



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: 22nd February 2022

Appeal Ref: APP/C1435/W/21/3277000

Land at corner of Straight Half Mile and The Drive, Maresfield.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Terry of PJ Developments Ltd against the decision of Wealden District Council.
 - The application Ref WD/2018/2679/O, dated 5 August 2019, was refused by notice dated 11 February 2021.
 - The development proposed is the development of eight detached six bedroom houses with detached garages, green open space and play area.
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Decision

The appeal is dismissed.

Preliminary Matters

1. The site address given on the application form includes ‘...Half Straight Mile...’ in the description. This appears to be an inadvertent transposition of the name of one of the adjoining roads, which is ‘Straight Half Mile’. I have used the correct road name in the address in the banner heading.
2. The application is made in outline with all matters reserved for later approval other than for access and layout. I have considered the proposal on this basis.

Main Issues

3. The main issues are:
 - whether the site would be a suitable location for the development having regard to spatial strategy and accessibility;
 - the effect on the character and appearance of the area;
 - the dwelling sizes; and
 - the effect on the Ashdown Forest Special Protection Area.
4. It is also necessary to consider what effect the lack of an adequate housing land supply should have in the appeal decision. I address this issue in my conclusion.

Reasons

Location and accessibility

5. The site lies off the A22 Maresfield Bypass at the junction of Straight Half Mile and The Drive, about one mile from the centre of Maresfield. Maresfield does not have a defined development boundary, a previous boundary having been deleted in the Wealden District Core Strategy Local Plan 2013 (the 'Core Strategy'). Countryside constraints therefore apply to the appeal site, although this does not necessarily mean that growth will not be allowed, but that it will need to reflect the character and needs of the area¹.
6. The Core Strategy was adopted in 2013 and included an allocation of 50 dwellings for Maresfield. It was intended that revised development boundaries and/or site allocations would be included in a subsequent Delivery and Site Allocations Plan but that was never progressed, and a draft Local Plan was withdrawn in 2020. There is therefore no up-to-date plan to guide development in Maresfield, although there is a recognition that the settlement has some capacity to accommodate new housing growth.
7. There is a scatter of individual and groups of dwellings in the vicinity of the appeal site interspersed by parcels of grassland and woodland. This loose knit development can be distinguished from the more developed part of Maresfield to the south.
8. Notwithstanding the semi-rural location, the site does benefit from a reasonable degree of accessibility to the facilities and services to be found in the centre of Maresfield and beyond that in Uckfield. There is a bus service along Straight Half Mile with a bus stop immediately outside the site. Walking and cycling routes to the centre of Maresfield are available along The Drive, which is lightly trafficked, or Straight Half Mile, which is busier but has a separate footpath. Neither are lit which reduces their useability in the dark. Nevertheless, given the rural context I consider the degree of accessibility to be acceptable.
9. Maresfield is defined in the Core Strategy as a neighbourhood centre, with limited facilities including a church, shop, public house, primary school, community hall and recreation ground. There are also some employment opportunities. The larger district centre of Uckfield lies approximately 3 miles to the south and can be accessed using the bus service. It is still likely that the majority of higher order services would need to be accessed via motor car, particularly in the evenings and weekends when the bus service is more limited. That, however, is a situation that applies to all parts of Maresfield.
10. My attention has been drawn to a development underway to the south of the appeal site at Forest Ridge, The Drive, Maresfield². The Council granted planning permission for this development recognising that while it was outside the former development boundary, the growth planned in the Core Strategy combined with limited opportunities for intensification or redevelopment within the existing built up area meant it was likely that new greenfield allocations would be necessary. The location was also one where the Council considered new dwellings could be accommodated without seriously harming the landscape character. Given the similarities between this permitted scheme and the appeal proposal, I give it weight in my decision.

¹ Core Strategy, Wealden settlement hierarchy, paragraph 3.7

² WD/2016/0928/O

11. I conclude that while the appeal site lies outside the settlement of Maresfield, given the provisions of the Core Strategy and the lack of an up-to-date plan to guide development it is necessary to consider locations outside the centre of the settlement to meet local housing demand. Future occupiers on the appeal site would have reasonable accessibility via means other than the motor car to the facilities and services that are available in Maresfield. The location of the proposal would therefore not materially conflict with Policies GD2, EN1 and DC17 of the Wealden Local Plan 1998 (the 'Local Plan'), spatial planning objective SPO3 and Policies WCS6 and WCS14 of the Core Strategy which support sustainable development that meets the needs of the area and reinforces accessibility.

Character and appearance

12. The appeal site is open land bounded by hedges with occasional trees. It is set amongst individual bungalows and houses, and groups of houses, set in extensive grounds, interspersed with parcels of grassland and woodland. The extensive gardens of the neighbouring properties allow for mature planting, including fully grown trees, that helps to integrate them into the semi-rural character of the landscape.
13. The proposed development would reduce the sense of openness and consolidate what is currently scattered development. Its impact on the wider countryside would however be limited by the presence of the other dwellings that neighbour the site and with which the development would be seen in combination. Hedging and boundary trees would largely be retained other than where required to be removed to form a new access onto Straight Half Mile.
14. The development would comprise detached dwellings, similar to many of those in the area and including those being built to the south of Forest Ridge. With the exception of the northernmost plot, the proposed dwellings would flank rather than face the adjacent roads. Given the internal space and retention of boundary hedging, I do not consider this layout would in principle be harmful to the low density, semi-rural character of the area.
15. However, the proposed dwellings would occupy smaller plots than those found in the scatter of houses fronting The Drive and Straight Half Mile, and they would be positioned closer to one another. The lack of space between flanking buildings would result in a more urban appearance than is typical of other dwellings in the area, and would prevent the use of soft landscaping between as well as around buildings.
16. I conclude that the layout of the development would harm the character and appearance of the area to the limited extent outlined above because of the closeness of the buildings and the lack of space for soft landscaping between them. It would therefore conflict with Policies EN8 and EN27 of the Local Plan, which seek good design that retains the character of the area and promotes local distinctiveness.

Dwelling sizes

17. The Council criticises the dwelling mix of the proposed development as failing to meet a local need for smaller units. However, Policy H5 of the Local Plan only requires a mix of dwelling types and sizes on estate development within development boundaries, neither criterion of which applies to the appeal site.

While securing a mix of dwelling types and sizes that responds to need is a legitimate policy objective, that is more applicable to large scale development rather than individual small schemes such as that proposed here. Although the Strategic Housing Market Assessment indicates the need for large houses is considerably smaller than that for smaller units, there is nevertheless a need for all sizes of houses, including those of 5+ beds. In this case, the area is characterised by larger dwellings, and the larger gardens and landscaping that are associated with them would allow the development to integrate more effectively into the semi-rural character of the area better than a development of more, smaller dwellings might.

18. I conclude that there is no conflict with Policy H5 of the Local Plan, and given the modest size of the proposed development and its countryside location a requirement for a mix of dwelling sizes is not necessary in this instance.

Ashdown Forest Special Protection Area

19. Where the proposed development could, either alone or in combination with other development, have a significant effect on the ecological value of the Ashdown Forest Special Protection Area, the Conservation of Habitats and Species Regulations 2017 require me to carry out an appropriate assessment of the potential threat.
20. Ashdown Forest is designated as a Special Protection Area because of its value as habitat for rare bird species, including the nightjar and Dartford warbler. Based on the submission put forward by the Council, I consider that the development could, when taken in combination with other residential development close to Ashdown Forest, have a significant adverse effect on these bird species through disturbance caused by increased visitor pressure.
21. The Council has, in partnership with Natural England and other bodies, sought to mitigate this potential harm through providing suitable alternative natural green space to attract visitors away from Ashdown Forest and applying an access management and monitoring strategy to reduce visitors in other ways. Policy WCS12 of the Core Strategy originally applied this approach to any residential development within 7km of Ashdown Forest, but that metric was deleted following an Appeal Court ruling³. Nevertheless, with the site lying within 2km of the Special Protection Area, I consider the potential for a significant adverse effect remains.
22. The provision of suitable alternative natural green space and access management measures needs to be funded through contributions from new development that might contribute to increased visitor pressure. While the appellant has indicated that he would be willing to make such a contribution, I have been provided with no unilateral undertaking or other mechanism that would enable such mitigation measures to be secured.
23. In the circumstances, I cannot be sure that the mitigation measures would be implemented and therefore there remains a risk that an adverse effect could be caused to the integrity of the Ashdown Forest Special Protection Area. Consequently, I conclude that the development would conflict with Policy WCS12 of the Core Strategy, and the Habitat Regulations, because of the risk

³ Ashdown Forest Economic Development LLP v SSCLG, WDC and SDNPA [2015] CO/3796/13

of increased visitor pressure causing harm to rare bird species in Ashdown Forest.

Conclusion

24. The Council acknowledges that it cannot demonstrate a 5 year housing land supply. In such circumstances, paragraph 11d) of the National Planning Policy Framework (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 provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
25. In this case, the protection of habitats sites, such as the Ashdown Forest Special Protection Area, is one such policy in the Framework that provides a clear reason for refusing the development proposed. The presumption in favour of sustainable development contained in paragraph 11d) is therefore not triggered in this instance.
26. I have identified harm to the character and appearance of the area, and the lack of mitigation causing harm to the Ashdown Forest Special Protection Area. Balanced against these matters is the benefit of providing 8 additional dwellings to the District's housing stock. There would also be more modest economic benefits arising during the construction period and future spending power of new residents benefiting local businesses. Taking all these factors into account, I conclude that the harm identified above, in particular that arising to the Ashdown Forest Special Protection Area, carries greater weight than the benefits of the scheme, notwithstanding the shortage of housing to meet demand. Consequently, I conclude that the development would conflict with the development plan when taken as a whole. There are no other material considerations that alter my conclusion.
27. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR