



Appeal Decision

Site visit made on 27 January 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2025

Appeal Ref: APP/C1435/W/24/3346901

Drumlin House, Summersales Hill, Crowborough, East Sussex TN6 1UT

- 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 J Dickerson against the decision of Wealden District Council.
 - The application Ref is WD/2023/1989/O.
 - The development proposed is for 2 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for the access and layout of the development but not for its appearance, landscaping and scale. Drawings have been submitted showing the proposed access along with a layout, floor plans and elevations. I have treated the floor plans and elevations as illustrative.
3. The appellant has submitted a Great Crested Newt eDNA report¹. The Council has confirmed that in light of this information its third reason for refusal has been overcome, subject to a condition requiring the development to be carried out in accordance with the document. The Council therefore no longer contests that reason for refusal. The appeal has been determined on this basis.
4. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and is a material consideration in planning decisions. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by taking this approach.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for housing having regard to development plan policy and accessibility to services and facilities; and
 - the effect of the proposed development on the character and appearance of the area, including the High Weald National Landscape.

¹ Dated 12 June 2024, prepared by The Ecology Partnership

Reasons

Suitable location

6. The appeal site is primarily set back from London Road to the side and rear of the existing dwelling at Drumlin House. The site is detached from the urban area of Crowborough and is outside of the development boundary for Crowborough, as retained in the Wealden District Core Strategy Local Plan 2013 (CS). Accordingly, the site is located in the countryside for planning purposes.
7. Policies GD2 and DC17 of the Wealden Local Plan 1998 (LP) and Policy WCS6 of the CS seek to restrict housing outside of the defined development boundaries. While strict adherence to the defined development boundaries may not deliver growth, the CS sets out a number of spatial planning objectives, including SPO7 which seeks to reduce the need to travel by car by concentrating development where it can most closely relate to public transport opportunities.
8. The site is detached from the built-up area of Crowborough and is distant from the facilities and services in the settlement. Although there is a public footpath adjacent to the site, there is a lack of suitable footways and street lighting along London Road leading towards Crowborough. Moreover, London Road is subject to a 60mph speed limit which, without dedicated footways and cycle paths, would further discourage future occupants from walking and cycling to access everyday facilities and services. In addition, there is no indication as to the proximity of bus stops or the service provision available from the nearest stops.
9. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, Paragraph 83 states that housing should be located where it will enhance or maintain the vitality of rural communities. Given the distance of the site from the nearest settlement and the unsuitable walking and cycling route, it is likely that future occupants of the development would be highly reliant on private vehicles to access facilities and services in Crowborough.
10. The parties agree that the site is not isolated given the presence of the existing dwelling at Drumlin House and the other dwellings close to the site. I see no reason to disagree with this. As such the proposal would not conflict with Paragraph 84 of the Framework in this regard. However, Paragraph 84 does not provide specific support for development which is not isolated, rather it sets out the circumstances where isolated homes would be acceptable.
11. I conclude that the site would not be a suitable location for the proposal having regard to development plan policy and accessibility to services and facilities. The development would therefore conflict with Policies GD2, EN1, and DC17 of the LP, and Policies WCS6 and WCS14 of the CS, which, collectively restrict development outside development boundaries and focus new development within a sustainable pattern of development and settlement hierarchy, encourage a reduction in travel by private car, and generally secure sustainable development in line with national policy.

Character and appearance

12. The site is located within a primarily rural area and is in the High Weald National Landscape (NL). Paragraph 189 of the Framework requires that great weight

should be given to conserving and enhancing landscape and scenic beauty in the NL. I am also mindful of the statutory purpose of NLs to conserve and enhance the natural beauty of the area.

13. The NL is typified by the undulating landscape interspersed with fields and large wooded areas. Development in the area primarily comprises a sporadic linear form fronting the road, but includes development set away from London Road. The dispersed pattern of development, in addition to the areas of woodland and irregular fields contribute to the rural character of the area. The main part of the site is set back from London Road and comprises an area of open, sloping land. Beyond the side and rear boundaries are mature trees that contain the site from distance views within the landscape. Nonetheless, the undeveloped nature of the site makes a positive contribution to the rural character of the area.
14. The proposed dwellings would be positioned within the main part of the site, set away from London Road. The siting of two dwellings in this location would not be wholly discordant with the scattered development in the area. However, the considerable built form comprising the dwellings, and the likely associated domestic paraphernalia, would have a harmful urbanising effect on the site and its immediate surroundings. The extent of built form would jar with the natural and verdant rural character of the area.
15. While the dwellings would have a limited visual effect on the wider landscape due to the screening provided by the mature trees close to the site, the development would be highly visible from the public footpath. This would accentuate the visual effect of the intensive residential use of the development, which would harm the rural tranquillity of the area. Consequently, the proposal would be discordant with the character and appearance of the area and would not conserve landscape and scenic beauty in the NL.
16. The Council has referred to Policy EN13 of the LP within its reason for refusal. The proposal would not involve clear felling and would not otherwise prejudice the ecology of Ancient Semi-Natural Woodlands. Accordingly, the proposal would not conflict with Policy EN13.
17. I conclude that the proposal would have a harmful effect on the character and appearance of the area and would fail to conserve landscape and scenic beauty in the NL. The development therefore conflicts with Policies GD2, EN6, EN27 and DC17 of the LP and Policies SPO1, SPO7, SPO8, SPO13, WCS6, WCS12 and WCS14 of the LP, which amongst other things seek to restrict development outside development boundaries, require proposals to conserve or enhance the natural beauty and character of the landscape, and seek the development of high quality, attractive living environments which promote local distinctiveness.

Other Matters

18. The site is within 7km of the Ashdown Forest Special Protection Area SPA, which is also a Special Area of Conservation. Ashdown Forest is a semi-natural area designated for its concentration of Dartford warbler and European nightjar. The Council has a strategy that seeks to mitigate the impacts on this site arising from recreational pressures. Nevertheless, there is no mechanism before me that would secure mitigation. However, as I have found the proposal to be unacceptable for other reasons there is no need to consider the implications of the proposal on the protected site.

19. The appellant has drawn my attention to appeal decisions allowing residential development at Cooks Corner, Hadlow Down Road, Mornings Mill Farm, Five Ash Down Road and Blackbrooks Garden Centre. The precise details of these cases have not been presented to me. Nonetheless, I note that the Inspectors acknowledged that the sites were outside of a development boundary, but that they were well-related to the settlements and their associated facilities and services. Moreover, given the proximity of these sites to the built-up area of settlements, development would have been viewed within the context of the character and appearance of the existing development. In any case, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations, which is what I have done in this case.

Planning Balance

20. There is no dispute that the Council is currently unable to demonstrate at least a five year supply of housing land that the Framework requires. The parties agree that the Council is able to demonstrate a 3.83 year supply, which is substantially below the required level of five years. Paragraph 11 d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework details that this includes policies relating to National Landscapes and habitats sites.
21. The proposed development would deliver two dwellings, which would provide a boost to the supply of housing through the efficient use of land. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in the surrounding settlements. However, the contribution of two dwellings and the associated benefits are limited by the scale of development proposed and would not outweigh the harm identified.
22. Given that the proposal would have a harmful effect on the NL, which the limited benefits would not outweigh, the application of the policies in the Framework provide a strong reason for refusing planning permission for the development proposed. When considered as a whole, the proposal does not conform with the presumption in favour of sustainable development outlined in Paragraph 11 of the Framework.

Conclusion

23. The proposal conflicts with the development plan as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR