



Appeal Decision

Site visit made on 24 October 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/C1435/W/21/3284526

Land north of 16 The Crossways, Hailsham Road, Stone Cross, PEVENSEY, BN24 5EH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Clinton Development Company Ltd against the decision of Wealden District Council.
 - The application Ref WD/2021/0128/PIP, dated 12 January 2021, was refused by notice dated 29 March 2021.
 - The development proposed is Residential.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of three and a maximum of five dwellings at Land north of 16 The Crossways, Hailsham Road, Stone Cross, PEVENSEY, BN24 5EH in accordance with the terms of the application, Ref WD/2021/0128/PIP, dated 12 January 2021.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the permission in principle application was determined by the Council. I have had regard to the revised Framework in reaching my decision.
5. The site has been subject to a later permission in principle application (planning ref: WD/2021/1759/PIP) that is also subject of appeal (appeal ref: APP/C1435/W/21/3292472) for a larger site area and greater number of dwellings. The Council's refusal reason 1 is the same in respect of both this and that permission in principle decisions. For the purposes of clarity, I have considered the proposal, the subject of this appeal, on its own merit, albeit

there will be similarity to the considerations in respect of both appeals given that the policy context, the site and its location are the same. Furthermore, there is similarity within the appeal submissions from both parties. Notwithstanding this, given that the appellants differ I have dealt with the appeals separately, noting also that representation made in respect of both applications and appeals differs.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

7. The site is outside any development boundary and the Council contends that the quantum of development under the Wealden Core Strategy Local Plan (WCSLP) 2013 Policy WCS6 has already been consented in Stone Cross, albeit Policy WCS6 is not referred to within refusal reason 1 on the Council's decision notice. As such, significant growth in more sustainable locations around Stone Cross has already been delivered or granted planning permission. It is also contended that this greatly reduces the benefit of the additional housing in this particular location outside any of the strategic growth locations in the WCSLP and the development boundary as set out within the Wealden Local Plan (WLP) 1998.
8. Nonetheless, the Council does not have a five-year supply of deliverable housing sites in place. The Framework makes it clear that where the local planning authority cannot demonstrate a five-year supply of deliverable housing site policies which are most important for determining the application are out-of-date. This substantially reduces the weight that can be attributed to those policies that direct development to within settlement boundaries and to the quantum of development achieved given the current housing need situation.
9. Further to the above, this is not a remote or isolated site. The site abuts the urban area where there is access to public bus transport and where there is opportunity to cycle further afield. The development would be seen as a small urban expansion of the existing settlement. Stone Cross hosts a wide range of services and facilities. Other recent residential development has been constructed within close proximity to the site and I note that outline planning permission is in place for residential development on land to the east. In terms of its geographical location the site is a good candidate for housing given its relationship to other residential development and accessibility to services that would reduce reliance on private motor vehicle.
10. I note some local concern is raised to Stone Cross already experiencing development that has an impact on infrastructure and services. However, I have no substantive evidence before me that would lead me to conclude that a development of up to five dwellings would place significant or unacceptable pressure on local services.
11. Having regard to the above, I do not attribute any weight to the conflict with Policies GD2 and DC17 of the WLP and Policies WCS2 and WCS6 of the WCSLP

in regard of resisting development outside settlement boundaries and the distribution of housing.

Land Use and Amount of Development

12. The site is sandwiched between Pevensey Bypass to the north and residential development to the south and west. The residential development to the west has been constructed to a similar proximity to the Bypass as could development within the appeal site. Whilst traffic noise and air pollution could be concerns, the development that has taken place to the west indicates that such issues would not necessarily be insurmountable. Being in close proximity to other existing residential development the site would be appropriate for residential use.
13. The site is a greenfield site. The development would take place within and adjacent to woodland. However, this is a relatively modest area of land and its contribution to the semi-rural transition along Hailsham Road is extremely limited. The residential use of the site would change its vegetated characteristics. Nonetheless, this area of land is separated from the wider countryside by the Pevensey Bypass. This limits the contribution of this vegetated site to the quality of the wider landscape. I do not consider the visual harm arising from the residential use of the land to be so substantial given the site's location between the Bypass and the urban area, and when taking into consideration its separation from the wider rural landscape. Policy EN27 of the WLP seeks to promote local distinctiveness, amongst other matters. The area is characterised by predominately residential development and in this respect the development would accord with Policy EN27.

Other Matters

14. There are site constraints, such as, vehicular access, increased water run-off from the development, natural habitat, trees, potential wildlife, noise from nearby Bypass and a public footpath that traverses the site. These could constrain the developable area within the site. However, the residential development put forward is a relatively low-density scheme. I see no substantive reason at this permission in principle stage why the site could not accommodate a low-density development with adequate parking to serve the development. These matters would be considered at the technical details stage when the detailed development proposals are assessed.
15. The Council have initially identified that the appeal site is located not far from the Ashdown Forest Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Notwithstanding this, subsequent clarification has been provided by the Council that indicates the site would be beyond the 7km distance threshold of the SPA and, given this, it is not required to consider the implications of the proposal on the integrity of the SPA with regard to the conservation objectives.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR