
Appeal Decision

Site visit made on 4 September 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/C1435/W/23/3327242

Bramley Farm, Bay Tree Lane, Polegate, BN26 6QN

- 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 A Checkley against the decision of Wealden District Council.
 - The application Ref is WD/2022/2559/O.
 - The development proposed is described as 'Resubmission of an outline planning application for the erection of 7 No. dwelling houses comprising 2, 3 and 4 bedroom units, including means of access, layout, scale and appearance with landscaping reserved, to include a change of use of land from commercial to residential.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline with all matters except for landscaping to be considered. I have dealt with the appeal on this basis, treating any landscaping details shown on the plans as illustrative.
3. I have taken the address from the Council's decision notice and appellant's appeal form as these more accurately identify the site.

Main Issues

4. The main issues are whether the appeal site is an appropriate location for the proposed development having regard to local and national policies for the location of housing and the character and appearance of the area.

Reasons

Location

5. Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 (LP) seek to resist new housing within the countryside unless it conforms with other policies in the Plan. Policy WCS2 of the Wealden Core Strategy Local Plan 2013 (CS) subsequently identified towns/settlements, including Polegate, where housing growth would be located to help meet the district's anticipated demand.
6. The site is not within the development boundary of Polegate and is unallocated for housing. There is no evidence before me to indicate that the development meets any particular policy exceptions or demonstrates that a countryside location is needed.

7. Consequently, the proposal would conflict with the locational requirements of Saved Policies GD2 and DC17 of the LP and Policy WCS2 of the CS which, amongst other things, seek to control development in the open countryside.

Character and Appearance

8. Policy EN8 of the LP seeks to conserve the low rolling agricultural landscape of the Low Weald and Policy EN27 establishes layout and design criteria against which proposals will be assessed, and which includes respecting the character of adjoining development.
9. More broadly, Policy WCS14 of the CS sets out a presumption in favour of sustainable development, with spatial planning objectives SPO1 and SPO13 promoting the development of the rural economy and the provision of attractive living environments.
10. The appeal site is located to the north west of Polegate, outside of the settlement and close to the junction of the A22 and A27 Polegate Bypass. It comprises two former agricultural buildings and areas of hardstanding. These buildings are each served by a vehicular access. The buildings were agricultural but are said to have more recently been used for commercial storage/distribution purposes. Given the mature trees and vegetation on the site boundaries and the size and positioning of the existing buildings, they are not prominent within the wider landscape.
11. To the south east of the site, there is a small scattering of houses and to the north west, a larger detached dwelling (Bay Tree House) with Bay Tree Park industrial estate beyond. The houses near the site are mostly individual properties that are not visually intrusive or extensive in size or number.
12. Whilst neither the site nor the area are devoid of built form or activity, this part of Bay Tree Lane is nonetheless verdant and spacious, with mature planting alongside the road/verges, spaces between sites and views of the open countryside beyond. As such, this area has rural qualities and characteristics and can be appreciated as part of the wider rural setting for Polegate.
13. In the light of the appeal decision at Baytree Cottage, the pedestrian linkages from the site to Polegate itself were not a particularly contentious issue in this appeal. Nonetheless, visually and physically the site is separated from the town due to the intervening tree belts and the A27 Polegate Bypass.
14. The site is not in an area nationally or statutorily designated for its landscape, and longer range views of the site would be limited. I am also mindful that the reserved matters could control how the site's boundary planting would be managed and/or enhanced.
15. Nevertheless, the site is in the recognised Low Weald landscape. The absence of greater public visibility does not mean there would be no innate harm to the character and appearance of this countryside or that the change to the site which is proposed would not be significant.
16. The houses would be set back into the site but arranged around the access road which would facilitate views into the site. The houses would be inward looking, with a visitor parking area at the turning head. This suburban housing estate layout of seven houses would not reflect the prevailing pattern of

individual houses fronting onto Bay Tree Lane or the spacious character of the area.

17. In considering the above, the design and appearance of the individual dwellings would be acceptable in as far as they reflect local styles and use of external materials. However, this does not mean that harm would not arise from the proposal as a whole. Indeed, I consider that the proposed scheme would be an unexpected sight in this rural location that would not integrate well within the area. Whilst the adverse visual impact would be localised, the harm would be significant.
18. It is suggested that the development would represent an improvement to the appearance of the site. However, instances of buildings no longer being used for agricultural purposes is not uncommon in countryside locations and an unkempt character is not unexpected. In this case I have not found the existing buildings or the site to unduly detract from the wider character and appearance of the area.
19. I am also mindful that the site is within the control of the appellant and so any tidying up or improvement to the buildings is not necessarily dependent on the proposed development. Furthermore, there is also an extant permission on the site for the conversion of the former dairy building into three dwellings, which would no doubt result in an improvement to the building's appearance. The conversion of the building would result in some changes to the character and appearance of the site, but these would not be comparable to its redevelopment for 7 houses.
20. As I have found the proposal to be harmful to the character and appearance of the area, it is therefore contrary to Saved Policies EN8 and EN27 of the LP and with Spatial Planning Objectives SPO1 and SPO13 and Policy WCS14 of the CS. These seek to ensure, amongst other things, that development protects the landscape of the district generally and conserves the character of the Low Weald landscape in particular; is of a design and layout that respects the character of adjoining development; and that developments improve the economic, social and environmental conditions in the area.
21. The proposal would also be contrary to the Wealden Design Guide 2008, insofar as it broadly seeks to ensure new development respects established landscape character and avoids standardised approaches to site layout.
22. I also find the proposal contrary to the National Planning Policy Framework (the Framework), which amongst other things, seeks to ensure that the character of the countryside is recognised and that developments are sympathetic to local character.

Other Matters

23. The Council is unable to demonstrate a five year supply of deliverable housing land. It indicated in its appeal statement a supply figure of 3.83 years (including a 20% buffer), which is a slight reduction when compared to the previously reported figure of 3.92 years.
24. The Council's spatial strategy is therefore not achieving the level of housing growth expected by national policy and has acknowledged a need to build outside development boundaries in order to provide the housing required.

Therefore, while the appeal site is in conflict with policies that seek to control development within the open countryside, I give this conflict limited weight.

25. The site falls within the Framework's definition of previously developed land (PDL). Even so, national policy does not favour utilising brownfield land wherever it is found. Rather, Paragraph 124 gives substantial weight to the value of using suitable brownfield land within settlements for homes but that does not apply here. As such, the site being PDL is not a reason in itself to allow the appeal.
26. I have been provided with a vehicle tracking plan for the site. The site having sufficient turning and manoeuvrability would represent a lack of harm and so would be neutral within the overall balance.
27. It was drawn to my attention that the Council did not raise an objection in relation to such matters as highway safety, the effect on neighbours, ecology etc. However, compliance with development plan policies in relation to these issues would be an expectation rather than a benefit of the scheme. Furthermore, they do not signify that the proposal would be acceptable in terms of its impact on the character and appearance of the area.
28. I have been presented with a number of appeal decisions which are said to have similarities or raise similar issues to this appeal. Many are referenced in relation to the issues around development boundaries and housing land supply, which are matters I have addressed above and consider further in the planning balance below.
29. In some of these cases character and appearance were also central issues in the decisions. I note that the site on Land East of Hadlow Down Road, was said to be on the edge of but outside the defined development boundary for Crowborough and the site at Land West of Five Ash Down Road, Coopers Green was said to be within a dispersed hamlet with houses along the west and south sides of the appeal site. I also note that the site at Mornings Mill Farm was in a location allocated for strategic development and which the Inspector noted would be seen as part of the existing urban settlements. Based on the appeal decisions, it appears that the context of those sites and their relationship with neighbouring development was different from the scheme before me.
30. The use of a cul-de-sac layout at Sharnfold Farm in particular, was highlighted. That site is on a B Class road and positioned between a row of houses fronting onto the road and a pub/car park. Therefore, although it was located outside of the built-up area, the nature and character of the receiving environment seems to have had a greater capacity to accept change than the appeal site before me. I also note that the layout, whilst only indicative, did show linear frontage development along Hailsham Road to reflect the prevailing pattern of development.
31. Similarly, I have also been referred to the Council's decision at Camberlot Road, Upper Dicker. However, I have not been provided with any details other than a site layout plan and so it is difficult to draw any meaningful comparisons or whether there were other factors which weighed in favour of the development.
32. As such, whilst there are some broad similarities which provide useful background information, I cannot be certain that the contexts and

environments cited above are sufficiently close to the appeal site to directly lead me to allowing the appeal. I am also mindful that many of the appeal decisions involved other factors which would have influenced the final balances.

Planning Balance

33. As the Council cannot demonstrate a five-year housing land supply and because there are no policies in the Framework which offer a clear reason for refusal, Paragraph 11(d)(ii) of the Framework is engaged.
34. The Framework's policies seek to boost the supply of housing from a variety of sources, including windfall sites. The scheme would deliver 7 new houses, an uplift of 4 units over the extant permission for the site. Nonetheless, this is still an important benefit in an area that has an under provision of housing and will need to develop areas outside of established boundaries.
35. There are pedestrian links through to Polegate, which would enable some access on foot. Future residents would therefore be able to access Polegate through a range of transport options and contribute to the local economy and to the vitality of the community. In the shorter term, the proposed development would also bring associated economic benefits such as construction expenditure and jobs. When considered collectively, the above benefits are worthy of considerable weight.
36. Conversely, the provision 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 permanent and long lasting. As such, it attracts significant weight.
37. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the new dwellings would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore does not apply.
38. The Council has provided new flood maps that indicate that there are some patches of high, medium and low risk of surface water flooding to parts of the site. However, in view of the above, it is not necessary for me to consider the matter further.

Conclusion

39. 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