



Appeal Decision

Site visit made on 18 January 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/C1435/W/22/3291760

Former Fire Station, Fletching Street, Mayfield, East Sussex TN20 6TB

- 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 Christopher Besant against the decision of Wealden District Council.
 - The application Ref WD/2021/0269/F, dated 16 April 2021, was refused by notice dated 22 November 2021.
 - The development proposed is demolition of the existing fire station building and redevelopment to construct one detached three-bedroom dwellinghouse and 2 no. semi-detached two-bedroom dwellinghouses with off-street parking spaces.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area and whether it would preserve or enhance the Mayfield and Coggins Mill Conservation Area;
 - European protected species; and
 - Highway safety

Reasons

Character and Appearance

4. The appeal site is within the Mayfield and Coggins Mill Conservation Area (MCMCA). I have therefore approached this appeal in the context of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
5. Fletching Street is a historic route into Mayfield village from the east. At the location of the appeal site, it is relatively narrow with limited footpaths. Buildings are set close to the highway, particularly on the side of the street where the appeal site is located. It is made up predominately of two-storey houses, with the exception of the adjacent property, Maynards, which is 4

- storeys. The houses vary in their style and age of construction, although many are historical. Most have a traditional form and appearance and use a common palette of materials including weatherboarding, red brick and hanging tiles.
6. I saw that the area has a very verdant character. This derives from both landscape within the MCMCA, including boundary treatments, roadside planting and verges, and trees within front and rear gardens, and outside the MCMCA in its wider countryside setting, which is part of the High Weald AONB. This contributes to the significance of the MCMCA, as does the traditional form and features of the buildings and established palette of materials.
 7. While the existing building on the site is disused and somewhat unremarkable, given its modest single storey scale, traditional form, and use of similar materials to the houses in the area, it makes a positive contribution to the significance of the MCMCA. I understand that it was identified as a 'key building' in the Draft Conservation Area Character Appraisal. However, the planning history suggests it may be a later building, and the Council consider it not to be of such local social or cultural significance to merit retention. From the evidence before me and my observations on site, the loss of the existing building would not in itself harm the significance of the MCMCA, provided it was replaced with a high-quality development that preserves and enhances the character and appearance of the area.
 8. Currently some of the site is overgrown with shrub, which although may be considered unsightly, provides important greenery, that together with the substantial trees at the rear of the site, add significantly to the verdant character of the MCMCA. While some of the trees on the site are protected, I understand that there are consented works to remove some conifers and re-coppice trees on the rock face. Although I do not have the exact details of these works before me, they did not appear to have been carried out when I visited the site.
 9. The proposal would replace the existing building with 3 x 2-storey dwellings. I recognise that it follows a previous scheme that was dismissed at appeal, and I appreciate that the current appeal was subject to pre-application advice. However, while the proposal may have undergone significant design and layout changes, which have received a positive response from the Council, it does not automatically follow that the revised proposal would be acceptable. I note the Council is clear in their pre-application response that, due to the development constraints of the site, two units would be better suited and three may not be deemed acceptable at an application stage. The advice given regarding three units was given in good faith as a way to assist and identify officer concerns about the development on site.
 10. The proposed dwellings would have a traditional form and use materials that are prevalent in this part of the MCMCA. I understand that they would also provide more visual interest than the previous scheme by providing a mix of designs and forms. Their overall height has been reduced and the gable-end frontages removed. However, while they are not significantly larger than other houses in the MCMCA, together they would introduce a considerable amount of built form to this side of Fletching Street, where the existing buildings are more spaced out. I understand there would now be a greater distance between the proposal and Maynards, and a better transition with Carpenter's Cottages. Yet, given the proposal would extend almost the full width and depth of the site, the

proposed dwellings would appear more cramped than their neighbours with very limited opportunity for any meaningful soft landscaping. In addition, although the proposed dwellings would be set back from the highway a similar distance to other properties on Fletching Street, their position very close to the edge of the footway would exacerbate their overall scale and mass and increase their prominence in the street scene.

11. Overall, the proposal would result in a significant amount of built form on the relatively tight site, which would appear constricted and uncomfortable. The proposed dwellings, given their limited frontage consisting predominately of parking, and a lack of soft landscaping, would be dominant in the street-scene and not in keeping with the verdant and more spacious character and appearance of the area. This would harm the significance of the MCMCA.
12. Furthermore, while the proposed dwellings would be positioned on part of the site where there appears to be no substantial trees, they would be very close to the existing trees at the rear of the site. Given the proximity of the trees, the rear gardens would be heavily shaded and light to the rear of the properties would be limited. This, together with leaf litter affecting gutters and/or the damage which could be caused if any of the trees were compromised in any way, would likely result in pressure for extensive pruning or removal of the trees altogether.
13. It is unclear whether the appellant intends to remove any of these trees as part of the proposal in addition to those that already have consent. Although a method statement and tree protection plan could be secured by condition, given the limited space for meaningful soft landscaping, I am not satisfied that a comprehensive landscaping scheme could be achieved that would address the harm of the proposal or any future loss of these trees, which make a significant contribution to the character of the area and significance of the MCMCA.
14. It has been put to me by the appellant that the landscaping of the site could be addressed by a condition. This could include, for example, front boundary hedging instead of railings. However, given the limited space available for soft landscaping, I cannot be certain that a condition would fully address the harm that I have identified above.
15. Overall, for the reasons above, I find the harm to the significance of the MCMCA would be less than substantial. As such paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
16. In terms of benefits, the proposal would provide 3 energy-efficient dwellings on brownfield land in an accessible location close to local services and facilities, which would contribute towards the Council's housing supply. The Council cannot demonstrate a five-year supply of deliverable housing sites. Its current five-year housing supply figure is 3.28 years, which shows there to be a significant shortfall in supply. Given this, the provision of any additional housing carries significant weight. Nevertheless, the 3 dwellings in this case would make only a moderate contribution to the Council's housing supply.
17. Paragraph 199 of the Framework gives great weight to the conservation of designated heritage assets including conservation areas. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. I must pay special attention to the desirability of

preserving or enhancing the character and appearance of the conservation area. Given this, the moderate contribution the 3 dwellings would make to the housing supply, even when taking account of the environmental benefits arising from their accessibility to local services and energy efficiency, does not outweigh the harm I have identified to the significance of the MCMCA.

18. Accordingly, the proposal would conflict with policy EN19 of the Wealden Local Plan (1998) (Local Plan) and objective SPO2 of the Wealden District Core Strategy Local Plan (2013) (Core Strategy). These seek to protect the intrinsic quality of the historic environment including by preserving and enhancing the character and visual amenity of conservation areas. It would also conflict with policy EN27 of the Local Plan and objective SPO13 of the Core Strategy, which encourage high quality and good design in all new development that respects the character of adjoining development and promotes local distinctiveness. Furthermore, it would conflict with the aims of the Framework to create high quality, beautiful and sustainable buildings and places that are sympathetic to local character and history, retain existing trees and incorporate new ones into urban environments. It would also be contrary to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

European protected species

19. The proposal is supported by the findings of an ecological site walkover that was undertaken in September 2018 to support the previous scheme that was dismissed at appeal. Also, a Bat Survey Report that detailed the findings of 3 emergence/re-entry survey visits that were undertaken in July 2019 to confirm the presence/absence of a bat roost within the existing building.
20. While the nature of the site may not have significantly changed since the surveys were undertaken, Natural England's Standing Advice on bats advises that surveys should be carried out in the most recent, appropriate season. Whether or not the Council requested an updated survey during the application process, I note that the Council's pre-application advice letter stated that an up-to-date ecological survey must be provided.
21. Paragraph 99 of Circular 06/2005 advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. However, surveys should only be required where there is a reasonable likelihood of the species being present and affected by the development. While I recognise that no emergence/re-entry behaviour was observed during the survey visits in 2019, I also note that during the site walkover several bat droppings were identified within the existing building roof void and the building was considered to have high potential to support roosting bats. Given this, and in the absence of any substantive evidence to the contrary, I cannot rule out a reasonable likelihood of bats being present on the site. Therefore, as advised in Circular 06/2005 an up-to-date survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. Up-to-date surveys would also ensure whether there is any likelihood of other protected species being present on the site.
22. In the absence of an up-to-date ecological survey, it has not been demonstrated that the proposal would not harm European protected species. It would therefore conflict with Policy EN1 of the Local Plan, which pursues

sustainable development when assessing the effects of proposals on the environment. It would also conflict with Policies WCS12 and WCS14 of the Core Strategy, which seek to ensure habitats, biodiversity features and ecological networks are maintained, restored, enhanced and where possible created and secure development that improves the environmental conditions in the area. Furthermore, it is contrary to the aims of the Framework to contribute to and enhance the natural and local environment and avoid significant harm to biodiversity. It would not conflict with Policy EN15 of the Local Plan, as this policy relates specifically to designated nature conservation sites.

Highway Safety

23. I saw on site that the section of Fletching Street where the appeal site is located comprises a significant amount of on-street parking on the same side of the road as the appeal site. The steep rise and a slight bend in the highway adjacent to 4-storey Maynards that abuts the footpath, make it difficult to see vehicles approaching from the north. Also, these vehicles would likely be on the wrong side of the road as they would be passing the parked cars. There were relatively frequent traffic movements and, although overall speeds were low, there were some rapid accelerations by vehicles trying to pass the parked cars quickly to find a passing point. There was also some abrupt braking and reversing to allow vehicles to pass.
24. Although the visibility splays appear to not meet the recommended standards, 3 of the 4 proposed frontage parking spaces would utilise the existing access. The remaining parking space and access to it would be positioned on the eastern edge of the site adjacent to the existing access serving the on-plot parking spaces for Carpenter's Cottages. This access would be further from Maynards and the bend in the road, where there is better visibility. Given this, and the overall low speeds of the traffic, the proposal would not have an unacceptable impact on highway safety in this regard. Moreover, I note that the highways authority, have not objected to the proposal, subject to conditions being imposed. While I appreciate that the additional dropped kerb would reduce the amount of space for on-street parking, the break in the parking would allow a passing point for vehicles.
25. Nevertheless, and despite no objection from the highway authority, the proposed parking bays appear to be substandard in size and there does not appear to be sufficient space to enlarge these without altering the fundamental design of the proposal. Delivering undersized parking spaces runs the risk of vehicles overhanging the narrow footpath. There are relatively frequent pedestrian movements along this section of Fletching Street made by residents accessing the village centre and there is no footpath on the opposite side of the highway. As such, any obstruction to the footpath in this location would increase conflict and the risk of collision between motorists and pedestrians. The proposal would therefore, in this regard, have an unacceptable impact on highway safety, albeit the impact is localised and limited.
26. Accordingly, the proposal would conflict with policies TR3 and TR16 of the Local Plan. These seek to ensure a satisfactory means of access for vehicles, cyclist and pedestrians and require the on-site provision of vehicle parking in accordance with the Council's parking standards. It would also conflict with the aims of the Framework to create places which minimise the scope for conflicts between pedestrians, cyclists, and vehicles.

Other Matters

27. The appeal site is located close to some Grade II Listed Buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving these buildings or their settings or any features of special architectural or historic interest which they possess.
28. I note that the Heritage Officer had concerns regarding the effect of the proposal on the setting of the Listed Buildings. However, the Officer's Report notes that the Inspector that dismissed the previous scheme at appeal identified no harm to the setting of the Listed Buildings and considers that the proposal would not result in a materially greater impact than this. Nevertheless, given that I am dismissing the appeal on the main issues, no harm to the setting and significance of the Listed Buildings would arise from my decision. Therefore, I have not considered this matter further.
29. It has been put to me by the appellant that the validation and registration process of the application was a torturous and very slow process. Also, that the determination of the application was subject to excessive delay with no extension of time given. I acknowledge that the application took longer to determine than 8 weeks and appreciate that this would cause frustration. However, the appellant had the opportunity to make an appeal for non-determination and chose not to in this case.
30. The appellant also considers the conservation comments to be misleading, factually wrong, and contrary to the Council's pre-application advice. Whether or not these comments are interpreted in this way, and while I appreciate that the outcome of the application will have been a disappointment to the appellant, I must consider the appeal before me, and I have concluded that the proposal would harm the significance of the MCMCA.

Planning Balance and Conclusion

31. Overall, I have found the proposal would result in harm to the significance of the MCMCA, which is not outweighed by public benefits. Also, it has not been demonstrated that the proposal would not harm European protected species, and there would be an unacceptable impact on highway safety, albeit this would be limited. Thus, it would conflict with the development plan as a whole.
32. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. Accordingly, planning permission should be withheld where the application of policies in the Framework that protect heritage assets provides a clear reason for refusing the development proposed, as is the case here.
33. I have found the proposal would conflict with the development plan, read as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest INSPECTOR