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Your reference

B/H

Our reference

T/APP/U1430/A/85/041450/P5

Date

-1 DEC 86

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR R C KIRKHAM  
APPLICATION NO:- RR85.1339

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This is against the decision of Rother District Council to refuse outline planning permission for residential development on land at Strand Meadow, Burwash. I have considered the representations made by you, the council and interested persons. I held a local inquiry into the appeal on 2 and 3 October 1986.
2. From the representations made and my inspection of the site and surroundings I consider that the outcome of this appeal rests primarily upon first, whether the proposed houses would detract substantially in visual terms from the setting of the village and the surrounding countryside bearing in mind the council's policies for restraining new development in the area, the area of outstanding natural beauty status of the village and its surroundings, and the provisions of Circular 15/84 on the availability of land for housing. Second, whether this particular site would be appropriate for new housing when the means of access to it and the additional traffic that would be generated are taken into account.
3. The County Development Plan of 1958 was referred to by the council in its grounds of refusal and again in evidence at the inquiry on the basis that it has not yet been revoked. However, to my mind it has to all intents and purposes been superseded by the East Sussex Structure Plan which was approved in 1985. Policies in this Structure Plan seek to restrict new development in the countryside and to limit new housing in the smaller villages where there is a risk of communal facilities and infrastructure being overloaded. New residential development in villages of this kind is limited to small-scale housing, infilling, redevelopment of existing developed sites and conversion of existing buildings. Outside such villages new housing will not normally be allowed unless it is needed for the purposes of agriculture or forestry. In 1981 the council adopted the Burwash Village Policy, a non-statutory plan, which identifies clearly that the village is one of the smaller villages where facilities are considered to be limited, and in which "stop lines" are delineated around the existing built-up area of the village beyond which new development will not normally be permitted. Also Burwash is situated within the High Weald Area of Outstanding Natural Beauty which was designated by the Countryside Commission in 1980.



4. You submitted at the inquiry that the Burwash Village Policy was not a statutory plan, that before its adoption by the council the statutory procedures for public consultation had not been carried out properly and that accordingly little weight should be attached to it. The "stop lines" in the plan were drawn too tightly around the village and did not allow for a modest and appropriate extension of housing when needed. Facilities in the village like the school and shops were sufficient to cope with a limited expansion of the village and the housing requirements of the Third Alteration to the Structure Plan approved in 1985, superseded the Village Policy and imposed on it a need to provide housing which it had not at the time when it was approved been able to take sufficient account of. If the stop lines were ignored the appeal site could be regarded as forming part of the village and the housing proposed as coming within its natural boundaries. You submitted an illustrative sketch showing 20 dwellings on the appeal site and argued that these could be regarded as comprising a "small-scale" development as referred to in the Structure Plan and the Village Policy. If however it was decided that the scheme came outside the limits of the village and was therefore contrary to the council's rural settlement policies then this you argued was insufficient reason in itself for refusal.

5. I accept that the Burwash Village Policy is not a statutory plan and that the consultation procedures that preceded its adoption were somewhat limited in scope. Yet it is currently the only local plan in existence for the area and provides a fairly clear interpretation of Structure Plan policies for development control purposes. As such, to my mind, it should not be ignored. I am not able to determine whether your proposal is a small-scale one or not as neither the Structure Plan or the Village Policy provide any clear guidance as to what small-scale development actually comprises, but I am clear that the appeal site lies outside the existing built-up framework of the village. It comprises an open field lying on sloping land and although there is housing to the north-east and south of it, I am satisfied that it is in open countryside and that consequently development on it as proposed would be contrary to the council's rural settlement policies for the area.

6. I turn now to the question of housing land availability. At the time when the Third Alterations to the Structure Plan were approved in 1985 the Secretary of State had advised in his letter of approval that housing figures should be compiled on a policy area basis as an interim measure pending the compilation of more accurate figures on a district basis. The relevant policy area for Burwash includes both Rother and Wealden Districts for which there is a need stated in the Structure Plan Alterations for 8,000 houses to be built between April 1981 and March 1996. This policy area was accepted as the basis on which housing land availability had to be assessed in 2 recent appeal cases, one at Green Lane, Crowborough, and one at Green Lane, Heathfield, and I can see no reason whatsoever to diverge from this approach in my consideration of this appeal.

7. You were able to agree with the council prior to the inquiry a base date for all housing land availability calculations which was 1 April 1985. Of the 8,000 dwellings needed, 1,671 had been built; the requirement for the period April 1985-March 1990 was 2,877 therefore - 575.3 houses per year. The council submitted that there was sufficient land to provide 3,084 houses within this period and therefore meet the 5 year supply of housing land requirement of Circular 15/84. You submitted however that a number of sites identified by the council as being available were, for a variety of reasons, unavailable and that there was only enough land genuinely available for 2,168 dwellings - a 3.8 years' supply.

8. It was much to be regretted that no proper housing land availability exercise of the kind envisaged in the Annex to Circular 15/84 had been carried out and that little agreement between the principal parties had been reached prior to the



inquiry about which sites were or were not actually available for development. Instead the latter had to be done during the course of the inquiry lengthening the process considerably and without any very precise evidence being produced by either party with regard to any of the sites in dispute. I have therefore found it extremely difficult to decide which of these sites is genuinely available but I have concluded that in most of the cases cited you did challenge successfully and the council were unable to show clearly and precisely enough that they were available. In one or two cases however I have found that the sites were either on balance likely to be available or for other reasons were suitable for inclusion. These are the Terrace Wood Camp, Bodiam, land adjacent to Dormey House, Old Highlands Private Clinic, and the Arnold Palmer putting green. I agree that the large unidentified sites in Wealden which the council claim would provide 200 houses ought not to be included and that because planning permission has not yet been granted it would be inappropriate to include the Robertsbridge site either. On the other hand, I do consider that the Hempstead Lane, Uckfield site for 93 houses should be included. The fact that houses are selling slowly there is not sufficient reason for its exclusion in my opinion and the Inspector dealing with the Green Lane, Cowborough appeal did not, according to my interpretation of his letter, specifically rule this site out. Also, I note with regard to the Crowborough decision that the Inspector accepted that 230 houses could be added to the housing land availability figures as a result of the appeal decision allowed at Green Lane, Heathfield. The date of the latter decision was January 1986, some time after the base dates used for housing land availability assessment in the Crowborough decision and so the method used by the Inspector in this later decision departs in principle from the "snapshot" methodology you put forward. I take the view that it is quite reasonable to include sites which become available after the base dates, provided only that they are genuinely available for housing during the 5 year period. I have therefore added 230 houses to the total of land available.

9. From these factors I estimate that out of the council's total stated land availability for 3,084 houses, sites for 555 houses would be unavailable, leaving a net supply of 2,529 dwellings - a 4.4 years' supply. I find therefore that there is not a sufficient supply of land to meet the housing requirements for the policy area during the 5 year period and that, in accordance with the terms of Circular 15/84 "Land for Housing", an additional presumption in favour of permitting the proposal arises. I have not come to any conclusion with regard to the 2 year supply of housing land as no submissions were made at the inquiry in this respect.

10. Against this additional presumption in favour I have had to weigh the effect on the visual qualities of the surroundings, the setting of the village and the area of outstanding natural beauty that this proposal would have. The site, which is about 1 ha in extent, lies on a steep hillside facing west overlooking rolling countryside. It is screened to some extent by thick hedges and trees particularly on its western and south-western sides. On the northern and south-eastern sides the site is bounded by houses in Strand Meadow and Rother View respectively. You argued that the hedges around the site could be retained as part of a housing scheme and that if any of the housing could be seen from a distance it would appear quite in keeping because it would be seen in conjunction with the housing in Strand Meadow and Rother View which enclose the site on 2 sides. Because of these factors housing here would not have a significantly harmful effect on the visual qualities of the surrounding area. The council, in its submissions, underlined the importance of the setting of the village and the area of outstanding natural beauty. The rolling pastureland and steep ridges which are characteristic of the High Weald provide a very pleasing landscape of high visual quality. Burwash is typical of many villages in this area in that it is perched on top of a narrow ridge and its appearance and setting are an integral part of the area of outstanding natural beauty. The sloping fields which comprise the appeal site and adjoining land are an integral part of the setting of the village in the landscape and housing on any



part of this land would be visible from a distance and would be visually very intrusive and harmful.

11. During the site inspection I found that the appeal site could be seen from a ridge just to the west of it and also to a less significant degree from other high points some distance to the north. There is a public footpath running along the crest of a ridge to the west which afforded views of the appeal site through gaps in the hedge and trees along the appeal sites southern boundary and also where the appeal land rises above the level of the hedge. I have no doubt that without this screen of hedging and trees the site would be very prominent indeed and that housing on it would be very obtrusive. Too much reliance should not be placed on the retention of the trees and hedge screen in my opinion once houses were built, particularly since its maintenance in the future could not be easily guaranteed. Moreover, housing would be visible through the gaps in the hedge and in winter with the absence of leaves would be even more evident. The appeal site, the adjoining housing to the north and south-east of it, and the field to the south could also be seen from rising ground to the north, namely from near to a house called Hilltop and from Stoneygate, a village about 4 km away as the crow flies, even though this particular part of the inspection was made in early evening when visibility was hazy. However, in my opinion housing on the appeal site would not appear nearly so intrusive or out of character when viewed from these points as when viewed from immediately to the west on the ridge where I consider the housing would have its greatest visual impact.

12. At the inquiry representations were made by people living in Strand Meadow, Beechwood Close and Rother View that houses on the appeal site would intrude too much on the amenity of neighbouring properties. Views across the countryside which residents at present enjoy would be cut off, there would also be some loss of privacy and overlooking incurred and in some cases existing properties would be too enclosed by the new houses. You suggested that dwellings built at the top (south-eastern) part of the appeal site could be limited to single-storey only, a restriction which your client was willing to accept, and that this would reduce the visual impact of any new housing as far as the outlook of neighbours was concerned. It would be clearly inappropriate for me to draw any specific conclusion with regard to these objections at the present time since your client seeks outline planning permission only and the number and disposition of houses are matters which were not specified in the planning application. I came to the conclusion at the site inspection that the hedges on the northern and south-eastern boundaries ought to provide ample protection for the privacy of adjoining residents although I did note that some of the houses in Beechwood Close which adjoin the appeal site are at a much lower level than the latter and might suffer a loss of outlook if new houses were built too close.

13. Concern was also expressed at the inquiry about the additional traffic that the new houses would generate and the increased danger and inconvenience that would be experienced by residents of Strand Meadow as a result of additional traffic on the road. The appeal site is situated at the southern end of Strand Meadow which is a cul-de-sac at present. The local highway authority raised no objection to the proposal at application stage providing that the carriageway of the road was increased from its present 4.7 m width to 5.5 m. The council conceded at the inquiry that this could be done quite easily by converting part of the verges of some of the houses along the road and you indicated that your client was willing to accept a condition requiring that this work be undertaken as part of the development of the appeal site. In spite of the highway authority's view that widening the carriageway would be an adequate way of dealing with the additional traffic from the new housing, I find myself in some considerable doubt as to whether this particular solution would be sufficient to overcome the problems that could be expected to arise as a result of an additional 30 or 40 cars passing along this



road. Quite a high proportion of the houses in Beechwood Close have no on-site car parking facilities and a large number of cars are parked in the road. Even with the road widened I consider that at times the passage of vehicles along it would still be very restricted particularly at the bend in the road where it turns eastward to meet Beechwood Close and Shrub Lane. There would also be considerable additional danger in my view for the children who at present play in and around the cul-de-sac. These aspects taken together with the fact that Strand Meadow is quite long being about 300 m from its junction with Shrub Lane to the appeal site, have led me to conclude that the change in terms of traffic conditions as far as the residents of Strand Meadow are concerned would be a significantly detrimental one.

14. The council also raised the matter of precedent, arguing that permission for housing on the appeal site would create a strong case for allowing housing on the adjoining field to the south of the appeal site which your client also owns. You submitted that your client would be willing to enter into a Section 52 Agreement providing that this land would not be developed for housing. However, I do not consider that a strong precedent would be created in this case because in my view there are considerable differences between the 2 fields both in terms of size and location.

15. I have taken into account all the other matters raised but these have not been of sufficient weight to override the considerations which have led me to my conclusion. While the shortfall in the 5 year land supply imposes an additional presumption in favour I find that the quality of the landscape, the setting of the village and the area of outstanding natural beauty generally to be of overriding importance in this particular case. I consider that the residential development of this site would have a significant and detrimental visual impact on the surrounding landscape and would, in the terms of Circular 14/85, cause demonstrable harm to an interest of acknowledged importance. I also consider that because of the location of the site at the end of a long cul-de-sac which passes through a well-established estate of housing, the proposal would create a significant increase in traffic danger and inconvenience for the residents of these existing houses.

16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir  
Your obedient Servant

EB Williams

E B WILLIAMS DipTP ARICS MRTPI  
Inspector