



Appeal Decision

Site visit made on 24 October 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2023

Appeal Ref: APP/C1435/W/23/3318365

Two Hoots, Chapel Lane, Blackboys, East Sussex TN22 5LB

- 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 Mrs Tracey Reed against the decision of Wealden District Council.
 - The application Ref WD/2022/2786/O, dated 26 October 2022, was refused by notice dated 23 January 2023.
 - The development proposed is an outline application for 2 No. detached, single storey dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have modified the description of development to a very limited extent in order to ensure that it only refers to the nature of development proposed.
3. The appeal relates to an application for outline planning permission with appearance identified as a reserved matter. As such, where the proposed site plans show any information relating to appearance, I have treated this as illustrative for the purposes of making my decision.

Main Issues

4. The main issues are: (i) the effect of the proposed development on the character and appearance of the area, including whether it would conserve or enhance the scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB); and (ii) whether the site is in a suitable location, taking account of access to services and facilities.

Reasons

Character and Appearance

5. The appeal site is located immediately adjacent to a linear development of existing homes along Chapel Lane, outside of the village of Blackboys, and within the High Weald AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty within AONB's.
6. The appellant has noted that the site was previously in use as a scrap yard. However, I observed on my site visit that its current appearance is that of an attractive area of garden space that also provides views from the site access towards the gently undulating paddock beyond. As such, the site makes a

positive contribution to the tranquil, verdant and rural character of the immediate area, as well as the scenic beauty of this part of the AONB.

7. The proposed development would involve the provision of two detached homes. The homes, in combination with the proposed driveway and parking areas, would clearly add a significant amount of built form onto a site where there is currently none. Even taking into account the single storey nature of the proposed dwellings, the extension of the urban form would lead to clear and obvious harm by eroding the tranquil and verdant character that currently exists. The proposal would also greatly reduce the existing views from the site access towards the paddock beyond, causing further harm.
8. As a whole, the site is relatively well contained and is largely screened by existing vegetation, and this is confirmed by the findings of the Landscape and Visual Impact Assessment provided by the appellant. Additional planting is also proposed to provide further screening, particularly from vantage points to the south of the site. I agree with the appellant that the planting could be secured over the long term via a suitably worded condition. However, despite this, the proposed development would still be easily visible via the access on Chapel Lane and so the harm would be readily apparent from close range.
9. As a result, I conclude that the proposed development would cause harm to the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the AONB. It therefore conflicts with Policies EN1, EN6 and EN27 of the Wealden Local Plan, December 1998 (LP), as well as Policies SPO1, SPO13 and WCS14 of the Wealden Core Strategy Local Plan, February 2013 (CS). Taken together, the relevant aspects of these policies seek to ensure that development is sustainable, well designed, and that it preserves character and appearance, including the scenic beauty of the AONB. There is also conflict with paragraphs 126, 130, 174 and 176 of the Framework, which when taken as a whole, have similar aims. Finally, the development does not accord with the key objectives of the High Weald Area of Outstanding Natural Beauty Management Plan, 2019 – 2024 which, in part, sets out how the landscape of the AONB should be preserved.

Whether the site is in a suitable location, taking account of access to services and facilities.

10. I have already set out that the appeal site is located outside of the village of Blackboys. LP Policies GD2 and DC17 seek to resist new development outside of defined settlement boundaries. Therefore, while I am satisfied that the site cannot be considered to be isolated as defined by the Framework, there is a clear conflict with the Council's adopted spatial strategy. Furthermore, while it is possible to walk or cycle to Blackboys village, I observed on my site visit that doing so via Chapel Lane does take some time, and that the route is along a country lane with no pavement. It is possible to shorten the journey slightly by utilising public rights of way or a private track. However, I find it unlikely that future occupiers of the proposed dwellings would seek to walk or cycle to the village very often and would more likely use a private car. In any event, there are limited services and facilities in Blackboys, and so there would clearly be a need to travel further afield to towns such as Uckfield or Heathfield to access more substantial offerings which support everyday living, such as supermarkets.

11. While bus services can be accessed by walking or cycling into the village, it again seems very likely that these longer journeys would also be undertaken using a private car. The proposed development includes provision of electric vehicle charging points which could encourage the use of such vehicles. However, it is not possible to require future occupiers to own an electric vehicle. I acknowledge that paragraph 110 of the Framework recognises that location should be taken account of when considering opportunities to promote sustainable transport. However, while such opportunities may be reduced in rural areas, this does not detract from the overall thrust of the Framework which is to ensure that development is sustainable, including by being located in areas that encourage the use of sustainable transport.
12. I therefore conclude that the proposed development is in conflict with LP Policies GD2, EN1 and DC17, as well as CS Policies SPO7, SPO13, SPO14 and WCS6. Taken together, the relevant aspects of these policies seek to avoid development outside of defined boundaries, and to encourage the use of sustainable forms of transport. The proposal also conflicts with the aspects of the Framework which seek to manage patterns of growth in support of objectives that encourage sustainable travel, including walking, cycling and the use of public transport.

Other Matters

13. In support of their case, the appellant has referred to a previous appeal in Essex¹. I do not have the full details of that case before me, and it is clear that decisions must be made on their individual merits. However, it appears in that instance that the Inspector did not identify harm to character and appearance and that the site was not within an AONB. That decision is therefore not comparable to the appeal before me.

Planning Balance and Conclusion

14. The proposed development conflicts with the development plan when considered as a whole. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, Paragraph 11d and footnote 8 of the Framework require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
15. In this instance, the benefits of the proposal include the provision of two new homes that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. It would also allow for the decontamination of soil and a potential increase in biodiversity on the site. Despite the level of shortfall in housing land supply, which leads me to attribute increased weight to the benefits, I still only afford limited weight to them overall given that they are relatively minor in nature.
16. I have concluded that there would be material harm to the character and appearance of the area and that the proposal would not be in a suitable location. The support for the principle of development within the Framework is

¹ Appeal Z1510/W/16/3150953

countered by the importance it places on the provision of development that preserves character and appearance and promotes the use of sustainable transport. In this instance, the harm would be significant and enduring, and in particular, the harm to the scenic beauty of the AONB is a matter that I must afford great weight to.

17. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR