



Appeal Decision

Site visit made on 13 June 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2023

Appeal Ref: APP/C1435/W/22/3308703

32 Forest View, Hailsham BN27 3EX

- 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 Keith Dawber against the decision of Wealden District Council.
 - The application Ref WD/2021/3140/F, dated 21 December 2021, was refused by notice dated 8 June 2022.
 - The development proposed is described as the demolition of garage and erection of detached dwelling house and garage. Formation of new access onto Forest Way.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal includes Policy HAIL D2 of the of the Hailsham Neighbourhood Plan 2021 (the Neighbourhood Plan). However, this policy has not been forwarded to me. Following my request for a copy of this policy, the Council stated that it is not part of the Neighbourhood Plan.
3. I have therefore made no reference to Policy HAIL D2 in coming to my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site sits at a prominent corner with a generous open green edge to its side. These open edges feature at the junctions along Forest View and make a positive contribution to a pleasant green and open character and appearance of the area.
6. The proposed development would match the existing 2 storey neighbour in terms of materials and dimensions. I am also not aware of any concerns about the density per hectare. However, the proposed dwelling would extend considerably toward Tilehurst Drive significantly eroding the open space at this corner plot.
7. While some spacing would remain and this could be further planted, this remaining open land would be moderate and would not be reflective of the

- more generous sense of openness elsewhere within the locality. This would unacceptably harm the open character and appearance of the area.
8. While the proposed garage and accesses would generate less harm, nevertheless when read in combination with the proposed dwelling the overall development as proposed would significantly harm the open character and appearance of this area.
 9. I acknowledge that development elsewhere may have been allowed, including 2 Forest View. However, these sites are different insofar as they do not sit at a corner location or extend considerably into these open corner locations. This therefore does not change my findings on the main issue.
 10. Accordingly, the proposed development would unacceptably harm the character and appearance of the area conflicting with the relevant provisions of Policies EN18 and EN27 of the Wealden Local Plan (1998), Policy SPO13 of the Wealden Core Strategy Local Plan (2013), Policy HAIL D1 of the Neighbourhood Plan, and the National Planning Policy Framework (the Framework). These, amongst other things, seek to promote high quality design which responds to local distinctiveness.

Other Matters

11. The appellant suggests that the existing site could be enclosed without planning permission. However, there is limited evidence before me to suggest this could or would happen as a real prospect. This, therefore, does not change my findings on the main issue.
12. The appellant has also expressed concerns regarding the time taken to reach a decision by the Council during the application process. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.
13. I note the limited level of local comments. However, I am required to consider the proposed development on its planning merits. The level of local commentary does not therefore alter my findings above.
14. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In regard to the specifics of the appeal scheme and its situation, this would take me to paragraph 11 d) ii) of the Framework and where the most important policies would be out of date. I am then required to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. I have found unacceptable harm arises from the proposed development's impact upon the character and appearance of the area. The harms would be significant and long lasting. I therefore attach significant weight to the proposal's conflict with the development plan and the Framework when read as a whole.
16. The proposal would be an efficient use of land with provision of local services and links to public transport. It would add a dwelling to housing stock. There would be economic benefits during the construction stage and through expenditure by future occupiers of the dwelling. However, these benefits would be modest given the proposal would be for one dwelling.

17. I also note the Council raised no objections beyond its decision notice. However, the absence of harm is a neutral matter which neither weighs for nor against the development proposal.
18. It has not been clearly demonstrated how the proposed development would create a positive biodiversity impact including offsetting its construction impact. In the absence of robust evidence, any biodiversity benefits arising have not been shown to outweigh the harm I have identified above.
19. With the above in mind, it is sufficiently clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal scheme would not, therefore, benefit from the presumption in favour of sustainable development.

Conclusion

20. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR