



Appeal Decision

Site visit made on 19 September 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/C1435/W/24/3336808

Land at Millbrook Nursery, Treblers Road, Crowborough TN6 3RP

- 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 The Millbrook Garden Company Ltd against the decision of Wealden District Council.
 - The application Ref is WD/2017/0499/MAO.
 - The development proposed is the erection of six dwellings including details of access and layout with all other matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline. Details of the layout of the proposed development and the access arrangements were committed for consideration. The scale, appearance and landscaping of the development are reserved for future consideration ("the reserved matters") and do not represent firm proposals. Therefore, insofar as the reserved matters are shown on the submitted drawings, I have treated them as illustrating how the proposed scheme could be developed.
3. In November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England became National Landscapes. I have therefore referred to the High Weald as a National Landscape, except where quoted as AONB in local planning policy and guidance.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to its location within the High Weald National Landscape ("the HWNL").

Reasons

5. The appeal site is a disused plant nursery located to the south of Crowborough. It is situated within an area that consists of a sparsely distributed and loose-knit pattern of individual dwellings occupying generous well landscaped plots, often containing sizeable trees along boundaries. These dwellings are embedded within a tightly undulating landscape, mostly covered by dense blocks of woodland and trees, with some open fields. These characteristics give the area around the appeal site a strongly rural and verdant character and appearance. They contribute positively to the wider soft landscaped edge of

Crowborough, which generally consists of a densely wooded landscape, intermingled with some pasture fields and tall hedgerows. This gives way to a more open landscape towards the south of the appeal site, consisting predominantly of pastoral fields enclosed by thick hedgerows and shaws.

6. The intrinsic landscape character and scenic beauty of the HWNL in this location is derived from a combination of the dispersed historic settlement pattern and farmsteads, irregular field patterns and dense woodlands. These are amongst the key components of the HWNL that its Management Plan (MP) seeks to protect. The appellant's Landscape and Visual Impact Assessment (LVIA), refers to several local character assessment studies¹²³, which advise that development in this area should be limited to the urban edge, preferably outside the HWNL.
7. The appeal site is occupied by several small, low height utilitarian buildings, including larger polytunnels, that are grouped together in an informal pattern around a modest area of hardstanding on the eastern part of the site. These buildings are not traditional farm buildings, and the appeal site does not consist of an arable or pasture field. However, the buildings have a clear agricultural aesthetic that together with the sizeable western part of the appeal site, which is devoid of built structures and overgrown, contributes to its discernibly rural character and appearance. As such, it is broadly consistent with the verdantly rural character of the area around it, and it reflects the intrinsic landscape character of the HWNL on the edge of Crowborough.
8. Public views of the buildings are restricted by the dense planting and trees that are growing along its boundaries. As such, only a few buildings and areas of hardstanding can be seen byway in views along the access. The appellant's LVIA acknowledges that views could be more open when there is no foliage on the trees in winter months. Nonetheless, this does not alter my finding that the appeal site's character and appearance contributes positively to the intrinsic character and beauty of the landscape. I therefore disagree that the appeal site's value is attributed purely to its designation as part of the HWNL.
9. The proposed layout of the development would result in a relatively tightly knit group of dwellings, covering a large part of the appeal site, and stretching most of the way across it, including on parts currently devoid of buildings. The extent of this formalised cul-de-sac layout would result in a significant increase in built form across the site. Although views of this suburbanising effect would be restricted to localised views, predominantly along the site access, it would nonetheless contrast with the current rural aesthetic of the appeal site, and it would be inconsistent with the loose-knit, sporadic pattern of development in the area.
10. For these reasons, the proposed development would harmfully erode the verdant and rural character of the area, and its positive contribution to the intrinsic character and beauty of the landscape. I therefore disagree that a housing development of the layout proposed would be appropriate within its context or that it would have a neutral effect on the landscape. Securing dwellings of mixed scales, appearances and materials would not alter the proposed layout.

¹ Wealden Landscape and Settlement Character (2014) Chris Blandford Associates

² East Sussex Landscape Character Assessment (2010)

³ Landscape Character Assessment and Development Option Evaluation Study (2009)

11. I acknowledge that the extent of the visible harm would be largely restricted to localised views along the site access from the Byway, and additional planting to the boundaries could be secured. However, none of these considerations would alter my conclusion that the layout of the proposed development would be visually harmful and would harm the intrinsic character and beauty of the HWNL. I am not persuaded that altering the hedgerow along the byway would be harmful, however this would not be a positive aspect of the scheme.
12. Nothing I have read or seen would limit the provisions of the relevant development plan policies or the National Planning Policy Framework ("the Framework"), to developments visible only from a public vantage point. The caselaw referred to in the Council's evidence indicates that the relative inability to view a development from public land does not mean that it would cause no harm to the intrinsic character of a landscape.
13. For these reasons, the proposed development would harm the character and appearance of the area, and the landscape and scenic beauty of the HWNL. As such, it would be contrary to Policy EN6 of the Wealden Local Plan 1998 ("the WLP"), and SPO1 of the Wealden Core Strategy Local Plan Adopted February 2013 ("the WCSLP"), which seek to protect distinct landscapes, and conserve or enhance the natural beauty and character of the AONB. There would also be conflict with Paragraphs 180.a) and 182 of the Framework, which require development to recognise the intrinsic character and beauty of the countryside, and protect valued landscapes, including attributing great weight to conserving and enhancing landscape and scenic beauty in AONBs.

Other Matters

14. The evidence before me indicates a housing supply of some 3.8 years as of December 2023. Therefore, the boost in the supply of housing which the Framework expects is not currently being achieved in the Council's area. The proposed housing units, together with an Affordable Housing (AH) contribution, would make a small but valuable contribution to housing supply, and meeting tenure needs of different groups in a location relatively close to facilities and services, including a railway station and supermarket.
15. The proposal would bring short term and lasting economic benefits through construction and occupation of the development. Water and energy could be used efficiently and biodiversity enhancement, including through provision of an ecological buffer, could be secured.
16. A large part of the appeal site has a certified lawful use⁴ for horticulture, which is included within the meaning of agriculture⁵. Even if I was to agree that the eastern half of the appeal site around the buildings certified for other uses was previously developed land (PDL), the reuse of a small area of PDL would amount to no more than a modest benefit in favour of the appeal proposal. In addition, it has not been demonstrated that reuse of the appeal site for the purposes in the certificate would be more harmful than the appeal proposal.
17. There is limited evidence that Community Infrastructure Levy contributions would do anything more than mitigate the proposal's impact on social infrastructure. I am advised that a financial contribution towards the delivery of Suitable Alternative Natural Greenspace and Strategic Access Management and

⁴ WD/2015/0230/LDC

⁵ Section 336(1) of the Town and Country Planning Act 1990

Monitoring, would satisfactorily mitigate its potential adverse effects on the protected habitats sites of the Ashdown Forest Special Protection Area and Special Area of Conservation. However, it is unnecessary to look at this matter in detail as it would not alter the outcome of the appeal. Mitigating harm to those habitats sites would not weigh positively in favour of the proposal.

Planning Balance

18. The proposed development would harm the character and appearance of the area, and the landscape character and scenic beauty of the HWNL, contrary to WLP Policy EN6 and WCSLP Policy SPO1. Although the visible harm would be relatively localised, I am required to give great weight to conserving and enhancing landscape and scenic beauty in the HWNL. The proposed development would be located outside of Crowborough's development boundary in conflict with WLP Policies GD2 and DC17, which weighs against it.
19. The evidence suggests those policies will need to be breached in certain circumstances to deliver housing. However, they are development plan policies relevant to the main issue in this appeal. Despite their age, they are broadly consistent with the Framework in Paragraphs 180.a) and 182, the requirements of which are set out above. I therefore attach significant weight to the proposal's conflict with them.
20. In the context of the Framework, the collective benefits of the appeal scheme would weigh only moderately in its favour. Those benefits are insufficient to outweigh the harm to the character and appearance of the area, and to the landscape and scenic beauty of the HWNL.
21. Given the Council's current housing land supply, the presumption in favour of sustainable development in Paragraph 11.d) of the Framework applies. However, my findings in respect of the HWNL provide a clear reason for refusing the proposed development. Consequently, the proposal does not benefit from the presumption in favour of sustainable development under Paragraph 11 of the Framework, and the related provisions of WCSLP Policy WCS14. In any case, the proposal's adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

22. For the reasons given, I conclude that the proposal would conflict with WLP Policies GD2, DC17 and EN6, and WCSLP Policies SPO1 and WCS14. This brings the proposed development into conflict with the development plan as a whole. There are no material considerations of sufficient weight, including the benefits of the proposal and the provisions of the Framework, to indicate that a decision should be made other than in accordance with the development plan. Consequently, the appeal should be dismissed.

G Sylvester

INSPECTOR