



Appeal Decision

Site visit made on 29 March 2022

by C Shearing BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/C1435/W/21/3277162

High Lakes Farm, Little Trodgers Lane, Mayfield TN20 6NT

- 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 P Emslie against the decision of Wealden District Council.
 - The application Ref WD/2018/1685/F, dated 1 August 2018, was refused by notice dated 24 February 2021.
 - The development proposed is demolition of existing agricultural buildings and erection of No. 2 dwellings, access, landscaping and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal the appellant has included a plan showing amended garden areas which omit the area of the woodland buffer. As I find this to be a minor change to the overall development, I do not consider that interested parties would be prejudiced by my consideration of the plan and I shall determine the appeal on the basis of that amended plan.

Main Issues

3. The main issues are:
 - i) Whether the site is in a suitable location for housing with particular regard to accessibility to services and facilities;
 - ii) The effects of the proposed development on the character and appearance of the area, with particular regard to the High Weald Area of Outstanding Natural Beauty (the AONB), and;
 - iii) The effect of the proposed development on the designated ancient woodland.

Reasons

Suitability of the Site for Housing

4. Saved Policies DC17 and GD2 of the Wealden Local Plan 1998 (WLP) together resist housing development outside development boundaries, unless it conforms with other policies in the Plan. Policy WCS6 of the Wealden Core Strategy Local Plan 2013 (WCSLP) sets out the existing rural settlements that would accommodate growth in the District.

5. The appeal site lies in a distinctly rural location outside any settlement boundary as defined by the WLP. The site is a short distance from an existing cluster of homes at Mayfield Grange and there are examples of secluded homes in the surrounding area. For this reason I do not consider the site to be isolated for the purposes of paragraph 80 of the National Planning Policy Framework (the Framework). The nearest settlement is Mayfield, which provides local services and amenities.
6. Little Trodgers Lane does not benefit from pavements or lighting, and at the time of my site visit I found traffic to move at relatively high speeds. In combination with the varying degrees of grass verge along the road and the presence of steep inclines between the appeal site and Mayfield, I consider the road to be particularly unwelcoming to pedestrians and not conducive to a safe or attractive route for pedestrians walking in the carriageway, or for cyclists. The public footpaths off the road, which are similarly unlit, would be unlikely to offer a reliable alternative route.
7. Therefore, while not remote or isolated in the sense of paragraph 80 of the Framework, the location of the site is poor in terms of accessibility to services and facilities. As a result it is highly likely that future occupiers of the site would be reliant on the private car to cater for their day to day needs, promoting an inherently unsustainable nature of development. There is, therefore a strong likelihood that the proposed development would be disconnected from the local rural communities and a likelihood of future occupants travelling further afield to accommodate their needs. From the evidence, I am unable to conclude that the proposals would serve to maintain or enhance the vitality of rural communities or support local services, as required by paragraph 79 of the Framework.
8. I note the appellant's view that much of Wealden District has poor accessibility to public transport and heavy reliance on cars is a characteristic of the area. However, this alone does not convince me that further development in an unsustainable location, which would exacerbate the issue, should be accepted.
9. I have had regard to the appeal decisions referred to by the appellant. The first (ref APP/C1435/W/17/3179061) concerned brownfield land within a reasonable distance of public transport and village services, which would be supported by that development. By reason of its location and relationship to the rural settlement, I do not find this to be comparable to the circumstances of the appeal site to such an extent that it would weigh in its favour. In the case of the second appeal (ref APP/C1435/W/20/3249689) which concerned a conversion, the Inspector accepted that the principle of the conversion was accepted under a separate development plan policy. This is not the case here as, on the evidence available, I am not satisfied that the buildings could otherwise be converted with planning permission.
10. The proposal would be located in an unsustainable location in terms of its accessibility and links to rural communities. Consequently, it would conflict with saved Policies GD2, DC17 and EN1 of the WLP, and Policies WCS6 and WCS14 of the WCSLP, which seek to focus development within existing settlements and pursue sustainable development considering factors including location. There is also conflict with the objectives of the Framework in respect of sustainable development in rural areas. I note that the Council do not have a 5 year supply of land for housing, and I return to this matter below.

Character and Appearance

11. The site lies on a south facing slope and is highly visible in long reaching views across the undulating landscape to the south and west. The existing barns are large and imposing structures. However, they read as features related to the agricultural use of the land and are characteristic of a rural setting.
12. Despite the traditional design and materials of the proposed buildings, the development overall would introduce built forms including high level glazing, formal landscaping and paraphernalia associated with the residential use, including parking areas and patio areas, which would be at odds with the landscape character in this location. While the proposals entail less built footprint on the site, both new dwellings would be located closer to the southern site boundary, and the larger dwelling would be positioned further west than the existing barns, where they would both be more exposed than the existing buildings on the site in long views from the south.
13. Given the exposed location of the development on the slope and long open views, the proposal would cause significant harm to the character and appearance of the area and would neither preserve nor enhance the character or appearance of the special landscape character or natural beauty of the AONB. The development conflicts with WLP saved Policy EN6 which requires development to conserve or enhance the natural beauty and character of the landscape, particularly in visually exposed locations. There is conflict with Spatial Planning Objective SPO1 of the WCSLP, as well as the aspirations of the Wealden Design Guide Supplementary Planning Document 2008 insofar as they seek to protect the distinct landscapes of the District. The development would conflict with the objectives of the Framework which requires great weight to be given to conserving and enhancing the landscape and scenic beauty in AONBs.
14. In respect of the visual impact of the development I do not find conflict with Spatial Planning Objective SPO2 of the WCSLP which relates, among other things, to the historic environment and support of tourism.

Ancient Woodland

15. In line with standing advice from Natural England, the development should incorporate a buffer zone of at least 15 metres to mitigate the impact of the development on the nearby designated ancient woodland. The appellant has submitted a plan to demonstrate that such a buffer can be provided and has provided wording for a condition to ensure its delivery.
16. I agree that subject to imposition of such a condition the development would secure the appropriate buffer for the ancient woodland. In addition, the development would remove existing structures and active agricultural uses close to, and within, the woodland, which would be of benefit.
17. The development would not cause harm to the ancient woodland and would comply with saved Policy EN13 of the WLP and Policy WCS13 of the WCSLP which require the protection of green infrastructure including ancient woodland. The objectives of the Framework in this regard are also met.

Other Matters

18. I have considered the matter of a fall back position for the change of use of the site to residential. As the site lies within a designated AONB, it would not

benefit from permitted change of use under Class Q, Part 3, Schedule 2 of the Permitted Development Order. The appellant has put forward a theoretical scheme for the conversion of the existing buildings as an alternative means to achieve residential development on the site. However, the Council have responded that they would be unlikely to grant planning permission for this option due to concerns relating to impacts on the AONB and ancient woodland, in conflict with the Framework. Therefore on the basis of the information before me I am not satisfied that there is a real prospect of this fall back position otherwise being implemented, and I afford it limited weight.

19. I have had regard to the additional issues raised by third parties, including concerns for precedents for similar development. However, each proposal must be determined on its own individual merits and given the site-specific considerations in this instance, I do not consider that the concern for precedent should hold substantial weight in this instance.
20. Due to the distance of the development proposed from the grade II listed building of Mayfield Grange and the scheduled monument of Mayfield iron furnace, I am satisfied that the development would preserve their settings and significance.

Planning Balance and Conclusion

21. The appeal scheme would result in development in an unsustainable location and would cause significant harm to the character and appearance of the area and the AONB. To these harms I attach substantial weight. I have found that there is not harm to the ancient woodland, and in fact there would be some benefit through the introduction of the buffer.
22. The Council do not have a 5 year supply of land for housing, and it had a 3.28 year supply at 1 April 2020. Despite this, I have found that the application of policies in the Framework, insofar as they relate to the protection of the AONB, provide a clear reason for refusing the development proposed. As such the proposal does not benefit from the presumption in favour of sustainable development.
23. I acknowledge that the proposal would provide two dwellings which would contribute to the District's housing stock. However, the development would only make a small impact in alleviating the identified housing shortage, and as such I afford moderate weight to this benefit. As such the benefits here would not outweigh the harm identified.
24. The development would be contrary to the development plan as a whole and this conflict is not outweighed by other material considerations in this instance. The appeal is therefore dismissed.

C Shearing

INSPECTOR