



Appeal Decision

Site visit made on 27 March 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2024

Appeal Ref: APP/C1435/W/23/3321581

Land South of Framfield Road, Blackboys

(Grid Reference - Easting: 551777, Northing: 120496)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for approval of reserved matters.
 - The appeal is made by Gold Property Development Ltd against Wealden District Council.
 - The application Ref is WD/2022/2182/MRM.
 - The development proposed is the reserved matters pursuant to outline application WD/2020/0700/MAO (Outline application for the erection of up to 50 dwellings) - Appearance, Landscaping, Layout and Scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely details of appearance, landscaping, layout and scale submitted in pursuance of condition No.1 of outline planning permission Ref WD/2020/0700/MAO granted on 19 March 2021, subject to the conditions set out in the schedule below.

Preliminary Matter

2. Following the submission of the appeal against non-determination, the Council clarified that no evidence would be offered and that it would not be seeking to defend the appeal.

Main Issues

3. In light of the above, the main issue is whether there are any other considerations that have been raised that might indicate that the appeal should be dismissed.

Reasons

4. **Notwithstanding the Council's position** on the proposed development, other parties have expressed concerns in respect of several matters. These included the initial outline planning permission, highways/access matters, the layout of the scheme and design of the houses as well as other aspects such as the provision of the play areas, safety of the pond, drainage issues and the treatment of the Framfield Road frontage.
5. Outline planning permission was granted in March 2021 for the erection of up to 50 dwellings on the appeal site. The purpose of this appeal is to consider only the reserved matters of appearance, landscaping, layout and scale. Therefore, my remit does not extend to considering such matters as the principle of the development, the need for housing in this location, the number

- of units proposed or the Council's decision**-making process that led to the outline permission being granted.
6. Similarly, the main access details onto the B2102 (Framfield Road) have already been approved. The issue of visibility is addressed through condition 10 of the outline permission and off-site highways works are contained within a s.278 agreement. These matters are therefore settled and are not within the scope of this appeal.
 7. The scheme before me has a layout with the housing generally occupying the more central parts of the site, with built form largely being kept away from the site boundaries. Those houses closest to Framfield Road are set back from the **site's frontage and the development as a whole has a single point of access** onto the main road.
 8. Given that the outline permission allows for the erection of up to 50 houses and offers a single point of access onto Framfield Road, it is reasonable to surmise that the detailed layout would be likely to comprise either multiple cul-du-sacs or more of a loop arrangement. That the scheme has opted for the latter enables areas of open space to be retained around the houses and thus a more tightly contained area of housing to come forward.
 9. Placing the detached/larger houses on the western and southern fringes of the developed area aids the transition from settlement to open countryside beyond. However, in order to achieve this, provide up to 50 dwellings and retain open undeveloped areas, there will necessarily be a higher concentration of houses more centrally and towards the east of the site. This also allows some of these houses to be positioned on the slightly lower lying parts of the site.
 10. The approach taken towards the individual house designs veers more towards contemporary than pastiche. This has attracted criticism that the designs are bland. However, a simpler approach to individual house design is not in itself indicative of poor design. Indeed, in this instance vernacular materials such as roof and hanging tiles together with a mix of brick, render and timber boarding have been meaningfully incorporated into the scheme. There is also a degree of variation and transition of designs and building sizes through the site that, when combined with the site layout, lead me to conclude that the contemporary approach and individual house designs would broadly satisfy the objectives and aims of the National Planning Policy Framework and development plan policies.
 11. Clearly this number of houses on this site will have a somewhat jarring visual effect initially, regardless of the individual designs of the houses. However, having regard to the extensive landscaping details provided, I am satisfied that these would positively assist in integrating the development into its environment and wider context. Overall, there is nothing to suggest that the character and appearance of the development would be unacceptable.
 12. As I have set out above, outline permission establishes the principle of the development and reserved matters provide the detailed information. Most **detailed plans submitted at the outline stage are usually 'illustrative'**. That is, they are designed to demonstrate a possible outcome rather than necessarily the final result. However, given the drawings submitted at outline stage, together with the subsequent outline permission confirming that the existing access onto Framfield Road was to be closed and the kerb raised, an

expectation that a hedge would be planted across that access has understandably arisen.

13. It is not entirely clear to me why such a large access/gate would need to be retained at this point if the kerb is to be raised and vehicular access prevented. This seems to run counter to the approach set out by the outline permission. This could encourage the parking of vehicles on the main road. There is no indication from the Highway Authority as to whether such an arrangement would be appropriate.
14. My understanding is that the substation has been shown on the application drawings for completeness but would be dealt with through permitted development rights. Therefore, consideration of any such building or structure is not before me. However, regardless of this, it seems that the access/boundary details need to be clarified and be shown to accord with the outline permission. The appellant has indicated a condition could address this matter and I agree that such an approach would be acceptable.
15. Concerns have been raised regarding drainage, including wastewater treatment. Southern Water has no objections to the scheme and has confirmed that there are appropriate easements on either side of the public rising main.
16. I also note that conditions 6, 7, 8 and 12 of the outline permission address the issue of drainage (including the provision of a maintenance and management plan). These conditions would need to be complied with as part of the implementation of the development. The Lead Local Flood Authority is content that the information provided with the reserved matters demonstrates that the development is capable of managing flood risk effectively.
17. Therefore, whilst I note the concerns raised by interested parties, I have no substantive evidence before me that would lead me to reject this appeal for reasons of drainage or flooding.
18. The proposed layout enables some of the houses to be grouped around the play area and near the pond, thereby providing it with natural surveillance. There have understandably been some concerns raised over the safety aspects of the proposed pond. However, the provision of appropriately designed fencing would overcome such concerns and could be controlled through a planning condition. There is no substantive evidence before me to indicate the provision of the play area would be contrary to the development plan or local need or provision. The issue of longer-term ownership of these areas is beyond the scope of this appeal.
19. The ecological impact of the development has also been raised, and in particular the effect of the development on Great Crested Newts. Conditions are proposed which would address this and other ecological matters.

Other Matters

20. The issue of whether the correct ownership certificate accompanied the application was raised by the Council. It appears that the correct certificate was submitted with the outline application, which is the substantive planning permission. The reserved matters application, whilst a development consent procedure in its own right, flows from the outline permission and so does not need to repeat the submission of ownership certificates.

Conditions

21. The Council has provided a list of suggested conditions which the appellant has had sight of and has provided observations on them. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
22. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would be necessary. This condition also includes reference to some of the other documents submitted in support of the application.
23. Conditions requiring samples of materials to be used on the external surfaces of the development and the replanting of landscaping that is lost within the first 5 years are necessary to ensure the character and appearance of the development is acceptable.
24. Conditions controlling the provision of car parking and turning areas; cycle storage; compliance with the Ecological Walkover survey and Precautionary Working Methods Statement; the installation of obscure glazing to certain dwellings; and measures to enclose the pond also directly relate to the reserved matters and are necessary to ensure the development functions well and as intended.
25. I have also included a condition requiring the precise details of the landscaping and means of enclosure of the existing site access onto Framfield Road to be **submitted for the Council's approval**.
26. As regards the time period governing implementation of the development, this has already been established by the outline permission. I am aware that the Council would like a different timescale but no substantive reason has been advanced as to why this should now be changed.
27. Finally, although there would be a condition governing the wider landscaping details, it would be unreasonable (and no doubt difficult to enforce) the retention of planting in the front and side gardens of individual properties for the lifetime of the development. It is also likely to inhibit the evolution of individual planting and garden design which over time can help to integrate new developments into the wider environment.

Conclusion

28. Drawing all of the above together, there are no material considerations that indicate a decision should be taken other than in accordance with the outline permission.
29. I conclude, for the reasons given above, that the appeal should be allowed subject to the identified conditions.

Stewart Glassar

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

OS Plan Existing - EXG.001 Rev A

P2122-IOA-A2-ZZ-DR-A-3202 Rev C04 - House A2 - Proposed Plans & Elevations

P2122-IOA-A4-ZZ-DR-A-3204 Rev C03 - Terrace A4 - Proposed Plans & Elevations

P2122-IOA-B1-ZZ-DR-A-3205 Rev C04 - Semi B1 - Proposed Plans & Elevations

P2122-IOA-B2-ZZ-DR-A-3235 Rev C02 - Semi B2 - Proposed Plans & Elevations

P2122-IOA-C1-ZZ-DR-A-3206 Rev C02 - Terrace C1 - Proposed Plans & Elevations

P2122-IOA-C2-ZZ-DR-A-3207 Rev C02 - Terrace C2 - Proposed Plans & Elevations

P2122-IOA-D1-ZZ-DR-A-3208 Rev C02 - Semi D1 - Proposed Plans & Elevations

P2122-IOA-E1-ZZ-DR-A-3209 Rev C02 - House E1 - Proposed Plans & Elevations

P2122-RES-E1-ZZ-DR-A-3266 Rev C02 - House E1 Detailed Elevation

P2122-IOA-F1-ZZ-DR-A-3210 Rev C02 - House F1 - Proposed Plans & Elevations

P2122-IOA-F2-ZZ-DR-A-3211 Rev C02 - House F2 - Proposed Plans & Elevations

P2122-IOA-F3-ZZ-DR-A-3212 Rev C02 - House F3 - Proposed Plans & Elevations

P2122-IOA-G1-ZZ-DR-A-3213 Rev C03 - House G1 - Proposed Plans & Elevations

P2122-IOA-H1-ZZ-DR-A-3214 Rev C02 - House H1 - Proposed Plans & Elevations

P2122-IOA-H2-ZZ-DR-A-3215 Rev C02 - House H2 - Proposed Plans & Elevations

P2122-IOA-H2-ZZ-DR-A-3216 Rev C02 - House H3 - Proposed Plans & Elevations

P2122-IOA-I1-ZZ-DR-A-3217 Rev C03 - House I1 - Proposed Plans & Elevations

P2122-IOA-I2-ZZ-DR-A-3218 Rev C03 - House I2 - Proposed Plans & Elevations

P2122-IOA-I3-ZZ-DR-A-3219 Rev C03 - House I3 - Proposed Plans & Elevations

P2122-IOA-I4-ZZ-DR-A-3220 Rev C04 - House I4 - Proposed Plans & Elevations

P2122-IOA-I5-ZZ-DR-A-3221 Rev C04 - House I5 - Proposed Plans & Elevations

P2122-IOA-I6-ZZ-DR-A-3222 Rev C03 - House I6 - Proposed Plans & Elevations

P2122-RES-I6-ZZ-DR-A-3265 Rev C02 - House I6 Detailed Elevation

P2122-IOA-I7-ZZ-DR-A-3223 Rev C04 - House I7 - Proposed Plans & Elevations

P2122-IOA-I8-ZZ-DR-A-3224 Rev C04 - House I8 - Proposed Plans & Elevations

P2122-IOA-J1-ZZ-DR-A-3225 Rev C02 - House J1 - Proposed Plans & Elevations

P2122-IOA-J2-ZZ-DR-A-3226 Rev C02 - House J2 - Proposed Plans & Elevations

P2122-IOA-J3-ZZ-DR-A-3227 Rev C02 - House J3 - Proposed Plans & Elevations

P2122-IOA-K1-ZZ-DR-A-3228 Rev C02 - House K1 - Proposed Plans & Elevations

P2122-IOA-K2-ZZ-DR-A-3229 Rev C03 - House K2 - Proposed Plans & Elevations

P2122-RES-K2-ZZ-DR-A-3265 Rev C02 - House K2 Detailed Elevation

P2122-IOA-K3-ZZ-DR-A-3230 Rev C02 - House K3 - Proposed Plans & Elevations

P2122-IOA-L1-ZZ-DR-A-3231 Rev C02 - House L1 - Proposed Plans & Elevations

P2122-IOA-L2-ZZ-DR-A-3232 Rev C03 - House L2 - Proposed Plans & Elevations

P2122-RES-L2-ZZ-DR-A-3265 Rev C02 - House L2 Detailed Elevation

P2122-IOA-L3-ZZ-DR-A-3233 Rev 02 - House L3 - Proposed Plans & Elevations

P2122-IOA-M1-ZZ-DR-A-3236 Rev C02 - Terrace M1 - Proposed Plans & Elevations

P2122-RES-M1-ZZ-DR-A-3265 Rev C02 - House M1 Detailed Elevation

P2122-IOA-M2-ZZ-DR-A-3237 Rev C01 - Terrace M2 - Proposed Plans & Elevations

P2122-RES-ZZ-ZZ-DR-A-3132 Rev C02 - Detail Site Sections A-A

P2122-RES-ZZ-ZZ-DR-A-3133 Rev C02 - Detail Site Sections B-B

P2122-IOA-ZZ-ZZ-DR-A-3131 Rev C01 - Proposed Site Sections

P2122-IOA-ZZ-ZZ-DR-A-3110 Rev C03 - Proposed Village Plan

P2122-IOA-ZZ-ZZ-DR-A-3111 Rev C05 - Proposed Site Plan

P2122-IOA-ZZ-ZZ-DR-A-3112 Rev C04 - Proposed Site Plan – Roof

P2122-IOA-ZZ-ZZ-DR-A-3113 Rev C04 - Proposed Site Plan - Extract 1

P2122-IOA-ZZ-ZZ-DR-A-3114 Rev C04 - Proposed Site Plan - Extract 2

P2122-IOA-ZZ-ZZ-DR-A-3115 Rev C04 - Proposed Site Plan - Extract 3

P2122-IOA-ZZ-ZZ-DR-A-3116 Rev C04 - Proposed Site Plan - Extract 4

P2122-IOA-ZZ-ZZ-DR-A-3117 Rev C03 - Proposed Site Plan – Parking Diagram

P2122-IOA-ZZ-ZZ-DR-A-3118 Rev C03 - Proposed Site Plan - Cycle Parking

P2122-IOA-ZZ-ZZ-DR-A-3234 Rev C02 - Outbuildings - Proposed Plans & Elevations

P2122-IOA-ZZ-ZZ-DR-A-3119 Rev C03 - Proposed Phasing Plan

S31 22197 D04 Rev 12 - Hard Landscaping 01 | Master Plan

S31 22197 D04 Rev 12 - Hard Landscaping 02 | Entrance

S31 22197 D04 Rev 12 - Hard Landscaping 03 | Courtyards

S31 22197 D04 Rev 12 - Hard Landscaping 04 | Park

S31 22197 D04 Rev 12 - Hard Landscaping 05 | Nature Reserve

S31 22197 D06A Rev 7 - Tree Design 01 | Master Plan

S31 22197 D06A Rev 7 - Tree Design 02 | Woodland 01

S31 22197 D06A Rev 7 - Tree Design 03 | Woodland 02

S31 22197 D06A Rev 7 - Tree Design 04 | Woodland 03

S31 22197 D06A Rev 7 - Tree Design 05 | Woodland 04

S31 22197 D06A Rev 7 - Tree Design 06 | Streets 01

S31 22197 D06A Rev 7 - Tree Design 07 | Streets 02

S31 22197 D06A Rev 7 - Tree Design 08 | Streets 03

S31 22197 D06A Rev 7 - Tree Design 09 | Streets 04

S31 22197 D06A Rev 7 - Tree Design 10 | Park

S31 22197 D06A Rev 7 - Tree Design 11 | Nature Reserve 01

S31 22197 D06A Rev 7 - Tree Design 12 | Nature Reserve 02

S31 22197 D06A Rev 7 - Tree Design 13 | Imagery

S31 22197 D06B Rev 7 - Planting Design 01 | Master Plan

S31 22197 D06B Rev 7 - Planting Design 02 | Swales 01

S31 22197 D06B Rev 7 - Planting Design 03 | Swales 02

S31 22197 D06B Rev 7 - Planting Design 04 | Swales 03

S31 22197 D06B Rev 7 - Planting Design 05 | Streets 01

S31 22197 D06B Rev 7 - Planting Design 06 | Streets 02

S31 22197 D06B Rev 7 - Planting Design 06 | Streets 03

S31 22197 D06B Rev 7 - Planting Design 06 | Streets 04

S31 22197 D06B Rev 7 - Planting Design 09 | Park

S31 22197 D06B Rev 7 - Planting Design 10 | Pond Planting 01

S31 22197 D06B Rev 7 - Planting Design 11 | Imagery

Studio 31 Landscape Management Plan Revision: 03 (1 March 2023)

Studio 31 Landscape Strategy | S31 22197

Urban Edge Environmental Consulting Ecological Walkover Survey
(November 2022)

Urban Edge Environmental Consulting Ecological Walkover Survey
(30 January 2020)

Urban Edge Environmental Consulting Precautionary Working Method
Statement for GCN (non-licenced) - March 2023

2. Notwithstanding the plans and information set out in condition 1 above, the precise details of the landscaping and means of enclosure of the existing site access onto Framfield Road, together with a timetable for implementation of the works, shall be submitted to and agreed in writing with the local

planning authority. The approved details shall be fully implemented and thereafter retained.

3. Prior to the commencement of any works above ground level in association with the development hereby approved, samples of materials to be used on the external surfaces of the development shall be made available for inspection on site and shall require the written approval of the Local Planning Authority. The approved materials shall be used in the implementation of the development.
4. Prior to the first occupation of any dwelling hereby approved, the associated car parking spaces and turning areas to which they relate, as shown on the approved plans, shall be provided, and thereafter shall be retained for parking and turning for the lifetime of the development.
5. Cycle storage shall be provided in accordance with East Sussex County Council's adopted standards before the first occupation of the associated dwellings to which they relate and shall thereafter be retained.
6. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner.
7. The development shall take place strictly in accordance with the recommendations set out within the Technical Note Ecological Walkover Survey Ref UE0550 dated November 2022 authored by Urban Edge Environmental Consulting Ltd. The development shall be carried out in accordance with the approved details and thereafter retained.
8. The development shall take place strictly in accordance with the Precautionary Working Method Statement for GCN (non-licenced) written by Urban Edge Environmental Consulting and dated March 2023 (Report No: UE0550_FramfieldRd_PWMS_GCN_1_230329).
9. All first floor windows on side elevations that directly overlook the rear garden(s) of adjoining properties shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level, and shall be retained as such thereafter.
10. Prior to the first occupation of any dwelling hereby permitted, details of the means of enclosure of the proposed pond shall be submitted to and agreed in writing with the local planning authority. The approved details shall be fully implemented prior to the occupation of any dwelling hereby permitted and thereafter permanently retained.

END