



# Appeal Decision

Site visit made on 13 September 2023

**by J Hobbs MRTPI MCD BSc (hons)**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 October 2023**

**Appeal Ref: APP/C1435/W/22/3311291**

**9 Upper Horsebridge, Hailsham BN27 3BD**

- 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 Philip Hawkins against the decision of Wealden District Council.
- The application Ref WD/2021/3044/F, dated 31 January 2022, was refused by notice dated 22 June 2022.
- The development proposed is demolition of detached bungalow with garage and erection of 4no. dwellings with parking at the front and associated facilities.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed development on:
  - the safety of pedestrians, cyclists and drivers using Upper Horsebridge; and,
  - the character and appearance of the area; and,
  - the living conditions of occupants of Bakers Farm Park, with particular reference to outlook and privacy.

## Preliminary Matters

3. An appeal<sup>1</sup> against the non-determination of an application for a similar development at the appeal site was dismissed in January 2020. That appeal was dismissed due to the presence of a parking area to the rear of the site, which would cause significance noise and disturbance to the residents of the park home to the north of the site. The proposal that is subject to this appeal is an amendment of the previous appeal scheme with the vehicle parking relocated to the front of the site. This has been proposed to avoid having a harmful effect on neighbouring residents, with regard to noise and disturbance.

## Reasons

### *Highway safety*

4. The appeal proposal includes four terraced properties with a shared parking area to the front of the properties, accessed via Upper Horsebridge which is a well-trafficked road subject to a 30mph speed limit. The appeal site is immediately adjacent to the access for Bakers Farm Park, where several Park Homes are sited.

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<sup>1</sup> APP/C1435/W/19/3233400

5. It has been demonstrated on the Proposed Site Layout Plan<sup>2</sup> and within the Transport Statement that vehicles entering and exiting the appeal site would have appropriate visibility along Upper Horsebridge. Nonetheless, this plan shows a parking space very close to the access for Bakers Farm Park. Given the proximity of the parking space to the access point, it is likely there would be conflict when vehicles are entering Bakers Farm Park, from Upper Horsebridge and when a vehicle is exiting that space. This manoeuvre would be particularly risky if the vehicle exiting the parking space was in the reverse gear.
6. Due to the modest scale of development at Bakers Farm Park and the number of vehicular trips generated by one two-bedroom property, the risk of a collision would be low. Nevertheless, the outcome of an accident could be severe given Upper Horsebridge is an arterial route and is used by large vehicles including buses and trucks.
7. The layout of the parking area could be conditioned but based on the evidence before me, one of these spaces would be in proximity to the access to Bakers Farm Park. Therefore, the same issue would arise when compared to the parking layout shown on the Proposed Site Layout Plan.
8. The access to No. 30 Upper Horsebridge (No. 30) is opposite the access to Bakers Farm Park. However, there is space for vehicles to turnaround behind No. 30) and therefore vehicles would be able to enter and exit that access in forward gear. Also, vehicles exiting No. 30 and Bakers Farm Park at the same time would be facing one another. As such, it is materially different to the appeal proposal and the chance of a collision would be less.
9. Numerous similar parking arrangements on Upper Horsebridge have been put before me including Nos. 41, 62 and 82 Upper Horsebridge. The appellant has also highlighted the access to the Woodyard which is in proximity to the access to Marlow Drive. The access to the Woodyard is further away from Marlow Drive than the access to Bakers Farm Park and the nearest parking space in the appeal proposal. Likewise, the other examples are also further away from nearby accesses. In any event, each proposal is assessed on its own merit. Likewise, no reported vehicle crashes over the last three years in the immediate surrounding area does not justify allowing an unsafe access.
10. Given the speed limit, appropriate visibility along Upper Horsebridge and the location of the other three parking spaces away from the access to Bakers Farm Park, it would be safe for vehicles to either enter or exit the site in reverse gear when using those spaces.
11. The proposed parking provision, four spaces, is lower than parking demand generated by the proposed development, 6.15 spaces<sup>3</sup>. However, the parking stress survey indicates that there is sufficient space, within 200 metres of the appeal site, for on-street parking.
12. The parking stress survey identifies that there would be spaces on Upper Horsebridge but the council and interested parties have indicated that parking on Upper Horsebridge could cause safety concerns. Despite it being a narrow arterial route there is no restriction on parking on this section of Upper Horsebridge, other than close to junctions. If a vehicle were to park on the

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<sup>2</sup> Drawing Ref. 17117-05 rev. A

<sup>3</sup> East Sussex County Council Car Ownership Parking Demand Tool

road, vehicles would have to wait for a break in the oncoming traffic to manoeuvre around the parked vehicle which could lead to congestion. However, there is no substantive evidence before me that this would lead to a highway safety concern.

13. In any event, the parking stress survey also indicated there was space to park on Manor Park Road which is in proximity to the appeal site. It would lead to people having to cross the road; however, there is appropriate visibility to do so and a signalised crossing point close to the alleyway leading from Manor Park Road.
14. The appeal site is located close to bus stops which accommodate many services to the town centre and nearby settlements. Also, the appeal site is in proximity to many services and facilities and is therefore in accordance with paragraph 110 of the National Planning Policy Framework (the Framework). This is likely to reduce the demand for the use of private motor vehicles. Owing to this and the fact that each property has their own parking space and there is space on nearby roads for on-street parking I consider that the proposed parking provision is adequate and would not lead to highway safety concerns.
15. Overall, I conclude that the proposed development would have a harmful effect on the safety of pedestrians, cyclists and drivers using Upper Horsebridge. The proposed development would therefore be contrary to saved policy TR3 of the Wealden Local Plan (LP), December 1998, and spatial planning objectives SPO12 and SPO13 of the Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan (CS), February 2013. These policies and objectives indicate that new development will be permitted where the proposed development does not create unacceptable traffic conditions; the council will work with partners to achieve significant improvements in the safety records on Wealden's roads; the council will encourage the development of safe living environments for communities in both towns and villages.
16. The appeal proposal would also be contrary to paragraphs 8, 111, 112 and 130 of the Framework. These paragraphs indicate that the social objective of sustainable development includes fostering safe places; it should be ensured that safe and suitable access to the site can be achieved for all users; application should create places that would minimise the scope of conflict between pedestrians, cyclists and vehicles; and, planning decisions should ensure that developments create places that are safe.
17. The first reason for refusal also identified that the appeal proposal was contrary to LP policy TR16 which indicates that all developments will require onsite provision of vehicle parking in line with the standards set out. For the reasons, given above, the appeal proposal is contrary to this policy, but due to material considerations the proposed parking provision is acceptable. Likewise, policy AT1 of the Hailsham Neighbourhood Plan (NP), July 2021, was listed in the first reason for refusal. NP policy AT1 requires new development to demonstrate how they link to the existing footpath and cycle network; as above, it has been demonstrated that the appeal site is in an accessible location. Finally, Paragraph 107 of the Framework was also identified in the first reason for refusal, but this concerns the setting of parking standards and therefore neither weighs in favour or against the appeal proposal.

### *Character and appearance*

18. The appeal site currently accommodates a large bungalow set within spacious grounds. The property is accessed via the access to Bakers Farm Park and accommodates a large section of hardstanding for the parking of vehicles. Also, a large garage is attached to the side of the property, with a park home sited immediately adjacent to it. The front garden is enclosed by a low brick wall to the front of the property and the side elevation of the neighbouring property.
19. There are several other properties aligning Upper Horsebridge of varying size, scale, and design. There are also several properties accessed via cul-de-sacs leading from the road including Bakers Farm Park. The area is characterised by the busy road and layout of properties leading from it, this creates an edge of settlement, suburban character.
20. The appeal proposal would lead to the demolition of the existing bungalow, including the garage, the removal of the park home and the construction of four terraced properties. It would also lead to the creation of a new access immediately to the front of the property, this would lead to the loss of part of the low boundary wall and an increase in the amount of hardstanding.
21. The proposed development would open up the appeal site through the removal of the wall and would lead to a significant increase in the scale of the development compared to the existing property and a much more densely developed site. However, the increase in the amount of hardstanding could be softened by an appropriate landscaping scheme which would be secured by condition. Also, the proposed design is similar to other properties in the area.
22. I conclude that the proposed development would not have a harmful effect on the character and appearance of the area, it would therefore comply with CS policy SPO13, LP policy EN27 and NP policies HAIL D1 and HAIL D2. These policies indicate that the council will encourage development of high quality and attractive living environments; proposals for development will be permitted when the scale, form, site coverage, density and design of the development respect the character of adjoining development; all new development in Hailsham should contribute to the creation of high quality places; and, applications will be support subject to it demonstrating that the proposed development is in keeping with the character of the area.
23. The proposed development would also be in accordance with paragraphs 8, 126, 130 and 134 of the framework, so far as they indicate that the social objective of sustainable development is formed on the creation of well-designed and beautiful places, the creation of high quality and beautiful place is fundamental to what the planning and development process should achieve; planning decisions should ensure that developments are sympathetic to local character; and, development that is not well designed should be refused, especially where it fails to reflect local design policies.

### *Living conditions*

24. The proposed dwellings are set further back into the site than the dwellings in the previously dismissed appeal scheme. They would therefore be sited closer to the park homes in Bakers Farm Park than the previous scheme. Nonetheless, the rear gardens would be in excess of the minimum recommended by the Wealden Design Guide.

25. The neighbouring park home would be some distance away from the rear elevation and the rear windows at first floor level. Also, the nearest park home is a single storey and is similar in height to the boundary treatment that is sited next to. The boundary treatment would partially screen the park home and surrounding external amenity space in views from first floor windows. The proposed development would not materially affect the privacy of neighbouring residents living in Bakers Farm Park.
26. Whilst the appeal proposal would lead to an increase in mass, the siting of the proposed terraced properties would be significantly away from the boundary, and it would be partially screened by the boundary treatment. The appeal proposal would therefore not be overbearing in views from Bakers Farm Park.
27. The proposed development would not have a harmful effect on the living conditions of occupants of Bakers Farm Park, it would therefore comply with LP policy EN27 and NP policies HAIL D1 and HAIL D2. These policies indicate that proposals for development will be permitted if the proposal does not create an unacceptable adverse impact on the privacy and amenities of adjoining developments; proposals should demonstrate how they respond to and enhance the amenity value of an area through considerations of matters such as overlooking; and, applications will be supported where the proposal does not result in an adverse impact on residential amenity in the area.

### **Other Matters**

28. Benefits associated with the scheme are the provision of four smaller houses to meet a need identified in the NP and the Strategic Housing Market Assessment; boosting the supply of housing through the development of a small site in line with paragraph 69 of the framework. Economic benefits associated with the construction of the proposed development, community infrastructure levy payments, increased council tax payments and spend in the local economy by future occupants would also be delivered. The environmental benefits of the appeal proposal are a potential biodiversity net gain, improved landscaping, and the ability for the new houses to include sustainability measures as well as encouraging more sustainable forms of travel.

### **Planning Balance**

29. The LP was adopted in 1998 and, as such, it predates the Framework. Nevertheless, the weight attached to the LP does not hinge on its age. Rather, paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. LP saved policy TR3 is consistent with paragraph 110 of the Framework in regard to providing safe access. As such significant weight can be given to the conflict with this policy.
30. There are no policies in the development plan that positively favour development which is harmful to highway safety. As the appeal scheme is contrary to the policies listed above, there would be conflict with the development plan when considered as a whole.
31. It is acknowledged by the main parties that the council can only demonstrate 3.92 years of housing land supply. Accordingly, the presumption in favour of sustainable development identified at paragraph 11 of the Framework is engaged.

32. Paragraph 69 of the Framework indicates that small and medium sites can make an important contribution to meeting the housing requirement of an area. Paragraph 79 suggests to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. There would also be economic benefits associated with the construction of the development and an increase in population to support the vitality of services, as supported by paragraph 86 of the Framework.
33. Paragraph 120 of the Framework indicates that decisions should promote and support the development of under-utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained. A sub-section of paragraph 130 of the Framework requires planning decisions to ensure that developments create places that are accessible. The appeal site is in a location which is accessible by public transport. Nonetheless, these benefits can only be ascribed moderate weight given the modest scale of the development.
34. Paragraph 111 of the Framework indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As above, the proposed development would have a harmful effect on highway safety. The Framework is clear that this should lead to the refusal of a development proposal. As such, I ascribe substantial weight to the harm caused by the proposed development.
35. Paragraph 11 of the Framework advises that decisions should apply a presumption in favour of sustainable development; for decision-taking this means where the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
36. In this instance the harm that would be caused would significantly and demonstrably outweigh the benefits of the appeal scheme. Therefore, the presumption in favour of sustainable development does not apply. The presumption is also reflected within CS policy WCS14.

## **Conclusion**

37. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the provisions of Paragraph 11 of the Framework, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
38. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*J Hobbs*

INSPECTOR