



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/21/3281859

Land south of Buckham Hill Farm, Station Road, 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 Ruth Wallis of Sclater Estates Ltd against the decision of Wealden District Council.
 - The application Ref WD/2020/2336/F, dated 5 October 2020, was refused by notice dated 30 March 2021.
 - The development proposed is describes as the development of land into 6No. dwellings and 1No. private garage.
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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/21/3281858 (3281858) 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, and the effect of the proposed development on the character and appearance of the area.

Reasons

Site suitability

5. The appeal site constitutes a field on the western side of Station Road. It is accessed directly from the road and currently used for the grazing of horses. North of the site is the garden of Buckham Hill Farm and associated barn, both of which are grade II listed. To the south is Lodge Wood Bungalow which is

- surrounded by ancient woodland. To the rear of the site are open fields with 2 dwellings beyond.
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 my colleague'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 hedging along its boundaries with Station Road and properties on either side. As the rear of the site is open it relates more with the fields beyond than with the buildings to either side.
18. The proposal would create an enclave of 6 properties linearly located along a new access road which would run parallel to Station Road. Although hedging along Station Road would likely be retained the development would be clearly visible from the rear where the ground levels rise slightly. It would significantly intensify the amount of development on the site and remove the space between Lodge Wood Bungalow and the small group of buildings around Buckham Hill Farm. In effect creating a ribbon of development along this part of Station Road more akin to the outskirts of a village rather than its countryside location.
19. The proposal would domesticate the appeal site's appearance reducing the verdant and rural character of the area. It would conflate two traditionally separate and visually different groups of buildings, those around a traditional farmhouse, and that of an isolated lodge in the woodland, and harm their bucolic 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.

Other Matters

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. The appeal site would be separated from Buckham Hill Farm and its barn by its garden, which is considerably large. This would ensure the visual space around the southern side of the listed buildings would be retained and on balance it is considered that the proposal is unlikely to harm their setting and its contribution to their significance if materials and landscaping are appropriately handled. A conclusion the Council has also drawn. Therefore, the impact the proposal would have on the 2 listed buildings would be neutral.
23. The wood along the southern boundary of the site is considered ancient woodland. Paragraph 180 of the Framework seeks to ensure development does not result in the loss or deterioration of irreplaceable habitats, which include ancient woodland. The scheme would include a buffer between the woodland and large rear garden of proposed plot 6. The Council consider this should be 15m wide, but this width is not specified in paragraph 180. On review of the proposal, and the space between the ancient woodland and the proposed buildings within plot 6, I am satisfied that there would be enough space to develop and maintain an adequately planted buffer zone. Nevertheless, the proposed buffering of the ancient woodland is to ensure no detrimental harm to the irreplaceable habitat so would also be neutrally weighted.
24. 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.
25. The proposal would create 6 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.
26. 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

27. 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. I have concluded, in this case, that there are no

¹ misquoted within elements of the submission as 3254579

- policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the proposed development and therefore 11 d) ii), sometimes referred to as the tilted balance, is engaged.
28. The proposal would provide 6 dwellings, reasonably quickly due to its modest scale. This along with the associated economic and social benefits contributing to the Council's five year housing land supply would attract limited weight based on the number of houses involved. 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 moderate weighting based on the number of houses involved.
29. I have also considered the potential impact on housing supply, where this proposal to be combined with the Appellants other appeal 3281858, however as there is no mechanism before me which necessitates both schemes to be built out should they both be approved, I do not give this any additional weighting.
30. The Council state the proposal is of a size to require an affordable housing contribution which would normally be secured by planning obligation. There is nothing before me which would secure such a contribution and the appellant has not justified why one should not be considered. Accordingly, the failure to be able to secure an affordable housing contribution would weigh against the scheme
31. I have also found significant harm in relation to the location of the site, and character and appearance, which would conflict with Paragraphs 79, 112, and 130 of the Framework. In these circumstances, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The proposal would therefore not benefit from the presumption in favour of sustainable development in the Framework.
32. 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.

Conclusion

33. 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