



Appeal Decision

Site visit made on 24 August 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/C1435/W/22/3304987

Land adjoining Haycocks, London Road, Crowborough TN6 1TB

- 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 and Mrs Mark and Wendy Down against the decision of Wealden District Council.
 - The application Ref WD/2021/2860/F, dated 12 November 2021, was refused by notice dated 25 February 2022.
 - The development proposed is the construction of four detached dwellings with access onto London Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The second reason for refusal related to the recreational impact of the proposed development upon the Ashdown Forest Special Protection Area and the absence of a mechanism to achieve appropriate mitigation. I return to this issue later in my decision.
3. A revised National Planning Policy Framework (the Framework) was published by the Government after the determination of the planning application. It does not raise any new considerations in relation to this appeal.

Main Issue

4. The main issue is therefore the effect of the proposed development on the character and appearance of the area, and in particular the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site is an open field located on the eastern side of London Road, on the northern fringes of Crowborough. It is outside of the settlement boundary but within the AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) explains that great weight should be given to conserving and enhancing the landscape and scenic beauty of an AONB and that it has the highest status of protection in relation to these issues. Policy EN6 of the Wealden Local Plan 1998 (LP) is broadly consistent with the Framework in respect of the AONB.
6. At this point along London Road the existing housing could be characterised, particularly on the western side of the road, as being ribbon development. The general character is more spacious and rural than further along London Road to the south. Near the appeal site plots appear to be more generous with the gaps

between properties becoming more noticeable. The appeal site occupies much of the large gap between Haycocks and Smallfield. The site therefore contributes to, and reinforces, the spacious and rural character of the immediate vicinity.

7. I noted from my site visit that there are houses further north beyond the appeal site which have a less spacious and rural character. However, they are set away from the site and do not have a direct effect on the immediate vicinity of the site or how it is viewed.
8. Although the appeal site is within the AONB, London Road itself is not. The landscape of the AONB to the east of the site is gently undulating open countryside, where fields are generally bound by hedges linking to tracts of woodland. This landscape is reflective of the wider tranquil characteristics of the AONB.
9. There is broad agreement between the main parties that as a result of the landscape the appeal site is not visually prominent in longer distance views from the surrounding AONB. Nevertheless, I consider that its undeveloped character does contribute to the AONB. In particular, it has a positive contribution in how it is perceived in more local views, notably from along London Road, even allowing for the trees and vegetation along the site's western boundary.
10. This contribution to the AONB would be diminished by the development of four detached houses with double garages and other domestication of the site, together with a new vehicular entrance to serve the houses. Given the extensive built form and hard surfacing that is proposed, the proposal would give rise to an urbanising form of development, which would be in stark contrast to the existing character of the site.
11. The addition of these buildings would also result in a more continuous form of development and together with the intervisibility with London Road, it would erode the more rural and open character of the area and would not conserve the AONB. The cumulative effect over time of this type of development, closing up the gaps between clusters of development along London Road, if repeated often would be to the detriment of the landscape of the AONB.
12. I have been referred to an appeal decision for houses to the south of Haycocks. In that case, the inspector found that the site was enclosed by a combination of existing buildings and mature vegetation. It was concluded that the site was visually contained and that the proposed dwellings would be seen within the context of the existing residential buildings. As such, no adverse effect on the AONB was found. In contrast, the current appeal is for a larger site, set slightly above road level with an extensive frontage on a bend in the road. Not only is the current appeal site more prominent, but to my mind it has a different, more spacious context than the other site. As such, that previous decision does not lead me to allowing this appeal.
13. In conclusion, the proposed development would unacceptably harm the character and appearance of the area, and the landscape and scenic beauty of the AONB would not be conserved or enhanced. I acknowledge that this harm would be limited and localised in relation to the overall AONB. Nevertheless, this is a sensitive area and any harm should be given great weight.

14. The proposal would therefore be contrary to saved Policies GD2, EN1, EN6, EN27 and DC17 of the LP and Spatial Planning Objective SPO3 and Policies WCS6 and WCS14 of the Wealden Core Strategy Local Plan 2013. Amongst other things, these policies seek to ensure that development conserves and where possible enhances the natural beauty of the High Weald AONB, protecting it from harmful development. They also seek to protect and reinforce the positive key characteristics of the receiving environment to any development as well as protecting existing settlement patterns.
15. The proposed development would also be contrary to the principles of paragraph 176 of the Framework, which seek to conserve and enhance the landscape and scenic beauty in the AONB.

Other Matters

16. During the appeal a completed Unilateral Undertaking (UU) was submitted by the appellants to provide a financial contribution to mitigate the impact of the proposal upon the Ashdown Forest Special Protection Area. The Council has stated that the completion of the UU to secure a financial contribution would be acceptable.
17. If I had come to a different conclusion on the main issue, then in accordance with the Conservation of Habitats and Species Regulations (2017) as amended, I would have had to undertake an Appropriate Assessment. This would have considered the likely effectiveness of the mitigation measures and the provisions of the UU and whether there would be significant effects arising from the proposal, either alone or in combination with other schemes. I would have had to be certain that the integrity of the protected site would not be adversely affected. However, as I am dismissing the appeal for another reason, this assessment has not been necessary.
18. The Council has not objected to the design of the individual houses and they could broadly be said to reflect the grain of housing fronting on to London Road. Furthermore, there is broad agreement between the main parties that the site is walkable to the facilities and services in Crowborough. Nevertheless, these factors do not mean that the scheme is acceptable and do not absolve me from making an assessment as to its effects in regard to the main issue of the case.
19. A detailed landscaping scheme could be required by a planning condition if I was minded to allow the appeal. However, any landscaping scheme would take time to mature. More importantly, planting and landscaping should generally seek to complement a proposal and not in itself make an otherwise inappropriate development acceptable. Therefore, I do not consider that such a condition would be appropriate in this instance given the harm I have identified.
20. There would be no adverse effect on neighbours, the ecology of the site or highway safety. However, this would be expected for any development to be considered acceptable. As such, these are neutral factors in the overall balance.

Planning Balance

21. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, the application of policies in the Framework that protect AONBs [one of the

areas referred to in footnote 7 to paragraph 11 d) i)] provides a clear reason for refusing the development proposed. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

22. There would be some benefits arising from providing four additional dwellings on a site which has adequate access to services. However, the development conflicts with the development plan when taken as a whole. There are no material considerations, either individually or in combination that outweigh the identified harm and associated development plan conflict.
23. For the reasons given above, the appeal is dismissed.

Stewart Glassar

INSPECTOR