



Appeal Decision

Site visit made on 26 April 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2023

Appeal Ref: APP/C1435/W/22/3296039

Land to rear of Spring Cottage, Mayfield Flat, Cross in Hand, Heathfield TN21 0TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Willy Brunsdon of Weald Civil Engineering against the decision of Wealden District Council.
 - The application Ref WD/2021/1076/O, dated 23 April 2021, was refused by notice dated 24 November 2021.
 - The development proposed is cessation of use of land for storage and distribution of plant, equipment and materials in connection with a contracting business and ancillary maintenance of plant and equipment, and demolition of all associated buildings. Construction of a single dwelling and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought but with only access to be considered at this stage. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the site is a suitable location for housing with particular regard to the character and appearance of the area including the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The site is within the AONB and I afford great weight to conserving and enhancing the landscape and scenic beauty in this area which has the highest status of protection in relation to these issues. The AONB is characterised by ridges and valleys, and its heavily wooded appearance which accentuates its physical character. The appeal site is also outside any development boundary and is therefore in the countryside for the purposes of the development plan.
5. The appeal site is part of a plot to the rear of the house and garden of Spring Cottage, which fronts Mayfield Flat. This is a rural road with some sporadic residential development fronting the road. The appeal site is used for the storage and distribution of plant, equipment and materials. This results in a shed, containers, commercial equipment and paraphernalia across this part of the site. There is also a metal framed barn/workshop and an area of hardstanding. This is characteristic of a countryside location notwithstanding

that it is in a poor state of repair. The remainder of the plot is open and undeveloped.

6. The site sits beyond the line of development fronting Mayfield Flat. It is adjoined by generous mainly open rear gardens on two sides. To the north-east and north-west there is semi natural ancient woodland in close proximity. Therefore whilst the commercial use does not make a positive contribution to the character and appearance of this rural location, nevertheless the overriding character of this area is open and green in a woodland setting, typical of the countryside and AONB.
7. The proposed development would introduce a single dwelling to the site. Details of scale and layout are not sought, nevertheless the development would also need to include an area of car parking and residential garden with associated domestic paraphernalia. This would introduce a substantial urban character and appearance to the whole appeal site. It would therefore be inappropriate and intrusive in this countryside location and would be visually jarring with the open and green characteristics of the area and would be inharmonious with the natural beauty of the AONB described above.
8. The proposed development would remove the storage and distribution use and equipment. However, this would be replaced by another developed character with a likely increase in urbanisation of the area which would therefore be more harmful. Given that I find that the barn appears appropriate in this context its removal or replacement would not be an enhancement. I am provided with limited information about the number of traffic movements associated with the existing development. Nevertheless, I have no reason to conclude that the change from a single commercial enterprise to a dwelling would result in a significant change in the number of comings and goings to the site. As such on the basis of the evidence before me, this does not overcome the harm identified above.
9. Whilst the site has limited visibility in wider public views, the proposed development would nevertheless undermine the intrinsic character and beauty of the countryside. Furthermore, the proposed development would be highly visible from the neighbouring plots and as such this harm would be experienced in any case.
10. Therefore the proposed development would not be a suitable location for housing with particular regard to the character and appearance of the area including the AONB. As such it would be contrary to Policies GD2, EN6, EN27 and DC17 of the Wealden Local Plan (WLP) and WCS6, SP01, SP013 of the Core Strategy (CS). Together these seek to deliver housing in particular settlements, inside development boundaries and resist development in the countryside. As well as stating that development within the AONB must conserve or enhance the natural beauty and character of the landscape and requiring high quality living environments that respect the character of adjoining development and promote local distinctiveness.
11. Policy SP08 of the CS mainly relates to growth in rural villages, Therefore, the policies set out above are more relevant to this main issue

Other Matters

12. It is not in dispute between the main parties that the site is sufficiently accessible, and this was the position taken on a previous appeal decision¹. I am not presented with detailed evidence that leads me to disagree with these conclusions. Consequently, the proposed development is not contrary to Policy SP07 of the CS in this regard.
13. Whilst I find harm to the appearance of the surrounding area, which includes the woodland setting, the evidence before me does not lead me to conclude that there would be harm to the ecology of ancient semi-natural woodlands. As such I do not find the development to be contrary to Policy EN13 of the WLP which seeks to resist development that prejudices the ecology of ancient semi-natural woodlands or Policy WCS12 of the CS which mainly relates to biodiversity. The lack of harm in these regards is a neutral factor which does not weigh in favour of the proposed development.

Planning Balance

14. The Council cannot demonstrate a 5 year supply of deliverable housing sites and there is said to be between a 3.38- 3.66 year supply. Therefore paragraph 11(d) of the National Planning Policy Framework (2021) (the Framework) is engaged. However, as set out above, the application of policies relating to an AONB provides a clear reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development as set out in the Framework and Policy WCS14 of the CS does not apply in this case.
15. I have found harm to character and appearance including to the nationally designated landscape of the AONB to which I afford the highest status of protection in this regard. On the other hand, the proposed development would provide temporary economic benefits during construction and the social and economic benefits associated with the provision of a single new dwelling on previously developed land. However due to the scale of the development any benefits in this regard are limited. As such these limited benefits do not indicate that planning permission should be granted other than in accordance with the development plan.

Conclusion

16. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR

¹ APP/C1435/W/19/3240337