



Appeal Decision

Site visit made on 7 February 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Appeal Ref: APP/C1435/W/21/3281428

The Paddocks, Summer Hill, Five Ashes, Mayfield TN20 6JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Stephen Lester against the decision of Wealden District Council.
 - The application Ref WD/2021/0482/PIP, dated 1 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is residential development for a minimum of 1 residential dwelling or a maximum of 3 residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal is for permission in principle. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted, with all other matters subject to subsequent Technical Details Consent if permission in principle is granted. I have determined the appeal on that basis.

Main Issue

3. The main issue is whether the site is suitable for the development, having regard to its location, the proposed residential land use and the amount of development of between 1 and 3 dwellings.

Reasons

Location and accessibility

4. The appeal site lies outside any development boundary as defined in Policy WCS6 of the Wealden District Core Strategy Local Plan 2013 (the 'Core Strategy'). The nearest village at Five Ashes is categorised as an unclassified settlement in the Core Strategy. Unclassified settlements are defined as settlements with few or no facilities and services, and where further development would be unsustainable. The nearest local service centre at Mayfield is over 3 miles away. The site is therefore some distance from both the day-to-day and higher order services and facilities needed to support a residential use.
5. Access from the appeal site to Five Ashes would be along Spring Lane, which is a narrow country lane without lighting or footways. An alternative route would be via the A272 and A267. These are much busier roads, but they are also unlit

and without continuous footways. I have limited information about the local bus service, but it appears that the nearest service operates infrequently. A more regular bus service operates along the A267 connecting to higher order services and facilities, but this would have to be accessed along Spring Lane or the A272. As a result, it is likely that most journeys to and from the appeal site would be by motor car rather than by walking, cycling or public transport.

6. Having regard to the distance of the site from services and facilities and the lack of opportunity for travel by means other than the motor car, I conclude that the site is not an accessible location for residential development. The proposed development would therefore conflict with Policies EN1, GD2 and DC17 of the Wealden Local Plan 1998 (the 'Local Plan'), and spatial planning objective SPO7 and Policy WCS6 of the Core Strategy, which resist development, including housing, outside development boundaries unless it accords with other housing policies in the plan.

Landscape

7. The site lies within the High Weald Area of Outstanding Natural Beauty, which is a designation of the highest status nationally and has the aims of conserving and enhancing landscape and scenic beauty. The High Weald is characterised by predominantly open countryside of small pasture fields and blocks of woodland, enclosed by hedgerows and wooded shaws, in an undulating landscape of valleys and ridges. The settlement pattern tends to consist of small settlements strung out along the main roads with isolated farmsteads between.
8. The proposed development would introduce between 1 and 3 residential dwellings into the grounds of The Paddock. Notwithstanding the hedges and trees around the boundaries of the site, the development would be seen from Spring Lane and from adjoining land. It would have a suburbanising effect on what is predominantly a rural landscape. Introduction of domestic dwellings and consolidation of the existing scatter of development would not conserve or enhance the features which contribute towards the High Weald landscape.
9. I conclude that the proposed development would harm the character and scenic beauty of the High Weald Area of Outstanding Natural Beauty, and consequently would conflict with Policies EN6 and EN27 of the Local Plan and spatial planning objective SPO1 of the Core Strategy which seek to conserve or enhance the natural beauty of the landscape.
10. The Council refers to other policies in its decision notice. Policy ENV27 of the Local Plan is not relevant in this case because it relates to matters of layout and design, which would be for Technical Details Consent were planning in principle to be granted. Spatial policy objectives SPO8, SPO13 and SPO14 of the Core Strategy relating to growth in villages, good design and previously developed land do not appear relevant to the appeal proposal and I have given them little weight.

Conclusion

11. The Council acknowledges that it cannot demonstrate a 5 year supply of housing land. In such circumstances, paragraph 11d) of the National Planning Policy Framework (the 'Framework') says that planning permission should be granted unless policies in the Framework that protect areas or assets of

particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

12. The conservation of Areas of Outstanding Natural Beauty is one such policy in the Framework that protects areas of particular importance, and the harm identified above to the High Weald Area of Outstanding Natural Beauty provides a clear reason for refusal. The presumption in favour of sustainable development does not therefore apply in this case. Even if it had, I consider that the harm arising from the inaccessibility of the location and the effect of the development on the landscape significantly and demonstrably outweigh the modest benefits arising from the provision of between 1 and 3 dwellings, including any temporary economic benefit arising during their construction.
13. I consider that the proposal would conflict with the development plan when taken as a whole, and there are no material considerations which outweigh that harm.
14. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR