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## Appeal Decision

Site visit made on 9 August 2021

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

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**Appeal Ref: APP/C1435/W/20/3265921**

**Land west of Turners Green Road, Wadhurst TN5 6TW**

- 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 Landstrom Group Ltd against the decision of Wealden District Council.
  - The application Ref WD/2019/2252/O, dated 31 October 2019, was refused by notice dated 20 July 2020.
  - The development proposed is 5 no. self-build dwellings, associated access and infrastructure works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with approval being sought for access. Matters relating to layout, appearance, scale and landscaping have been reserved. I have dealt with the appeal on this basis treating the proposed block plan, trees and hedgerow plan and phasing plan as illustrative only.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
4. The appellant has suggested providing a more formalised footpath along Turners Green Road that would link the site to the recreation ground and to the footpath at South View Road beyond the recreation ground. Drawing SK02 has been submitted in support of the appeal and illustrates how this could be achieved. However, that land did not form part of the original proposal and would be outside the appeal site area. Whilst I note that notice was served on East Sussex County Council (Highway Authority), it is possible that interested parties may not realise that the appeal proposes additional development beyond the planning application boundary.
5. I have been provided with a copy of the Council's notification of the appeal letter that advises any views received in writing by the Council at the application stage will be forwarded to the Planning Inspectorate for the Inspector's attention. However, it does not explicitly highlight the potential change to the proposal. If I determined the appeal on the basis of this

additional information, it is possible that the interests of parties who might wish to comment would be prejudiced. For this reason, I have not had regard to drawing SK02.

### **Main Issues**

6. The main issues in this case are: -
- a. Whether the site is an appropriate location for new dwellings having regard to the spatial strategy of the development plan;
  - b. The effect of the proposed development on the character and appearance of the area; and
  - c. Whether the future occupants would have reasonable access to services and facilities by means other than by private vehicle.

### **Reasons**

#### *Location*

7. Wealden Local Plan (the Local Plan) has defined its built-up area boundary. Policies GD2 and DC17 resist new housing development in the countryside which is not essential for agriculture or forestry or has some other similar justification for a rural location. The location of the site is beyond the defined built-up area boundaries and is in the countryside. Therefore, the appeal site would not be an appropriate location for new dwellings, and this brings the proposal into conflict with the spatial strategy of the development plan. However, the Council does not have a five-year supply of housing sites in place. Having regard to the paragraph 11 of the Framework, this reduces the weight that can be attributed to these policies.

#### *Character and appearance*

8. Policy EN6 of the Local Plan indicates that development will only be permitted if it conserves or enhances the natural beauty and character of the landscape. Although the Framework does not prohibit development in the AONB it requires great weight to be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to these issues.
9. The site is located north of the village of Wadhurst. Trees and vegetation run along the Turners Green Road roadside boundary and the recreation ground boundary. The site itself is open and laid to grass. The Wealden Landscape and Settlement Character Assessment Supplementary Report 2016 identifies the site as part of a sensitive urban edge and a remnant of historic landscape that has a low capacity for change.
10. A Landscape and Visual Impact Assessment (LVIA) supports the proposal. This acknowledges the site's specific landscape character to be rural noting that the landscape sensitivity at national and country level is judged to be high due to the AONB designation. However, it is suggested that the site is less sensitive being adjacent to the existing residential area of Sparrows Green and the recreation ground with its landscape detractors of the car park and illuminated tennis courts.

11. The LVIA identifies a limited zone of visibility with significant landscape impacts restricted to the local landscape. The Magnitude of Landscape Change is judged to be 'medium adverse' as the proposal would cause a clear perceivable change. However, the site represents a relatively small element of the AONB landscape, and it is contested that the development would be in keeping with the local context of the existing adjacent residential development.
12. Further to the LVIA an Urban Design and Landscape Development Appraisal (UDLDA) supports the appeal. It identified that clusters of existing dwellings and independent dwellings are located within the wider countryside and are an intrinsic part of the AONB landscape. The UDLDA suggests that the development could take the form of a scattered development beyond the settlement edge. There are examples of settlements on ridges within the AONB. Furthermore, it points out that when travelling north along Turners Green Road leaving the village the development would be seen as an extension of the village, much in the same way as the developments opposite the appeal site.
13. I saw that there is a clear change in character to the landscape beyond the settlement of Wadhurst between the existing urban development (that includes the recreation ground) and the open countryside. Indeed, the LVIA comments that there is little inter-visibility between the Sparrows Green, the local road and the recreation ground, although there would be some intervisibility with some local houses. Also, the UDLDA comments that the site is separated from the recreation ground by a strong row of hedgerow trees and that the site is part of a pastoral ridge-top at the edge of the settlement.
14. The appeal site is situated within the open land north of the village and its undeveloped green character exhibits all the attributes of the countryside that is designated AONB. The verdant vegetation running alongside Turners Green Road contributes to its appearance as a countryside lane. The appeal site is elevated above the surrounding countryside. In its current form its open and rural character makes a positive contribution to the AONB. The open, rural qualities of the site can be experienced and appreciated by those using the PROW that runs through the site.
15. By creating a development of urbanised appearance this would substantially alter the character and appearance of this undeveloped site. The creation of dwellings and urbanisation of the site would substantially diminish the rural characteristics of the site and its visual contribution to the AONB landscape. Creation of a new access would also substantially alter the appearance of this part of the countryside lane, also urbanising its appearance. The proposal would, therefore, be visually harmful to the character and appearance of the area and the AONB. The fact that the visual harm may only be limited to localised views from within the AONB landscape does not justify a development that would be visually harmful to a landscape that is afforded the highest status of protection.
16. The LVIA recognises that the impact of the development would be seen in views from the PROW that crosses the site. The LVIA advocates that hedgerow subdivision of the proposed plots and separation of the PROW crossing the site would echo the characteristics of hedgerows akin to existing landscape features. It is suggested that this would assist mitigate the visual impact of the development to achieve a greater level of acceptability within the

landscape. However, residential development at the site would be seen above hedgerows. I do not consider this would sufficiently soften the visual impact of the residential development such that it would assimilate successfully with the countryside landscape or mitigate the visual harm of the development in views from the PROW.

17. The Council raises concern that the indicative cul-de-sac layout would be contrary to the historic settlement pattern in this part of the High Weald. The UDLDA comments that cul-de-sac development is part of the character of the village and, as such, this form of layout could not be considered uncharacteristic with this AONB settlement. It also observes that a small cluster of individually designed homes could be created that sits upon a ridge line in the landscape topography, in a similar way as Wadhurst itself. The UDLDA provides illustration as to how the Turners Green Road street scene could appear, as well as a visual representation of potential layout and appearance. However, I am mindful that the application has been made in outline with layout and appearance reserved and such matters are, therefore, not before me at this stage.
18. With reference to Landscape Setting Area 7 the proposal would not impact on ancient woodland or field systems, and there may be scope and opportunity to increase the effectiveness of habitat connectivity, increasing biodiversity and climate change resilience. Whilst the UDLDA concludes that the proposal would be compatible with Natural England's National Character Assessment for the High Weald, for those reasons set out above I do not consider the proposal would have a low impact on landscape character.
19. Furthermore, whilst planning conditions, which could include a development design code, could inform the external appearance of the proposed dwellings, this would not overcome the harm that I have identified that would arise by erecting urbanising development at the site.
20. The proposal would fail to safeguard the natural beauty and open countryside characteristics of the site and would, therefore, not preserve or conserve the AONB landscape. For these reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. This brings the proposal into conflict with Policies EN6 and EN27 of the Local Plan and Chapter 2 of the Weald Design Guide that seek, amongst other matters, development within the AONB to conserve or enhance the natural beauty and character of the landscape and to promote local distinctiveness. I have been referred to Policies S2 and S3 of the High Weald AONB Management Plan, however I consider the above policies to be most applicable in this case.

### *Travel*

21. The Wealden Core Strategy Local Plan (Core Strategy) identifies Wadhurst as a service centre. As such, it is defined as a sustainable location with a range of shops, services and facilities, serving predominantly nearby communities and wider rural area but with accessibility to larger centres. However, the appeal site is located at the edge of the village. The appellant's Transport Statement that supports the proposal indicates that the site would be less than 800m from the recreation ground, barber shop, take-away and vet. Notwithstanding this, it would be more than 800m to reach a food store, public house and primary school. The train station is advised to be approximately 2.4km from the site

- (around a 30-minute walk) and provides mainline services between Hastings and London. There are bus stops nearby that provide bus services between Wadhurst and Tunbridge Wells via the train station. The Transport Statement indicates there is one bus service (256) between Wadhurst and Tunbridge Wells that operates during daytime hours Monday to Friday (school days only). It has been advised that the PROW also provides linkage to the train station.
22. Manual for Streets indicates that walkable neighbourhoods are typically characterised by a range of facilities within 800m walking distance, which can be comfortably accessed on foot. However, as I see it walking should not only be assessed solely by distance, but also by the quality of the walking experience.
  23. Turners Green Road is a single-track country lane that accommodates two-way traffic. Whilst walking to Wadhurst is possible future occupiers would have to walk along the edge of rural and village roads with little in the way of street lighting to reach a footpath at South View Road that would lead to services and facilities within the village some distance from the site.
  24. Walking along rural road is a different experience to that in urban areas. Although there are highway verges along Turners Green Road, these are narrow in parts and not suitable for the elderly or those with children or people with mobility problems. Walking along the vehicular highway would feel unsafe and an extremely unattractive option for this reason, particularly for elderly occupiers of the proposed development or those with young children, and during the hours of darkness and inclement weather. Similarly, cyclists and electric scooter users sharing the narrow road with vehicles are unlikely to feel safe. Given both the distance to those day-to-day services, notably the food store, primary school and the train station, and the poor quality of the travel experience, even if vehicles travel at speeds below the 30mph speed limit, the propensity to walk or cycle would not feel attractive or safe and would be a deterrent to people choosing either. It would be possible to utilise the bus service but accessibility to Wadhurst and services and facilities further afield is limited to daytime services only on weekdays.
  25. Consequently, taken collectively I do not consider that future occupiers would have convenient and practical travel choice, therefore, I find that future occupiers would be reliant upon private travel to access service and facilities to cater for their day-to-day lives. I accept the adjacent recreation ground would provide for some facilities that if used by the future occupiers could contribute to their health and wellbeing. However, that facility would not cater for the full day-to-day needs of the occupiers.
  26. I acknowledge that transport solutions will vary between urban and rural areas. The development framework does not place an embargo on the use of private vehicles and the future occupiers would have some travel choice that would not lead to complete dependency on private transport. Nonetheless travel by private vehicle is the least sustainable mode of transport and future occupiers would be highly dependent upon it.
  27. I note the Inspectors decisions at Land to the west of Culpepper Close, Isfield (Appeal Ref: APP/C1435/W/17/3178137) and Framfield Road, Blackboys (Appeal Ref: APP/C1435/W/17/3189368). In both cases it was concluded that there was reasonable accessibility without being dependant on private car. I have noted that Wadhurst sits higher in the settlement hierarchy than Isfield

and benefits from a main train station. I have also been directed to an appeal decision at Olives Farm (Appeal Ref: APP/C1435/W/16/3154744) where the Inspector concluded that the nature of the highway and walking distance to local facilities to be acceptable in that case. However, those decisions predated the recently revised Framework. Chapter 8 of the Framework advocates the creation of places that promote social interaction and encourage walking and cycling, thereby helping to provide inclusive and safe places which support healthy lifestyles. I give this particular importance and weight in this case.

28. For these reasons, I conclude that future occupants would not have reasonable access to services and facilities by means other than by private vehicle. The proposal would, therefore, conflict with Policy EN1 that requires consideration to be given to sustainable development, which includes, amongst other matters, the site's location.

#### *Other Matters*

29. The development would provide self-build custom housing (SBCH) for which there is an unmet demand for within the district, and for which there is strong Government support. A unilateral undertaking has been submitted in support of the appeal that would secure the dwellings as SBCH. The provision of SBCH would attract substantial weight in support of the appeal and could contribute to the aims of Policy WCS6 of the Core Strategy that seeks to provide 70 new homes at Wadhurst.
30. I have considered the provision of SBCH dwellings and acknowledge that this would make a valuable contribution towards the Council's deficit. However, the SBCH Act 2015 does not alter the status of the development plan and does not diminish other policies and the Framework that requires great weight to be given to conserving and enhancing the landscape and scenic beauty of the AONB and that seek to deliver homes that realise genuine opportunities to promote walking, cycling and public transport. The appeal site is poorly served by sustainable transport opportunities which the provisions of SBCH as part of the development would not overcome.
31. I have been referred to two appeal decisions, one at The Meadows, Ledbury (Appeal Ref: APP/P1615/W/18/3213122) and the other at Land off Hepworth Road, Woodville (Appeal Ref: APP/G2435/W/18/3214451). These related to residential proposal for SBCH where the Inspectors considered that the dwellings would help to address a demand. I have also been directed to an appeal at Windmill Feeds, Cross in Hand (Appeal Ref: APP/C1435/W/17/3179061) where five dwellings were found to help address the housing land shortfall. However, it does not appear to me that any of those cases involved development within the AONB which is a material consideration in this case.

#### **Planning Balance**

32. The Council advises that it does not have a five-year supply of housing sites in place and, therefore, this reduces the weight that can be applied to those development plan policies that relate to spatial strategy. Paragraph 11 d) of the Framework indicates that where a five-year supply of deliverable housing sites cannot be demonstrated the development should be granted, unless the application of policies in the Framework that protect areas or assets of



- particular importance provides a clear reason for refusing the development proposed.
33. I have found that the proposal would cause harm to the scenic beauty of the AONB, and this carries great weight and importance given that such landscapes have the highest status of protection. This brings the proposal into conflict with development plan policies and provides a clear reason for refusing the proposed development. Added to this is the conflict with the development plan in terms of future occupiers over reliance on private travel to access services and facilities. This holds substantial weight.
34. I have been directed to High Court Judgement (*Monkhill Ltd v SSHCLG* [2019] EWHC 1993 (Admin)). A point highlighted by the appellant is that "*the judge articulates that the "great weight" attached to the assessed harm to an AONB is capable of being outweighed by the benefits of a proposal, so as to overcome what would otherwise be a reason for refusal*".
35. There is a significant shortfall in housing land supply and provision of SBCH plots within the district. This windfall site could provide five SBCH that would boost the supply of housing that could be delivered quickly and would bring about economic benefits during construction phase. Small schemes such as this can make a contribution to addressing the lack of housing supply. Therefore, there would be social benefit of providing homes and notably SBCH, which is the Council's legal duty to provide and is not meeting the demand for self-build plots on its register. These social and economic benefits hold substantial weight in favour of the proposal.
36. The appellant considers the proposal would bring about environmental enhancement. Hedgerow planting would provide some biodiversity at the site, and this holds moderate weight. I have ruled out drawing SK02 and, as such, the proposal would offer limited additional or improved access to the countryside. This carries little weight.
37. Nonetheless, even though the shortfall in HLS is very substantial in respect to both general housing and SBCH supply and there would be some moderate biodiversity benefits, the adverse impacts to the landscape character of the AONB, which holds great weight and provides a clear reason for refusing the proposed development, along with increasing travel by private vehicle, would outweigh the benefits that hold substantial and moderate weight when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply. In reaching my decision I have had regard to the Suffolk Coastal and Hallam Land Management High Court decisions.

### **Conclusion**

38. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
39. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR