



Appeal Decision

Site visit made on 12 October 2023

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th December 2023

Appeal Ref: APP/C1435/W/22/3307502

Little Wold and land to the rear (south), Station Road, Groombridge TN3 9NE

- 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 Earlswood Homes Holdings Ltd against the decision of Wealden District Council.
 - The application Ref WD/2021/2568/MAJ, dated 3 November 2021, was refused by notice dated 22 July 2022.
 - The development proposed is erection of 21no. residential dwellings and demolition of stable, demolition of existing dwelling and ancillary structures for the creation of new access road, internal roads, car parking, landscaping, drainage, public open space, junior sports pitch, ancillary structures, and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A signed agreement under Section 106 of the Town and Country Planning Act has been submitted, dated 24 May 2023 (the S106) and this has been taken into account in the determination of the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the National Landscape of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is outside but adjacent to the development boundary of Groombridge and is within the designated National Landscape of the High Weald AONB. Saved Policy EN6 of the Wealden Local Plan 1998 (the WLP) states that development in the AONB will only be permitted if it conserves or enhances the natural beauty and character of the landscape. It lists matters which will be considered, including landscape characteristics of the sub-areas identified in the High Weald landscape assessment and the High Weald Management Plan. Spatial Planning Objective SPO1 of the Core Strategy Local Plan 2013 (the CS) similarly reiterates that the Council will protect, and will work with others to enhance and manage, the distinct landscapes of the District, particularly, but not exclusively, those nationally designated. The objectives of these policies are consistent with the National Planning Policy Framework (the Framework), which states that great weight should be given to

- conserving and enhancing landscape and scenic beauty in AONBs, among other designated areas, which have the highest status of protection in relation to these issues.
5. Several landscape character assessments cover the site, as set out in the appellant's Landscape and Visual Impact Appraisal (LVIA). The site lies within the High Weald National Character Area, of which key characteristics include an intimate, hidden and small-scale landscape with glimpses of far reaching views giving a sense of remoteness and tranquillity, small and medium sized irregularly shaped fields enclosed by a network of hedgerows and wooded shaws, a predominantly grassland agricultural landscape, as well as ancient routeways. Qualities of tranquillity and remoteness, historic patterns of small fields and significant hedgerows are similarly acknowledged by the East Sussex Country Landscape Assessment 2016, and it refers to the creeping suburbanisation being evident around the towns and larger villages, detracting from local distinctiveness. The Council also refer to the Wealden Landscape Character Assessment 2022, which describes similar characteristics.
 6. The High Weald AONB Management Plan sets out that the defining components of the AONB's character include a dense network of historic routeways, as well as small, irregular and productive fields, bound by hedgerows and woods. It acknowledges that people value the views and scenic beauty of the High Weald with its relative tranquillity, and that its other perceived qualities include glimpsed long views, as well as the unspoilt rural landscape with a sense of naturalness unusual in South East England.
 7. At a more local level, Groombridge lies within sub area 4.20 of the Wealden Landscape and Settlement Character Assessment 2014. This acknowledges the predominantly ancient landscape comprises a patchwork of regular and irregular piecemeal enclosures and sensitive edges of settlement as a result of mature vegetation and footpaths which join the settlement to its landscape setting. The LVIA goes on to report that the appeal site lies within Setting Area 3 of Groombridge, which is defined as making a major contribution to the landscape setting of the settlement as a result of its strong intervisibility with the historic core and the presence of large areas of Ancient Woodland which are visible within views eastwards from the village.
 8. The main part of the appeal site comprises a series of horse grazing paddocks, divided predominantly by post and wire fencing. The wider site boundaries comprise a variety of hedgerows and mature trees and an isolated section of hedge and a modest stable building exist towards the centre of the site. The ground levels across the site lower gently towards the south, with the centre and most northern parts of the site being the most elevated. From these areas long views are possible above the hedgerows to both the north and the south, to the wooded horizons beyond.
 9. The site is bound by the cutting of the railway line and a row of mature trees along its western boundary. This strong edge to the settlement is particularly appreciated from the byway and public footpath which adjoin the site to the north and south, which extend away from the main part of Groombridge. These paths experience a distinct change in character after crossing the railway line, particularly in the case of the southern footpath. When standing on the western side of its footbridge over the railway line, views over the appeal site can be appreciated and the settlement's rural landscape setting becomes

apparent (viewpoint 17 of the LVIA). The character of the byway is different by virtue of its enclosure by hedging and residential gardens to the north. Nonetheless, when crossing the railway line the elevated ground of the appeal site is apparent behind the embankment foliage, and the open nature of the site contributes to the appreciation of the settlement edge and rural character beyond (viewpoint 2). Despite occasional noise from the school and railway line experienced on these routes, I observed that the open character of the site and its verdant boundaries also contribute strongly and positively to the sense of tranquillity when walking away from Groombridge.

