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## Appeal Decision

Hearing held on 13 September 2016

Site visit made on 13 September 2016

**by Kenneth Stone BSc (Hons) DipTP MRTPI**

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

**Decision date: 30 September 2016**

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**Appeal Ref: APP/C1435/W/16/3142802**

**Land east of Old Station Road, Wadhurst, East Sussex**

- 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 AAP Properties Limited against the decision of Wealden District Council.
  - The application Ref WD/2015/1147/MAO, dated 22 May 2015, was refused by notice dated 10 August 2015.
  - The development proposed is described as an 'outline' application for up to 31 dwellings including provision for access onto Old Station Road.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application was submitted in outline form with all matters except access reserved for future consideration. The application was supported by a plan A711/SK05 Revision P3 – Entitled sketch site layout 5. It was confirmed at the hearing that the detailed layout provided on this plan was for illustrative purposes only, however, the detail of the site access onto Old Station Road was to be considered as the access details under the terms of the application. I have considered the appeal on this basis.
  3. At the start of the hearing it was confirmed that the draft Unilateral Undertaking I had been provided with at the time of the submission of the Hearing Statement would not be being progressed and that the Council and appellant had agreed that the matters to be addressed in that Undertaking could be addressed by way of suitably worded conditions. I return to these issues at the appropriate sections of my decision below.
  4. The main parties have provided a Statement of Common Ground and which, amongst other matters, sets out that the Council accepts that it cannot demonstrate a five year supply of housing land. Local residents dispute this point and claim that the Council can demonstrate a five year supply of housing land. The appellant contends that in the absence of a five year housing land supply paragraphs 49 and 14 of the National Planning Policy Framework (the Framework) are fully engaged. Whilst the main parties agree that in the absence of a five year housing land supply policies for the supply of housing
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should be considered out of date, there is dispute as to the subsequent weight I should give to them.

5. The appellant further contends that the development is in accordance with the development plan and therefore under paragraph 14 should be approved without delay. However, should that not be my view then they contend the balance under bullet point two should lead to a conclusion that the scheme is acceptable and permission should be forth coming. However, paragraph 14 at bullet point two, in terms of decision taking, has two limbs, the first indent requires that where relevant policies in the development plan are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. However, the second indent in effect disengages this in circumstances where specific policies in the Framework indicate development should be restricted; this includes, at footnote 9, reference to Areas of Outstanding Natural Beauty.
6. Whilst this does not change my duty to determine the appeal in accordance with the development plan unless material considerations indicate otherwise, the Framework is a material consideration and affects the approach I adopt. In this regard I firstly consider whether there is a five year supply of housing land and following which whether paragraph 14 is engaged. In terms of paragraph 14 I firstly consider whether the proposal should be restricted due to specific policies in the Framework, in this regard due to the location of the site within the High Weald Area of Outstanding Natural Beauty, as if that were the case there would be an in principle objection to the proposal and the presumption in favour of sustainable development under paragraph 14 would be disengaged. If this test is not failed then I need turn to consider the proposals in the context of the first indent related to the overall balance between the adverse effects of the development and the benefits of the scheme.

### **Main Issues**

7. Within the above context I consider the following to be the main issues in this appeal:
  1. The effect of the proposals on the character, landscape and natural beauty of the High Weald AONB;
  2. The effect of the proposals on the living conditions of the occupants of surrounding properties;
  3. The extent to which the development is sustainably located and makes suitable provision for sustainable transport modes, including the necessity for a pedestrian footway, and the proposals effect on highway safety in the area; and
  4. Whether the proposal makes adequate provision for sustainable drainage and the effect for flood risk.

### **Reasons**

8. As noted above the Statement of Common Ground accepts that the Council cannot demonstrate a 5 year supply of housing land. It is suggested that this is in the region of 3.96 years supply. . The Council confirmed that this figure is based on the Council's recent recalculation of the Objectively Assessed Housing Need (OAHN) for the Authority which results in an increased requirement of 735 dwellings per annum. The Councils calculation of housing land supply, I was informed, is based on the Council back dating the OAHN to 2013 and

addressing the shortfall in the following five years, in effect the Sedgefield method. The Council have also given little weight to any further provision for windfall sites, as in their view this is a finite resource and with significant environmental and infrastructure constraints in the borough, the relatively high level of windfall sites previously achieved cannot reasonably be relied upon. With the housing land supply being in the region of four years this would leave a shortfall in the region of 1 years supply. The appellant did not contest any of this evidence.

9. The Third party representatives were concerned that the Council was not robust in its assessment and contended that if the Liverpool method were to be applied to the higher OAHN now being suggested by the Council, and that historic levels of windfall sites are continued then there would not be a shortfall and the Council could demonstrate that there was a 5 year supply of housing. To this end the residents noted that the level of windfall approvals granted by the Council continued at the historic pace even up to the last few months. The Council did not dispute this point.
10. The Council has adopted a new assessment of the OAHN need based on current best practice and although the third parties dispute this figure they contend that even adopting the higher figure the 5 year supply is still met.
11. It would not be in the Council's interests to underestimate its housing land supply and I was informed that it had tested its assessment and sought Counsel's advice. I have not however been provided with that as evidence. I accept that there is concern about the historic level of windfall sites and this is not necessarily a firm indicator of future trends. Albeit that in the most recent AMR it appears the Council did not take that position. I am informed that this is an evolving situation and the most up to date advice to the Council is that they cannot rely on historic windfall levels. I must conclude therefore that there is not the compelling evidence to include this windfall level, as is required by paragraph 48 of the Framework.
12. Paragraph 47 of the Framework advises Councils of the need to boost significantly the supply of housing by the provision of identifying a five year supply of specific deliverable sites, amongst other matters. In this regard the securing of any shortfall in the quickest time possible is appropriate unless specific circumstances dictate otherwise. The Third parties were not able to identify specific circumstances that would justify me spreading the shortfall over the whole plan period. There was no identification of significant future development in the plan period that might otherwise suggest that the shortfall could be made up later and in these circumstances I am not convinced, by the evidence before me, that the Liverpool method would be appropriate.
13. Taking these matters in the round I accept the position of the main parties and accept that there is not a five year supply of housing land and that the shortfall is in the region of 1 years supply. On this basis paragraph 49 of the Framework is engaged and policies for the supply of housing are not up to date. As the proposals are for housing development and certain policies in the development plan are not up to date, paragraph 14 is also engaged. The second bullet point addresses the circumstances where relevant policies in the development are out of date and the process which is to be engaged in decision making.

14. However, before moving to deal with the main issues in that context I turn to consider the weight to be attached to policies for the supply of housing that are out of date by virtue of the lack of a five year housing land supply. The development plan for the area includes the Wealden Core Strategy Local Plan 2013 (CSLP) and the saved policies of the Wealden Local Plan 1998 (WLP), and policies within these documents are relevant to the determination of this appeal. There are saved policies in a waste local plan and a minerals local plan however they have no relevance to this appeal.
15. Policies in the CSLP and WLP that relate to sustainable development, landscape, drainage, tree protection, layout and design, footpaths and car parking etc are related to specific matters and in the round are consistent with the Framework and are therefore afforded full weight. As the Council cannot demonstrate a 5 year supply of housing land, policies for the supply of housing are out of date, this includes the settlement boundaries defined through the WLP and the spatial strategy policies in the CSLP including policies WCS2 and WCS6 which retain those boundaries and identify a rural areas strategy allocating housing within a settlement hierarchy; the weight given to these is therefore reduced as they are out of date, and I attach limited weight to them as they do still provide a general strategy based on sustainability of the dispersal of settlements in the area. There are also policies related to restricting development in the AONB, including EN6 in the WLP and WCS13 related to Green infrastructure, which includes AONB, which are policies that affect the supply of housing and are therefore out of date. However, in application in relation to the AONB these policies are consistent with the protection and policy for such areas in the Framework and legislation and I therefore still afford these policies significant weight as they apply to the AONB.

*The effect on Character and appearance, including the High Weald AONB*

16. The appeal site is a field located at the northern edge of Wadhurst, a local service centre in Wealden's settlement hierarchy. The site is enclosed by boundaries of mature trees and hedgerows. Whilst it is located to the north of properties in Western Road there is a line of mature trees along the site's southern boundary which effectively screens it from these properties and which creates a significant degree of visual separation. Given the land to the north of the appeal site is laid out for allotments, beyond which are sports fields, before fields and open countryside, I was firmly of the view that the appeal site provided a clear segregation between the built up area of the settlement and the rural character of the countryside beyond. In character and appearance terms the site is more closely associated with the countryside than the developed parts of the settlement with which it is contiguous.
17. To the east a recent commercial office development abuts the site and to the west the site has a boundary with Old Station Road and the access to the allotments and Round Oak, a detached residential property. The boundary treatment to Old Station Road comprises trees and hedgerows and contributes to the rural lane character of the immediately surrounding area. The western boundary also retains screening.
18. Overall I formed the view that the site represented land outside the village settlement within the open countryside and contributed to the separation between these areas. Whilst I accept that the policy constraint associated with

- the settlement boundary is out of date, the site lies outside that boundary and the physical characteristics of the site demonstrate a clear separation between the two areas.
19. The village of Wadhurst lies within the High Weald Area of Outstanding Natural Beauty and I am required by the Framework to give great weight to conserving landscape and scenic beauty in such areas, paragraph 115. The statutory purpose of AONB's is also of relevance and is to conserve and enhance the natural beauty of such areas. I have a duty in performing my function to have regard to that purpose.
  20. Paragraph 116 of the Framework also advises that planning permission should be refused for major developments in these areas except in exceptional circumstances and it is in the public interest. The Statement of Common Ground confirms that the main parties agree that the appeal proposals are not regarded as major development in this context. This is a point disputed by the local residents.
  21. The Council were of the view that in the context of the village, the number of dwellings proposed and the size of the site, the proposals amounted to a very small proportion of the overall number of dwellings and area of the village. It was also stated that a similar approach had been taken to another site for which permission had been granted for 35 dwellings in the locality, outside the settlement boundary, and the Council was consistent in its view. In this context the Council accepted that the proposals were not major development in the terms of paragraph 116 of the Framework. The residents suggested that the number of units, density of development and scale of development, in the context of the immediate surroundings, was significant and was in their view major.
  22. The Planning Policy Guidance at paragraph ID 8-005-20140306 advises that whether a proposed development should be treated as a major development will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. I can understand that for local residents close to the site the introduction of an additional 31 units could be considered a significant number of new dwellings in their immediate environs. The local context however is wider than just the immediate surroundings of the site and more than just the physical characteristics of the proposal, otherwise the advice would simply refer to thresholds.
  23. Wadhurst is identified in the settlement hierarchy as a service centre, which are defined as sustainable locations with a range of jobs services and facilities serving predominantly nearby communities and the wider rural area but with accessibility to larger centres. Figure 11 of the CSLP identifies that Wadhurst has a growth potential for between 51-150 dwellings and policy WCS6 goes on to allocate 70 net additional dwellings to the settlement. In this context the proposal would make provision for less than half of the allocation and less than one fifth of the maximum growth potential identified in the CSLP. In broader numbers I agree with the Council that it would amount to a small proportion of the overall village and thereby conclude that the scheme would not be major development in the context of paragraph 116 of the Framework. That however does not disengage my statutory duty or the advice under paragraph 115 and the need to give great weight to conserving the landscape and scenic beauty of the AONB.

24. The statement of significance in the High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019 advises that the area is characterised by dispersed historic settlement, ancient routeways, an abundance of ancient woodland, wooded heaths and shaws, and small irregularly shaped fields. It details five key components of this character including settlements described as dispersed historic settlements or farmsteads and hamlets; routeways, often narrow, deeply sunken and edged with trees, hedges, wildflower-rich verges and boundary banks; and field and heath, small irregularly shaped fields bounded by hedgerows and small woodlands.
25. In this context the proposed development of the appeal site would result in a density that would result in a particularly urban grain and form of development in a small irregularly shaped field. Whilst the boundaries of the field would not be compromised the character of the field would be wholly compromised. The removal of tree and hedgerow cover to the Old Station Road frontage to provide access would open up the field and result in the loss of the character of the rural lane. This would be further compromised if the bank were removed and a footway installed along the road.
26. I am also concerned that the line of trees along the southern boundary of the site would be at risk, if not directly from development, then through pressure from future residents to remove the trees. Whilst I accept this is an illustrative layout, the ability to provide 31 units at the intended density would leave little room to safeguard adequate space to protect the trees and provide new structural landscaping to successfully integrate the scheme into the character of the locality. The trees form an important contribution to the separation of the settlement and the countryside and any development would need to provide sufficient structural landscaping along the northern boundary and within the site, to move this barrier effect to the edge of what would become the new settlement edge.
27. Whilst the site is relatively contained within the wider landscape and the development may not affect wider long distance views this cannot be the sole test. The AONB is a wide and large expanse of area and any development which significantly detracts from elements which contribute to that wider natural and scenic beauty do not conserve or enhance it. On balance I conclude that the proposed development would materially harm the character and appearance of the area and would not therefore conserve or enhance the natural and scenic beauty of the High Weald AONB. The proposal would therefore conflict with the Framework and policy EN6 in the WLP and WCS14 in the CSLP.
28. I recognise that the CSLP allocates development in this settlement and a recent Strategic Housing Land Availability Assessment considered this site as a potential housing site. However, this is not a policy document or allocation and it does identify constraints to be addressed including the location within the AONB, the need to include structural landscaping, and issues with access.
29. I am also not persuaded that simply because the settlement is within the AONB and there is an identification of a housing figure for the settlement that there is a recognition that there is an in principle acceptance that development would be acceptable on any site. The general allocation needs to be considered in the context of the statutory duty and policy framework and if harm arises that is not set aside by the need to meet a public need just because it is a least worst

option does not make it acceptable, that is a matter to be taken into account in the balance at the end of the decision. In any case all of the other options are not before me to make a conclusion as to whether this would be a least worst option.

*Living conditions of occupants of surrounding properties*

30. The application as submitted is in outline, albeit that an illustrative layout was submitted to support the application. To the south of the site are the properties fronting Western Road, along with a separate property known as Bramleys, which is accessed off Old Station Road. To the west of the site, across the access road to the allotments, is a detached property, Round Oak. Directly opposite the access to the site are properties fronting Old Station Road. Collectively these are the residential properties, the occupants of which would be most directly affected by the proposed development. To the north of the site are allotments and to the east are offices, which although are occupied would not be significantly affected by the residential development of the site.
31. The Framework at paragraph 17 sets out core planning principles which include a need to ensure that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy EN27 in the WLP, amongst other matters, requires that development should not create unacceptable adverse impact on the privacy and amenity of adjoining developments and spatial planning objective SPO13 in the CLSP encourages the development of high quality, safe and attractive living environments. These are consistent with the Framework.
32. The separation and garden depths of houses in Western Road are such that with appropriate siting of houses on the development site adequate separation distances to ensure privacy could be achieved. The enhancement of boundary treatment could further reduce any potential impact. Whilst I am concerned at the long term sustainability of the trees along this southern boundary I accept that their retention for privacy reasons is not fundamental, albeit it would open up views between the development and neighbouring properties and fundamentally change the character of the area.
33. Given the alignment of Bramleys and its orientation I am satisfied that units on the development site could be configured in a manner to safeguard the privacy and amenities of the occupants of that property. Round Oak is reasonably separated from the site and given the boundary and land within its control there would be no insurmountable issues to the design of a scheme that would ensure no material harm arose for the occupants of that property.
34. In terms of those properties on the western side of Old Station Road these are set at a slightly lower level than the road and the appeal site is elevated above the road level. The level difference and location of the access directly opposite those properties has the potential to introduce inconvenience and disturbance from head lights, turning movements and general activity around the access, which the residents do not presently have to endure. In the context of the access details submitted with the application and the removal of a substantial area of trees and hedge row this would result in harm to the living conditions enjoyed by the occupants of those properties. However, that harm would be for limited periods in the day and evening and there is already some traffic movement associated with housing in the locality. It would be in this wider context that the activity would be experienced. Therefore whilst I acknowledge

that some harm would arise this is not, in my view, sufficient, by itself, to warrant dismissing the appeal. Although I will add it to the overall harm when concluding on my overall balance.

35. On the basis of this conclusion the proposals would not result in material harm to the living conditions enjoyed by the occupants of surrounding properties and therefore would not conflict with policy EN27 of the WLP or SPO13 of the CSLP.

*Sustainable location, footway and highway safety*

36. The appeal site is contiguous with the built up area of Wadhurst. This is identified in the CSLP as a Service Centre, the definition of which I have referred to above. The core strategy review is underway and in the Wealden Local Plan Issues, Options and Recommendations Wadhurst is identified as a sustainable settlement, defined as a settlement which is either very accessible with good local facilities or accessible with good local facilities. Whilst this latter document is not a policy document, as such, it demonstrates that the Council continue to view Wadhurst as a sustainable location within its settlement hierarchy. Given the nature of the facilities available and the submissions of the parties, including the interested parties, I see no reason to question that general principle. As the site is contiguous with the settlement residents of the development would have access to the facilities that the existing residents of the village have and therefore it would be reasonably sustainably located.
37. The Council is concerned however about the connectivity of the site to the village and in particular for pedestrians and others wishing to rely on other modes of transport than the private car, thereby reducing that general principle of the site as a sustainable location.
38. The area is generally characterised by narrow winding country lanes with limited visibility and no footways, albeit Western Road has a footway of limited width. The proposals as submitted provided for a vehicular access and footway onto Old Station Road. Following discussions an option for providing a footway of limited width on Old Station Road to connect through to that on Western Road was put forward to the Council. The parties advise that if it is found necessary it is suggested this could be secured by way of an appropriately worded condition.
39. The proposal would undoubtedly result in additional activity in the area using the existing roads and footways. The existing environment would not be conducive to encourage people on foot, cycling, families with pushchairs or the less able, given the poor conditions and potential safety hazards that already exist. This has the potential to reduce the use of these modes and thereby increase the reliance on the private car. The countryside location and nature of the village setting, however, is part of the charm and draw of the area and the introduction of engineered solutions to provide dedicated pedestrian access, albeit safer, could harm the character and quality of the environment. The existing roads are used and there is no convincing significant accident records advanced to demonstrate that the nature of the roads are currently dangerous. This would suggest that more care and attention is being paid by users of the highway network, and it is a self-enforcing form of traffic calming. Whilst I accept that additional housing and activity would add to movements in the area and therefore increase the potential for conflict I have not been provided with evidence to demonstrate that there is currently an inherently unsafe



environment. I do, however, accept that the poor connectivity would mean that there is less likelihood that future occupants would use alternative modes of transport other than the private car and therefore this would reduce the sustainability of the site to some extent. However, the site is still in a generally sustainable location and this should not be a reason by itself to resist the development of the site.

40. Similarly the general highway safety in the area has not been demonstrated to be one that is fundamentally unsafe. Whilst the roads are narrow and visibility poor the accident record is low. The additional traffic movements associated with the development in the peak times would only add small numbers to the existing highway network even if this may appear as significant proportions of the existing traffic, or in the eyes of local residents. The general road layout throughout the whole village is one of narrow roads with limited forward visibility and interruptions to visibility. For these reasons vehicle speeds are low, as witnessed on my site visit, and drivers are aware of the constrained nature of the highway network.
41. Concerns were expressed at the potential for on-site provision of car parking and the limited availability for on street parking. I did note on my site visit that areas where parking could be accommodated were heavily parked and therefore demonstrated the heavy reliance on such areas. The illustrative layout provides for an average of two spaces for each property resulting in some 62 spaces. The Council suggest that the on line parking calculator suggests that a development of the nature described by the appellants would require in the region of 72 spaces. This was not disputed by the appellant but it was suggested this was a matter that could be addressed in the reserved matters. Whilst I accept that the parking layout could be provided at the reserved matters stage I am concerned, given my comments above, that a potential additional ten spaces would be required on site to ensure there was no on-street parking generated.
42. The pressure for additional on street parking could lead to inconvenient and dangerous parking to the detriment of highway safety. The level of achievable on-site parking would be a constraint on the total number of units that could be provided on the site and ensuring highway safety is not compromised through overspill parking on the public highway.
43. Given that the proposal is in outline I do not have evidence to demonstrate that the scheme could not be accommodated on the site. However, the indicative layout demonstrates a relatively tightly constrained developable area. Even if an alternative layout is adopted I have concerns about requiring additional parking, further structural landscaping and the necessity to give greater space for the protection to the trees on the southern boundary. The concern for additional space to satisfy all of these pressures exemplifies the concerns about the ability of the site to accommodate the level of development proposed in a manner that would be acceptable and ensure there was not a significant impact on the character of the area.
44. On the basis of the above I conclude that the proposed development is sustainably located and the proposal would not result in material harm to highway safety. Consequently it does not conflict with the development plan policies in this regard.

*Flood Risk and drainage*

45. The Framework requires that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere. In a Written Ministerial Statement dated 18 Dec 2014 the Secretary of State for Local Communities and Local Government made it clear that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate. On major developments it is expected that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate, ID 7-079-20150415 in the PPG. Planning Authorities should consult the relevant lead local flood authority on the management of surface water.
46. The appellant notes the site is in flood zone 1 and is not in an area liable to flooding from the sea or rivers. They also note that the area is identified on a map identifying 'Susceptibility to Ground Water Flooding' in the East Sussex County Council 'Guide to Sustainable Drainage Systems in East Sussex' as in an area of 'limited potential for ground water flooding' to occur. They have also produced a 'Sustainable Drainage Management and Maintenance Plan'.
47. East Sussex County Council, as the lead local flood authority, are concerned that with the lack of detailed information on filtration rates and ground conditions it cannot be satisfied that the site is suitable for the approach proposed in the management plan. The Council further confirmed that the identification of the area meant that there was some potential for ground water flooding to occur and should not be read as there was little potential for it to occur. The appellant is concerned that ground testing and further works would upset the local residents and that such detail could be supplied at the time of the reserved matters submission when the scheme could be designed.
48. This is an outline application and therefore it is not appropriate to consider the detailed design of the scheme or the specific requirements of that. However, there is concern that there are flooding issues in the area, including evidence of events to the west and south of the site supported by anecdotal evidence of surface water flooding issues in the area. The outline application seeks to establish the acceptability of the principle of the development but the principle of the drainage system is dependent on the nature of the ground conditions and filtration rates. Whilst the detailed design of the system is not necessary a degree of certainty that such a scheme could be provided is required. I have no such comfort or clarity before me. There was evidence of local surface water flooding in the area, as well as some anecdotal evidence of heavy clay soils in sporadic locations nearby. Without a proper understanding of the drainage capacity of the site, its soil conditions, filtration rates etc it is impossible to conclude that the development could be adequately drained, and that the development would not lead to increased flood risk off site.
49. As the advice is that developments should ensure that flood risk is not increased elsewhere I am not in a position to be satisfied that would be the case. In the circumstances before me I do not have the evidence to be satisfied that a condition would be appropriate.
50. On the basis of the above I conclude that the proposed development would not make adequate provision for sustainable drainage and the effects of flood risk. Consequently the proposal would conflict with policy CS2 in the WLP and spatial planning objective SPO9 which seek to ensure developments take full account

of climate change, employ suitable sustainable construction techniques and adequate provision is made for matters including surface water drainage.

### **Other matters**

51. The parties have agreed that 11 numbered affordable housing units could be provided, equating to 35% and that this would accord with policy AFH1 in the Affordable Housing Delivery Local Plan.. The parties have suggested that this could be secured by the imposition of a suitably worded condition rather than a planning obligation. I see no reason to disagree with the principle of those points. It has been demonstrated in evidence that there is a district wide need for affordable housing and a local need, albeit this is questioned by local residents as to the extent of this need. Overall I am satisfied that this provides a positive benefit arising from the scheme and to which I will give weight in my overall balance.
52. The Council are satisfied that the CiL contribution towards mitigation of the additional recreational pressure on the nearby protected sites would mitigate any harm. I see no reason to disagree with their assessment in the officer report and with the imposition of the suggested condition I am satisfied that the necessary mitigation could be secured.
53. Other benefits arising from the development would include the provision of additional housing in the absence of a 5 year housing land supply, the economic benefits associated with construction and increased population in the village as well as the new homes bonus. As referred to above with additional affordable housing being provided would introduce a social benefit from the scheme.

### **Overall conclusions**

54. As I have concluded that the Council cannot demonstrate a five year supply of housing land and policies for the supply of housing are therefore out of date paragraph 14 has been engaged. I have concluded also that the development is not major development in the context of paragraph 116 of the Framework and therefore the development is not caught by specific policies in the Framework indicating that development should be restricted. On this basis my conclusions are advanced on the basis of the advice that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
55. The adverse impacts of the development arise from the harm to the High Weald Area of Outstanding Natural Beauty and to this I give great weight. I also add to this the harm arising from the fact that the development would not make adequate provision for sustainable drainage and increase flood risk. Whilst I did conclude that the effects on the amenity of neighbours was not of sufficient reason to warrant refusal there were matters that were of concern and should be weighed on the negative side of the balance. Similarly, the potential shortfall of car parking or the inability of the site to accommodate such parking without further detriment to the character of the area was an area which adds further weight to my concerns about this scheme. Adding these together I am firmly of the view that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits of the scheme, which I have outlined above.

56. Whilst I acknowledge the shortfall in the five year housing land supply, the additional housing that would accrue from the development would not significantly alter the shortfall and the Council are in the process of reviewing the core strategy and I have regard to the recently updated OAHN which has created issues for it. I have also given significant weight to the potential for additional affordable housing in the balance. However, overall the development would not be sustainable development and in particular would compromise the environmental and social roles, in particular through the adverse effects on the AONB.

57. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR

Richborough Estates

## **APPEARANCES**

### FOR THE APPELLANT:

David Maher	ASP Planning and Development Consultancy
David Lawson	Sterling Maynard Transportation Consultants

### FOR THE LOCAL PLANNING AUTHORITY:

Douglas Moss	Area Team Leader, Wealden District Council
David Massheder	Tree Officer, Wealden District Council
Kal Pegler	Highway Officer, East Sussex County Council
Revai Kinsella CEng MICE	Drainage Officer, East Sussex County Council
Charlie Cooper	Flood Risk Management Officer, East Sussex County Council
Mick Claxton	Manager Flood Risk Management Team, East Sussex County Council

### INTERESTED PERSONS:

Bob Standley	Councillor for Parish, District and County Councils
Malcom Hedley	Local Resident
Niamh Murphy	Local Resident
David Connoley	CPRE Wealden Representative and Local resident
Diana Till	Local Resident
Denise Beedell	Local Resident
Jennifer Fitzgerald	Local Resident
Bob Hodges	Local Resident
Tim Tunbridge	Local Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 List of additional conditions in place of Unilateral Undertaking submitted by both parties