The Planning Inspectorate

Appeal Decision

Site visit made on 7 November 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2024

Appeal Ref: APP/C1435/W/23/3322028
Land adjacent Burfield, Maynards Green Road, Maynards Green, Horam TN21 0DG

- 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 Steve Williams against the decision of Wealden District Council.
- The application Ref WD/2022/3355/O, dated 21 December 2022, was refused by notice dated 22 March 2023.
- The development proposed is described as the erection of one dwelling (Class C3), with details provided on access and scale, but not landscaping, appearance and layout which are reserved at this stage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with appearance, landscaping and layout identified as reserved matters. As such, where the proposed site plans show any information relating those matters, I have treated this as illustrative for the purposes of making my decision.

3. From 22 November 2023, Areas of Outstanding Natural Beauty are now to be referred to as National Landscapes. My decision therefore reflects that change.

Main Issues

4. The main issues are, firstly, whether the proposed development would be in a suitable location, taking account of the Council's adopted spatial strategy, and secondly, its effect on the character and appearance of the area, including the scenic beauty of the High Weald National Landscape (the NL).

Reasons

Whether the proposed development would be in a suitable location

5. The appeal site is located to the north of the main built-up area of Maynards Green, and outside of any designated settlement boundary. Policies GD2 and DC17 of the Wealden Local Plan, 1998 (LP) seek to prevent residential development outside of settlement boundaries unless any of the exceptions listed in the supporting text to Policy DC17 are met. In this instance, the provision of one market dwelling would not accord with any of those exceptions.

6. Policy WCS6 of the Wealden Core Strategy Local Plan, February 2013 (CS) sets out that, within the rural area, Service Centres, Local Centres and Neighbourhood Centres will be required to provide a minimum of 455 new dwellings over the plan period. Maynards Green, which is identified as being an 'unclassified settlement', is not required to contribute to that quantum of development.

7. The village itself does have certain facilities, including a primary school, and other services in the nearby settlements of Heathfield and Horam can be easily reached via sustainable modes of transport. This matter is not disputed within the Council's officer report. However, despite this, the conflict with the Council's adopted spatial strategy is clear, and I therefore conclude that the proposed development would therefore not be in a suitable location given that it would not be in accordance with LP Policies GD2 and DC17, or CS Policy WCS6.

Character and Appearance

8. The appeal site is located within the High Weald NL. Paragraph 182 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing the landscape and scenic beauty of these areas.

9. While the site lies outside of the main built-up area of the village, there is a pattern of linear development along the eastern side of the B2203 which largely comprises two storey detached dwellings that are set back from the road. However, on the western side of the road, development is much more sporadic, and the dwellings are interspersed by a number of open fields, including the appeal site, which provide an important sense of transition between the village and the countryside beyond. Indeed, this sense of transition is of fundamental importance to the character of the area as it helps to signify a clear visual separation between the main built-up area of Maynards Green and the nearby settlement of Heathfield. The site therefore helps to ensure that the immediate area retains a spacious and verdant character, and as such, it contributes positively to the scenic beauty of this part of the NL.

10. The development would involve the provision of one detached home. While the existing field is quite large, and the proposed dwelling would be well set back from the road, the building, in combination with a driveway, would still add a reasonably significant amount of built form onto a site where there is currently none. It would result in a greater feeling of urbanisation on the western side of the B2203, partially removing an important landscape gap, while eroding the sense of transition between the village and the countryside. As a result, the proposal would therefore cause significant harm to the existing spacious and verdant character of the immediate area and would also harm the landscape and scenic beauty of the NL.

11. As a whole, the site is relatively well contained and is largely screened from the road by existing vegetation. However, despite this, the proposed development would still be easily visible via the access. In addition, there is a public right of way, known as the 'Cuckoo Trail', that passes immediately to the rear of the site. The footpath is raised above the level of the appeal site, which slopes gently upwards towards the road. There would therefore be unimpeded views of the proposed development, and the associated harm, from this public vantage point.

12. In support of their case, the appellant has drawn my attention to an appeal for 26 dwellings on another in site in Maynards Green[1]. I do not have the full details of that scheme before me, however, in making their decision on that case, the Inspector did find that the proposal would result in harm to the NL and dismissed the case partly on that basis. While the quantum of development was much greater than the appeal scheme before me, it does not follow that the provision of one home cannot also lead to harm, and I have set out why that would be the case in this instance. Moreover, in similar fashion to three other nearby development proposals that have been noted by appellant[2], the site is located much closer to the main built-up area of the village than the appeal site, and so I do not find that they are directly comparable.

13. I therefore conclude that the proposed development would cause harm to the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the NL. It would therefore conflict with LP Policies EN6 and EN27, as well as CS Policy WCS14. Taken together, the relevant aspects of these policies seek to ensure that development is sustainable, well designed, and that it preserves character and appearance, including the scenic beauty of the NL.

14. I do not find conflict with CS Policy WCS12 given that there is no substantive evidence before me to suggest that the scheme would result in an unacceptable loss of biodiversity.

Planning Balance and Conclusion

15. The proposed development conflicts with the development plan when considered as a whole. The fact that the Council cannot currently demonstrate a 5-year supply of deliverable sites is not a matter of dispute between the parties. Indeed, given that the latest supply figure published by the Council is less than four years, the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term.

16. The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the National Landscapes, and provides a clear reason to dismiss the appeal.

17. In such circumstances, policies relating to the location of housing, such as LP Policies GD2 and DC17 and CS Policy WCS6, are deemed to be out of date and the conflict with those policies receives significantly reduced weight.

18. Paragraph 225 of the Framework states whilst these policies may be deemed out of date, the closer they are to policies in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date for reason of an inadequate land supply to still carry significant weight. In this instance, LP Policies EN6 and EN27, and CS Policy WCS14, are in general conformity with the Framework given that they seek to ensure good design and preserve character and appearance, including the scenic beauty of the High Weald NL. The conflict with these policies is therefore afforded significant weight.

[1] Appeal Ref: APP/C1435/W/19/3227196
[2] Council references: WD/2021/0654/F, WD/2019/0540/O and WD/2018/2403/O

19. I have concluded that there would be material harm to the character and appearance of the area, including the scenic beauty of the NL. In this instance, the harm would be significant and enduring, and in particular, the harm to the scenic beauty of the NL is a matter that I must afford great weight to.

20. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR