



Appeal Decision

Site visit made on 10 December 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2025

Appeal Ref: APP/C1435/W/24/3345361

Land at Church Lane, Danehill, Haywards Heath RH17 7EU

- 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 Mrs Christabel Kynch against the decision of Wealden District Council.
 - The application Ref is WD/2023/2154/F.
 - The development proposed is erection of two storey five-bedroom dwelling with driveway and new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two storey five-bedroom dwelling with driveway and new vehicular access. at Land at Church Lane, Danehill, Haywards Heath RH17 7EU in accordance with the terms of the application, Ref WD/2023/2154/F, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mrs Christabel Kynch against the decision of Wealden District Council. This application is the subject of a separate decision.

Preliminary Matters

3. On 12 December 2024, government published a revised National Planning Policy Framework (the Framework). The Framework's policies of relevance to the appeal proposal have not significantly changed, and therefore it was not necessary to consult on the revisions to the Framework.
4. As the site is partly in a conservation area, I have had special regard to s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, having regard to the local development strategy;
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the Danehill Conservation Area and High Weald National Landscape; and
 - The effect of the proposed development on the integrity of the Ashdown Forest Special Protection Area (SPA); and

- Whether other material considerations outweigh any harm identified such as to justify the development.

Reasons

Whether in a suitable location

6. The appeal site comprises vacant land between existing dwellings on the eastern side of Church Lane. The site is within the built area of the village of Danehill.
7. The Wealden Core Strategy Local Plan 2013 (CS) identifies Danehill as a 'Neighbourhood Centre'. CS Policy WCS6 indicates provision will be made for the development of new dwellings within Neighbourhood Centres. However, Policy WCS6 removes development boundaries from Neighbourhood Centres and provides no site allocations for housing development in Danehill. The site therefore lies outside any development boundary, where policies GD2 and DC17 of the Wealden Local Plan 1998 (LP) restrict housing development unless it is in accordance with specific policies within the development plan.
8. In considering the location of development, WLP Policy EN1 requires the decision-maker to pursue sustainable development, including principles contained in government guidance. Of particular relevance to the consideration of housing in rural areas are paragraphs 82 and 83 of the Framework, which requires decisions be responsive to local circumstances and states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and recognises that development in one village may support services in a village nearby.
9. Facilities within Danehill include a primary school, nursery, village hall, church, social club, some small businesses, a recreation ground with play equipment, pitches and courts, and a post office, albeit with limited opening hours. The village therefore offers a modest range of services capable of meeting some day-to-day needs of its residents.
10. The Transport Report indicates the village hall, church, social club, and post office would be within a comfortable, ten-minute walk of the site. The recreation ground and primary school would marginally exceed a ten-minute walk. However, Manual for Streets guidance advises a ten-minute walking distance is not an upper limit. Most village services would be within an acceptable distance from the appeal site.
11. There are bus stops within a ten-minute walk of the site which offer hourly services to East Grinstead, Haywards Heath, Burgess Hill, and Brighton. In addition, there are bus services of lesser frequency to other key destinations including schools, and bus and train stations in other settlements.
12. Church Lane extends south-east from the village centre and has no pedestrian footways, cycle infrastructure, or lighting. The carriageway is narrow but flanked by grass verges and interspersed with accesses to dwellings. Church Lane therefore has a quiet, rural character.
13. A seven-day traffic survey was undertaken close to the site, which shows the total number of vehicles was low, and average and 85 percentile speeds were below the 30mph speed limit. Due to its low traffic volumes and speeds, opportunities for refuge at verges, I do not consider Church Lane to be inherently unsafe for

pedestrians and cyclists. Beyond the junction with London Road are footway connections to the village centre. Therefore, the absence of bespoke infrastructure along Church Lane would not curtail access to village services.

14. Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Occupants of the proposed development could access village services by foot or cycle and could access services in nearby settlements by bus, and therefore would not be wholly reliant on use of a private motor vehicle.
15. The proposed development would be in an accessible location and provide opportunity to enhance or maintain the vitality of rural communities, with options to travel and support services in nearby settlements, and therefore would satisfy some principles of government policy and guidance, as advocated by Policy EN1.
16. However, there are no policies within the development plan which expressly support a development of this type within the proposed location. Therefore, having regard to the local development strategy, the proposed development would not be in a suitable location.

Character and appearance

17. The appeal site consists of undeveloped land with scrub vegetation, enclosed by hedgerows and trees. Views into the site are generally constrained by boundary vegetation, which contributes a natural, green appearance to the street scene.
18. This section of Church Lane is principally residential in character with substantial, detached dwellings on each side, set back in large gardens and arranged in a spacious, linear pattern. Mown grass verges, gardens with hedgerows, and mature trees contribute a verdant and landscaped appearance.
19. Surrounding dwellings are varied in design and style, including 16th century farmhouses, late 19th century villas, 19th century cottages, and early 20th century detached properties. Dwellings are typically large in scale, many with projections and outbuildings which further increase the scale of built form across the plot.
20. The Danehill Conservation Area (CA) intersects the site to include a strip of land along the frontage. Paragraph 212 of the Framework requires great weight be given to conservation of heritage assets.
21. The CA encompasses the core of the older part of the village, developed between the early 16th century and late 18th century at the junctions of the minor roads with the historic north-south route between London and Lewes (A275) and around a village green, with scattered development along Church Lane, the original route of the main road. The CA's significance is therefore derived from its street pattern, open spaces, and historic buildings.
22. The site is within the High Weald National Landscape¹ (HWNL). Paragraph 189 of the Framework requires great weight be given to conserving and enhancing landscape and scenic beauty of National Landscapes.
23. The High Weald AONB Management Plan 2019-2024 identifies the area's dispersed historic settlement, dense network of historic routeways, and pattern of

¹ Formerly 'Area of Outstanding Natural Beauty' (AONB)

small, irregular and productive fields, bounded by hedgerows and woods, as defining components of the HWNL's character. Natural England's 'National Character Area profile: 122: High Weald' identifies one of the key characteristics for the area is the ancient routeways in the form of ridgetop roads and a dense system of radiating droveways, often narrow, deeply sunken and edged with trees and wildflower-rich verges and boundary banks. Church Lane is a historic routeway, formerly providing the shortest route between Lewes and London.

24. The appeal site is therefore within a rural location, in a landscape which possesses historic and cultural significance, and characterised by its spacious arrangement of large dwellings of mixed age and appearance.
25. The dwelling would occupy a large plot, set back from the highway with spacious garden areas. The siting of the dwelling would therefore reflect the layout of development along Church Lane.
26. The proposed two-storey, detached, five-bedroom dwelling would be large in scale. The appellant has provided dimensions of nearby dwellings to illustrate the proposed dwelling would have a smaller footprint and be of lesser height and scale than some other nearby dwellings. Whilst the proposed dwelling would be substantial, it would not appear disproportionate in size, scale and form to nearby dwellings, and therefore would be in keeping with the surrounding built form.
27. The front boundary of the site comprises a raised, earth bank which is vegetated and has a natural appearance. The earth bank exists only along the front boundary of the appeal site and ceases where it meets neighbouring dwelling plots to the north and south.
28. Neighbouring dwelling plots have landscaped frontages, comprising driveways and well-maintained boundary treatments, such as pruned hedges, timber gates, and fences. The landscaped, frontages of the adjoining plots are typical of dwelling plots along Church Lane. The earth bank is therefore unique to the appeal site and is not a distinctive or characteristic feature of the street scene.
29. The earth bank is isolated and limited in extent and therefore Church Lane cannot form a deeply sunken lane described by the National Character Area Profile, and does not perform a historical and visual role relevant to understanding the importance of the CA.
30. The Transport Report indicates the removal of a section of the bank would be required to accommodate the proposed access. However, no bank removal would be required within the visibility splay area. In addition, whilst cutting back of hedges would be necessary to maintain sight lines, no removal of vegetation beyond the extent of the new access would be required. The extent of bank removal would therefore be limited and would not significantly open up the site.
31. Furthermore, the assertion that the access would require engineering works, retaining walls, or extensive removal of the bank and vegetation is not substantiated by the evidence.
32. Long distance views of the access would generally be limited by the falling topography, and curvature of the road to the south. Therefore, the proposed access would not be visually prominent within the street scene, with views highly localised and experienced principally from the carriageway on passing the site.

Therefore, the visual impact of the formation of the access would be small and would not significantly erode the verdant and sylvan character of the bank, nor undermine the rural character of the road.

33. Moreover, along both sides of Church Lane, the grass verges are broken up into short sections by hard-surfaced vehicular accesses serving each dwelling plot. The proposed access would in keeping with the prevailing character of Church Lane and would not appear as an incongruous feature. Whilst the proposal would bisect the bank, it would not significantly alter this historic routeway, and therefore would not harm the landscape character of the HWNL.
34. The proposal would have an urbanising effect on the currently undeveloped site through the construction of the dwelling and associated features, such as the access, visibility splays, lighting, parking, domestic paraphernalia and activity. However, the appeal site is within the built area of the village where the proposed dwelling would be viewed within the context of other residential development, and the existing vegetated boundaries would provide screening and aid in assimilating the development into the street scene.
35. The proposed dwelling would be of traditional appearance and, as discussed above, its size, scale, form, and siting within the spacious plot would not appear out of keeping with surrounding dwellings. Even taking into account the great weight afforded to the conservation of the CA, its setting, and the HWNL, the proposal would not harm the character and appearance of the area.
36. In the absence of harm, the proposal would preserve the character and appearance of the CA, thus satisfying the requirements of the Act.
37. The proposal would therefore comply with LP Policies EN27 which require the scale, form and design of development respect the character of adjoining development. In addition, the proposal would satisfy LP Policy EN19 which resists proposals which do not preserve or enhance the existing character, scale and visual amenity of conservation areas. Furthermore, the proposal would accord with LP Policy EN6 which permits development within the HWNL only where it conserves and enhances the natural beauty of the landscape. In this regard, the proposal would satisfy LP Policy EN1, which requires proposals pursue sustainable development having regard to the principles contained in government guidance, and CS Policy WCS14 which reflects presumption in favour of sustainable development.

European sites

38. The appeal site is within the zone of influence of the Ashdown Forest Special Protection Area (SPA) which is afforded protection by the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
39. The qualifying features of the Ashford Forest SPA are its breeding populations of nightjar and Dartford warbler. The conservation objectives of the SPA are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive.
40. Through the addition of one dwelling, the proposal would generate a small increase in population which has the potential to increase recreational pressure on Ashdown Forest SPA. Recreational use of the SPA can result in damage to

habitats through trampling, erosion, and disturbance to ground nesting birds. The proposed development would therefore have likely significant adverse effects on the integrity of the Ashdown Forest SPA.

41. The appellant has provided a Unilateral Undertaking (UU) which would secure financial contributions toward the Council's Strategic Access Management and Monitoring Strategy (SAMMS) for the Ashdown Forest SPA, and toward the Council's strategic sites of Suitable Alternative Natural Green Space (SANGS) to the Ashdown Forest.
42. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, the evidence before me indicates that as a responsible public body it will use the funds for its intended purposes.
43. Natural England were consulted during the appeal and confirmed the proposed financial contribution toward strategic mitigation is sufficient to avoid an adverse impact to the integrity of the SPA and relevant features, and the UU would secure the deliverability of mitigation measures. I therefore consider appropriate mitigation is secured and is necessary to make the development acceptable.
44. The Habitats Regulations require that permission only be granted after having ascertained that it will not affect the integrity of European sites. Subject to the secured mitigation, the proposal would not have significant effects on the integrity of the Ashdown Forest SPA. The proposal would therefore satisfy the requirements of the Habitats Regulations.
45. The proposal would therefore comply with LP Policies EN7 and EN15, and CS Policy WCS12, which together safeguard designated nature conservation sites by resisting development which would be likely to adversely affect their nature conservation value, conserves the character to Ashdown Forest and reduces the recreational impact of visitors resulting from new housing development. In addition, in this regard, the proposal would satisfy LP Policy EN1 which requires development pursue sustainable development.

Other considerations

46. The proposal would provide one new dwelling, and therefore would make a small contribution toward meeting the area's housing requirement.

Other Matters

47. Aerial photography suggests the site was cleared of trees and vegetation in approximately 2018. The appellant indicates the site previously contained unmanaged, diseased trees and overgrown shrubs, with patches of scrub and open areas. The clearance of the vegetation significantly pre-dates the submission of the planning application, and I have no evidence the site's clearance was for any purpose other than normal land management.
48. The proposed dwelling would be set in from the side boundaries and therefore would not be overbearing or result in a loss of light. There would be no first-floor windows within the side elevations. Outlook from the rear first floor windows and balcony would be along the length of the rear garden and over the open countryside to the rear. Views of gardens of neighbouring properties would be over the ends of the gardens and at an oblique angle, and therefore would be typical of

a residential area. Therefore, the proposal would not have an adverse effect on the privacy, outlook, or light of nearby dwellings, and thus would not harm the living conditions of occupants of neighbouring dwellings.

49. Whilst full details of boundary screening have not been included within the proposal, I have attached a condition requiring submission of details of landscaping works, and its subsequent implementation and maintenance.
50. Concerns were raised regarding the effects of the construction phase of the development on the living conditions of neighbours, including from construction vehicle movements and parking. I have attached a condition requiring the submission and approval of a Construction Transport Management Plan.
51. The volume of traffic associated with the proposed dwelling would be small within the context of the residential area, and I have no evidence to suggest it would have a significant adverse impact on the highway network.
52. Concerns were also raised regarding the effects of the proposed development on biodiversity and wildlife. The Preliminary Ecological Appraisal contains recommendations and mitigation measures which, along with details of any external lighting, can be secured through a planning condition. Furthermore, measures such as energy efficiency and renewable energy generation to mitigate climate change, and drainage details to minimise flood risk, would be secured through planning conditions.

Planning Balance

53. At time of its decision, the Council's housing land supply was equivalent to 3.8-years. The Council asserts that since April 2024 its supply has increased to 4.4 years. However, the appellant suggests there is uncertainty that all sites would meet the Framework's definition of deliverable. Irrespective of the figure applied, it is evident there is a significant shortfall against the housing requirement, and it is not disputed that the Council is unable to demonstrate a five-year supply of deliverable housing sites.
54. In this circumstance, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, and (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
55. As set out above, I have found the proposal would conserve the landscape and scenic beauty of the HWNL. Therefore, the Framework's policies that protect areas of particular importance do not provide a strong reason for refusal.
56. Footnote 9 lists the Framework's key policies for the purposes of paragraph 11.d.(ii). Of particular relevance to this appeal are paragraphs 84, 110, 129, 135, and 139.
57. As discussed above, the proposed development would be located within the built area of the village in proximity of some local services. The proposed development

would not be isolated and, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the development would be in an accessible location with opportunities for travel by public transport. The proposal would therefore accord with paragraphs 84 and 110.

58. The proposal would not harm the character and appearance of the area, and therefore would satisfy paragraphs 129, 135 and 139 which together support development that is well-designed and makes efficient use of land taking into account the desirability of maintaining an areas prevailing character and setting, and is sympathetic to local character and history, including the surrounding built environment and landscape setting.
59. In addition to those key policies, paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The proposal would provide one additional dwelling, thus making a small contribution toward the area's housing requirement. Furthermore, the development would be located so as to support the vitality of the rural community and services, and therefore would accord with Framework paragraph 83.
60. The proposed development would be located outside the development boundary and would thus conflict with policies CS Policy WCS6, and LP Policies GD2 and DC17. However, the adverse impacts of the development in respect of this conflict with the development plan would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Conditions

61. The Council has provided a list of suggested conditions, including pre-commencement conditions. I have considered the suggested conditions against the Framework and Planning Practice Guidance and have had regard to the appellant's written response.
62. To expedite the delivery of housing, the Council has sought a shorter time limit for the commencement of development. Whilst noting the current shortfall in housing across the Council's area, I have been provided no evidence that non-commencement has previously had negative impacts on delivery at this site. A condition to truncate the standard time limit for commencement would not therefore be reasonable within the context of the Framework's tests. Consequently, I have included a condition requiring development commence within three years.
63. In the interests of certainty, I have imposed a condition to ensure the development is carried out in accordance with the approved plans.
64. To conserve the character and appearance of the area, I have attached conditions requiring submission of details of external materials, a scheme of landscape works, and a scheme for the protection of trees.
65. To assist in the reduction of emissions in accordance with LP Policy EN1, I have included a condition requiring submission of details of water and energy efficiency measures, renewable energy generation, and sustainable construction.

66. In the interests of public safety, I have included a condition requiring submission of a Construction Transport Management Plan. To maintain highway safety, I have included conditions requiring the vehicle access, parking areas, and visibility splays be laid out prior to use and occupation of the development.
67. To reduce risk of flooding and protect water quality and habitats, a condition requiring submission of details of a surface water drainage solution is necessary. However, the Council's suggested condition appears to relate to the requirements of a larger scheme of multiple dwellings. I have therefore amended the condition to reflect the small scale of the proposal.
68. In the ecological interests of the site, including the conservation of protected and priority species, I have included a condition requiring the development be carried out in accordance with the Preliminary Ecological Appraisal's recommendations and identified mitigation measures. In addition, to conserve biodiversity and the rural character of the area, I have included a condition requiring submission of details of any external lighting to be installed.
69. I have not imposed conditions requiring submission and implementation of a scheme of archaeological investigation and assessment. The site does not fall within an Archaeological Notification Area, and I have no evidence that archaeological assets would be affected by the development. Such conditions would not be necessary to make the development acceptable in planning terms.

Conclusion

70. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos W2143 - Street Elevation - Proposed Rev C; W2143 - Site Section - Proposed Rev B; W2143 - Site Location Plan Rev B; W2143 - Floor Plans Rev C; W2143 - Front Elevation Rev C; W2143 - Side Elevation (North); W2143 - Side Elevation (South) Rev A; W2143 - Proposed Roof/Site Plan Rev D; W2143 - Rear Elevation Rev A.
- 3) No development above ground floor slab level shall commence until a schedule (photographs and/or catalogue details) of the external materials to be used on the external surfaces of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.
- 4) No development above ground floor slab level shall commence until details of water and energy efficiency measures, and of the promotion of renewable energy and sustainable construction as part of the development, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the occupation of the development and retained as such thereafter.
- 5) No development hereby permitted shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and adhered to in full throughout the entire construction period.

The CTMP shall provide details as appropriate but not be restricted to the following matters:

- a. the anticipated number, frequency and types of vehicles used during construction;
 - b. the method of access and egress and routeing of vehicles during construction;
 - c. the parking of vehicles by site operatives and visitors;
 - d. the loading and unloading of plant, materials and waste;
 - e. the storage of plant and materials used in construction of the development; and,
 - f. the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway.
- 6) Development shall not take place until drainage works have been carried out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
 - 7) No development above ground floor slab level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, which shall include full plans and specifications for all hard and soft landscape works, including hard surfacing and boundary treatments.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and maintained at an approved height.

Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping comprised in the approved details of landscaping shall be carried out prior to the first occupation of the dwellings or the completion of the development, whichever is the sooner. All approved details shall thereafter be retained.

- 8) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 9) No development hereby permitted shall commence until full details of the means of vehicular access into the site, including the road width, sections of construction, finishing materials, retaining walls, surface water drainage and the cross falls and longitudinal falls shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the means of access has been constructed in accordance with the approved details, which shall be retained thereafter.
- 10) The access shall not be used until visibility splays of 2.4m x 41m northwards and 2.4m x 37m southwards have been provided. The visibility splays shall be maintained and kept clear of obstruction in perpetuity.
- 11) The dwelling hereby permitted shall not be occupied until the parking areas have been provided in accordance with drawing reference W2143 – Proposed Roof/Site Plan Rev E. The parking spaces shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
- 12) The development hereby permitted shall take place in accordance with the Preliminary Ecological Appraisal (report ref: 20064) authored by CT Ecology Limited and dated 18 May 2021, including the implementation of the ecological mitigation and enhancement measures outlined under the recommendations section of the report. The approved ecological enhancement measures shall be retained as such thereafter.
- 13) Prior to the installation of any external lighting to the site, details shall first be submitted to and approved in writing by the Local Planning Authority. The details should provide for lighting that is low level, hooded and directional. External lighting shall only be installed and maintained in accordance with the approved details.