



Appeal Decision

Site visit made on 30 October 2018

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 29 November 2018

Appeal Ref: APP/U1430/W/18/3197448

Land west of Buddens Green, Main Street, Beckley, TN31 6RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Domaines Du Chateau Ltd against the decision of Rother District Council.
 - The application Ref RR/2016/3286/P, dated 22 December 2016, was refused by notice dated 23 November 2017.
 - The development proposed is erection of 16 dwellings with associated access road and parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In July 2018 a revised *National Planning Policy Framework* (the Framework) was issued. For decision-taking, this replaces the Framework issued in 2012. Both main parties have had an opportunity to consider the revised Framework, and I have taken any comments provided into account in reaching my decision.

Main Issues

3. The main issues are:
 - Whether the proposed development would conserve and enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB), and;
 - The effect of the proposed development on the character and appearance of the settlement of Beckley and the area more generally, and;
 - Whether the proposed mix of affordable housing would address the need to support mixed, balanced and sustainable communities.

Reasons

Landscape impact

4. The appeal site is located on the southern side of Main Street in the settlement of Beckley which lies to the west of Buddens Green (a small close of eight houses) and to the east of King's Bank Lane. The site lies outside of the development boundary for Beckley as identified within the local development

plan and is located within the High Weald Area of Outstanding Natural Beauty (AONB). The site itself comprises an irregular shaped field that is relatively level with a gentle rise to the south. I understand that it's most recent use is as pasture for grazing horses.

5. The proposal would erode the rural character and appearance of the locality by in-filling a presently attractive and locally important open gap of countryside along the road frontage, which helps to maintain the dispersed settlement pattern of this part of Beckley. This is re-affirmed within the Appellant's submitted *Landscape and Visual Impact Assessment*, which indicates '*Minor impact at national, regional, county and district scales, and a Moderate impact at a local level*'.
6. The appeal site has intrinsic value as countryside within the High Weald AONB as an attractive landscape with views across the field to the trees at the southern boundary, and as an important gap between two distinctive parts of the settlement. National Policy recognises the importance of AONBs, and indicates at Paragraph 172 of the Framework that '*great weight should be given to conserving and enhancing landscape and scenic beauty in...AONBs which have the highest status of protection in relation to these issues*'.
7. The proposal would result in harm by failing to conserve and enhance the landscape and scenic beauty of the AONB through the minor impact at national, regional, county and district scales and a moderate impact at a local level. The Appellant asserts that once planting has established on the site this would reduce the degree of impact. However, the fact would remain that the erection of new dwellings and associated infrastructure and paraphernalia would fundamentally alter the landscape and scenic beauty of this part of the AONB. This is harm that provides a clear reason for the dismissal of the appeal proposal.
8. I therefore conclude that the proposal would fail to conserve and enhance the landscape and scenic beauty of the AONB. Accordingly, it would be contrary to Policies OSS4, RA1, RA2, RA3 and EN1 of the *Rother Local Plan Core Strategy 2014* (RLP), which, amongst other aims, seek to manage the natural landscape character by ensuring the protection, and wherever possible enhancement, of the district's nationally designated landscapes and landscape features including the settlement pattern of the High Weald AONB.
9. The proposal would also conflict with Paragraph 172 of the Framework in relation to the AONB, for which great weight should be given to conserving and enhancing.

Character and appearance

10. The Appellant asserts that the layout and location of the proposed development minimises its impact on character and appearance. However, the nine 'blocks' of buildings would not only be laid out in a reverse 'J' shape, but would be located beyond the established existing built form. This incongruence is exacerbated by the fact that existing development within this location principally comprises ribbon development facing the B2088.
11. The proposal would not only erode the existing gaps between current development, but do this in a way which would erode both across the entrance of the site and in terms of its depth. Besides the smaller development on

Buddens Green, comprising 4 pairs of semi-detached properties, the proposal would introduce a feature which would diminish the linear nature of the existing character of the area.

12. In terms of appearance, units 1-4 would comprise a large block-like appearing building due to its width onto the front of the site. This would contrast sharply with the typical detached or semi-detached properties found along the B2088. Another design feature is the use of essentially front continuous parking for units 1 through to 11. This is another proposed feature which rather than creating a close to 'edge of settlement' appearance, would instead appear as a suburbanising characteristic. This is further compounded by the use of part of the green space for visitor parking, which would visually sit awkwardly on the site, with vehicles parked in the open space. These contrasting or poorly designed aspects of the appearance of the proposal, would result in a development that would fail to respect the character and appearance of the nearby settlement of Beckley.
13. I therefore find that the combination of these design factors such as these, together with more general layout factors, would result in a proposal that would have an adverse impact on the character and appearance of the area. It would therefore be contrary to Policies RA1, EN1 and ENS3 of the RLP, which amongst other aims, seek to address the needs of rural villages by ensuring developments protect locally distinctive character of villages, with the design of any new development being expected to include appropriate high quality response to local context.
14. It would also conflict with Paragraphs 124 and 127 of the Framework which indicate that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and planning decisions should ensure that developments will function well and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Affordable housing mix

15. With regards to the proposed affordable housing provision, the main parties agree that the number to be provided would be in broad conformity with Policy LHN2 of the RLP. I see no reason to not concur on this point. However the Council considers that instead of 2-bedroom flats the scheme should provide for 2-bedroom houses. In support of this position, they point to a housing needs survey entitled *Rother (Strategic Housing Research Project 2017)* which determined that 34.2% of residents needing or wanting to move will require a 3 bedroom property and 61.3% of those needing and wanting to move, require a house over any other dwelling type¹.
16. The Appellant has submitted a planning obligation in the form of a signed unilateral undertaking, dated 4 September 2018, which would secure 6 affordable dwellings – 4 as affordable rented and 2 shared ownership. They also point to policy LHN1, which does not go beyond indicating that in rural areas provision should be made for *a mixture of housing sizes and types , with at least 30% one and two bedroom dwellings (being mostly two bed)*.

¹ See LPAs Statement of Case, para. 4.3.4

17. The Council's evidence does not conclusively demonstrate that 2-bedroom houses should be provided over 2-bedroom flats. Indeed, when read plainly it indicates demand for 3-bedroom properties rather than 2-bedroom overall; which clearly contrasts with the position set out in the adopted development plan policy.
18. I therefore conclude that the mix of affordable housing provision proposed would in numeric terms accord with Policy LHN1 of the RLP and would address the need to support mixed, balanced and sustainable communities. This is a factor which weighs as a benefit in favour of the proposal.

Overall Conclusion

19. The Council concedes that it is not currently able to demonstrate a five year supply of deliverable housing sites. As such, the 'tilted balance' as set out in Paragraph 11 d) of the Framework would typically apply and this indicates granting permission, unless part i. or ii. apply.
20. However, I have found that the proposal would be contrary to Policies which seek to protect areas or assets of particular importance in the form of AONBs and this provides a clear reason for refusing the development proposed, as set out in footnote 6 of that paragraph. Accordingly, the 'tilted balance' set out in Paragraph 11 should not be applied in this instance.
21. The proposal would result in the provision of six affordable dwellings, which weigh moderately in favour of the proposal. However, I do not find that this outweighs the adverse harm identified in respect of a straightforward 'non-tilted' planning balance.
22. In applying S38(6) of the PCPA, I find that the proposal would be contrary to the development plan when considered as a whole and there are no material considerations indicating a decision otherwise than in accordance with it.
23. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J Parker

INSPECTOR