) and the great weight to be given to conserving the AONB landscape and its scenic beauty, and to Policy EN6 of the Wealden Local Plan 1998 (WLP), which seeks to conserve and enhance the natural beauty and character of the landscape.
4. The statutory purpose of AONBs is to conserve and enhance the natural beauty of their area, and in exercising any function in relation to, or so as to affect, land in an AONB, there is a duty upon decision makers to have regard to the purpose of their designation. I have therefore considered this matter in my assessment. As the appellant has submitted detailed documents addressing Policy EN6 and the visual effects of the proposal on the AONB it has not been necessary to seek further views on this point.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the site and local area, including the High Weald AONB; and (2) whether the site is in a suitable location for a dwelling, having regard to the accessibility of services and facilities.

Reasons

Character and Appearance

6. The appeal site contains the remnants of a demolished barn and hardstanding at the edge of a cluster of dwellings grouped around Thornhill, an imposing manor house that is prominent in the landscape as a result of its size, design and the local topography. The dwellings around Thornhill vary in their size, architectural style and materials, but they all appear subservient to the main building. The site is located within the High Weald AONB, and this housing group appears as a cluster set within an open landscape. Whilst unkempt, the appeal site is not a materially detracting element in this sensitive landscape.
7. The principle of developing the appeal site stems from planning permission WD/2016/2615/F, for a 'converted barn-style' dwelling sited towards the south-western corner of the site. It incorporated an integral garage, and the layout showed two bedrooms in the roof space and a third at ground floor. The parties agree that the permission has been implemented through the demolition of a barn on the site.
8. Compared to the approved scheme, the proposed increase in ridge height would be reasonably modest (and less than the demolished barn), but the resultant building would have a prominent first-floor with raised eaves height and, combined with its various wings, would create a bulky and intrusive structure. I do not consider that the visual impact would be lessened by the use of different materials and stepped ridgeline, nor the re-siting or setting of the building into the ground. Despite the aim to screen parking, the turning area and triple carport/store would be apparent in views across the access road, and would contribute to the building mass on site. Cumulatively the development would have a prominence unsuited to its edge-of-group position.
9. The appellant advises that the aim is to create a modern rural farmhouse, with a cluster of buildings rather than a single form. However, this site is 'read' as part of the Thornhill complex, and as such I do not find that it would be an appropriate design approach to create a 'farmstead' in its own right. The submitted Landscape and Visual Impact Assessment (LVIA) notes that, rather than being a structure to be hidden or screened, the proposed farmhouse is a building to be celebrated and seen in selected framed views, but in my assessment, this would give it a prominence that would undermine the setting of the Thornhill group and their position in the wider landscape.
10. Whilst the dwelling may be well-designed in its own right, I do not consider it suitable for this particularly conspicuous location in the group. Whilst the appellant may not favour the approved design, the converted barn-style property has been accepted as compatible with the setting. I do not consider that the approved siting closer to Thornhill Road is a harmful feature that needs to be remedied, as it has the benefit of providing a more open aspect to much of the site than now proposed.
11. The appellant advises that the change in orientation of the dwelling means that domestic paraphernalia will be well screened. However, as much of the southern courtyard is a parking and turning area, such paraphernalia could be dispersed onto the main and front lawn, albeit filtered by new planting. I am not convinced that the visual impact when viewed from public footpaths would be lessened to the degree suggested by the appellant.

12. The LVIA acknowledges that there are some positions where the impact of the proposal would be acute. The appeal is accompanied by a landscape strategy that would include instant 1.8m hedge screening, and whilst additional planting may filter views over time it would not mitigate a building of the size and scale proposed. Whilst I note that the aim is to minimise the visual impact when viewed in the wider landscape and from the public rights of way, I do not consider that partly setting the building into the ground will prevent its scale being apparent when viewed at close quarters.
13. I therefore conclude that the proposal would detract from the character and appearance of the site and local area, including the High Weald AONB, and would conflict with the design aims of WLP Policy EN27 and Policy SP013 of the Wealden District Local Plan Core Strategy (CS), which amongst other criteria require the scale, form, site coverage, design and use of materials to respect the character of adjoining development and, where appropriate, to promote local distinctiveness. It would not conserve and enhance the landscape and scenic beauty of the AONB as sought by the Framework and WLP Policy EN6, nor limit the scale and extent of development within it.
14. For the above reasons, the proposal would conflict with the environmental objective set out in the Framework, and therefore WLP Policy EN1 and CS Policy WCS14. I do not find CS Policy DC18 identified by the appellant to be applicable in this case, as the proposal is for an alternative design to an unbuilt dwelling rather than a replacement dwelling.

Location

15. The reason for refusal refers to the unsustainable location, and conflict with paragraph 103 of the Framework (now paragraph 105 of the 2021 document). However, a material consideration of significant weight is the extant permission for the construction of a 3-bedroom property on the site. Although the proposed dwelling may be larger it would have a neutral effect on access to facilities and services compared to the approved scheme.
16. Given that the original proposal was found to be in a location suitable for a new dwelling, this alternative proposal would accord with the Framework recognition that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in both plan-making and decision-making. In this regard, the proposal would not conflict with WLP Policies GD2 and DC17 and CS Policies WCS6 and SP07, but this does not alter my assessment on the first main issue.

Other Matters

17. Representations suggest some dispute over the rights of access to the site. However, this is a civil matter between the parties that does not affect the determination of this appeal. Had it been successful, the grant of planning permission would not override land ownership matters.
18. The appeal site is within 15km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). However, it is understood that payments to mitigate effects arising from the development have already been secured under application WD/2016/2615/F.

Planning Balance & Conclusion

19. The parties agree that the Council cannot demonstrate a five-year supply of deliverable housing sites. This would trigger the tilted balance in favour of the proposal set out in paragraph 11 d) of the Framework, unless policies in that document provide a clear reason for refusing the development. In this case I have found that the visual impact would not conserve and enhance the landscape and scenic beauty of the High Weald AONB, as required by the Framework, and where national policy seeks to restrict the scale and extent of development. As such the presumption in favour would not apply.
20. In any case, there is an extant permission for the construction of a single dwelling on the site, and the approved scheme could secure many of the same benefits as now proposed. I note that the existing permission does not suit the appellant's needs, and that a more flexible layout is sought for changing family circumstances and working practices. However, these benefits would not outweigh the harm identified to the local environment, and as the approved and proposed dwellings would add one dwelling to the site, this appeal would have a neutral effect on housing land supply.
21. The extant permission offers a fallback position of considerable weight, but as that building would be materially less in its size, scale and visual impact than now proposed it does not justify acceptance of the appeal scheme.
22. The proposal would provide a dwelling that would accord with the national aim to bring forward a sufficient amount and variety of land to support the supply of homes, and I agree that it would not be remote from services and facilities. However, as the same would apply to the extant permission the proposal would offer no greater benefit in this regard.
23. The removal of a barn which detracted from the setting of the Thornhill group and the wider landscape has already been secured. The remaining base and hardstanding do not cause significant visual harm on the setting, to a degree that would justify a building of the scale proposed.
24. The appellant considers the proposal to be of an enhanced design compared to the approved scheme. However, for the reasons outlined above I do not consider any benefits arising from a more bespoke design to warrant the increased size and visual impact of the proposal.
25. The proposal would be constructed and sited to maximise its energy and water efficiency, and this weighs in favour of the proposal. However, it is not evident that these measures are dependent on a building of the size and design proposed, and as such the environmental benefits are not outweighed by the adverse visual impact.
26. The proposed landscape enhancements would not mitigate the visual impact of a large building on the landscape.
27. 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 this appeal is dismissed.

H Lock INSPECTOR