The Planning Inspectorate

Appeal Decision

Site visit made on 23 July 2019

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/C1435/W/19/3228321
Charlwood Manor, Snatts Road, Uckfield TN22 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Jerry Houlton against the decision of Wealden District Council.
- The application Ref WD/2018/0780/O, dated 9 April 2018, was refused by notice dated 13 February 2019.
- The development proposed is 'demolition of buildings and erection of 5no detached dwellings with provision of access onto Snatts Road'.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with detailed approval being sought for access. Matters of appearance, landscaping, layout and scale are reserved for future consideration. The drawings include two layout plans showing possible arrangements for the siting of the proposed dwellings. As layout is a reserved matter, I have treated these drawings as being illustrative for the purposes of this appeal.

Main Issues

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. Whilst layout is a matter reserved for future consideration as set out above, it remains necessary to consider the matter of whether it is likely to be possible for five detached dwellings to be developed on the site without harming the character and appearance of the area. The submitted layout plans are not binding and I acknowledge there could be other alternative layouts. However, I have had regard to the applicant's layout drawings in that they seek to demonstrate how an acceptable scheme could be capable of being advanced at the reserved matters stage.

5. The site is located outside of the development boundary where the Council's development strategy seeks to generally prevent new housing in order to conserve and enhance the rural environment. The proposal is contrary to policies GD2 and DC17 in this respect, although the weight afforded to these

conflicts is limited in this case by the Council's current lack of a 5 year housing land supply. I also note the extant permission for five dwellings and will return to this below. It remains necessary, however, to consider the effects upon the character and appearance of the area for which other relevant policies also apply.

6. The existing development upon the site is generally consistent with the characteristics of the Low Weald countryside landscape. It is occupied by a large residential building in largely open grounds interspersed with woodland, with the additional bungalow being a subsidiary element of built form. There is also a large detached garage building within the site, although this detracts to only a limited extent from the open character of the site. A agree with the Inspector who determined the previous appeal[1] that the site is in keeping with the west side of Snatts Road, having a countryside character that distinguishes it from the more urban form on the east side of the road.

7. I consider that a scheme for five detached dwellings is likely to create an urbanising impact upon the site to the detriment of the existing rural character of the site and its surrounds on this side of Snatts Road. This is clearly evident from the first illustrative drawing submitted with the application showing five dwellings arranged around a circular driveway. Whilst open space and existing tress would be retained around the detached dwellings as shown in this illustrative drawing, the overall form of built development spread around the site would represent a strong urbanising influence on the site to the detriment of the character and appearance of the area. The retention of existing trees would reduce the visual impact, including from Snatts Road. Nevertheless, the overall built development that would arise from five detached dwellings would still be apparent, particularly during the winter season.

8. The subsequently submitted illustrative drawing shows an alternative arrangement which seeks to draw upon the layout of the extant permitted detailed scheme for five dwellings. The Council states in its officer's report that the extant scheme provides a high-quality design group of dwellings based on a country manor house dwelling. The design includes link walls between the main building (which forms a pair of semi-detached dwellings) and two detached properties set either side linked by walls along the frontage of the development to give a combined frontage aspect, akin to a country manor house building. The particular design and layout of the approved scheme appears to be key to the Council's decision to grant planning permission for that scheme.

9. The appellant's second indicative scheme seeks to draw upon the form of the extant proposal. However, whilst the overall built envelope would be similar, it would be likely to be clearly read as a scheme of five detached dwellings of a largely suburban rather than rural character. It would have a greater urbanising impact that the existing development on the site to the detriment of the general character and appearance of the area. It would not achieve the country manor form identified by the Council for the approved scheme. I also note that the approved scheme represents a closer-knit development comprising three detached dwellings and a pair of semi-detached dwellings in contrast to the outline scheme for five detached dwellings.

[1] APP/C1435/A/12/2189179

10. I have considered the extant planning permission for five dwellings as a fallback position. There appears to be a greater than theoretical possibility that it might take place. However, for the reasons given above, I do not consider that the fallback scheme would be any more harmful than a scheme for five detached dwellings. I do not therefore consider that it represents sufficient justification for the harm I have found would arise from the outline scheme before me. I have therefore given only limited weight to the appellant's fallback position.

11. The appellant also states that a scheme for detached dwellings is likely to be more deliverable than the extant permission. However, there is no evidence to justify this argument and it therefore does not carry any significant weight.

12. I have not been provided with any further alternative ways for how the five detached dwellings may be able to be set out in order to prevent a harmful impact upon the character and appearance of the area. I do not consider that it has been demonstrated that an acceptable scheme for five detached dwellings is capable of being advanced at the reserved matters stage.

13. The proposal would result in significant harm to the character and appearance of the area. It would be contrary to the relevant design and countryside protection aims of policies GD2, EN8, EN27 and DC17 of the Wealden Local Plan 1998, SPO1 of the Wealden District Local Plan Core Strategy 2013, and the National Planning Policy Framework.

14. It would also be contrary to the design aims of policy BED1 of the emerging Submission Wealden Local Plan January 2019. I am not aware of any outstanding objections to this draft policy but as the emerging plan is currently being examined, I have given the conflict with this particular policy moderate weight.

Other matters

15. The Council states in its Officer Report that it is necessary to determine whether the proposal would have a significant impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). It goes onto note that, given the extant permission for five dwellings, there would be no increase in traffic generation from that already accounted for in relation to the SAC. The Council also states that it would be possible to secure required recreational mitigation for the SPA by condition to provide for SANGS, SAMMs or equivalent mitigation. However, notwithstanding whether a condition would be acceptable, the Council has not suggested any such condition it its appeal documentation. There is consequently no detailed information before me on the mitigation that might be required to prevent any adverse effect upon the SPA. Notwithstanding this, given my conclusion on the main issue, it is not necessary to consider such matters in respect of the Habitats Regulations 2017 in any further detail. It would not alter my overall conclusion in the determination of this appeal and so I have not sought any further information on this issue from either party in this instance.

16. The Council acknowledges that it is currently not able to demonstrate a five-year supply of housing land, with the current five-year supply amounting to 2.65 years. This represents a substantial shortfall. The Council's argues that the proposal would not provide any more homes that the extant planning permission. Notwithstanding this, even if I was satisfied that the appellant

could satisfactorily mitigate any potential effect in relation to the Habitats Regulations, I consider that the adverse impact upon the character and appearance of the area would significantly and demonstrably outweigh the benefits arising from the small contribution of five new dwellings to the supply of housing. The proposal would therefore also be contrary to policies WSC14 and SPO8 of the Wealden Core Strategy Local Plan 2013 which reflect the presumption in favour of sustainable development and seek to accommodate additional growth where this would be sustainable.

17. Taking account of the separation of adjacent grade II listed buildings (Oast Cottage and Dowlands Farm Barn) from the site, I am satisfied that the proposed development would be capable of preserving their setting. This does, not however, override my concerns regarding character and appearance.

18. The Council's reason for refusal also cites policy SPO7 which seeks to locate development that reduces the need to travel by car. However, as no evidence has been provided by the Council to justify harm in this respect, I have found no conflict with this particular policy.

Conclusion

19. The development would be contrary to the development plan as considered as a whole and material considerations do not indicate in this case that the proposal should be determined otherwise than in accordance with the development plan.

20. Having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR