



Appeal Decision

Site visit made on 30 July 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/C1435/W/23/3335556

Oaklands Farm, Newick Lane, Heathfield, East Sussex TN21 8PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Jaques against the decision of Wealden District Council.
 - The application Ref is WD/2023/1976/O.
 - The development proposed is one new self-build dwelling.
-

Decision

1. The appeal is dismissed and outline planning permission for one new self-build dwelling is refused.

Preliminary Matters

2. The planning application is submitted in outline with all matters other than access and layout reserved for a subsequent reserved matters application. The plans of the proposal before me include details of access and layout only. There are some indicative details of other aspects of the proposal within the Design and Access Statement. I have taken these indicative details into account only insofar as establishing whether it would be possible, in principle, to erect one self-build dwelling on the site.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became 'National Landscapes'. The appeal site therefore now falls within the High Weald National Landscape (HWNL). However, the legal designation and national policy status of AONB are unchanged, so I have used both terms where relevant.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. I invited the parties to consider whether the proposed reforms had relevance to this appeal and have taken account of their responses in my decision.
5. The proposed revisions to the Framework are draft and therefore may be subject to change before the final Framework is published. Consequently, I give them limited weight.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the surrounding area, including the landscape and scenic beauty of the HWNL; and
- whether the countryside location is suitable for new residential development.

Reasons

Character and appearance

7. Paragraph 182 of the Framework says great weight should be given to conserving and enhancing the landscape and scenic beauty of AONB. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CROW) requires relevant authorities to further the purpose of conserving and enhancing the natural beauty of AONB.
8. Planning Practice Guidance¹ refers to the relevance of AONB management plans for decisions. Whilst these do not form part of the development plan, they help set out the strategic context for development and provide evidence of the value and special qualities of these areas. In this context, the High Weald AONB Management Plan 2024-2029 (HWMP) is a significant material consideration.
9. Having regard to the HWMP, the HWNL comprises a mosaic of small, irregular fields and pasture interspersed with farmsteads and surrounded by hedges and abundant woods, all arranged around a network of historic routeways. It is maintained as a thriving working landscape. Its natural beauty derives from its essentially rural and small-scale landscape character, tranquillity, dark skies, and the story of its locally distinctive agricultural past visible throughout.
10. The appeal site comprises a large barn and associated storage and parking areas. It is in the corner of a relatively small, irregularly shaped field, which falls away towards the farmstead of Oaklands Farm and the rural valley beyond. There are pockets of woodland around the field and a public footpath passes through it. Development near the site in the direction of Heathfield is separated from it by an area of woodland, thereby preserving the field's rural appearance. There are spectacular views across the HWNL upon entry to the site and field down the wooded access track from Newick Lane.
11. The appeal site makes a positive contribution to the scenic/natural beauty of the HWNL through its primarily rural and agricultural character as part of a working landscape; its relationship with the surrounding mosaic of fields, farmsteads, woods and routeways; and the views it affords across the landscape.
12. The proposed introduction of a dwelling, residential amenity space and associated residential paraphernalia on the site would have a domesticating effect at odds with the rural and agricultural character of the field and surrounding landscape. This detrimental change would be highly visible from the public footpath that crosses the field. The new house would also obstruct the open views of the HWNL that can be appreciated upon entry to the site,

¹ Paragraph: 040 Reference ID: 8-040-20190721

greatly diminishing the site's relationship with the mosaic of landscape elements of which it is a part.

13. I note the rest of the field would remain in agricultural use and no tree or hedge removal would be required. However, notwithstanding this, and even if the barn and related equipment were replaced by green landscaping with a gain in biodiversity, this would not be sufficient to mitigate the harmful domesticating effect of the house and the obstructed landscape views.
14. Consequently, having regard to Framework paragraph 182 and CROW Section 85, I find the proposal would neither conserve nor enhance the landscape and scenic/natural beauty of the HWNL.
15. I have considered the evidence about other developments in the HWNL brought to my attention². I have not been provided with details of WD/2017/2957/F so give that example minimal weight.
16. The Heatherlea site was already partly in residential use and is very close to the existing cluster of development north of Heathfield. In addition, the development - now nearing completion - can only be glimpsed from the field next to the current appeal site because of intervening trees, so I do not find it to be a dominant presence in that context. The Tinsmore Wood site was identified as part of a very limited area of remnant historic field pattern with a relative lack of remoteness and tranquillity given its position next to other development and a main road. The Meadow Cottage site was opposite a housing estate and views of the development were found to be difficult to distinguish from the backdrop of existing development.
17. Therefore, each of the sites for which I have details had different characteristics and a different relationship with the HWNL than the site subject of this appeal. Consequently, the circumstances in those cases are not sufficiently like those before me to change my finding on this main issue.
18. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding area, including the landscape and scenic beauty of the HWNL. This is contrary to Policy SPO1 of the Wealden District Core Strategy Local Plan 2013 (WCS) and saved Policy EN6 of the Wealden Local Plan 1998 (WLP), which protect nationally designated landscapes and resist development that does not conserve or enhance the natural beauty and landscape character in the High Weald AONB, having regard to the HWMP.

Countryside location

19. The appeal site is outside the defined settlement boundary of Heathfield so is in the countryside for planning policy purposes. Saved WLP Policies GD2 and DC17 resist housing development outside development boundaries unless it accords with one of the exception policies listed in paragraph 5.91 of the WLP. There is no suggestion the proposal would conform with any of these policies. There is also no suggestion any of the circumstances in paragraph 84 of the Framework would apply. I will address the implications of the Council's housing delivery record under other matters.

² Permission references WD/2017/2957/F, WD2020/2540/F, WD/2023/2155/F

20. WCS Policy SPO7 seeks to reduce the need to travel by car by concentrating development where it can most closely relate to public transport opportunities. Saved WLP Policy EN1 supports this in its pursuit of sustainable development.
21. On the evidence before me, the nearest public transport would be bus stops some 600m from the appeal site on the A265. It would be necessary to walk down a narrow, unlit lane with no footway to reach these, which would be unsafe after dark and for vulnerable road users such as children. It is therefore likely most journeys to and from the site would be made by private car.
22. Whilst I note several vehicles currently park at the site, there is no pertinent evidence before me to substantiate the suggestion that the proposed development would result in a reduction in private vehicle trips to and from it. Even if such a reduction was accepted by the Highway Authority for an application at Oaklands Farm, there is no compelling evidence to demonstrate the circumstances at that site are directly comparable to those in this appeal.
23. I have considered the other nearby developments brought to my attention. The Heatherlea site on Newick Lane is closer to Heathfield and the A265 than the site in this appeal. The decision report in that case identified a similar concern to the one I have found about reliance on the private car given the lack of a footway along Newick Lane. However, in that decision the Council accepted trips generated by the site would reduce by 25 per cent compared to the existing use, based on evidence in a transport assessment submitted with the application. As noted above, no such evidence is before me in this appeal.
24. The report on Tilsmore Wood found that site to be close to the centre of Heathfield with pedestrian, cycle and bus access to the village. In the case of Meadow Cottage, the decision report found connectivity with the rest of Broad Oak village via a footpath on Street End Lane, as well as a pedestrian and cycle link to Heathfield.
25. Therefore, on the evidence before me, there were greater opportunities to reduce travel by car in these other cases than in the appeal proposal. Consequently, the circumstances in these other cases are not sufficiently closely related to those before me to outweigh the harm I have identified.
26. For the reasons set out above, the countryside location would not be suitable for new residential development. This is contrary to WLP Policies GD2, DC17 and EN1 and WCS Policy SPO7. It is also contrary to the Framework, where it gives great weight to the benefits of using suitable sites within existing settlements for homes; and seeks to manage patterns of growth in support of promoting walking, cycling and public transport use.

Other Matters

27. The Council accepts it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, according to the Framework, the policies most important for determining the appeal are out of date. However, for the reasons set out above, policies in the Framework that protect AONB provide a clear reason for refusing the development proposed. Therefore, according to paragraph 11(d)(i) and footnote 7 of the Framework, the presumption in favour of sustainable development does not apply. WCS Policy WCS14 follows the Framework's approach to this presumption.

28. The parties agree the Council has not met the identified need for self-build housing in the Wealden District to date. This is an important material consideration. The description of development refers to self-build and I understand a CIL exemption was applied for. However, there is no mechanism before me to secure the dwelling as self-build in perpetuity, so I give this consideration limited weight.
29. Nevertheless, the delivery of one dwelling would make a modest contribution to meeting housing need in the area, boosting the supply of homes. The development would also support the local rural economy during the construction process and through future occupiers' use of services and facilities. These benefits would accord with the Framework's social and economic objectives. However, they would not be sufficient to outweigh the great weight I am required to give to conserving and enhancing the landscape and scenic beauty of the AONB plus the weight of the harm from the unsuitable countryside location.
30. I note the planning history of the site and the appellant's desire to address previous concerns raised by the Council. However, I have determined this appeal on its individual planning merits. Whilst I recognise the appellant's aspiration to house his family on his own land, little weight can be attached to such personal circumstances.
31. The Council is satisfied in relation to the proposed access and ecology. On the evidence before me, I see no reason to disagree. However, an absence of harm in these respects is a neutral factor. Carbon reduction would be required by another regulatory regime so would not weigh in favour of the proposal.

Conclusion

32. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR