



Appeal Decision

Site visit made on 16 November 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/U1430/W/21/3287510

Land to the south-west of Summer Cottage, Whitelands, Westfield TN35 4SB

- 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 and Mrs W Cornish against the decision of Rother District Council.
 - The application Ref RR/2021/240/P, dated 3 February 2021, was refused by notice dated 1 October 2021.
 - The development proposed is described as the demolition of existing storage buildings, hardstanding and construction of a new dwelling along with landscaping, parking and use of existing access to the A28, and creation of a new planting buffer and biodiversity enhancements.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal site is suitable for the proposed development, having regard to a) its accessibility, and b) the conservation and enhancement of the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

Accessibility

3. The access track to the appeal site is an unmetalled surface with no lighting or footpath. It would be some distance from the village of Westfield. Pedestrian and cycle access would require first traveling down the access track and along the pavements of Westfield Lane to either the bus stop, or the village and its various services.
4. The physical distance from the end of the access track to the village and bus stop would be conceivably close. However, the fact that the track is of significant length and its poor condition would mean it would be difficult to use for those with a pushchair or requiring mobility assistance, and there is nothing before me which convinces me that such a location would support or prioritise pedestrian and cyclist access over that of the private car.
5. Within Whiteland Wood there is a public right of way towards Westfield. However, to access the public right of way from the appeal site would require using informal pathways through the wood, and there is nothing before me to confirm the wood's owner would allow permission for such access to be

formalised. Notwithstanding this, the existing public right of way is not suitable for anything other than abled persons walking as it is narrow, uneven, and muddy. The access onto Vicarage Lane is also width-restricted and would prevent cycles and pushchairs passing. Vicarage Lane is a narrow country road with no pavement or lighting which would then need to be traversed before accessing Westfield. I do not find this a viable alternative to using the access track.

6. Overall, I find that the opportunity to provide access to the proposed new dwelling along the access track, or by other routes, other than by private vehicle is limited. Consequently, the proposed new dwelling would not be in a highly accessible location. It would not comply with Policies OSS2 and OSS4 of the Rother Local Plan Core Strategy (CSLP) insofar as they seek to ensure development is well located.

AONB

7. AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to this purpose in this decision. Paragraph 176 of the National Planning Policy Framework (the Framework) puts great weight on their conservation and enhancement.
8. The appeal site is located within an established but informally laid out group of residential properties, stables, and other non-residential buildings, known as Whitelands. Whitelands is located within a relatively constrained pastoral clearing within the fringes of Whiteland Wood, set well away from Westfield Lane and Westfield village. The appeal site comprises a mix of different storage buildings, areas of hard standing, and a caravan or lodge building which appears to have some domestic purposes (although the lodge is not shown on any of the plans submitted). All this is spread across the site with only a narrow area of open space to the rear which abuts Whiteland Wood, an ancient woodland.
9. The buildings on the appeal site do not form a cohesive development creating a confused layout which is disparate to the other more defined plots within Whitelands. The spread of development visually and physically encroaches on to the wood behind reducing the delineation between built form, pastoral setting, and woodland beyond.
10. The proposal would remove all existing buildings and hard standing. It would create a single dwelling to the front of the appeal site separated from the woodland by a 15m wide buffer zone planted with native trees. The proposed consolidation of built form towards the front of the site, would better relate to the other buildings of Whitelands, and reduce the existing encroachment on the woodland. As well as create a protective buffer for the wood from the sites future use. This would better reveal the setting of Whitelands within the landscape and formally delineate its boundary with the woodland.
11. Although the appeal site is situated at the head of the access track into Whitelands, the proposed consolidation of development would better reveal views of the wood across the appeal site. This would reduce the visual dominance the current mix of development has when travelling up the access track and would better reveal the pastoral and woodland setting of Whitelands as a whole.

12. The Council state the proposal would be overly urbanised for the location. It is agreed the proposal would be clearly domestic in form. However, the proposed design is traditional in a non-specific countryside vernacular, and the other buildings in Whitelands are of varying styles, forms, and finishes. The important factor to ensure the proposal would complement its setting and the surrounding properties, would be the external finishes of the new building. The details of which could be conditioned.
13. The location of the garden to the side of the proposed dwelling would also mean that most domestic paraphernalia likely associated with a house of this size, would be screened by the existing boundary fencing and the existing, adjacent buildings.
14. Consequently, I find the proposed development would conserve and enhance the landscape and scenic beauty of this part of the High Weald AONB. It would comply with CSLP Policies OSS2, RA2, RA3 and EN1, Policies DEN2 and DIM2 of the Development and Site Allocations Local Plan, and Paragraph 176 of the Framework, insofar as they seek to protect the AONB and landscape character.

Other Matters

15. The lack of harm to the living conditions of existing neighbouring residents, and future occupants, over and above accessibility, is noted. However, a lack of harm cannot weigh for or against a proposal.
16. The benefit the proposed buffer zone would have in terms of site's biodiversity and protection of the ancient woodland is noted, as is the capability to include an electric vehicle charging point within the site.

Planning Balance

17. The Council cannot demonstrate a 5-year housing land supply. The presumption in favour of sustainable development set out in paragraph 11(d) of the Framework is, therefore, engaged. As I have not found harm in relation to the High Weald AONB, it is necessary for me to weigh any adverse impacts of the proposal against its benefits, as set out in paragraph 11(d)ii.
18. I have considered Paragraph 60 of the Framework which seeks to boost significantly the supply of housing. I have also considered Paragraph 69 of the Framework, which recognises the importance of small sites in meeting the housing requirement of the area. The provision of a single dwelling would contribute to reducing the current housing shortfall of the district. However, the impact of 1 dwelling would be small, therefore along with the associated economic and social benefits, this would attract limited weight. Limited weight would also be given to the enhancement of the AONB, protection of the ancient woodland and biodiversity benefits.
19. The appeal site would be considered brownfield as defined by the Framework. Paragraph 120c) of the Framework places substantial weight on the use of suitable brownfield land within settlements. In this instance, as the appeal site is not within a settlement the weight attributed to the reuse of brownfield land would be reduced. It is also noted the proposal would not comply with any of the exceptions for development in the countryside as set out in Paragraph 80 of the Framework.

20. Nevertheless, I have found significant harm in relation to the accessibility of the site, which would conflict with paragraphs 92, 104 and 110 of the Framework, where it seeks to promote walking, cycling and the use of public transport for new development. This would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in the Framework taken as a whole.

Conclusion

21. For the reasons above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR