



Appeal Decision

Site visit made on 2 September 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2024

Appeal Ref: APP/C1435/W/23/3329173

Land at Arlington Road East, Hailsham, BN27 3NH

- 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 Ms Sara Sweeney (Kitewood Estates Limited) against the decision of Wealden District Council.
 - The application Ref is WD/2022/0614/F.
 - The development proposed is the erection of a single residential dwelling with an attached double garage and two car parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The second reason for refusal related to a lack of information as to the effect of the proposed development upon Great Crested Newts. As part of their appeal submission, the appellant proposed that a Reasonable Avoidance Method Statement could be provided, and that this could be secured by condition. The Council's advisors on the matter, NatureSpace, has subsequently indicated their agreement to this approach. As such, this is no longer a matter of dispute between the main parties.

Main Issue

3. The main issue is therefore the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site currently comprises an area of undeveloped land, located on the western fringe of Hailsham. The site, together with the adjacent larger area of green space sits between the A22 and the existing housing to the east.
5. The site, together with the adjacent green space, was originally part of the wider open space provision associated with the housing development to the east. Based on the evidence before me and my own observations on site, this land as a whole, clearly acts as a practical and visual buffer between the housing and the main road. It was evident from my site visit that the provision of a green buffer has also been adopted alongside the A22 to the north of the appeal site, and so forms an important, established component to the wider setting for this part of Hailsham.
6. It is suggested that a new, bespoke chalet bungalow using high quality materials would create a clear edge between the open space and Arlington

Road East and represent a visual improvement. However, the introduction of an additional dwelling and curtilage into this area would be out of keeping and at odds with the prevailing environment and wider pattern of development. Furthermore, the existing dwelling at The Pines, together with the completion of the open space as originally intended would, it seems to me, achieve similar outcomes to those suggested by the appellant.

7. I also visited the existing open space to the south of the appeal site, and it appeared to be well used. No doubt if the open space were completed as intended it would help in the provision of important benefits such as wider connectivity for residents and potentially increase the use of the open space. It therefore seems to me that the site has both aesthetic and practical value in not being developed for the proposed dwelling.
8. It is suggested that the site is not easily accessed from the housing to the south but there is little indication as to why this is the case. There is no evidence to suggest that accessibility to the site has significantly changed since it was first approved as open space provision and cannot now be provided. Similarly, that the site is overgrown and unkempt is not a matter which attracts positive weight, given that the site is within the control of the appellant and any tidying up is not necessarily dependent on the proposed development.
9. I understand that the amount of open space provided by the housing development exceeded the requirements at the time. Therefore, whilst the development of the appeal site would represent a small reduction there would remain an 'over provision' of open space. Within that context the appeal site could be seen as only a 'minor loss' in terms of square metres, but the scale of the harm that would arise does not make that loss acceptable.
10. Overall, I find that the proposal would cause harm to the character and appearance of the area. It is therefore contrary to Policy EN27 of the Wealden Local Plan 1998; Spatial Objectives SPO11, SPO13 and Policy WSC13 of the Wealden Core Strategy Local Plan 2013; and Policies HAIL D1, and HAIL GS1 of the Hailsham Neighbourhood Plan 2021. These collectively, amongst other things, seek to ensure that development respects the character of adjoining land, responds positively to the local context and does not result in the loss of open/public space or cause harm to the area's network of green spaces.
11. The proposal would also be contrary to Paragraph 135 of the Framework, which amongst other things, seeks to ensure developments are sympathetic to local character, including landscape setting.

Other Matters

12. The proposal does not propose to create an access onto the A22 and there are no highways objections. However, this represents a lack of harm and so is a neutral matter in any balance.
13. As part of their appeal submission, the Council has queried the design of the proposal and its approach to addressing sound from road traffic. The submission suggests that this contributes to the overall failings of the scheme to create a well-designed built environment. The issue of noise from traffic was not specifically referenced in the initial officer report or the reasons for refusal, and I have not been provided with copies of any of the documents

referred to by the Council. As such, it is not a matter to which I have had regard in my decision. Even if I had disagreed with the Council on this point, that would be a finding of a lack of harm, and so would not be a factor to be weighed positively in favour of the development.

Planning Balance

14. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. Accordingly, paragraph 11 d) of the Framework is engaged.
15. The proposal would make a small numerical contribution to reducing the housing supply deficit but would nevertheless accord with the objective outlined within the Framework and recent Written Ministerial Statement to boost the supply of homes from a variety of sites. Given the current under-provision of housing, this attracts considerable positive weight. However, the extent of the benefit would be modest given the small scale of the development.
16. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. However, when associated with a single dwelling these benefits would be limited, and collectively I therefore give them only a small amount of positive weight.
17. Conversely, the provision and location of housing should not be at the expense of the environmental objectives of the Framework, which are to contribute to protecting and enhancing the natural, built and historic environment. The Framework is clear that development should be sympathetic to local character, including the surrounding built environment and landscape setting. In this case, the harm that would be caused to the character and appearance of the area would be prominent and long lasting. As such, it attracts significant weight.
18. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the new dwelling would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore does not apply.

Conclusion

19. Overall, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, including the Framework, that outweigh that conflict. Therefore, the appeal is dismissed.

Stewart Glassar

INSPECTOR