

Appeal Decision

Site visit made on 27 August 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2024

Appeal Ref: APP/C1435/W/23/3333700

Worth Farm, Worth Lane, Little Horsted, East Sussex TN22 5TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr E Bowen on behalf of Pinnacle Homes South East Ltd. against the decision of Wealden District Council.
 - The application Ref is WD/2023/0899/F.
 - The development proposed is the retention of existing dwelling and erection of two dwellings within the curtilage of Worth Farm (Steinway House) with associated landscaping, highway and sustainability improvements.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site would be a suitable location for housing having regard to local plan policies and accessibility to facilities.

Reasons

3. The appeal site is located on Worth Lane, which is accessed from the A26 within Little Horsted. Worth Lane provides access to a small number of dwellings including a collection of six houses adjacent to the appeal site. The proposed development would be located outside of any planning boundary and is therefore regarded as countryside.
4. Little Horsted has a church and primary school, and Ishfield has a playground, farm shop, sports facilities, church and village hall. Ishfield is not accessible by a continuous footway from the appeal site, which combined with the route being largely unlit and a distance of over 2km it is unlikely to be an attractive option for pedestrians.
5. Ishfield is also accessible by public rights of way at a reduced distance that would be below 2km, but this is also unlikely to be an attractive option due to the uneven terrain and unlit nature of the route which would be particularly difficult during adverse weather, in the dark and for those with pushchairs and mobility issues.
6. The settlement of Uckfield is approximately 3.5km from the appeal site and has a larger range of facilities than Little Horsted and Ishfield. However, due

to the distance and lack of footways, walking and cycling is unlikely to be an attractive option for future occupiers.

7. There are bus stops at the end of Worth Lane on the A26 which provide two services per hour, Monday to Saturday and an hourly service on Sundays. The bus service is therefore frequent and could support commuting for employment as well as provide an option for future occupiers to access services without using a private car.
8. Notwithstanding the frequency of the service, access to the bus stops would still require walking along Worth Lane which due to their being no footway or lighting it is unlikely to be an attractive option for future occupiers, particularly families and those with limited mobility.
9. I acknowledge the proposed improvements to Worth Lane, which relate to the creation of passing places, however, this is likely to improve access for private motor vehicles rather than pedestrians. Furthermore, the improvements to the bus stops, design of the dwellings, travel information packs and financial incentives is unlikely to reduce the need for future occupiers to rely on the use of a private car for the reasons outlined.
10. I therefore conclude that the appeal site would not be an appropriate location for housing, having regard to local plan policies and accessibility to facilities. It would be contrary to Policies EN1 and EN27 of the Wealden Local Plan Adopted December 1998 (LP) and Policies SP07 and WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core strategy Local Plan Adopted February 2013 (CS) and Paragraphs 83, 108 and 114 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that proposals encourage reduction of the need to travel by car.

Other Matters

11. The Council's second reason for refusal relates to there being no method to secure appropriate affordable housing. The appellant has not provided a legal agreement as part of the planning application or appeal before me. However, as I am dismissing the appeal for other reasons, I have not considered this matter in detail or taken it into account in reaching my decision.

Planning Balance

12. The proposal would be contrary to Policies EN1 and EN27 of the LP and Policies SP07 and WCS14 of the CS. These Policies are consistent with the Framework in focusing on ensuring that proposals seek to ensure that opportunities to promote walking, cycling and public transport use are identified and pursued.
13. The Council conceded that it is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 77 of the Framework. The Council state that the current figure is 3.92 which is not disputed by the appellant and represents a significant shortfall. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably

outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.

14. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. This attracts significant weight in favour of the proposed development. The proposal is also designed to be for family homes, be energy efficient and would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. Although this is tempered by the fact that the proposal is only for two dwellings.
15. There is dispute between the Council and appellant as to whether the appeal site would constitute previously developed land. However, even if the appeal site is considered to be previously development land, it would not be a significant benefit to the scheme.
16. In this instance, the inappropriate location for the proposed development would significantly and demonstrably outweigh the very modest benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
17. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

18. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR