



Appeal Decision

Site visit made on 23 October 2018

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 8 February 2019

Appeal Ref: APP/C1435/W/18/3197286

Land at Camberlot Stables, Camberlot Road, Upper Dicker BN27 3RG

- 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 Cranston against the decision of Wealden District Council.
 - The application Ref WD/2016/1896/MAO, dated 29 July 2016, was refused by notice dated 20 September 2017.
 - The development proposed is outline application for a proposed change of use of equestrian land to provide 10. no C3 residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for outline application for a proposed change of use of equestrian land to provide 10. no C3 residential dwellings at land at Camberlot Stables, Camberlot Road, Upper Dicker BN27 3RG in accordance with the terms of the application, Ref WD/2016/1896/MAO, dated 29 July 2016, subject to the attached schedule of conditions.

Preliminary matters

2. The application originally sought full planning permission for 11 dwellings. However, during its course, this was amended to an application for outline planning permission for 10 dwellings. I have considered the appeal on this basis and have used the description of the proposed development as shown on the Council's decision notice in the banner heading and formal decision above which reflects this.
3. The application is in outline with all matters reserved for later consideration. However, the submitted illustrative plans give a reasonable impression of the proposal and the likely effect upon its surroundings.
4. The Government's revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I am satisfied that the main parties have been given the opportunity to comment on this matter and I have had regard to it in the determination of the appeal.

Main issue

5. The main issue is whether the countryside location of the proposal would be acceptable having regard to local and national planning policy.

Reasons

6. The appeal site comprises a field on the western side of Camberlot Road and on the northern edge of Upper Dicker village, identified as a Neighbourhood Centre in the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013 (Core Strategy). It lies outside of any settlement boundary and thus lies within the countryside for planning policy purposes. The proposal would introduce 10 dwellings onto the appeal site.
7. Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 (Local Plan) seek to restrict residential development outside of settlement boundaries. The proposal would therefore conflict with these policies. Nonetheless, the Council cannot demonstrate a five year housing land supply and its shortfall is considerable. Having regard to the Framework, this renders these policies out of date.
8. Upper Dicker has a dentist, a senior school, a primary school, a public house, a church, a café/grocery store and some recreation facilities. These are all within a short walk of the appeal site. Though there is currently no footpath outside the appeal site, it is my understanding that the intention is to provide one as part of the proposal which would link to an existing one along Camberlot Road. Any future occupiers would thus have a reasonable level of access to a range of local services and facilities. I note that the bus service which runs through Upper Dicker provides only a limited service to the nearest larger settlement of Hailsham and its associated services and facilities and that this would be likely to discourage its regular use. However, the services and facilities within the village would reduce the need for any future occupiers of the proposal to travel and would thus reduce their reliance on the private motor vehicle, albeit that some travel by this mode would still be likely. Moreover, the proposal would assist with supporting the abovementioned local services and facilities within Upper Dicker and would consequently enhance or maintain the vitality of a rural community. Furthermore, given these factors, and that the proposed dwellings would be sited geographically close to the edge of Upper Dicker and other development along Camberlot Road, the proposal would not result in the development of isolated homes in the countryside.
9. Though not specifically mentioned on its decision notice, the Council raises a concern that the proposal would appear disjointed with the established pattern of growth of the village and out of character with its development pattern. The proposed dwellings would be separated from development to the south by a field and would extend built form further along Camberlot Road than the row of houses which extends along the eastern side of this road. However, the proposed dwellings, which the illustrative plans indicate would be up to two storeys in height with a modern appearance, albeit using traditional materials, would be seen in the context of the village and would relate well to it. The illustrative layout of the proposed dwellings, shown to be arranged along a cul-de-sac, would reflect such a layout of other development in Upper Dicker. In addition, it would be well contained by boundary hedgerows and would not be particularly apparent in views from the wider countryside. Thus, whilst it would result in a change to the character of the appeal site and the immediate locality, such a change would not result in any material harm to the character and appearance of the area or countryside.

10. The proposal would therefore comply with Policies SPO1, SPO7 and SPO8 of the Core Strategy. These policies require, amongst other things, development to reduce the need to travel, to maintain and where appropriate to enhance through the encouragement of growth, the effective network of villages that will continue to support the day to day needs of rural communities and which will accommodate some growth where sustainable, to assist in the development of the rural economy and to protect the distinct landscapes of the District. It would also accord with the aims and objectives of the Framework where these seek to avoid isolated dwellings in the countryside, to locate housing in rural areas where it will enhance or maintain the vitality of rural communities and support local services, to limit the need to travel whilst recognising that sustainable transport solutions will vary between urban and rural areas, to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside.
11. Whilst it would conflict with saved Policies GD2 and DC17 of the Local Plan, I afford such conflict limited weight on the basis that these policies are out of date by virtue of the Council's housing land supply position.

Other matters

12. The appeal site lies approximately 18km from the Ashdown Forest Special Area of Conservation (AFSAC). The Council has raised a concern in respect of the likely significant adverse effect of the proposal on the integrity of the AFSAC, either alone or in combination with other projects, with regard to atmospheric pollution/nitrogen deposition as a result of an increase in vehicle trips on roads near to or through it. Furthermore, given this, that I am required, in accordance with the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations) to carry out an appropriate assessment to address such a matter, were I minded to allow the appeal. However, I note that Natural England (NE), in response to the Council's Regulation 19 consultation on its emerging Local Plan (eLP), sets out that it is satisfied that the eLP, which includes provisions for a large number of new dwellings throughout the District, will not adversely affect the integrity of the AFSAC, or any other SACs, from air quality impacts including atmospheric nitrogen pollution. Moreover, NE sets out that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations and is based on the evidence provided, its expert knowledge and its professional judgement. As the statutory body responsible for advising on the natural environment, I afford NE's view on this matter substantial weight and, on this basis and having carefully considered all of the evidence provided, it seems reasonable for me to take a similar view in respect of the proposal before me and its effect on the AFSAC. As such, it would not, alone, or in combination with other projects, have a likely significant adverse effect on the integrity of the AFSAC with regard to atmospheric pollution/nitrogen deposition and a full appropriate assessment is thus not required.
13. I have had regard to the concerns of some interested parties including in respect of drainage, water mains and precedent. However, it is the view of the Council and other relevant bodies that drainage can be dealt with through the imposition of suitably worded planning conditions. I have no substantive reasons to consider otherwise. With regard to water mains, there is no compelling evidence before me to demonstrate that any would be detrimentally affected by the proposal. Regarding precedent, each case should be

determined on its own merits. I therefore consider that the concerns raised do not weigh against the proposal.

Conditions

14. I have had regard to the planning conditions suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the standard conditions for outline applications, conditions relating to foul and surface water drainage are necessary in the interests of water management. Conditions relating to a footpath and construction traffic management are necessary in the interests of highway safety. A condition relating to archaeology is necessary in the interests of heritage. I also agree that a condition relating to the recommendations of the PJC Consultancy survey/report is necessary in the interests of biodiversity, though as details provided on enhancement is vague, I have included that further details in this respect are required to be submitted and approved.
15. However, given my conclusions in respect of the effect of the proposal on the AFSAC, I consider that a condition to secure further mitigation measures in respect of it is not necessary. In addition, I consider that a further condition relating to access is not necessary as this would be covered under the reserved matters condition.

Planning balance and conclusion

16. In light of the Council's five year housing land supply position and that I have found no likely significant adverse effects on the integrity of the AFSAC and thus no requirement for a full appropriate assessment, Paragraph 11 of the Framework, which sets out a presumption in favour of sustainable development, applies. Having regard to my reasoning above, there would be no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, which would include the useful provision of housing in an area of acknowledged shortfall, when assessed against the policies of the Framework as a whole. The proposal would therefore constitute sustainable development. It would also comply with Policy EN1 of the Local Plan and Policy WCS14 of the Core Strategy which require, amongst other things, development to be sustainable.
17. Accordingly, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until full details relating to the construction of a footpath to provide a link between the site and other footpaths along Camberlot Road have been submitted to and approved in writing by the local planning authority and a licence for such works has been obtained from the local highway authority. The footpath shall be constructed in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be maintained and made available for its intended purpose thereafter.
- 5) No development shall take place until full details of the means of foul water drainage, including its management and maintenance, have been submitted to and approved in writing by the local planning authority. The means of foul water drainage shall be completed in accordance with the approved details prior to the completion of the development hereby permitted or prior to the first occupation of the development hereby permitted, whichever is the sooner, and shall be managed and maintained in accordance with the approved details thereafter.
- 6) No development shall take place until full details of the means of surface water drainage, including its management and maintenance, have been submitted to and approved in writing by the local planning authority. The means of surface water drainage shall be completed in accordance with the approved details prior to the completion of the development hereby permitted or prior to the first occupation of the development hereby permitted, whichever is the sooner, and shall be managed and maintained in accordance with the approved details thereafter.
- 7) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. A written record of any archaeological works undertaken shall be submitted to the local planning authority within three months of the completion of such works.
- 8) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. This shall include details of the size of vehicles, wheel cleaning facilities, traffic management, contractor parking and compounds for the storage of plant/machinery and materials clear of the

public highway. Construction of the development hereby permitted shall be carried out in accordance with the approved CTMP.

- 9) The development hereby permitted shall be carried out in accordance with the precautionary measures and recommendations set out within the PJC Consultancy Extended Phase 1 Habitat Survey & Preliminary Bat Roost Assessment dated 28 April 2018 and the PJC Consultancy Bat Survey Report dated 8 June 2018. Prior to the first occupation of the development hereby permitted, details of the ecological enhancement measures set out in these documents shall be submitted to and approved in writing by the local planning authority. The ecological enhancement measures shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Richborough Estates