



Appeal Decision

Site visit made on 25 January 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/C1435/W/21/3280187

Cherry Tree Cottage, Poplar Lane, Forest Row RH18 5LH

- 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 M & V Bycroft against the decision of Wealden District Council.
 - The application Ref WD/2021/0967/F, dated 12 May 2021, was refused by notice dated 16 July 2021.
 - The development proposed is new highways access and associated hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for new highways access and associated hardstanding at Cherry Tree Cottage, Poplar Lane, Forest Row RH18 5LH in accordance with the terms of the application, Ref WD/2021/0967/F, dated 12 May 2021, subject to the attached Schedule of Conditions.

Preliminary Matters

2. The main parties disagree as to whether the small field into which the proposed access would enter comprises part of the residential curtilage of the appeal dwelling, and whether the proposed driveway and parking area would be located outside of the residential curtilage too. I have not been presented with a certificate of lawfulness confirming any lawful uses of this part of the appeal site and I do not make any conclusions as to its lawful use; however, during my site visit it appeared to comprise a neatly maintained small field and I have therefore referred to it as such.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with specific regard to the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located south of the settlement boundary of Forest Row, north of the Ashdown Forest, and within the AONB. The character and appearance of this part of Lewes Road (A22) marks the transition from suburban housing to tree lined fields and large detached houses in spacious surroundings, before entering the leafier setting of the forest. The appeal site and its immediate setting is therefore rural, but views of nearby housing and the tall domestic fencing along the western side of this part of the A22 do not give the impression of a secluded area or unspoilt open countryside.

5. The proposal would introduce a new access from the A22, north of the appeal dwelling, into what appears to be a small field. A permeable gravel driveway is proposed to run south from the proposed access, parallel with the A22, leading to a 12m by 12m parking area next to the appeal dwelling.
6. The western boundary of the appeal site along the A22 is made up of mature planting comprising a mix of hedgerow and large trees, which make a positive contribution to the rural character and appearance of the area. There are two rows of planting at the southern end of the western boundary, closest to the appeal dwelling. The proposed access would necessitate the removal of a 7.5m wide section of hedgerow at the thinly planted northern end of the western boundary, in a gap between mature trees. The proposed access elevation plan shows a pair of five-bar gates with the retained hedgerow immediately either side reinforced with mixed native species planting.
7. Although some existing hedgerow would be removed and a concrete surface installed, this would not cause any unacceptable harm to the character or appearance of the area in the context of the extensive close-boarded fencing opposite the appeal site and the views of nearby housing from this part of the AONB. The design of the proposed gates would be typical for what the Council describe as a 'semi-rural' frontage, and the permeable gravel driveway and parking area would not be clearly appreciable from outside the appeal site on account of the boundary planting. The proposed reinforcement of the hedgerow either side of the proposed gates would appropriately consolidate the boundary.
8. The positioning of the proposed parking area would be behind the thickest part of the western boundary planting, close to the appeal dwelling. Views of vehicles parked in this area would therefore be restricted from the highway and would be seen alongside the house in those restricted views and in longer views from the north. The positioning of the proposed gravel drive and parking area in the small field, closely aligned with the western boundary and near to the appeal dwelling, would be sympathetic to the rural character of this area, alongside other residential properties.
9. The proposed parking area would be proportionate in size to the appeal dwelling and would avoid the need for two large vehicles associated with the appellant's business to use a small existing informal parking area beneath mature trees in the southeastern corner of the appeal site. Although those vehicles would be of significant size, their purpose for the collection and transport of deceased animals would not be unusual in a rural location. The proposal would not therefore significantly affect the general pattern of development locally, and nor would it harm the wider landscape or beauty of the AONB.
10. The proposal would not harm the rural character or appearance of the area, or the natural landscape of the AONB. It would accord with Saved Policies GD2, EN6 and EN27 of the Wealden Local Plan (1998), and Spatial Planning Objectives SP01 and SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan (2013). These require, amongst other things, development to be of an appropriate high standard design to conserve the natural beauty and character of the landscape of the AONB, including with regard to settlement patterns.

11. The Council's decision notice also refers to Saved Policies DC19, TR3 and TR16 of the Wealden Local Plan (1998). Policy DC19 is not relevant to the proposal as it refers to extensions and alterations to dwellings and ancillary buildings, none of which are proposed. Policies TR3 and TR16 refer to the highway safety implications of proposals and parking standards, but the Council and the Highway Authority have not raised any concerns in these regards. Having read the submissions I am satisfied that the proposal would accord with these policies.

Conditions

12. Conditions are necessary requiring the development to commence within the relevant timeframe and specifying the approved plans in the interests of clarity. A condition requiring the approval of details of soft and hard landscaping and boundary treatment would ensure appropriate planting would be provided along the western boundary and appropriate surfacing is used for the proposed drive and parking area. Considering the small scale of the proposal, details of soft landscaping in the form of boundary planting could address biodiversity enhancement opportunities without the need for an additional condition in that regard.
13. I note references in the main parties' submissions to close boarded fencing being proposed to enclose the hard surfaced parking area. There are no details on the proposed plans showing any such fencing, which would have the potential to harm the character and appearance of the area. Details of any means of enclosure associated with the proposal could be required to be approved by the condition relating to landscaping matters.
14. There would be the potential for a number of trees which make a significant positive contribution to the character and appearance of the area to be affected by the proposal. Minimal details have been provided as to how the proposal would avoid harming the long-term health and amenity value of those trees, which could be addressed by a variety of tree protection and construction techniques. It would therefore be reasonable and necessary to attach a condition requiring the submission of a tree protection plan and an arboricultural method statement prior to the commencement of development.
15. I note the Highway Authority suggested a condition requiring the closing of the existing access to the appeal site from Poplar Lane to keep access points to a minimum. I do not consider such a condition would be reasonable or necessary to protect highway safety in this instance on account of the limited traffic movements associated with the appeal site and the fact that the existing access relates to a small informal parking area and leads to other privately maintained roads.

Conclusion

16. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan dated 13 April 2021, Access Block Plan Revision A dated 30.03.2021, Access Elevation Revision A dated 01.04.2021
- 3) No site clearance, preparatory work or development shall commence until a scheme for the protection of trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The tree protection plan and arboricultural method statement shall be carried out as approved.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) any earthworks showing existing and proposed finished levels or contours;
 - ii) any boundary treatments;
 - iii) any means of enclosure;
 - iv) hard surfacing materials; and
 - v) planting plans and written specifications which include details of species and planting sizes and density.The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use.