10. Where the public footpath runs along the southern side of the appeal site it is enclosed by a hedgerow of varying thickness and quality. Visibility of the appeal site from this path varies throughout the year as evidenced by the LVIA (viewpoints 13 and 15). During summer months these views are limited to glimpses through the foliage of the hedgerow, whereas in winter months I observed larger gaps within the hedge provide greater visibility into the site. Uninterrupted views into the site and of a wooded horizon beyond are also possible over a gate where an access crosses the footpath, irrespective of the time of year.
11. Taken together, in its current form, the open nature of the appeal site, together with its irregular shape and verdant boundaries, contributes positively to the character and appearance of the area and the connection of the settlement to its landscape setting. As such it displays some of those attributes described by the above mentioned landscape character assessments and this is acknowledged by the LVIA. I do not find that the absence of further identified components of the AONB's character on the site itself results in it making a limited contribution to the special qualities of the AONB.
12. There is dispute between the main parties as to the historic significance of the appeal site and its contribution to a medieval landscape. The appellant has demonstrated that the site has been subdivided only since 1990 to create paddocks, and the supporting documents suggest the site was previously wooded. In the absence of evidence to the contrary, this creates significant doubt that the field pattern within the appeal site itself is medieval. Nonetheless, in its entirety the appeal site forms a part of the wider patchwork of fields which exist to the east of Groombridge, comprising an irregular shape, bound by hedgerows and being relatively small at around 3 hectares.
13. The proposal would result in the loss of much of the existing grassed field with residential development focused on the elevated ground at the northern part of the site. The built forms, including two storey homes with intervening garages, and associated subdivision of the land, access roads, parking areas and paraphernalia would result in this part of the site becoming distinctly residential and substantially losing its openness and rural attributes.
14. The LVIA finds that the visual effects of the proposal would include minor adverse effects from some viewpoints, most notably those from where the public footpath to the south and byway to the north cross the railway line. As described above, it is in these views that the transition from the edge of the settlement to the countryside is most strongly perceived.
15. The proposal would bring development closer to the viewpoints from the footpath to the south, and views to the wooded horizon beyond the appeal site to the north would likely be lost. I consider these effects would be exacerbated

by the scale and proximity of buildings, including garages, to the most southern plots. There is uncertainty at this stage surrounding the visual effects of the proposed sports pitch which would be positioned adjacent to this public footpath and additional views into the site would be created at the points of the new footways and accesses which would lead into the site. In these views, new landscaping would assist in blending the proposal into its rural setting and could provide a degree of screening from some views from the path. However, the visual effects of the proposal would remain apparent, from where the proposal would substantially detract from the rural characteristics of the site and those attributes which contribute positively to the landscape character.

16. Single storey properties would be positioned closest to the byway to the north and the LVIA acknowledges that proposed built form in the north western part of the site could be visible, most notably in winter. There is not substantive evidence of the likely extent of this visibility, however, even if limited to the roof forms, these would similarly detract from the openness of the field.
17. As such, the development would not be visually contained and its visual effects would spill into the surrounding area. As acknowledged by the LVIA, the visual effects of the proposal would likely be limited to these localised views, and to those users of the public routes. However there would be negative effects on the special characteristics of the AONB as experienced from those public viewpoints, in particular on the patchwork of small fields of which the site forms a part.
18. With regard to the proposed access across the byway, this would erode the enclosed nature of this section of the path. However, this would affect only a section of limited width and the character of the byway changes to its eastern end in any event, where it is used by traffic and where built forms directly adjoin the path. Based on the evidence, the detailed design of the access could be used to distinguish the byway and preserve its historic character.
19. For the reasons set out, while the impacts would be localised, the proposal would not be visually contained, and would undermine those characteristics which contribute to the special qualities of the landscape and the AONB. In combination, the effects of the development proposed would cause harm to the landscape character and would neither conserve nor enhance the landscape and scenic beauty of the AONB.
20. Consequently, the proposal would be in conflict with LP policies EN1 and EN6, as well as CS Objective SPO1 which together relate to considerations of the location of development and that development should conserve or enhance the natural beauty and character of the landscape. It would also be in conflict with LP Policy EN27, insofar as it requires development to promote local distinctiveness. In turn this creates conflict with LP policies GD2 and DC17, which together permit development outside the defined development boundaries where it conforms to other policies in the Plan. It would conflict with the objectives of the Framework, set out above, which require great weight to be given to conserving and enhancing landscape and scenic beauty of the AONB.
21. For the reasons given there would be conflict with objective FH2 of the AONB Management Plan. The appellant disputes the Council's reliance on the AONB Management Plan. However, given saved LP Policy EN6 includes reference to the document to assess development proposals, I do not find the reliance on its

contents to be unreasonable. The absence of objection from the AONB Unit, does also not determine that the effects of the proposal would be acceptable.

22. Insofar as this main issue is concerned, I do not find conflict with CS Objective SPO13, which relates to matters of design quality.

Planning Balance

23. It is common ground that the Council cannot demonstrate a 5 year land supply for housing. The Council assert that this has increased to a supply of 3.92 years from 3.66 during the course of the appeal and from 3.28 years at the time when the application was submitted. If the appellant's figure of 3.66 years were used, this would equate to a shortfall of 1,964 dwellings including a buffer. In addition, the appellant asserts that the Council achieved 82% of its housing requirement over the previous 3 years.
24. The value of new housing attracts weight in favour of the development, particularly given the shortfall in land for housing and delivery. The proposal would deliver a mix of housing types, including family homes and those suitable for downsizing. Seven affordable units would be delivered, as 6 affordable rent units and 1 shared ownership. Together, these homes would be delivered on the edge of an existing settlement and close to existing public transport links and the services and facilities of Groombridge, which would be accessible on foot.
25. There would be biodiversity enhancements delivered as part of the scheme, and the landscaping effects have been considered above as part of the assessment of the effects on the landscape character. The development could incorporate measures to reduce carbon emissions and there would be economic benefits arising from the construction process and ongoing expenditure by future residents into the local economy.
26. Even if the housing supply and delivery were as low as the appellant suggests, the contribution of 21 homes to the identified shortfall would be modest. Taken together, the above benefits can be ascribed moderate weight, given the scale of the proposal.
27. The proposal would deliver an area of open space which would be accessible to the local community, as well as a junior football pitch for use by the local primary school which currently uses green space located to the south of the village. The proposed pitch would be easily accessible from the school via the pedestrian footbridge and the S106 would secure a contribution for its maintenance and a management plan. This has the potential to be an important benefit and is acknowledged as such by the Headteacher and letters of support. However, there is otherwise little evidence of commitment by the school to take on the new pitch and the appellant acknowledges that the school is undersubscribed and receives less funding than the local and national average per pupil, which adds to my concerns in this regard. Neither is there strong evidence that the delivery of this facility is reliant on the quantum of development proposed or that the pitch is necessary to meet the needs of the existing or new community, or would widen choice in education as set out in paragraph 95 of the Framework, particularly given alternative arrangements are currently in place. Nonetheless, as it has the potential to be an important and convenient attribute to the school, I ascribe the benefit of the pitch significant weight in favour of the development.

28. The proposal could support the primary school through providing additional pupils and, in turn, could lead to the school receiving additional funding. However these are relatively generalised assertions and there is little evidence of the long term effects for the school in this regard.
29. The S106 would secure a financial contribution to improve the public footpath to the south and this would make the path more attractive to some users. However, despite the ground conditions of that path, this is typical of a rural footpath and does not appear to notably limit the use of the route. I therefore ascribe this little weight as a benefit of the scheme. Given the scale of the proposal, the generated New Homes Bonus would be limited, and new Council Tax and CIL payments would be used to pay for services required by new residents. As such this would not amount to a benefit.
30. Taken together, the proposal would deliver some benefits, including one of significant weight. However, the harm to the landscape character of the AONB would be significant and long lasting, and would present conflict with both local and national policy. While accepting that the landscape effects would be localised, I nevertheless afford this matter substantial weight given the Framework's emphasis on conserving and enhancing this important resource, to which it gives the highest status of protection in relation to landscape and scenic beauty. In conclusion, the benefits identified would not amount to material considerations of sufficient weight to outweigh this harm and the conflict it causes with the development plan.
31. Given the position of the current housing land supply, the provisions of paragraph 11 of the Framework are relevant to the appeal. However, following the reasoning above, the policies in the Framework that protect AONBs provide a clear reason for refusing the development proposed. Therefore the appeal scheme would not benefit from the presumption in favour of sustainable development. This is consistent with the objectives of CS Policy WCS14, which reiterates the presumption in favour of sustainable development. In reaching this view I have had regard to the appeal decisions evidenced by the appellant insofar as they relate to the presumption in favour¹. The Inspectors found those proposals not to cause harm to the relevant AONBs and as such their circumstances are different to this appeal scheme.
32. The appellant has also evidenced an appeal decision which granted planning permission for residential development in the High Weald AONB while identifying a level of harm². However, I have not been presented with full details of that proposal or site and it cannot be established that the same conclusion should be reached here.

Other Matters

33. The proposal would entail an increase in people living close to the Ashdown Forest Special Protection Area (SPA). The effects of the proposal on the SPA are not in dispute, and the S106 would secure financial contributions towards strategic access management and monitoring as well as towards strategic sites of suitable green space, as an alternative to the use of the Ashdown Forest for recreational purposes and as means of mitigation. Regulation 63(1) of the

¹ Little Sparrows- APP/Q3115/W/20/3265861 and Land South of Church Road- APP/W1850/W/19/3232124

² APP/M2270/W/21/3282908

Habitats Regulations³ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is dismissed on other grounds it is not therefore necessary to address this in any further detail.

34. The appellant relies on comments in the officer's committee report, which supported the scheme and did not find conflict with the above mentioned policies. However, as this was an officer recommendation and did not represent the Council's final decision, it does not provide reason to alter the above judgement.

Conclusion

35. The proposal would conflict with the development plan as a whole and there are not other considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

³ The Conservation of Habitats and Species Regulations 2017