



Appeal Decision

Site visit made on 30 November 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/C1435/W/22/3293654

The Old Post Office, 21 Palehouse Common, Framfield, Uckfield TN22 5QY

- 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 Lucy Morrison against the decision of Wealden District Council.
 - The application Ref WD/2021/2508/F, dated 24 September 2021, was refused by notice dated 8 December 2021.
 - The development proposed is described as the replacement of the existing double garage in the land adjoining the Old Post Office with a small single storey three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is noted that interested parties have interpreted the plans differently to that which is intended, nevertheless I am satisfied they are substantially clear for me to assess the proposal appropriately.

Main Issues

3. The main issues are whether the appeal site is a suitable location for the proposed development having regard to relevant policies relating to the countryside and accessibility, and the effect of the proposed development on the character and appearance of the area.

Reasons

Site suitability

4. Palehouse Common is a hamlet where most properties form a linear pattern on one side of the road which passes through it. This road is also called Palehouse Common, therefore for clarity I have referred to it as the main road, being the old road in the hamlet. The hamlet has no services or facilities and is understood to not have any public transport connections, with the nearest bus stop over 1km away. Occupants of Palehouse Common rely on Uckfield some 3.4kms away for their day to day living requirements.
5. The appeal site is located to the rear of the residential property The Old Post Office, the end terrace of 3, and the adjacent semi-detached pair all of which face the main road. It has defined hedged boundaries aligning with the residential properties in front and the recreation ground to the rear. It is accessible from an access track which runs up the side of The Old Post Office.

The access track is also used by several other properties which are on the opposite side of it the appeal site. The appeal site itself contains the domestic garage for The Old Post Office and is currently used as an extension of that property's outdoor space.

6. Consequently, due to its proximity to existing properties and relationship with The Old Post Office, I am satisfied that the appeal site is within Palehouse Common and so the proposal would not constitute an isolated dwelling, thus paragraph 80 of the National Planning Policy Framework (the Framework) does not apply. Nevertheless, the Wealden Core Strategy Local Plan (CSLP) spatial planning objective SPO3 seeks to focus development in towns and villages. This is supported by CSLP Policy WCS6, and Wealden Local Plan (WLP) saved Policies GD2 and DC17 which seek to ensure new rural housing is provided within the various service and neighbourhood centres in the countryside.
7. From the information before me Palehouse Common does not constitute a service or neighbourhood centre. Therefore, any new development within Palehouse Common would equate to development in the countryside.
8. There is no provision within the above cited policies for housing to be provided beyond the service and neighbourhood centres, except in 7 specific circumstances set out in paragraph 5.91 of the WLP. The proposal does not accord with any of these circumstances as it would not provide accommodation where a countryside location is essential, would not provide affordable housing or for the needs of gypsies or travelling showpeople, nor would it constitute a conversion, extension, alteration, or the replacement of an existing dwelling.
9. Therefore, the proposal does not comply with any of the 7 specific circumstances, irrelevant of whether the site would constitute previously developed land or not. Paragraph 120 of the Framework does support residential development on previously developed land within settlements. However, even if the appeal site was considered previously developed land, its countryside location would mean Paragraph 120 would not apply.
10. Consequently, the proposal would be contrary to CSLP Policy WCS6 and WLP Policies GD2 and DC17. Nevertheless, it is appreciated the Council cannot provide a 5 year housing land supply (5YHLS) and so these policies would be considered out of date as set out within the CSLP Policy WCS14 and the Framework. Although I deal with the specifics of the 5YHLS in the Planning Balance below, it is necessary to consider the proposal in light of the Framework regarding housing in the countryside and accessibility.
11. Uckfield town centre provides a comprehensive selection of shops and services, however, there are no public transport links between it and the appeal site. Therefore, the only alternative methods of transport for future occupants, other than by car, are limited to walking and cycling along the main road.
12. The main road is two-way and reasonably straight. However, it is unlit, has no pavement and limited verges. Road markings and signage denote the speed limit as 40mph. Nevertheless, the lack of lighting and clear refuge for pedestrians and cyclists when approached by vehicles, and the distance involved would not be conducive to safe or convenient conditions for cycling or walking to Uckfield, especially for those less able or with children.

13. Thus, the location of the appeal site would not provide access to high quality public transport, nor give priority to pedestrian and cycle movements requiring an over reliance by future occupants on the car, contrary to Paragraph 112 of the Framework. There are no services or facilities within Palehouse Common that additional residents would support, so the proposal would not constitute sustainable development as set out in Paragraph 79 of the Framework.
14. It is appreciated that electric bikes and cars are becoming more popular and could potentially provide a sustainable form of transport over the traditional car. Nevertheless, based on the evidence before me, the occupants of the proposed dwelling would be heavily reliant on the private car.
15. The appeal site is, therefore, an unsuitable location for the proposed development having regard to relevant policies relating to the countryside and accessibility. As such, it would conflict with CSLP spatial planning objective SPO3 and Policies WCS6 and WCS14, WLP saved Policies GD2, EN1 and DC17 and Paragraphs 1, 8, 79 and 112 of the Framework, insofar as they seek to ensure new residential development is appropriately located.
16. The Council has referred to WLP Policies EN8 and EN27, which relate to character and appearance and not the location of the appeal site, so are not relevant to this issue. It has also referenced Paragraph 11 of the Framework, which is dealt with in the planning balance below.

Character and appearance

17. Palehouse Common is characterised by 2 storey properties, mainly semi-detached or in short terraces, and predominantly of a traditional vernacular. The majority face the main road with a number also facing onto the access track. To the east of Palehouse Common there are a series of large fields which provide views for some distance. Hedging in this direction is relatively low but an undulating topography means views of the village from the east are somewhat limited. To the north, west and south the hamlet is surrounded by smaller fields interspersed with areas of woodland, so is well screened.
18. The proposed new dwelling would be a non-traditionally designed single storey detached dwelling. It would create a larger than average footprint for Palehouse Common. It is noted the proposed quantum of living space would be commensurate to other properties in Palehouse Common. Nevertheless, they are 2 storey and so have significantly smaller footprints than that proposed. Consequently, the proposal would be of a scale and form that does not respect the character of adjoining development and so would not comply with this element of WLP Policy EN27.
19. However, the location of the appeal site along the eastern edge of Palehouse Common and its single storey height would mean it would be screened by the undulation of the land beyond the hamlet. This along with the retention and strengthening of the existing hedges would, in my view, ensure the proposal would not harm views into Palehouse Common from the wider area.
20. There are concerns that the modern design would not be in keeping with the traditional houses of Palehouse Common. However, the grouping of traditional rural dwellings, which give the hamlet its character, are predominantly facing the main road and there is less uniformity within the street scene along the access track. I therefore find that although non-traditional the proposed

design would not harm the overall character and appearance of Palehouse Common, especially due to its single storey height, and set back position behind the existing houses along the main road.

21. The proposal would therefore conserve the low rolling agricultural character of the Low Weald with regard to the attractive groupings of building as required, amongst other things, by WLP Policy EN8. The proposed renewable energy use and low environmental impact design and features would also comply with the environmental aspect of WLP Policy EN1.
22. Nevertheless, I find the proposed development would harm the character and appearance of the area insofar as it fails to respect the scale and form of adjoining development, contrary to the relevant criteria of WLP Policy EN27.
23. The Council has referred to WLP Policies GD2 and DC17, SCLP spatial planning objective SPO3 and Policies WCS6 and WCS14, which relate to the location of new development and not character and appearance. Accordingly, they have been considered within the previous main issue.

Other Matters

24. The appeal site falls within the zone of influence for the Ashdown Forest Special Area of Conservation (SAC). Ashdown Forest's importance extends from the quality and uniqueness of habitat it provides. The Council, along with standing advice from Natural England, does not find the proposal to have a significant impact on the SAC, and there is nothing before me to conclude otherwise.
25. I am satisfied my findings accord with the Inspectors' decisions in the 5 appeals¹ brought to my attention, in relation to the location of the appeal site. On issues relating to character and appearance it is necessary for each scheme to be considered on its own merits, as recognised by the appellant, due to the differing locations and the development proposed.

Planning Balance

26. The Council cannot demonstrate a 5YHLS, as such paragraph 11(d) of the Framework is engaged.
27. The proposal would provide 1 dwelling, reasonably quickly, thus contributing to the Council's 5YHLS. I have considered Paragraph 60 of the Framework which seeks to boost significantly the supply of housing and Paragraph 69 of the Framework, which recognises the importance of small sites in meeting the housing requirement of the area. The proposal would allow a self-builder to be removed from the Council's register and would create economic benefits during construction. The inclusion of renewable energy sources, energy efficient construction and the potential increase in site biodiversity would also constitute environmental benefits. However due to the small size of the scheme I can only give these benefits limited weight.
28. A lack of harm in relation to highway safety, the living conditions of neighbouring occupants, ecology and trees are noted. However, a lack of harm is neither for nor against the proposal and so carries neutral weight.

¹ Appeal references APP/C1435/W/21/3269773; APP/C1435/W/21/3279614; APP/C1435/W/20/3261701; APP/C1435/W/21/3287498 and APP/C1435/W/21/3269387.

29. I have however found significant harm in relation to the location of the site, and limited harm in relation to the character and appearance of the area, which would conflict with numerous Paragraphs of the Framework as set out in the main issues. In these circumstances, the adverse impacts of granting planning permission would, therefore, significantly and demonstrably outweigh the benefits.
30. Returning to the SAC, clause 63(1) of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations) states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. An appropriate assessment is not, therefore, necessary where there is no intention to grant permission. As I am dismissing the appeal for other reasons, I am not required to pursue this matter further.

Conclusion

31. For the reason 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