



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/U1430/W/22/3281858

Land north of Buckham Hill Farm, Buckham Hill, Isfield, Uckfield TN22 5XY

- 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 Ruth Wallis of Sclater Estates Ltd against the decision of Wealden District Council.
 - The application Ref WD/2020/2335/F, dated 5 October 2020, was refused by notice dated 30 March 2021.
 - The development proposed is described as the development of land into 2No. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the decision notice was issued the National Planning Policy Framework (the Framework) was revised in July 2021. Although the main parties have referred to the previous iteration, the sections pertinent to this appeal have not materially altered. I have therefore referenced the revised version in this decision.
3. The Appellant notes that a further decision by the Council in respect of a different development by the same appellant and landowner is also subject to a separate appeal. I have also been appointed to determine that Appeal, APP/C1435/W/21/3281859 (3281859) as it is located on the opposite side of Buckham Hill Farm and has the same appellant. I have, however, dealt with it on its own merits, in a separate decision, although appreciate several issues are similar.

Main Issues

4. 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; the effect of the proposed development on the character and appearance of the area; and whether the proposed development would preserve the setting of 2 listed buildings.

Reasons

Site suitability

5. The appeal site constitutes a field on the western side of Station Road. It is accessible from a shared track which currently provides access to 3 dwellings. On the opposite side of the track is Buckham Hill Farm and associated barn, and on the other side of the appeal site is a pair of semi-detached dwellings.

6. This collection of dwellings forms part of the informal and sporadic scattering of buildings throughout the countryside between Isfield village and Uckfield town. The main parties agree the appeal site is beyond any policy defined development or settlement boundary and so constitutes a countryside location.
7. The Wealden District Local Plan Core Strategy (CSLP) spatial planning objective SPO7 seeks to encourage a reduction in the need to travel by car and to concentrate development where it can most closely relate to public transport. This is supported by CSLP Policy WCS6, and Policies GD2 and DC17 of the Wealden Local Plan (WLP) which seek to ensure new rural housing is provided within the various service and neighbourhood centres in the countryside.
8. There is no provision within the policies for housing beyond these 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 replacement of a building.
9. 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.
10. Both the main parties, with regard to Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610, consider the appeal site not to be isolated for the purposes of paragraph 80 of the Framework, and there is nothing before me to conclude otherwise. This, however, means it is not necessary for the proposal to comply with one of the exceptions set out in paragraph 80, not that it is appropriately located within the countryside.
11. The appeal site is broadly 2 miles from Isfield and Uckfield. Although the services at Isfield are limited and are unlikely to support day to day living, Uckfield provides a comprehensive selection of shops and services. However, there are no public transport links between the appeal site and either settlement, meaning alternative methods of transport other than by car are limited to walking and cycling along Station Road.
12. Station Road is a two-way road with reasonably narrow grass verges, no pavement and is unlit. The 60mph national speed limit applies to the road, although it is appreciated the appellant's Transport Report confirms the average speed is 47mph. Nevertheless, the conditions of the road, lack of lighting or clear refuge for cyclists or pedestrians when approached by vehicles, and the speeds of those vehicles would not be conducive to safe or convenient conditions for cycling or walking the 2 mile distance to either Isfield or Uckfield.
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. On a balance of probabilities, future occupants, if reliant on a car, are more likely to frequent the better resourced Uckfield rather than the

limited services of Isfield and so the proposal is unlikely to constitute sustainable development as set out in Paragraph 79 of the Framework. A conclusion broadly in line with the Inspector's decision in relation to Home Farm House (appeal reference APP/C1435/W/21/3275659).

14. The appellant has drawn my attention to the 2 new dwellings at the end of the access track to the site. These were built in replacement of existing farm buildings. Although details of what they replaced have not been submitted, I find the circumstances of their approval to have been substantially different to that which is before me, as the appeal site is an undeveloped field.
15. The appeal site is, therefore, an unsuitable location for the proposed development having regard to relevant policies relating to the countryside and accessibility. It would conflict with CSLP spatial planning objective SPO7 and Policy WCS6, WLP Policies GD2 and DC17, and Paragraphs 79 and 112 of the Framework.

Character and appearance

16. The appeal site is within the Low Weald area of the district. This part of the countryside is characterised by sporadic group of buildings scattered throughout a network of fields and woodlands. The groups are often only a few buildings, reminiscent of farmhouses and worker cottages or other agricultural buildings, nestled between mature hedges and trees and set back from the road.
17. The appeal site constitutes an open field with a mix of hedging and fencing along its boundaries and a large tree towards its centre. This along with lower ground level it occupies in relation to its surroundings creates space within the group of buildings it is central to, thus contributing to their verdant and bucolic setting.
18. The proposal would intensify the amount of development and remove the spaciousness which is characteristic of the existing group of buildings. Although it is appreciated that the proposal would retain the large tree and much of the hedging along Station Road, the new dwellings would be positioned awkwardly in the site. They would relate poorly to the building line of the adjacent property 'Fox Earth', and their forward position would unnecessarily domesticate and dominate the entrance into the access track.
19. Their orientation toward the access track rather than Station Road would also be at odds to the traditional cottages within the wider area of the proposal, of which its design seeks to emulate. Notably those adjacent to the site along Station Road. The proposal would infill the space by developing the appeal site thus reducing the verdant character and rural appearance of the existing group of buildings within the wider countryside setting.
20. Consequently, I find the proposal would significantly harm the character and appearance of the area. It would be contrary to CSLP spatial planning objective SPO1, WLP Policies EN1 and EN8 and Paragraph 130 of the Framework, insofar as they seek to protect the rural landscape of Wealden and encourage design sympathetic to local character.

Listed buildings

21. Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving the setting of listed buildings as heritage assets. Paragraph 189 of the Framework requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and Paragraph 199 confirms 'great weight' should be given to their conservation.
22. 17th century Buckham Hill Farm house and its associated 18th century barn are both Grade II listed. They represent traditional farm buildings characteristic of the Low Weald area. Historically they formed part of a wider estate and were likely occupied by a bailiff or labourers of that estate. The appellant's heritage statement suggests that this could be the reason there are not more farm buildings from that era within the grouping. Historically the setting of Buckham Hill Farm house and barn would have, therefore, been one of spaciousness, with the estate fields all around.
23. Although it could be argued that over time the listed buildings' setting has been eroded by the introduction of other dwellings, not least the 2 which have replaced modern farm buildings at the end of the access track, and the maturing of boundary hedging. The appeal site continues to retain some sense of that historic spaciousness, as described in my second main issue. As such the proposed development would fail to preserve the setting of the 2 listed buildings negatively impacting on their significance.
24. However, due to the existing alterations to the listed buildings' surroundings, I consider this impact to constitute less than substantial harm. This is a conclusion agreed by both the appellant's heritage statement and the Council's Conservation Officer.
25. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefit of the proposal. The proposal would provide 2 houses which, as the Council is unable to demonstrate a 5YHLS, would provide limited benefit. Due to the countryside location, as discussed in my first main issue, I cannot afford any weight to the potential future occupants' support of local services as there are none, and no other public benefits have been identified. Consequently, I do not find the harm identified would be outweighed.
26. The proposed development would, therefore, fail to preserve the setting of 2 listed buildings contrary to CSLP spatial planning objective SPO2 and Policy WCS14, and Paragraphs 189, 199 and 202 of the Framework insofar as they seek to protect heritage assets. The proposal would also be contrary to the advice set out in the Wealden Design Guide, chapter 12, part 10 which deals with the setting of listed buildings.

Other Matters

27. The appeal site falls within the Zone of influence for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). Ashdown Forest's importance extends from the quality and uniqueness of the habitat it provides for breeding Dartford warblers and Nightjar, along with other features. Both species are under particular threat from visitor disturbance during their breeding season.

28. The proposal would create 2 new dwellings, and so there could be recreational impact on the Forest from the additional occupants. The Council have stated that this impact would be alleviated by its own scheme of Suitable Alternative Nature Green Spaces, Strategic Access Management and Monitoring of the Forest. Accordingly, it has stated that normally to provide a contribution towards these schemes, a section 106 legal agreement would be entered into.
29. It is appreciated that in relation to the appeal at Saxon Court (reference APP/C1435/W/20/3254759¹) it was deemed appropriate to condition such a contribution. Nevertheless, such an arrangement would neither weigh for or against a proposal as it simply mitigates harm rather than provides additional benefit. I return to this matter below.

Planning Balance

30. The Council cannot demonstrate a 5YHLS, with the main parties agreeing that the current housing land supply is 3.28 years. As such paragraph 11(d) of the Framework is engaged.
31. Paragraph 11 (d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of heritage policy, in relation to the setting of the 2 listed buildings, provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
32. Nevertheless, the proposal would provide 2 dwellings reasonably quickly, due to its small scale. I have considered that Paragraph 60 of the Framework seeks to boost significantly the supply of housing and Paragraph 69 of the Framework, recognises the importance of small sites in meeting the housing requirement of the area. This along with the associated economic and social benefits would have in contributing to the Council's 5YHLS, would attract limited weighting based on the number of houses involved.
33. I have also considered the potential impact on housing supply, were this proposal to be combined with the Appellant's other appeal 3281859. However as there is no mechanism before me which necessitates both schemes to be built out should they both be approved. I do not, therefore, give this any additional weighting.
34. However, I have found significant harm in relation to the location of the site, character and appearance of the area and the setting of 2 listed buildings, 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 not outweigh the benefits.
35. Returning to the SPA and SAC, clause 63(1) of the Conservation of Habitats and Species Regulations 2017 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.

¹ misquoted within elements of the submission as 3254759

Conclusion

36. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR