



## Appeal Decision

Site visit made on 21 February 2022

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15<sup>th</sup> March 2022

---

**Appeal Ref: APP/C1435/W/21/3275234**

**Bramblebank, Lewes Road, Halland BN8 6PL**

- 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 and Mrs M Harlow against the decision of Wealden District Council.
  - The application Ref WD/2016/2343/MAO, dated 19 September 2016, was refused by notice dated 11 January 2021.
  - The development proposed is an outline application for up to 30 dwellings with details of access, which includes the demolition and removal of existing dwellings and garage to facilitate access; all other matters (except access) are reserved.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are;
  - Whether the location of the proposed development would be appropriate, having regard to local and national planning policies concerning rural housing and the accessibility of services and facilities
  - The effects of the proposal on the character and appearance of the area.

### Reasons

#### ***Location of the proposal***

3. Within the Local Plan of 1998 (LP), Halland was shown with a development boundary, which excluded the appeal site. This position was altered by the adoption of the Core Strategy (CS) in 2013. This removed the development boundary and describes the village as an unclassified settlement, with few or no facilities and where further development would be unsustainable. Saved LP policies GD2 and DC17 resist development outside development boundaries save for a number of exceptions appropriate to the rural areas, none of which apply to the appeal scheme.
4. Saved LP policies EN1, EN2 and CS policy WCS14 reflect the presumption in favour of sustainable development which is set out in the National Planning Policy Framework (the Framework) and indicate that the Council will seek to locate major developments generating significant travel movements efficiently in relation to existing development and to public transport.

5. Halland provides little in the way of services to its residents. I noted the facilities locally, including the nursery shop which sells a limited range of household and food items. Other services and employment opportunities in Halland are very limited. I have observed the proximity of the site to the bus services available and I have noted the appellants' representation to the coverage of these services. Whilst it is clearly possible to access larger settlements and employment centres by these bus services, I consider that the nature and frequency of the service would mean that residents would be most likely to rely on private cars to make these day-to-day journeys to access shops, employment and leisure needs. The appellant submits considerable information about trends in the use of cars, e-commerce, home deliveries and ultra-low emission vehicle ownership. Some of these factors have been accelerated by the Covid 19 pandemic and how this effects trends in the medium and longer term remains to be seen. Although I accept that some of the information may indicate that trends are moving in favour of more sustainable means of travelling, having considered all of the information before me, I consider that any new residents of the proposed development would be highly likely to rely heavily on the use of a private car for their day-to-day needs.
6. Paragraph 79 of the Framework states that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Firstly, this pre-supposes that the proposal is otherwise "sustainable". Secondly, whilst I accept that any future residents would be likely to spend some amount of their income in Halland and wider settlements, this comes with the cost of the likely unsustainable patterns of travel. In addition, paragraph 105 of the Framework states that the planning system should actively manage patterns of growth to support the objectives of sustainable travel. Adding that significant development should be focused in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. I accept that opportunities to maximise sustainable transport solutions will vary between urban and rural areas but in formulating its settlement hierarchy and directing development to settlements of varying sizes, and identifying the settlements with the least prospect of supporting residents, the Council has clearly set out that Halland is within the least sustainable category of settlements.
7. Therefore, in relation to this issue, I conclude that the proposal would be in a location that is not appropriate, conflicting with the policies of the Framework and with saved LP policies EN1, EN2, GD2 and DC17 and Policy WSC14 of the Core Strategy, which promote sustainable development and travel patterns.

### ***Character and appearance***

8. The appeal site consists of the detached house and its garden at 'Bramblebank' and the open field to its rear. The built development of Halland consists predominantly of buildings fronting directly onto Lewes Road (B2192) and the A22 which intersects it. There is little or no development at depth from these roads (apart from the plant nursery) and the built form of Halland is surrounded by a rural landscape. This provides an attractive setting within which the small settlement of Halland sits.
9. Although the proposal is in outline form, it envisages the development of the appeal site to provide up to 30 dwellings. This would involve the development

of some considerable depth beyond the established pattern of development at Halland. With the exception of the plant nursery, which appears as a common feature in the rural landscape, the proposal would extend well beyond the existing buildings, at odds with the character and appearance of the area, contrary to the pattern and grain of development.

10. The nature of the proposal in outline form with only a maximum number of dwellings indicates that some flexibility exists and the appellant makes reference to this and the prospect of including landscaping as a buffer and within the site in order to soften its appearance. Whilst it would be possible to include a requirement for such landscaping, or for it to be included at the reserved matters stage, I consider that the transformation of the site from a field which forms part of the attractive rural setting of this small settlement, to one of a sub-urban housing enclave, would be clear and obvious and it would still have a considerable and negative effect on the character and appearance of the area. Therefore, the proposal is contrary to Policies GD2, DC17, EN2 and EN27 of the LP and WCS6 of the CS.

### **Planning Balance and Conclusion**

11. The proposed development would provide up to 30 new homes with a secured element of affordable housing and I attach considerable weight to this in my determination of the appeal. The appellant also refers to the economic benefits from construction jobs and the additional spending of residents within the wider area, which would bring some temporary and limited benefits. However, I have concluded that the proposal would be located in a position that is contrary to the development plan's strategy which seeks to ensure that new developments which generate significant travel movements are located efficiently in relation to public transport and seeks to resist housing development outside development boundaries. The proposal would also conflict with the Framework's aim to manage patterns of growth in order to promote sustainable transport. Furthermore, it would have an unacceptable effect on the character and appearance of the area, contrary to the development plan.
12. The appellant refers to other appeals within the District and most notably 2 within Halland (Refs; APP/C1435/W/19/3226973 and APP/C1435/W/19/3229579). I have taken into account all other matters and appeals submitted by the appellant. The 2 appeals referred to include other considerations which weighed against those proposals but do not apply here. This does not necessarily mean that the current appeal should be granted consent, merely that the balancing exercise is different. The additional evidence presented by the appellant in relation to car ownership and use, home-working, home-shopping are also matters which I have taken account of but find that they would not have an overriding effect on the level of harm that I envisage.
13. The appellant and the Council agree that the Council cannot demonstrate a 5-year supply of deliverable housing sites, indicating a figure of 3.28 years' supply. In accordance with the provisions of the Framework, this means that policies which are most important for determining the appeal are out-of-date, and the proposal should be considered in the context of the presumption in favour of sustainable development as set out in the Framework; the so-called tilted balance in paragraph 11d)ii is engaged. I have identified considerable environmental harm in relation to the development of the proposal and also judge that there is a considerable degree of social harm in respect of providing

new homes in a location which does not provide suitably for the day-to-day needs of its residents, nor give ready access to them by sustainable means and so would encourage unsustainable patterns of travel. As a result of the harm identified, I consider that the proposal would give rise to harm which significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework as a whole.

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal conflicts with the development plan when read as a whole. Given that on the basis of the planning balance it would not be sustainable development, there are no material considerations warranting a decision other than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

*T Wood*

INSPECTOR