



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/23/3316554

Horam Manor Bungalow, Horam Road, Horam TN21 0JD

- 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 Wellsbridge Estates Ltd against the decision of Wealden District Council.
 - The application Ref WD/2022/1180/O, dated 29 April 2022, was refused by notice dated 25 January 2023.
 - The development proposed is the demolition of two derelict bungalows and the erection of six dwellings with associated parking and improvements to existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought for six dwellings. The matter of access is also to be considered at this stage with the appearance, landscaping, layout and scale all reserved for future consideration. A site layout drawing has been provided but is clearly marked as being for illustrative purposes only. Accordingly, I have made my decision on this basis.
3. The Council identified the site as being within the Low Weald and as such, Policy EN8 of the Wealden Local Plan 1998 applied to the proposal. The appellant drew my attention to two documents, a Landscape and Visual Assessment (2017) and Wealden Landscape Character Assessment 2022 Mapping, which were commissioned by the Council, and which identified the site as being within the High Weald.
4. The reproduction of the map in the 1998 Local Plan showing the boundary between the High and Low Wealds is not of a particularly high quality. However, at my request the Council has provided a more detail extract from that map which shows the site falling within the Low Weald. The appellant had sight of this and was given an opportunity to comment.
5. As part of the adopted Local Plan process this map should have gone through various stages of public consultation and been subject to a public inquiry. It is not clear what checks the Assessments from 2017 and 2022 were subject to before being agreed and being published. It seems to me that the Local Plan is likely to have been subject to a greater level of consultation and scrutiny with a greater opportunity for mistakes or inconsistencies to have been identified. Whilst not definitive in the matter, it is for these reasons that I favour the map within the Local Plan and so agree that Policy EN8 applies in this case.

6. 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 Issues

7. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of future residents.

Reasons

Character and Appearance

8. Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 (LP) seek to resist new housing within the countryside, unless it conforms with other policies in the Plan. Saved Policy EN1 of the LP and Policy WCS14 of the Wealden District Core Strategy Local Plan 2013 (CS) seek to ensure development is sustainable in terms of the effect on the environment and encourages development to be concentrated where the need to travel by private car is reduced.
9. Policies EN8 and EN27 of the LP together with SPO13 of the CS require amongst other things that developments protect the character and landscape of the Low Weald; are well designed and laid out; and make attractive living environments. These policies are all of some age. However, they broadly reflect Government policy as set out in the Framework.
10. There is no dispute between the main parties that the site lies adjacent to but outside of the defined settlement of Horam. Similarly, although extensively overgrown at present, the main parties agree that part of the site retains two derelict bungalows and their associated curtilages. Furthermore, the Council acknowledges that the existing dwellings could be reinstated.
11. Therefore, whilst the site currently appears to be part of the verdant countryside which borders the village, there is a latent residential character which could reasonably be taken into consideration. However, any such residential character could be attributed to only a part of the site rather than across its full extent. This is further tempered by the dwellings each only being single storey. These factors, together with the Horam Manor site to the west and the Scout HQ and Village Hall buildings further to the south of the site, all suggest that the site forms part of an area that assists in the transition from village to open countryside.
12. Having regard to the evidence before me, including the Wealden Landscape and Visual Assessment July 2017 and given my own observations on site, I am satisfied that the site does not impinge greatly in wider views. As such, there would be limited longer distance views of the proposed development. Nevertheless, despite all of the above, there is no doubt that developing this site for six dwellings would have some, more localised visual impacts.
13. Whilst the proposed density might not ordinarily be considered as 'high', six dwellings, along with their associated domestic paraphernalia, would introduce a degree of urbanisation in this area, which would be at odds with the character I have noted above. Even accepting that a sensitive approach to the matters of scale, appearance, layout and landscaping could help lessen such

concerns, it does not seem to me that six dwellings on this site would be able to retain a sense of transition between the settlement and the wider open countryside.

14. The proposed development would therefore represent a degree of intrusion into the existing landscape and erode the contribution the site makes to the character of the area. This would inevitably cause harm to the character and appearance of the area.
15. I therefore find that the proposal would be contrary to saved Policies GD2, EN1, EN8, EN27 and DC17 of the LP and Policies SPO13 and WCS14 of the CS insofar as they seek to restrict development in the countryside, ensure that developments protect the character and landscape of the Low Weald, respect local distinctiveness and so make attractive living environments. The proposal would also be contrary to the Framework objectives to promote well designed places and protect the character and landscape of local areas.

Living Conditions

16. The main part of the site currently appears to sit at a lower level than the developed site to the east. Despite the existing commercial buildings to the east ostensibly appearing to have just two floors of accommodation, two of the three buildings are particularly large, both in terms of their scale and height. They are also set very close to the boundary with the appeal site and so represent extensive and imposing façades onto which the appeal site faces.
17. As a result, these buildings in particular have a somewhat overbearing effect that would also cast significant shadows across the appeal site during the earlier parts of the day. This has the potential to be harmful to future residents on the appeal site. Although the appellant contends that it would be possible to impose pre-commencement conditions to control future land levels, to my mind it is not apparent that this would necessarily provide an appropriate solution to the above concerns.
18. Furthermore, whilst the proposal is in outline, the description of what has been applied for is six dwellings. Given the shape and depth of the site, it is difficult, in principle, to conceive of any sensible arrangement for six dwellings to be erected within the appeal site in such a way that there would not be significant harm to the living conditions of at least some future residents from the proximity of the adjoining development. It does not seem to me that any of the reserved matters applications would be able to sufficiently overcome the harm I have identified.
19. I acknowledge that if the derelict bungalows were reinstated any future occupants of those buildings might be subjected to similar harms. However, this in itself is not a reason to allow further, harmful development.
20. On this main issue, I therefore conclude that the proposal would harm the living conditions of future occupants. Accordingly, the proposed development would conflict with saved Policy EN27 of the LP and Policy SPO13 of the CS which, amongst other things, seek to create appropriate and attractive living environments for future occupants. The proposal would also be contrary to Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments create a high standard of amenity for future users.

Planning Balance and Conclusion

21. There is no dispute amongst the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing land. Although the situation is said by the Council to be improving, Paragraph 11(d)(ii) of the Framework is engaged.
22. The Government's objective is to significantly boost the supply of housing and the proposal would provide six additional dwellings that would be walkable to facilities and services in the village. The proposal would also accord with the Framework's support for windfall sites and make efficient use of land. Given the Council's under delivery of housing sites and despite the relatively small scale of the proposal, the provision of these houses would be a useful addition to the supply of homes in the area. Indeed, the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. I therefore give this matter considerable weight.
23. The scheme would also lead to some time-limited, economic benefit during the construction phase, which may give rise to extra local employment. There would also be longer term economic support to the area, once the units were occupied. The properties would also provide a social benefit of further households in the village. However, given the scale of the development I attribute only limited weight to these economic and social benefits in support of the scheme.
24. Although the site is outside the defined settlement and within the open countryside, part of it could be considered to already have residential use. Furthermore, being beyond the settlement boundary must be tempered not just by the prevailing housing supply situation but also by the fact that there are other examples where village boundaries have been breached over the years to address the shortfall in housing. Therefore, any weight I could give to this conflict would be limited. I am also cognisant of the fact that although the Council did not pursue the 2018 Wealden Local Plan, the supporting Landscape and Visual Assessment did not discount the possibility of some development on the site and the Local Plan did propose the site's inclusion within the settlement boundary.
25. However, I have found harm in relation to the effect of this particular proposal on the living conditions of future occupants as well as the character and appearance of the area. The need to protect these factors is perennial and in direct compliance with the Framework.
26. Cumulatively, these harms would be considerable and long lasting. As a consequence, they are worthy of substantial weight. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not therefore be sustainable development.
27. Whilst there would be some beneficial aspects of the scheme, considered overall the development would cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.

28. Therefore, I conclude that this appeal should not succeed.

Stewart Glassar
INSPECTOR