



Appeal Decision

Site visit made on 12 September 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/C1435/W/21/3281600

Former Moses Nursery, Mayfield Road, Five Ashes TN20 6HL

- 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 Hen on the Gate Limited against the decision of Wealden District Council.
 - The application Ref WD/2018/1241/F, dated 6 June 2018, was refused by notice dated 30 March 2021.
 - The development proposed is the demolition of existing agricultural building, various small outbuildings and existing car park and the erection of 4 new 2 storey buildings comprising of 9 homes with associated landscaping, access amendments and change of use. Alterations to the parking areas to the front and rear of the existing farm and furniture shops and construction of commercial bin store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area including the High Weald Area of Outstanding Natural Beauty (AONB), and;
 - whether the proposal is in a suitable location.

Reasons

Character and appearance

4. The appeal site lies adjacent to the A267 highway and is located outside a recognised settlement boundary in the AONB. The area is characterised by loose-knit one and two-storey traditional-style development facing the road. The triangular-shaped parcel of land is associated with a former nursery type business that can be found to the rear of a retail and farm store. The premises have car-parking to the front and rear and is flanked by the neighbouring properties of 'Moses Cottage' and 'Oakhill'.

5. To the rear of the commercial premises the appeal site includes a number of outbuildings, water-tanks, a car-parking area, a disused agricultural building and a pond. The appeal site slopes down from the rear car-park and links to the adjoining fields, slopes and wooded areas of the AONB which can be seen beyond the tree and hedge lined boundary.
6. The proposal is to demolish the existing outbuildings, water-tanks, agricultural building and rear car-park and to construct 9 new dwellings in Sussex-type materials with car-parking. The pond would be replaced by a new wildlife pond.
7. In support of the proposal subject of the appeal, the appellant has brought to my attention that there are some small scale developments¹ nearby which they consider to be similar to the appeal scheme that have made a contribution to the Council's Housing Land Supply, and also a previous planning permission² for a commercial building on the site. I will return to the Council's Housing Land Supply later. However, I have limited details of those schemes and their associated economic, social and environmental benefits before me. As such, I have considered the proposal on its own merits.
8. The development would be in the AONB and for planning purposes located in the countryside. Therefore, the development should conserve and enhance the landscape and scenic beauty of the AONB as required by Paragraph 176 of the Framework, to which I attach great weight. Moreover, the development must comply with the relevant Wealden District Council development plan policies to be permitted.
9. I acknowledge that the appeal site has car-parking areas and a number of buildings to the rear that are associated with the former and established commercial uses. While these buildings are of limited aesthetic value they nonetheless provide a low-key transition in to the countryside beyond. Whereas the proposal would consist of 9 two-storey dwellings of some scale and mass that would extend across the bulk of the site. As such, in this specific location, the residential dwellings would be in stark contrast to the existing plain and functional buildings. I acknowledge that there is other residential development nearby. However, the fact remains that these neighbouring dwellings predominantly face onto the A267 and/or are more modest in scale. In comparison the proposed development would be set back from the highway and directly adjacent to fields within the AONB. Therefore, in my view, the spacious beauty of the AONB would be eroded by the urban-style proposal. New landscaping and a wildlife pond in addition to retention of the existing trees and hedges would not be adequate mitigation.
10. Furthermore, notwithstanding that the dwellings would be energy efficient and built in locally sourced materials, the development would introduce domestic paraphernalia such as, but not limited to, seating, barbeques, washing lines and play-areas into this section of the AONB where currently there is none.
11. Consequently, I conclude that the proposal would harm the character and appearance of the surrounding area, and hence fail to conserve or enhance the scenic beauty of the AONB.

¹ WD/2016/1380 and WD/2017/0353

² WD/2014/0965/F

12. Accordingly, in respect of the character and appearance of the area and the AONB, the proposal does not meet the aims of saved Policies GD2, EN1, EN6, EN27 and DC17 of the Wealden Local Plan 1998 (WLP), the Spatial Planning Objective SPO3 and Policies WCS6 and WCS14 of the Wealden Core Strategy Local Plan 2013 (WCSLP) which say that development within the High Weald AONB will only be permitted if it conserves or enhances the natural beauty and character of the landscape.
13. For similar reasons, the development is contrary to the requirements of Paragraphs 130 and 176 of the Framework which require, amongst other things that, great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Suitable location

14. The proposed development is approximately 2.5km from the settlements of Mayfield and Five Ashes where a limited number of day to day services can be found. More comprehensive services such as supermarkets, secondary schools and leisure facilities are found further afield. I noticed at my site visit that the proposed development would be served by a fast-moving unlit road. Moreover, that the bus service running along the A267 is relatively infrequent and does not run on Sundays. Therefore, whether the number of motor vehicle journeys from the new development would be relatively modest or lower than the permitted use or not, given the distances involved it is likely that those day to day services would be accessed by a private motor vehicle rather than by foot or bicycle. This is very likely to be the case during darker times of the year or during inclement weather where journeys by car to the nearby villages would be more attractive.
15. Consequently, the nature of the roadways and the limited availability of public transport in this location would inevitably result in a dependency on private motor vehicles by future occupiers of the new dwellings in respect of access to the day to day services in nearby villages.
16. Moreover, from the evidence before me, whether the development would have electric car charging points or not, I cannot be certain if the occupiers of the new dwellings would have electric-vehicles or would be amenable to car-sharing or not.
17. As a result, in respect of a suitable location, the proposal does not meet the aims of saved Policies GD2 and DC17 of the WLP and WCS6 of the WCSLP, which aims include that outside development boundaries development will be resisted, and the Framework when read as a whole.

Planning Balance

18. The Council cannot demonstrate a five-year housing land supply, as such Paragraph 11 (d) of the Framework is engaged. Therefore, the economic, social and environmental benefits must be weighed against the adverse impacts of the proposal.
19. The economic benefits of the proposal include the provision of 9 new dwellings on a smaller-type site, thereby contributing to the Council's Housing Land Supply (HLS), New Homes Bonus and Community Infrastructure Levy. Given the size of the scheme and the overarching policy requirements related to financial contributions I attribute this moderate weight.

20. There would be employment opportunities connected to the construction of new homes and the patronage of local shops and services by the new residents. I afford these economic and social benefits limited weight, particularly as the employment opportunities are likely to be short-term and the patronage small-scale.
21. In addition, notwithstanding the landscaping, biodiversity and ecological elements associated with the scheme, including the bird and bat boxes and a footpath to Dennis Lane, I give minimal weight to the environmental benefits of the proposal as the development is limited in extent.
22. Overall, while I acknowledge that there are some economic, social and environmental benefits associated with the proposal, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

Conclusions

23. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR