



Appeal Decision

Site visit made on 10 May 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 31 May 2022

Appeal Ref: APP/C1435/W/21/3287498

Little Sweethaws, Sweethaws Lane, Crowborough TN6 3SS

- 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 Ms C Osman against the decision of Wealden District Council.
 - The application Ref WD/2020/2512/F, dated 1 December 2020, was refused by notice dated 7 September 2021.
 - The development proposed is a residential development for one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a Unilateral Undertaking (UU) with the appeal. It sets out offers of financial contributions towards Suitable Alternative Natural Greenspaces (SANG) and Strategic Access Management and Monitoring (SAMM) measures to avoid and mitigate against the effect on the Ashdown Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). These are matters that I will return to later in this decision.

Main Issue

3. The main issue is whether the proposal would provide a suitable site for housing with particular reference to its location and accessibility to local services and facilities.

Reasons

4. The appeal site forms a part of the substantial grounds surrounding Little Sweethaws, a large detached property on the western side of Sweethaws Lane. It lies outside of the development boundary for Crowborough, as retained in the Wealden District Core Strategy Local Plan 2013 (CS). For planning purposes, it is therefore located in the countryside.
5. Policies GD2 and DC17 of the Wealden Local Plan 1998 (LP) and CS Policy WCS6 seek to restrict housing outside of defined development boundaries. The CS sets out a number of spatial planning objectives, including SPO7 which seeks to reduce the need to travel by car by concentrating development where it can most closely relate to public transport opportunities. CS Policies WCS4 and WCS6 also identify Strategic Development Areas and categories of rural settlement areas which relate to their respective roles and functions. This

hierarchy seeks to direct additional development to those settlements taking account of the services and facilities they provide.

6. The main parties agree that the site would not be isolated given its relationship to Little Sweethaws and the hamlet of other dwellings in the vicinity. I have no reason to disagree with this. As such the proposal would not conflict with Paragraph 80 of the National Planning Policy Framework (the Framework) in this regard.
7. Nonetheless, whilst I am informed that the nearby golf club has a bar/restaurant available to the public, I could not locate any other local services or community facilities such as shops, a post office, health centre or school on my site visit. The appellant's Design and Access Statement (DAS) sets out that the nearest settlement, which contains a reasonable range of services and facilities is Crowborough and is approximately 1.3 miles away. It is also uncontested that the nearest public transportation would be provided by bus services on the A26. These offer routes to Crowborough, Uckfield and Brighton, and their bus stops (at Warren Camp) situated around 0.9 miles away from the appeal site.
8. The A26 has streetlighting and a footway on its northern side. Whilst it is a busy highway, I do not consider the A26 itself to be an inaccessible route for non-car travel options to Crowborough Town Centre. However, access to the nearest bus stops or Crowborough Town Centre by foot or bicycle from the appeal site would involve utilising Sweethaws Lane, which is a long narrow, single carriageway rural road, or using unlit public footpaths via the neighbouring golf course. There are also no footways or streetlights on the long stretch of Sweethaws Lane that rises up to Sheep Plain and the A26. Indeed, the surrounding area is rural in nature with grass verges and trees/hedges lining this road, along with the rough areas of the neighbouring golf course.
9. The distances involved and the nature of the roads and footpaths would therefore be likely to deter pedestrians and cyclists, especially the elderly or pedestrians with young children, particularly after dark and in bad weather. As a result, there would be a strong likelihood that most future occupiers would be dependent on the private car to access the majority of the services in the area and further afield. The provision of a charging point for an electric vehicle would not provide effective mitigation in this respect.
10. As such I find that the proposal would not provide a suitable site for housing with particular reference to its location and accessibility to local services and facilities. It would therefore conflict with LP Policies GD2 and DC17 and CS Policies WCS4, WCS6 and SPO7 which seek to restrict development in the countryside and reduce the need to travel by car; and with the sustainability objectives set out in LP Policy EN1 and CS Policies SPO1, SPO8, SPO13 and WSC14.
11. For similar reasons, the proposal does not meet the aims of Paragraph 130 (f) of the Framework which seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Planning Balance

12. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11(d) of the Framework is engaged, and planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposal.
13. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, so decisions should take this into account. However, Paragraph 79 states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. In this case the distance from the appeal site to the nearest settlement and public transportation, when combined with the quality and character of that route, indicates that future occupants would almost certainly choose to use a car in preference to other modes for most of their day-to-day activities. I ascribe this harm significant weight.
14. The Government attaches importance to the supply of self-build and custom build housing and the appellant has described the dwelling as being for self-build purposes. However, I have not been provided with any details regarding the supply or demand for such housing in the area. Furthermore, there are no details as to how it would be secured were the appeal to be allowed. In the absence of a mechanism to secure the property as a self-build scheme, this is not a factor that counts in the proposal's favour.
15. The provision of 1 dwelling would also only provide a contextually small contribution to the Council's housing supply and any subsequent economic, social and environmental benefits associated with it would therefore be limited.
16. I note that following amendments the Council has not raised any concerns in respect of the size, style or design of the proposal. The effect of the proposal on the living conditions of the residents of neighbouring properties and highway safety was also not found to be objectionable. I am also satisfied that an appropriately worded planning condition, similar to that suggested by the Council's Countryside Officer, would ensure that footpaths would not be obstructed during and after construction works. However, the lack of harm in these respects would be neutral factors that do not weigh in favour of the proposed development.
17. With this in mind, I attach limited weight to the appeal scheme's benefits. As such, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Other Matters

18. The appeal site lies in proximity to Ashdown Forest, which is designated as a SPA and SAC. This area has been designated as an SPA to protect its populations of the Dartford warbler and European nightjar. The qualifying features of the SAC are the presence of European dry heath, North Atlantic wet heath and great crested newts. The area is also an SSSI. The SPA is likely to be adversely affected as a consequence of additional recreational activities associated with a net increase in the population living within the zone of

influence of the protected area. The SAC is vulnerable to atmospheric pollution from additional vehicles associated with new development.

19. There is agreement between the main parties that the mitigation measures should include contributions towards provision of SANG and SAMM. However, as I am dismissing the appeal for other reasons, further consideration of this, including the need for me to undertake an appropriate assessment and consider any planning obligation advanced to provide mitigation in these respects, is not required.
20. The appeal site is also located within the High Weald Area of Outstanding Natural Beauty (AONB). Neither main party has raised any objections to the effect of the proposed development on the landscape and scenic beauty of the AONB. In reaching my decision I have had regard to the statutory duty to conserve and enhance the natural beauty of AONBs. In these respects, and in the absence of any evidence to the contrary, I am satisfied that it would conserve the special characteristics of the AONB.
21. My attention has been drawn to an application for a dwelling outside of the development boundary that was granted planning permission (Ref: WD/2017/0202/O). However, the planning officer report states that this site was very much a part of Crowborough Town, being set on the southern fringe. As a result, it is located closer to Crowborough and local services, and in a more accessible location, than the appeal site. Accordingly, its circumstances are not directly comparable with those which apply in this case.
22. The submitted DAS also refers to other permissions for residential development at similar distances from the development boundary. However, on the evidence presented I cannot be certain that they represent a direct parallel to the appeal proposal.
23. The appellant's frustration in respect of the Council's initial support and subsequent assessment and determination of the application are noted. However, this has not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me. I have also not been provided with any details of the appellant's personal circumstances for the proposed development and am therefore unable to take them into account in my decision. In addition, the level of third-party support or objection for a proposal are not determining factors in the consideration of an appeal.

Conclusion

24. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations including the provisions of the Framework, I conclude that the appeal should therefore be dismissed.

Mark Caine

INSPECTOR