



Appeal Decision

Site visit made on 14 August 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/U1430/W/22/3312159

Land Opposite Prospect House, Woods Corner, Dallington East Sussex, 566714, 119430

- 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 David Oliver of Woods Corner No.2 Ltd against the decision of Rother District Council.
 - The application Ref RR/2022/461/P, dated 23 February 2022, was refused by notice dated 1 June 2022.
 - The development proposed is 1 No 2 bedroom dwelling and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing in respect of this appeal and I do not consider that this has prejudiced any party.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty;
 - whether the site is an appropriate location for the proposed development having regard to the development strategy and accessibility of services and facilities; and
 - whether the development would be provided with a suitable drainage system.

Reasons

Character and appearance

5. The appeal site is located in the High Weald Area of Outstanding Natural Beauty (AONB) within the hamlet of Woods Corner. The site is small and irregular in shape with open fields to one side and to the rear. The land slopes down beyond the rear boundary, providing far-reaching views of the surrounding area, which is open and verdant in character typical to the High Weald AONB landscape.
6. The site is partly covered with hardstanding, which opens directly onto Battle Road. Established hedges define the rear and part of the front boundaries and link with a hedgerow leading towards The Swan Inn. The site is adjacent to, and opposite, existing residential development, which primarily comprises two-storey dwellings finished with red brick and hanging tiles.
7. The proposal would occupy part of a large gap between the dwelling at South Folly Cottage and the car park serving The Swan Inn. The land rises from The Swan Inn towards the site and, with the large gap in built form, development at the site would be prominent.
8. The architecture of the proposed dwelling is contemporary with extensive glazing, zinc roofing and an unconventional form. The proposal has sought to reflect existing characteristics through the use of red brick. However, the dwelling would be a departure from the prevailing character of the surrounding development, which is based on traditional plan forms, materials and vernacular architecture.
9. The proposed elevation facing The Swan Inn would have an awkward appearance due to its truncated form and uneven roof pitch whilst the large amount of glazing would jar with the consistency of the surrounding development. The front elevation, with its lack of detailing and openings, alongside the hard edge of the proposed high boundary wall, would add to the incongruous appearance of the proposal. Furthermore, the quantum of built form, which would result in the removal of the hedges at the site, would harm the predominantly rural character of the area.
10. The site is currently used on occasion for the informal and occasional parking of vehicles. Whilst this is at odds with the area, it has a limited effect on the wider AONB landscape in comparison to the proposed development of a two-storey dwelling, which would have a greater visual effect than parked vehicles.
11. The proposal, occupying a small but prominent site, would be discordant with the surrounding development and would have a disproportionate visual effect on the surrounding landscape. Therefore, the proposal would have a harmful effect on the character and appearance of the area, in conflict with policies OSS4 and EN3 of the Core Strategy 2014 (CS) and policy and DEN2 of the Development and Site Allocations Local Plan 2019 (DASA), which require development to respect and contribute positively to the character and appearance of the area and conserve and seek to enhance the landscape and scenic beauty of the High Weald AONB.
12. In addition, the proposed development would not accord with paragraph 176 of the National Planning Policy Framework (the Framework), which requires that

great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

Appropriate location

13. CS Policy OSS1 sets out the spatial development strategy. The policy allows for small-scale infill and redevelopment, and otherwise enable local needs for housing and community facilities to be met in other villages. CS Policy OSS2 states that development boundaries around settlements will indicate where most forms of new development would be acceptable. Both parties acknowledge that the site falls outside of any identified development boundary. Although the site is close to existing development and between The Swan Inn and South Folly Cottage, the size of the gap in built form is significant. The proposed development at the site would not be an infill as the site is bounded on only one side by existing development.
14. CS Policy RA2 sets out a general strategy for the countryside, including strictly limiting new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character.
15. CS Policy RA3 identifies what development would be acceptable in the countryside, including the creation of new dwellings in extremely limited circumstances. The policy sets out circumstances where the creation of new dwellings may be acceptable. The proposed development would not conform with any of the exceptions listed, although the list is preceded by the word "including" indicating that the list is not exhaustive and there may be other acceptable circumstances.
16. The appeal site is not isolated as it is located close to other development to either side of Battle Road. However, it is remote from day-to-day services and facilities the nearest of which are found at Netherfield which is a significant distance away. Battle Road is a busy rural route with no footway or street lighting. No information has been provided in respect of any bus routes serving the area, and future occupants of the proposal would therefore be discouraged from using public transport, walking or cycling. As a result, future occupants would be reliant on using private motor vehicles.
17. The appellant refers to examples of development being allowed outside of development boundaries. I have not been presented with the details of these proposals and therefore I cannot conclude that the council has been inconsistent in their approach.
18. The appeal site is not an appropriate location for the proposed development having regard to the development strategy and the accessibility of services and facilities. Therefore, the proposed development is contrary to CS policies OSS1, OSS2, RA2 and RA3, which seek to indicate where development would be acceptable and what type of development is acceptable in the countryside.

Suitable drainage

19. The appeal site is located within the Pevensey Levels Hydrological Catchment Area. DASA Policy DEN5 requires drainage to be considered as an integral part of the development design process and that SuDS designs should incorporate at least two stages of suitable treatment unless demonstrably inappropriate.

20. Whilst I note that the site is covered by an extensive area of hardstanding, the drainage required in relation to a dwelling would be more comprehensive than for the existing hardstanding. No information has been submitted in respect of drainage design and there is no substantive evidence to demonstrate that a suitable drainage system can be achieved as part of the proposed development. On this basis, the proposal conflicts with DASA Policy DEN5.

Planning Balance

21. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
22. There are no policies in the development plan that support the proposal, and it is contrary to the policies listed above. As a result, there would be a conflict with the development plan as a whole.
23. The appellant has stated that the council can only demonstrate less than three years' worth of deliverable housing supply and has failed to meet its Housing Delivery Test targets. The council has not disputed this. Where the council cannot demonstrate a five year supply of deliverable housing land, paragraph 11 of the Framework explains that in these circumstances the policies which are most important for determining the application are out-of-date. In this instance, planning permission should be granted unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework details that this includes policies relating to AONBs.
24. The appeal scheme would provide a single zero-carbon dwelling, which is supported by the development plan and the Framework, represents a public benefit. The provision of a single home would boost the supply of housing in the area, however this can only be afforded limited weight due to the small scale of the proposal.
25. In addition, it is claimed that the proposal would be an improvement in respect of highway safety as the current parking at the site is stated to be unsafe. It appears that the existing parking is informal and the absence of harm in highway terms would be a neutral factor. I therefore attribute this minimal weight.
26. Given that the proposed development would have a harmful effect on the AONB, the application of the policies in the Framework provide a clear reason for refusing planning permission for the development proposed. When considered as a whole, the proposed development does not conform with the presumption in favour of sustainable development outlined in paragraph 11 of the Framework.

Conclusion

27. The proposal conflicts with the development plan when considered as a whole and there are no considerations that outweigh the harm identified. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR