



Appeal Decision

Site visit made on 7 November 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 16th January 2025

Appeal Ref: APP/C1435/W/24/3340301

Equestrian ménage (sand school), Little Barkham Farm, Goldbridge Road, Piltown, East Sussex TN22 3XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Stuart Albane against the decision of Wealden District Council.
 - The application Ref is WD/2023/3137/PIP.
 - The development proposed is erection of detached three bedroom single-storey dwelling with car port and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG)¹ advises that this is an alternative way to obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (permission in principle) establishes whether a site is suitable in-principle and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first stage.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted². All other matters are considered as part of the subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I sought submissions from the parties on this matter. I have considered their additional submissions alongside the original representations when determining the appeal.
5. Also on 12 December 2024, the Government published the result of the 2023 Housing Delivery Test (HDT). 80% of the Council's housing requirement was delivered in the preceding three years, this is up from 78% which was the measurement in the 2022 HDT. Consequently, a 20% buffer should be applied to the Council's supply of specific deliverable sites. As the consequence remains the same, the updated results have not led to a material change in circumstances. As such, it is not necessary to consult the parties on the updated results.

¹ PPG 'Permission in Principle' Paragraph: 001 ID: 58-001-20180615

² PPG 'Permission in Principle' Paragraph: 012 ID: 58-012-20180615

6. The red line shown on the Site Location Plan³ differs from that shown on the Proposed Block Plan⁴ and Indicative Site Plan Layout⁵. The application area on the Site Location Plan does not include the area immediately to the south-east of the existing shed, where a car port is proposed. Nonetheless, the application is for permission in principle, so the details shown on the Proposed Block Plan and Indicative Site Plan Layout are indicative only. The location of the car port would be secured as part of the technical details consent. Therefore, my assessment is based upon the red line shown on the Site Location Plan.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

Location

8. Saved Policy GD2 of the Wealden Local Plan, December 1998 (LP) explains that outside the development boundaries, development will be resisted. Saved LP Policy DC17 also indicates that housing development will not be allowed outside development boundaries unless it conforms with other policies in the plan. Policy SPO3 of the Wealden District, Core Strategy Local Plan, February 2013 (CS) seeks to focus development in and around the settlements of Hailsham/Hellingly, Polegate/Willingdon/Stone Cross and Uckfield, and to a lesser degree Crowborough and Heathfield. In addition, CS Policy SPO7 states the Council will encourage the reduction of the need to travel by car by concentrating development where it most closely relates to public transport opportunities.
9. The appeal site is located within Piltdown which does not have a development boundary. As such, it is an unclassified settlement. CS Policy WCS6 outlines a strategy for rural areas within Wealden, it makes provisions for residential development within some rural settlements but not unclassified settlements.
10. There is a limited number of services within Piltdown, including a convenience store at the petrol station, a deli/butchers and a public house. There is also Ashgrove Farm Trading Estate which would provide employment opportunities. These are a short distance from the appeal site and there is a footpath connecting the appeal site with these services. Therefore, future occupiers could easily walk to access them. Nonetheless, to access other essential facilities such as schools, medical centres and supermarkets future occupiers would need to travel further afield to other settlements.
11. There are two bus stops in proximity to the petrol station which provide services to other settlements. However, given the modest provision of public transport, it would be easier and more convenient for future occupiers to travel by private motor vehicle. It is therefore likely that future occupiers of the proposed dwelling would predominantly use private motor vehicles to access these services and facilities. This is contrary to paragraphs 109, 115 and 117 of the Framework which indicate that proposals should involve pursuing opportunities to promote walking, cycling and public transport, and proposals should ensure that sustainable

³ Drawing No: PN.23.112.01

⁴ Drawing No: PN.23.112.03A

⁵ Drawing No. PN.23.112.04A

transport modes are prioritised, giving priority to pedestrian and cycle movements and then facilitating access to high quality public transport.

12. There is an increasing number of people working from home and an increase in online retailing. Therefore, future occupiers of the proposed dwelling may need to travel less. Notwithstanding this, people would still need to access some services and facilities in person such as schools and medical centres. Also, it cannot be guaranteed that future occupiers would work from home and shop exclusively online. Therefore, this does not justify allowing residential development in locations which are less accessible by sustainable transport modes.
13. Several planning permissions⁶ have been put before me for residential development in Piltdown. The Council's assessment on whether Piltdown is a sustainable location has evolved over time and previously the Council concluded that Piltdown was a suitable location for residential development. In some instances, the Council has considered Piltdown to not be a suitable location for residential development but the presumption in favour of sustainable development has applied. Notwithstanding this, my assessment is based upon the existing circumstances and the likelihood that future occupiers would predominantly use private motor vehicles. This is based on my planning judgement and is consistent with another Inspector's assessment on nearby sites.
14. The housing requirement for Wealden is increasing and the Council may need to consider allowing residential development in areas outside of development boundaries and that are less accessible by sustainable transport modes than they previously considered acceptable. As Piltdown is an unclassified settlement, and the Council prioritises other settlements for development, it is not a given that residential development will be directed toward Piltdown.
15. The proposed dwelling would not be isolated as it would be sited within Piltdown. However, the ongoing occupation of nearby dwellings does not signify that the area is a suitable location for residential development having regard to accessibility of services and facilities. It is likely that future occupiers of the proposed dwelling, like occupiers of nearby properties, would be disincentivised from walking, cycling or using public transport.
16. The conversion of the neighbouring stables to a dwelling⁷ was allowed, in part, due to a reduction in vehicle movements, from 25 daily movements to 6. If I were to include the proposed dwelling in the calculation, the number of vehicle movements associated with the site would still be less than when the site was used as stables and a ménage. Nonetheless, the ménage is currently vacant but would be used in conjunction with the house. Therefore, the proposed development would lead to an increase in vehicle movements when compared to the existing circumstances.
17. The Council has permitted⁸ an out-of-centre retail park which would generate many vehicle movements. However, this permission was predicated on there being no suitable sites for that development within settlements. As such, that development is materially different to the appeal proposal and does not set a precedent.

⁶ Planning permission Refs. WD/2006/0271/F, WD/2020/1130/F, WD/2019/1088/F, WD/2020/1546/F, WD/2022/2643/PIP, WD/2018/0818, WD/2020/2609, WD/2018/2701, WD/2017/0328, and WD/2015/2575.

⁷ Planning permission Ref. WD/2019/1088/F

⁸ Planning Permission Ref. WD/2021/2456/MAJ

18. The location of the proposed dwelling would help improve the vitality of facilities and services within the rural community of Piltdown. As such, it would be in accordance with paragraph 83 of the Framework. Nonetheless, the extent of the improvement would be limited given the proposal is for one three-bedroom dwelling. This modest benefit would not outweigh the identified harm.
19. I conclude that the site is not suitable for residential development having regard to its location. It would be contrary to saved LP policies GD2, EN1, and DC17, and CS policies SPO7, SPO13, SPO14, and WCS6. These policies indicate that the Council will encourage reduction of the need to travel by car and will pursue sustainable development having regard to the Government's principles, amongst other matters.

Land use and amount of development

20. Piltdown is characterised by ribbon development along Goldbridge Road (A272). Most properties front onto the A272 or other through routes and there are few examples of cul-de-sac development in the area. Albeit there is some development which extends from the road, but this is often commercial development including the nearby Piltdown Man Public House and Ashgrove Farm Trading Estate. Beyond the ribbon development is wider countryside characterised by a patchwork of open fields and small areas of woodland.
21. The appeal site is located behind a row of houses fronting the A272 and opposite a dwelling which was converted from stables. At the site's entrance, the character is heavily influenced by neighbouring residential development. However, once you travel along the track to the ménage the site opens and the area forms part of a transition to the wider countryside.
22. The ménage and the driveway have been lawfully constructed. The driveway is used to access the converted stables and the ménage is used in conjunction with that property. As such, the appeal site is fixed surface infrastructure associated with a permanent structure. Therefore, the appeal site comprises previously developed land as per the definition in the Framework. Nevertheless, the ménage's existing equestrian use, is characteristic of the rural transition. The change of use of the land to accommodate a dwelling would increase the concentration of residential development and form a cluster of built-development to the rear of the properties fronting the A272. Although the design would be secured at the technical details consent stage, a dwelling would increase the massing of built development at the appeal site. The proposed dwelling in combination with the neighbouring property would have an urbanising effect on this part of Piltdown.
23. The appellant has identified backland development at both the Piltdown Man Public House and Lamb Cottage, but those outbuildings are connected to the wider use of those sites. As such, that form of development is materially different to the appeal proposal. Also, the appellant has indicated that the backland residential development has been permitted⁹ elsewhere. However, that proposal is located on a triangular piece of land between Goldbridge Road, Lodge Lane and Shortbridge Road, all of which are through roads. Therefore, the character of that part of Piltdown is materially different to the appeal site.

⁹ Permission in principle Ref. WD/2022/2643/PIP

24. The appeal site is largely screened in views from public land, there would only be glimpsed views of the proposed development from the neighbouring byway. Nevertheless, the proposed development would be observed from neighbouring dwellings and private land. Even with additional planting and relocation of the gate, the screening of the proposed development from view in public areas would not fully mitigate the identified harm.
25. Multiple permissions¹⁰ have been granted for residential development in proximity to the appeal site which has altered the character of this part of Piltdown. However, most of the development fronts onto the A272 and continues the prevailing pattern of development. The only form of backland residential development in this area is the converted stables. That application involved the conversion of a permanent structure and is therefore materially different to the appeal proposal.
26. The appeal site is in proximity to the Grade II listed Little Barkham Farmhouse. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a statutory duty to have special regard to the desirability of preserving its setting. The significance of the 17th Century Farmhouse includes being part of a partially extant Medieval farmstead.
27. Little Barkham Farmhouse is the only surviving traditional structure from the farmstead. It now has well defined borders separating it from the appeal site. As such, there is no functional connection between the Farmhouse and the appeal site, and the visual connection is very limited. However, the open fields surrounding the appeal site provide an important visual reminder of the historical functional relationship between the Farmhouse and the surrounding land. Notwithstanding this the proposed development would be sited on previously developed land. Although it would increase the massing of the built development it would not encroach upon the open fields. Therefore, the proposal would conserve the setting of Little Barkham Farmhouse.
28. However, the proposed land use and amount of development would have an urbanising effect and would be harmful to the character and appearance of the wider area. Overall, I conclude that the appeal site would not be a suitable location for residential development having regard to the land use and amount of development proposed. The proposed development would be contrary to LP policies EN1 and EN27 and CS policies SPO1 and SPO13. These policies indicate that the scale, form, and density of development should respect the character of adjoining development, and the Council will encourage the development of quality living environments, amongst other matters.

Planning Balance

29. Set against the identified harm would be social and economic benefits associated with the proposal. An additional unit would make little difference to the overall supply of housing. The economic benefits associated with the construction period and the support one extra household would provide to the local economy is modest. Whilst neither a biodiversity net gain nor measures to reduce carbon emissions are secured at the permission in principle stage, it is assumed that they would be secured at the technical details consent stage, as the appellant intends.

¹⁰ WD/2006/0271/F, WD/2020/1130/F and WD/2019/1088/F.

Therefore, they weigh in favour of the proposal. Nevertheless, the weight ascribed to the benefits would only be moderate due to the scale of the proposal.

30. The LP dates from 1998 and the CS dates from 2013 but the weight attached to their policies does not hinge on their age. Rather paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework does not seek to resist development in the countryside, but it indicates that decisions should contribute to the natural and local environment by recognising the intrinsic character and beauty of the countryside. The Framework also seeks to prioritise sustainable transport modes. Therefore, the conflict between the proposal and saved LP policies GD2, EN1, EN27, and DC17 and CS policies SPO1, SPO7, SPO13, SPO14, and WCS6 should be given significant weight in this appeal.
31. There are no policies in the LP or CS which positively favour residential development in this location. As the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
32. It was previously agreed between the parties that the Council can only demonstrate 3.83 years supply of deliverable housing land. However, as part of the latest submission the Council indicate that they can demonstrate 4.45 years supply of deliverable housing land. Regardless, it is common ground that the Council cannot demonstrate a five-year supply of deliverable housing land. In these circumstances, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date.
33. Consequently, permission in principle should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
34. Footnote 7 of the Framework identifies both designated heritage assets and habitat sites as areas or assets of particular importance. As above, the proposal would not have a harmful effect on the setting of the Grade II listed Little Barkham Farmhouse. For this assessment, it is presumed that any adverse impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) could be resolved via a planning obligation. Therefore, policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed.
35. As set out above, the benefits associated with a single dwelling would be moderate even when taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. The Framework gives substantial weight to the value of using suitable brownfield land within settlements for housing, rather than land in the countryside. It also seeks to prioritise walking and cycling, as well as facilitating access to public transport.
36. Consequently, the adverse impacts on the housing strategy and character and appearance of the area, would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations and securing well-designed places. As a result, the presumption in favour of

sustainable development, as set out in paragraph 11 of the Framework and replicated in CS Policy WCS14 does not apply.

Other Matters

37. The appeal site is located within a zone of influence of the Ashdown Forest SPA and SAC. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of permission in principle, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. Notwithstanding whether a planning obligation can be secured against a permission in principle, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, or to consider this matter further.
38. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the application. However, these are matters between the appellant and the Council and it is not a matter for my consideration on the acceptability of the appeal proposal.

Conclusion

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

J Hobbs

INSPECTOR