
Appeal Decision

Site visit made on 7 August 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal Ref: APP/C1435/W/23/3334968

Land South-East of Quarry Wood, Fir Grove Road, Cross in Hand, Heathfield TN21 0TA

- 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 & Mrs D Beattie against the decision of Wealden District Council.
- The application Ref is WD/2023/0579/O.
- The development proposed is an outline application for the erection of 3no. dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice and appeal form, as that wording was agreed during the planning application process.
3. At the time of my site visit nobody was present, but I was able to gain access to the site and complete my assessment. Neither main party has objected to the appeal proceeding on this basis.
4. The application is for outline permission with all matters reserved except access. The description of the development limits the scheme to 3 dwellings. Drawing Nos 0057.PL.101 Rev B, 0057.PL.102 Rev B, and 0057.PL.100 Rev B show a location and block plan, a visibility splay plan, and an indicative site layout respectively. In determining this appeal, I have taken the layout shown within the site as illustrative only.

National Landscapes

5. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes" (NLs). The appeal site is in the High Weald AONB/NL. In December 2023, Section 245 of the Levelling-Up and Regeneration Act (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of AONBs, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment now requires relevant authorities "in exercising or performing any functions in relation to or so as to affect land in an AONB...to *seek to further* the purpose

of conserving and enhancing the natural beauty of the AONB” (my emphasis).

Background

6. The site was the subject of a previous appeal decision¹ regarding an outline proposal for up to 12 dwellings. Whilst I have determined this appeal on its merits, the previous appeal is material in my assessment, particularly as both main parties have related their submissions to it.

Main Issue

7. The main issue is the effect of the development on the landscape character and scenic beauty of the High Weald Area of Outstanding Natural Beauty/National Landscape (the AONB/NL).

Reasons

8. The Planning Practice Guidance (PPG) sets out the relevance of management plans for AONB/NLs when assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. The High Weald AONB Management Plan (2024-29) (HWMP) is therefore an important material consideration.
9. The HWMP defines character components that make up the natural beauty of the AONB/NL. These include ‘Settlement’, in which key characteristics include villages of medieval origin along ridge top roads, separation between settlements formed by fields, and historic field systems abutting and containing historic settlements. In addition, the ‘Routeways’ and ‘Field and Heathscape’ character components cite insensitive highway engineering such as deep visibility splays and urbanising features, as well as the loss of green fields to development and infrastructure, as significant issues facing the AONB/NL.
10. The appeal site (the site) is the lower part of an undeveloped, sloping field accessed via a gate from Fir Grove Road (the road). The field is bordered by hedgerows and trees, with a dense, mature hedge marking the eastern edge of the site. Outside this hedge is an unkempt verge and then the road, which is narrow and unlit. Access points from the road are largely narrow, simple, and modest, and mainly serve single plots. This gives a rural feel to the road, particularly outside the village where the road has no pavements.
11. Though the field is loosely bordered by dispersed dwellings to the rear and on the furthest side from the village, it is open, tranquil, and bucolic. As such, it is appreciated as being past the edge of the village, and part of the more open, undeveloped rural hinterland beyond. The northern site boundary is closest to the village, and is marked by a mature hedgerow which continues down past the eastern site boundary, terminating at the edge of the road. Here, its foliage is wide, dense, and tall, forming an impassable obstacle that interrupts the line of grass verges on either side of it. This underlines the sense that the northern edge of the site comprises a meaningful border between the village and the countryside.

¹ Appeal Decision APP/C1435/W/22/3303208, 28 March 2023

12. The proposal seeks outline permission, and the issue of access is before me. A new access point is proposed immediately south of the dense foliage described above, whilst the existing access would be stopped up and planted over. The proposed access would not be substantially wider than others nearby, and would be close to the village, where domestic driveways and accesses are common. Nevertheless, the access would be beyond the point where the features described above indicate the edge of the village, and the dense foliage would sever it from the nearest drives and accesses, preventing it from appearing part of the existing pattern of development.
13. Whereas the existing simple field access adheres to the rural, undeveloped feel beyond the village, the proposed new access would, in requiring modern materials, finishes, and visibility splays, be conspicuous and incongruous. In all, the proposed access would bring a more suburban, developed feel, at odds with the informal character of the street, and inappropriate to the rural setting.
14. With reference to the HWMP, the site is an open green field, and plays a role in the local historic field pattern and in illustrating the history of the settlement, as well as in abutting, containing, and separating settlements.
15. Even if the three proposed houses could be arranged so that the hedgerow at the front of the site entirely screened views of them from the road, the proposed access would allow new, wider views into the site. Even if those views did not include direct sight of the proposed houses and did include the remaining, undeveloped part of the field and the ridge beyond, the presence of a modern entrance and roadway would nevertheless show that the land had been residentially developed and subdivided. The access would also be a focus of new residential activity, drawing further attention. As such, the existence of the development would be clear, as would the resultant erosion of each of the historic field pattern, the openness beyond the village, and the border that marks its edge. In these ways, the proposal would fundamentally undermine the value and special qualities of the AONB/NL.
16. I appreciate that the Landscape and Visual Impact Assessment (LVIA) highlights the role existing greenery would play in screening views of the proposed development, and that new, supplementary planting would assist further. Notwithstanding that the LVIA also acknowledges there would be adverse landscape character impacts as a result of the proposed scheme, I have found that, even if the houses were screened from view from the road, the access and roadway and the residential activities related to them would cause harm, as set out above.
17. I recognise that the scheme would largely retain existing trees and landscaping, that the access would be safe for users of the highway, and that the development could be laid out so as to avoid a generic feel. It would also incorporate suitable drainage arrangements. These are expectations of Local Plan Policy EN27 and of the National Planning Policy Framework (the NPPF) rather than additional benefits and, as such, do not mitigate the harm identified above.
18. I conclude that the proposal would fail to preserve or enhance the landscape character and scenic beauty of the AONB. As such, it would conflict with the aims of Policy EN6 of the Local Plan. The proposal would also conflict with

Local Plan Policy EN27 where it requires development to promote local distinctiveness. The proposal would also be contrary to Policies GD2 and DC17 of the Local Plan, and WCS6 of the Wealden District Core Strategy Local Plan 2013 (the Core Strategy) which seek to limit development in the countryside to that which accords with other policies in the development plan.

Other Matters

19. The site is in the countryside, and the evidence includes third party submissions regarding the suitability of the location for residential development. The Council describe the location of the site in relation to the settlement as not being sufficient to withhold consent. The previous appeal decision found that services in the village of Cross-in-Hand were reachable by sustainable modes of transport such as walking or cycling from the site, and I see no reason to reach a different conclusion.

Planning Balance

20. The Council does not have a 5-year supply of housing land. Paragraph 11(d) of the NPPF requires that, in such circumstances, planning permission should be granted unless one of two circumstances exist. The first of these circumstances is that the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the NPPF states that such policies include those that relate to an AONB. Paragraph 182 of the NPPF requires great weight be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. The harm I have identified to the AONB/NL contrary to this policy paragraph therefore provides a clear reason for refusing the development proposed. As a result, paragraph 11(d) is not engaged. As Core Strategy Policy WCS14 restates of paragraph 11, the proposed development would conflict with that policy for the reasons set out above.
21. Notwithstanding the above, the benefits of the scheme are material in my determination. The proposal would yield a net gain of three new houses towards the Government's aim of significantly boosting supply and improve the current shortfall in the district's housing land supply. The supply of new housing carries significant weight, but is tempered in this case by the modest scale of the scheme. There would be temporary economic benefits associated with the construction phase as well as the prospect of work-related training for site operatives. Thereafter, there would be ongoing local economic activity relating to the occupation of the site to the benefit of local facilities and services. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.
22. The scheme would result in better ongoing maintenance of site hedgerows, promote biodiversity through management of runoff water and, subject to details, comply therefore with Core Policy Strategy WCS12. It would allow access to the higher, undeveloped part of the field, assisting in these respects towards issues raised in the HWMP. Given the limited scope of these undertakings and the fact the field already has a vehicular access, these are minor benefits.

23. In all, the benefits from the appeal proposal would be greatly outweighed by the harm caused by its failure to preserve and enhance the AONB/NL.

Conclusion

24. The proposal conflicts with the development plan considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR