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# Appeal Decision

Site visit made on 10 January 2023

**by Stewart Glassar BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 January 2023**

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**Appeal Ref: APP/C1435/W/22/3297183**

**White Cottage Farm, Lake Street, Mayfield TN20 6PT**

- 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 L Dullage against the decision of Wealden District Council.
  - The application Ref WD/2021/2189/F, dated 18 August 2021, was refused by notice dated 9 November 2021.
  - The development proposed is for the erection of detached four bedroom dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are a) whether the site is a suitable location for a new dwelling; and b) the effect of the proposal on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB).

## Reasons

### *Location*

3. Policies of the Wealden Local Plan 1998 (Local Plan) and of the Wealden Core Strategy Local Plan 2013 (Core Strategy) broadly seek to restrict development that is outside of settlements and within the open countryside. In tandem with this, the Core Strategy also seeks to reduce the need to travel by car. To achieve this aim, development will be concentrated where there are opportunities to use public transport and to improve the quality of journeys that can be made on foot or by bicycle, which will generally be in settlements. This approach is in broad compliance with the objectives of the National Planning Policy Framework (the Framework).
4. The appeal site forms part of the existing garden of White Cottage Farm, a detached dwelling. There are some existing neighbouring dwellings and other buildings adjacent and in close proximity to the appeal site. This location is approximately 1.5km to the north of Mayfield and so outside of a settlement and within the open countryside. Accordingly, the new dwelling would be contrary to the Council's spatial and housing strategies.
5. The main parties broadly agree that any future occupants are likely to be reliant on a car to meet the majority of their day-to-day needs. It is accepted that existing rural communities will continue to rely on private transport and, as is the case here, one additional dwelling would have only a small effect in terms of additional vehicle movements. Therefore, reliance on private vehicles

does not prevent new houses coming forward which perpetuate that dependence, even without offering opportunities to promote sustainable transport modes. However, this should be done where there is specific justification.

6. Having regard to the information before me and in the light of the above, I do not find justification for a new dwelling in this proposed open countryside location. It would conflict with Policies GD2, EN1, EN6 and DC17 of the Local Plan and Policies WCS6 and WCS14 of the Core Strategy insofar as they seek to protect the countryside and locate development within identified settlements. The decision notice also makes reference to Local Plan Policy EN27, but this does not appear to be directly applicable to this main issue.
7. The proposal would also be contrary to the Framework which, amongst other things, seeks a pattern of development that safeguards and improves the environment.

#### *Character and Appearance*

8. The appeal site lies within the High Weald AONB, an area that has been designated nationally for its natural beauty and landscape quality. The landscape in the vicinity of the appeal site consists largely of open countryside with wide panoramas across expansive open plateaux. Whilst there are buildings within this landscape, the area is relatively tranquil and offers a sense of remoteness. This reflects some of the key characteristics of the AONB.
9. The part of the garden in which it is proposed to construct the dwelling fronts onto Lake Street. It is currently enclosed by hedging. However, as the land levels fall to both the north and south of the site the proposed built form would be visible within the wider landscape. There would also be a need to construct a new entrance/parking area, opening up views into the site and of the proposed building from Lake Street.
10. Even though it would be built on an existing garden and not encroach onto agricultural land, the proposal would introduce an additional building into the open countryside and extend the built form which currently exists in this sensitive location. A further dwelling would also contribute some additional comings and goings to the area.
11. The appearance of the dwelling may be acceptable in its own right. There may also be some benefits such as how it would be built and other gains, such as those linked to biodiversity. However, these benefits would be limited and even allowing for the other houses nearby, it would be in a conspicuous position.
12. I acknowledge that visibility does not necessarily always lead to harm. However, the AONB is protected for its overall landscape quality, which includes its tranquillity and sense of remoteness. Therefore, in this instance the proposal as a whole would erode some of the key qualities and reasons as to why the area is protected.
13. Whilst boundary planting could help to screen the dwelling, this would be a form of mitigation of harm. In any event the purpose of landscaping is to integrate a development into its surroundings, not to hide something which is otherwise unacceptable.

14. The proposed dwelling would not be isolated. It is suggested that collectively the buildings near the appeal site could be considered as a settlement. Aside from the appellant's existing dwelling, there are three houses immediately to the northwest of the site. A further dwelling and group of what appeared to be larger, utilitarian type buildings are to the north. Small groups of buildings may historically be a feature of the countryside but the buildings in this case appeared to be a loose-knit ribbon of sporadic development rather than a grouping that could be characterised as a settlement.
15. I therefore find that the proposal would be harmful to the character and appearance of the High Weald AONB, contrary to Policies GD2, EN1, EN6, EN27 and DC17 of the Local Plan and Spatial Planning Objectives SPO3 and Policies WCS6 and WCS14 of the Core Strategy. Among other things, these collectively seek to ensure new developments safeguard the natural environment and conserves or enhances the natural beauty and character within the AONB.
16. The proposal would also be contrary to the Framework, which amongst other things, states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs.

### **Other Matters**

17. In support of the proposal, other appeal decisions have been provided. Whilst they provide helpful background insofar as they relate to development outside of settlement boundaries, they do not represent direct parallels with this particular case. Notwithstanding this, and in any event, each proposal must be assessed and determined on its own individual merits and circumstances, and I can confirm that this is the case with this appeal.
18. There are a number of matters cited in support of the proposal, such as there being no effect on the living conditions of neighbours, or any highway safety concerns. However, these would represent a lack of harm and would no doubt be a requirement of the development plan. Therefore, they are not factors that weigh positively in the scheme's favour.

### **Planning Balance and Conclusion**

19. The harm to the AONB provides a clear reason for refusing the development. Therefore, notwithstanding the housing land supply position, there is no need to refer to the test in paragraph 11 d) ii) of the Framework. As a result, the presumption in favour of sustainable development does not apply.
20. Whilst there would be some beneficial aspects of the development, I have not found there to be justification for allowing harm to the AONB. Furthermore, I have found the proposal to be contrary to the Council's strategy for the location of new houses.
21. For these reasons, the proposal would conflict with the development plan taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
22. For the reasons given, I conclude that the appeal is dismissed.

*Stewart Glassar*  
INSPECTOR