



Appeal Decision

Site visit made on 12 December 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2024

Appeal Ref: APP/C1435/W/23/3318622

Carewell House, Chalvington Road, Golden Cross, Chiddingfold BN27 3SS

- 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 Ms C Dellow against the decision of Wealden District Council.
 - The application Ref WD/2022/3214/FR, dated 8 December 2022, was refused by notice dated 8 March 2023.
 - The development proposed is retrospective Application for New Access, Parking and Turning Area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the development had commenced and I have dealt with the appeal on that basis.
3. An amended version of the National Planning Policy Framework (the Framework) was published in December 2023. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.

Main Issues

4. The main issues are the effect of the scheme on:
 - the character and appearance of the area, including suitability of location; and
 - highway safety.

Reasons

Character and appearance, including location

5. The appeal site is located off Chalvington Road where to the South is the residential dwelling and garden of Carewell House with the remainder of the site being surrounded by an equestrian centre. The site is located outside of a settlement boundary, within the Low Weald landscape character area. The wider area consists of open fields lined with extensive hedgerows, with only sporadic dwellings which gives the area a distinctly rural and open character and appearance.

6. The development includes an access onto Chavlington Road which is via an electric wooden gate with brick piers either side, leading onto a block paved parking and turning area. The brick piers also have several external lights attached to them.
7. The Wealden Design Guide Supplementary Planning Document November 2008 (Design Guide) advises that in rural areas, new entrance gates and gateposts should be of a simple rural design, should have local relevance and that external lighting can have a detrimental effect on the areas rural character. The Design Guide provides further guidance on the Low Weald landscape which outlines that it is particularly vulnerable to expansion and the erosion of character through insensitive infilling.
8. Given the distinctively rural character of the area, the brick piers, electric wooden gate, block paving and external lighting stand out as domestic features that detract from the character and appearance of the area.
9. I note that the appellant considered that the boundary treatment and aesthetics of the scheme could be controlled by condition. However, as the works have already been substantially completed this would not be possible.
10. Policy GD2 of the Wealden Local Plan Adopted December 1998 (LP) outlines that development is resisted unless it is in accordance with specific policies in the LP. I note that the Council consider that the access is not reasonably necessary for the lawful use of the land. However, the principle of an access onto the parcel of land has already been established through application WD/2000/2266/F and have been provided with no evidence that the use of the land would change. I therefore find no conflict with Policy GD2 of the LP.
11. Notwithstanding my findings on the suitability of location, I conclude that the development is harmful to the character and appearance of the area. It is contrary to Policies EN1, EN8 and EN27 of the LP, Policies SP01, SP013 and WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Corse Strategy Local Plan Adopted February 2013 (CS) and Paragraphs 131, 134 and 135 of the Framework. Amongst other things, seek to ensure development conserves the low rolling agricultural character of the landscape, respects the character of adjoining development in terms of scale and form, and promotes local distinctiveness.
12. The scheme is also contrary to guidance contained within the Council's Design Guide.

Highway safety

13. Chavlington Road is straight road that is subject to the national speed limit. There is limited evidence before me concerning the number of trips that would be generated to the site but it is reasonable to expect that due to the small size of the appeal site and that provision is only required for four car parking spaces that movements would be low.
14. The access is narrow and only has enough room for a one-way flow of traffic. However, based on the size of the site is it unlikely that more than one vehicle would be entering and exiting the site at the same time. There is also a large turning space within the site, which while specific details are limited, would be a suitable size for vehicles to be able to manoeuvre within the site.

15. The appellant has indicated that the required visibility splays can be achieved. While I note the Council's concern in relation to this matter, the front of the appeal site is bordered by hedgerows and I am therefore satisfied that the visibility splays could be achieved subject to an appropriately worded condition.
16. The access has not been constructed to recommended highway standards and a drain may not have been culverted. The appellant has not sought to provide clarification on these matters; however, I am satisfied that these could be resolved by condition.
17. I therefore conclude that the scheme would not harm highway safety. I find no conflict with Policy TR3 of the LP and Paragraph 115 of the Framework. Amongst other things, these seek to ensure that a satisfactory means of access is provided and that there is no unacceptable impact on highway safety.

Other Matters

18. The appeal site is subject to an extant enforcement notice, part of which has been complied with. I also note that as part of the enforcement notice that the access can be retained in accordance with planning application reference WD/2000/2266/F. I have only been provided with the decision notice for this application but note that it does permit a vehicular access. While no evidence has been provided in terms of compliance with any relevant conditions, as well as whether the location is the same as the appeal before me, this does appear to have been accepted by the Council and upheld at appeal¹ as a fallback position that the appellant could implement should they wish to do so.
19. I note that the appellant wishes to have the gates to provide security, however this does not outweigh the harm I have identified.
20. The appellant has expressed frustration with the Council in relation to there being no contact during the consideration of the application. However, I am only in a position to consider the planning merits of the appeal.

Conclusion

21. For the reasons set out above, while I have not found conflict with all the Policies drawn to my attention, I conclude that there is conflict with the development plan as a whole. I also find conflict with the Framework. I therefore conclude that the appeal should be dismissed.

D Wilson

INSPECTOR

¹ APP/C1435/C/20/3256516