Town and Country Planning Act 1990

Notice of Decision
Application No. **WD/2020/1088/MAO**

Wealden District Council

DMH Stallard
Griffin House
135 High Street
Crawley
West Sussex
RH10 1DQ

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT
OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS) FOR THE DEVELOPMENT OF LAND FOR UP TO 35 RESIDENTIAL DWELLINGS.
LAND WEST OF FIVE ASH DOWN ROAD, COOPERS GREEN

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), hereby **REFUSES TO GRANT PLANNING PERMISSION** for the said proposals, for the reasons stated below:-

1. The site lies outside any development boundary and within open countryside where the principle of residential development would be unacceptable having regard to local planning policy as it would be contrary to Policies GD2, DC17 and EN27 of the Wealden Local Plan 1998 and Policies WCS6 and WCS9 of the Wealden District Core Strategy Local Plan (2013) (CS). These, taken together and amongst other objectives, preclude development within open countryside, set a classification of settlements suitable for additional housing and the quantum of housing and also seek development that respects the character of the area.

   The proposed development would be detrimental to the visual and rural setting of the site and cause harm to the character and appearance of this part of Coopers Green. The proposed scheme would result in the loss of an existing field, which would extend development between Coopers Green and Five Ash Down resulting in an unacceptable coalescence of built form and a harmful urbanising impact on the character and appearance of the area.

   The proposed development of up to 35 dwellings on this site would result in an unacceptable and inappropriate form of development. The development as indicated on the submitted plans fails to demonstrate that the site would be capable of accommodating the quantum of development proposed and meet the necessary spatial requirements. The development, if permitted, would appear as a high density suburban housing estate, out of keeping with the edge of village location and the existing low density development and would have a negative impact on the biodiversity of the site and protected species.

   It is considered that the adverse harm caused by development to the landscape character, biodiversity and protected species would be contrary to local planning policies that seek to protect and complement the environment. The development does not therefore meet the definition of sustainable development within the National Planning Policy Framework and the adverse harm identified would significantly and demonstrably outweigh the benefits of the proposal. The development would therefore be contrary to Policies GD2, DC17, EN1,

EN2, EN8, EN14, EN27, LR3 and LR5 of the Wealden Local Plan; Policies WCS6, WCS9, WCS12, WCS13 and WCS14 of the Core Strategy and National Planning Policy Framework policies relating to sustainable development including Paragraphs 7, 8, 9, 10 and 11, those requiring good design in particular Paragraphs 122, 124, 127 and 130 and those that seek to ensure that development protects and enhances the natural and built environment in particular Paragraph 170 174 and 175; in addition to advice in the Wealden Design Guide 2008, adopted Supplementary Planning Document, Chapter 2 Section 3, Chapter 3 Section 6, Chapter 5 Section 8 and Chapter 7.

2. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped. STN4R
Site Location Plan Dwg PL-02 Rev C	24 November 2020
Proposed Access Arrangement and Visibility Splays Dwg 2002044-02 Rev E	24 November 2020
Planning Statement	5 June 2020
Design and Access Statement	24 November 2020
Arboricultural Implications Assessment and Method Statement	24 November 2020
Transport Assessment	5 June 2020
Highway Response to ESCC Highway Comments	10 March 2021
Flood Risk Assessment and SUDS Assessment	24 November 2020
Drainage Technical Note	24 November 2020
Preliminary Ecological Appraisal	5 June 2020
Reptile Survey Habitat Suitability for Great Crested Newts	5 June 2020
Ecological Consultation Letter Report	24 November 2020
Biodiversity Net Gain Letter Report	24 November 2020
Biodiversity Net Gain Issue 3	24 November 2020
Heritage Environment Desk Based Assessment	5 June 2020

REASON: For the avoidance of doubt.

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 1 April 2021

Stacey Robins
Head of Planning & Environmental Services

Application No. WD/2020/1088/MAO

NOTES

Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:
  The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
  Tel. No. 0303 444 5000
  www.gov.uk/appeal-planning-inspectorate

Appeal Timescales

- Householder planning application or minor commercial application:

  12 weeks from the date on the decision notice

  However, if an enforcement notice has been served for the same or very similar development the time limit is:
  - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
  - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

  NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under "Planning application" below.

- Planning application:

  6 months from the date on the decision notice, or
  6 months from the expiry of the period which the LPA had to determine the application.

  However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
  - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
  - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

  NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.