



Appeal Decision

Site visit made on 9 May 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/C1435/W/21/3277405

Land opposite Holly Cottage, Lewes Road, Laughton BN8 6BL

- 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 Alan Simeoni against the decision of Wealden District Council.
 - The application Ref WD/2020/1816/F, dated 10 September 2020, was refused by notice dated 21 December 2020.
 - The development proposed is a new residential build single dwelling house which includes a change of use from agricultural grassland to residential.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has supplied amended plans showing a dwelling with a flat roof instead of the pitched roof proposed. However, the alternative scheme has not been the subject of any public consultation. Therefore, to avoid prejudicing interested parties I have determined the appeal against the plans which formed the basis for the Council's decision. These are listed on the decision notice.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on the setting of Grade II listed Holly Cottage; and
 - c) whether the site is a suitable location for housing having regard to the development plan and the principles of sustainable development.

Reasons

Character and appearance

4. The site comprises a narrow, elongated triangle of land fronting the B2124 Lewes Road on the eastern approach into the village of Laughton. The site is occupied by some fruit trees, a number of sheds and a greenhouse which have been used in connection with horticulture. There is a vehicular access onto Lewes Road with mixed hedging along the remainder of the front boundary.
5. The Council describes the site as lying within open countryside. However, I do not recognise it as such. The land is physically well-related to the village and existing hedging along the southern boundary provides clear separation from

- adjoining farmland. The settlement pattern of Laughton is sporadic and loose-knit, and a dwelling on the site would accord with this established character.
6. The proposed dwelling would be a modest building. It would be single storey in scale and its pitched roof would be gabled at one end and hipped at the other. The south-west elevation would feature a glazed gable and the structure would be clad in timber (green oak) with a green roof. The roof would incorporate a number of rooflights and sun tunnels, with generous eaves overhangs.
 7. I appreciate that the green roof was intended to assimilate the building into its surroundings. However, the application does not provide enough information to persuade me that the green roof would establish effectively. Even if I had been satisfied on this point, there is no substantive evidence to demonstrate that the design was informed by a contextual analysis of the village. The timber cladding would not be objectionable per se, but the shape and finish of the roof would be discordant and visually incongruous.
 8. Amongst other things, Policy EN27 of the Wealden Local Plan 1998 (WLP) stipulates that the scale, form, site coverage, density and design of the development and the use of materials and landscaping should respect the character of adjoining development and, where appropriate, promote local distinctiveness. The proposal would conflict with this policy and with the requirement set out in paragraph 130 c) of the National Planning Policy Framework (the Framework) that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The proposal is not sufficiently innovative as to justify the design.
 9. I have given weight to the fact that the dwelling would be screened by trees and hedging for large parts of the year. However, the development would be more visible when the trees are not in leaf, including from the village green. Landscaping should never be relied upon to make a poor design acceptable, not least because its retention cannot be guaranteed in the long term.
 10. The Council has raised concerns regarding the loss of hedgerow to form visibility splays. Without a plan showing the carriageway alignment and the hedge and splays accurately plotted it is difficult to establish how much vegetation would need to be removed to achieve the 2.4 m x 120 m splays sought by the Highway Authority. I note that planning permission has already been granted¹ for a dropped kerb to serve the existing agricultural access and that this includes a condition requiring the provision of visibility splays. The approved plan does not have the splays annotated, but it indicates that a 2 m strip of land parallel to the carriageway edge would be kept clear. Applying the same standard to the appeal scheme would mean that the hedge is thinner and this would increase the visibility of the development from the road.
 11. The Council is content that the building footprint would not represent an overdevelopment of the plot. Based on my observations at the site visit, I have no reason to take a different view. However, I conclude that the design of the dwelling would cause material harm to the character and appearance of the area. There would be conflict with Policy EN27 of the WLP in that regard.
 12. Policy EN8 of the WLP stipulates that development within the Low Weald will only be permitted if it preserves the low rolling agricultural character of the

¹ Ref WD/2010/0606/F

landscape. Policy SPO1 of the Wealden Core Strategy Local Plan (2013) (WCS) seeks to protect the distinct landscapes of the District. Having regard to the nature of the site, notably its location and its degree of containment, I do not consider that there would be material harm to the wider landscape. This finding does not alter my overall conclusions regarding the design of the scheme.

Setting of listed building

13. The site lies immediately opposite a Grade II listed building known as Holly Cottage. The evidence indicates that the land was formerly used as a garden or allotment by the previous owners of this property. It has a clear visual relationship to the listed building and makes a positive contribution to the rural setting of this heritage asset.
14. The appellant's statement of case suggests that the proposal would contribute positively to the setting of the listed building. This contradicts the Heritage Statement which indicates that the proposed development would cause less than substantial harm to the significance of the heritage asset. I concur with the latter assessment, based on the deficiencies of the scheme's design and the fact that the proposed building and listed cottage would be viewed in the same street context. Paragraph 202 of the Framework indicates that the harm in such instances should be weighed against the public benefits of the proposal. I will undertake this balance later in the decision.

Whether the site is a suitable location for housing

15. The settlement of Laughton has no development boundary within the WLP. Saved Policies GD2 and DC17 of the WLP stipulate that housing development will not be permitted outside development boundaries unless it conforms with other policies in the plan. Paragraph 5.91 of the WLP lists those categories of development which are acceptable in principle outside development boundaries, and the specific local plan policy which applies to each. The proposal would not fall into any of these categories and therefore it would be in direct conflict with WLP Policies GD2 and DC17.
16. Policy WCS6 of the WCS, which post-dates the WLP, sets out the Rural Areas Strategy. This lists four types of settlement: Service Centre, Local Service Centre, Neighbourhood Centre and Unclassified settlements. The policy makes provision for at least 455 dwellings within the first three categories. Laughton is classified within the hierarchy as a Neighbourhood Centre which is defined as 'a settlement with limited, basic or no facilities but with access to another centre, or a settlement with facilities but poor accessibility or access only to a service or local centre'.
17. Laughton boasts a good level of basic services. There is a public house within 200 m of the site, together with a local shop and Post Office. The settlement also has a primary school, village hall, cricket ground and church. All of these facilities are within walking distance of the site along pavements. Occupants of the proposed development would need to cross the B2124 to reach the nearest pavement, but visibility of oncoming traffic for pedestrians is good and the task can be undertaken in safety.
18. There is also a reasonably frequent weekday bus service to Lewes, Ringmer and Hailsham, with bus stops close to the appeal site. These would provide future residents with access to employment opportunities and services and

facilities within higher order settlements. There is also a dedicated bus service to a nearby secondary school (King's Academy Ringmer).

19. Notwithstanding the restrictive policies in the WLP, the WCS indicates an acceptance that should be at least some new housing within Neighbourhood Centres. Indeed, Policy WCS6 makes some allocations for this tier of the settlement hierarchy. Laughton does not have an allocation but is nevertheless a suitable location for the development of a single dwelling. The site is well related to facilities in the village and future residents would have the opportunity to make journeys without needing to rely upon the private car.

Other Matters

20. Photographs provided by local residents show water levels in the adjacent stream and the impact of a previous flooding event on Holly Cottage. It is unclear whether the site itself floods, or for that matter whether the site lies within Flood Zone 2 or 3 on the Environment Agency's mapping. There is no technical evidence before me to demonstrate that the development would be liable to flood or that it would increase the risk of flooding elsewhere. On the information before me, flood risk would not be a reason to dismiss the appeal.

Planning Balance and Conclusion

21. The Council concedes that it is unable to demonstrate a five year supply of deliverable housing sites. Paragraph 11 d) of the Framework indicates that in such circumstances permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. 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.
22. There would be some harm to the setting of Holly Cottage as a listed building. This harm is at the lower end of the scale but it is not outweighed by the very modest public benefits associated with the delivery of a small 2-bed dwelling. Even if I had taken a different view on this point, the adverse impacts on the character and appearance of the area arising from the dwelling's incongruous design would significantly and demonstrably outweigh the benefits of the scheme. Consequently, the proposal would not constitute a sustainable form of development in terms of the Framework and Policy WCS14 of the WCS.
23. For the reasons given above and having regard to all other matters raised, including the biodiversity benefits of a living roof and the appellant's suggestion that trees along the north-west boundary of the site be subject to a new tree preservation order, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR