



Appeal Decision

Site visit made on 11 January 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2023

Appeal Ref: APP/C1435/W/22/3298631

Marlpits Yard, Marlpits Lane, Ninfield TN33 9LE

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 J Haffenden, Haffenden Roofing against the decision of Wealden District Council.

The application Ref WD/2020/2134/F, dated 19 October 2020, was refused by notice dated 6 April 2022.

The development proposed is proposed re-development of builders yard with construction of pair of semi-detached houses with garages and off-road parking spaces.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - whether the site is an appropriate location for the proposed development having regard to the accessibility of services and the development strategy; and,
 - the effect of the proposed development on the character and appearance of the area, having regard to the setting of the High Weald Area of Outstanding Natural Beauty.

Reasons

Appropriate location for development

3. Policy WCS6 of the Wealden District (Incorporating Part of the South Downs National Park), Core Strategy Local Plan, February 2013 (CS) identifies that the rural areas include four categories of settlement, namely, service centre, local service centre, neighbourhood centre and unclassified settlements. The Policy indicates that a provision for a minimum of 455 new dwellings will be made within service centres, local centres and neighbourhood centres including 50 within Ninfield. CS Policy WCS6 also identifies Ninfield as a centre where the development boundary will be retained.
4. Saved Policy GD2 of the Wealden Local Plan, December 1998 (LP) explains that development will be resisted outside of development boundaries, unless it accords with specific policies in the plan. Similarly, LP Policy DC17 indicates that housing development will not be allowed outside development boundaries unless it conforms with other policies in the plan. It is not disputed that the appeal site is located outside of the development boundary for Ninfield.

5. It is recognized that when evaluating the accessibility of services from the appeal scheme and reliance on private vehicles, consideration should be given to its rural location. Notwithstanding, the appeal site is located outside of a settlement, a significant distance from services along an unlit, single track road that has no pavement. I therefore consider that when accessing services, future occupiers would be overly reliant on private vehicles.
6. The COVID-19 pandemic, and associated public health measures, has affected people's behaviour in relation to work locations and consumer spending patterns. Nevertheless, there is still a need for people to access services in-person and as such, the change in behaviour would not justify allowing housing in locations where the future occupiers would be overly reliant on private vehicles.
7. It has been put to me that a comparable planning application has been approved for the conversion of a former care home into 6 dwellings on Marl pits Lane. However, that proposal is located much closer to services within Ninfield, and the new pedestrian route being constructed within the development on Manchester Road.
8. I conclude that the appeal site is not an appropriate location for the proposed development, with respect to the accessibility of services and the development strategy. The appeal scheme is therefore contrary to CS Policy WCS6 and LP Policies EN1, GD2 and DC17 which specify that the development boundary for Ninfield will be retained, development should be located within a development boundary unless it accords with other policies in the plan and indicate that the Council will pursue sustainable development in considering the location of development. It is also contrary to paragraphs 104 and 110 of the National Planning Policy Framework (the Framework) which require transport issues to be considered from the earliest stages of development proposals to promote walking, cycling and public transport; and, when assessing proposals, ensure appropriate opportunities to promote sustainable transport have been taken up.

Character and appearance

9. The area is characterised by the narrow lane and its verdant edges. There is sporadic residential development on the same side of the road as the appeal site and the other side of the road is generally agricultural. The hedgerow aligning the road is occasionally disrupted by entrances to properties, which often include large entrance gates and/or boundary treatments.
10. The appeal site is located directly opposite the High Weald Area of Outstanding Natural Beauty (AONB) and as such the proposed development would affect the setting of the AONB.
11. The proposed development would have an urbanising effect on the area given the scale and mass of the proposed dwellings and features within their curtilage, including formalised landscaping. However, the proposal would be in-keeping with the sporadic residential development on this side of Marl pits Lane.
12. It has been suggested that the appeal scheme represents overdevelopment of the site. Whilst most properties on the road are large, detached properties, there is a variety of house types including terraced properties. The proposal includes well-proportioned semi-detached houses with sufficient external

amenity space. I therefore do not consider that the proposals would represent overdevelopment of the site.

13. Although the proposal would be visible, especially in winter months, from Marlpiets Lane and the adjacent public right of way, it would be largely screened from wider views due to the surrounding topography. Nevertheless, the proposal would not be harmful to the character and appearance of the area.
14. Whilst the proposal would have an urbanising effect, when viewed from the AONB the proposal would appear similar in nature to the neighbouring development and more in keeping than the existing industrial use. The proposal would therefore conserve the landscape and scenic beauty of the AONB.
15. I conclude that the appeal scheme would not have a harmful effect on the character and appearance of the area, having regard to the setting of High Weald AONB. The appeal scheme therefore complies with LP Policies EN1, EN6, and EN27, in respect to its effect on character and appearance. These policies indicate that the Council will pursue sustainable development in considering the layout and design of development, and support development when the scale, form, site coverage, density and design of the development respect the character of the adjoining development.

Other Matters

16. At the time of the submission of the appeal, the existing occupier was planning to vacate the site. The appellant contends this would lead to the site becoming a vacant and unsightly brownfield site as it is unlikely to be suitable for many other industrial uses. Whilst it is acknowledged that the existing occupier is looking to consolidate their business at another location, I have no evidence of a lack of interest in occupying the site from other businesses.

Planning Balance

17. It is not disputed that the Council cannot demonstrate a five year housing land supply and it has underperformed in relation to the Housing Delivery Test. In accordance with Paragraph 11 of the Framework, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits; unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development. On the evidence before me, there are no specific policies in the Framework which indicate that the proposed development should be refused.
18. I have found that the appeal scheme would be contrary to CS Policies WCS6 and LP Policies EN1, GD2 and DC17. These policies are considered to be out of date, given the shortfall in housing land supply; as such, only limited weight can be applied to them. However, there would be an unacceptably harmful impact in allowing the appeal because future occupiers of the proposed dwellings would be overly reliant on the use of private vehicles to access services.
19. The provision of two houses to help address the shortfall in housing delivery, the reuse of a brownfield site that may be vacant in the near future, potential reduction in vehicular trips to the site, increased employment during the construction phase and increased Council Tax receipts, alongside an increase in

the local population to help improve the vitality of local services, are benefits which weigh in favour of the scheme. However, given the relatively modest scale of the development these benefits are limited.

20. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Conclusion

21. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR