

IDE Planning

Rosebery Cottage,
7 South Cliff Avenue,
Bexhill-on-Sea,
East Sussex,
TN39 3EB
17th December 2024

Dear Ms Richardson,

Application reference DM/24/2770

Removal of existing outbuilding and holiday let building. Erection of detached dwelling with associated landscaping and access

Stumble Ridge, Oldlands Avenue, Balcombe, Haywards Heath, RH17 6LP

OBJECTION is made to the development proposed under 24/2770 on behalf of Mr and Mrs Thompson of neighbouring Lamb Cottage, Oaklands Avenue. This letter supplements objections made by Mr and Mrs Thompson under separate cover. It should be seen as an initial response given the limited time available in which to assess the proposal.

By reference to the NPPF 2024 (Glossary, p78), the description of the development is taken to be for an open-market dwelling. The applicant has completed a self-build statement. The applicant acknowledged that the description could be amended by the LPA (local planning authority) to refer to a self-build dwelling. No such amendment has been made. It is unclear why so. It brings into question precisely what the development is for and, most importantly, the basis upon which the application will be determined. Clarification from the LPA is sought concerning this.

In addition, whilst the description refers to 'access', there is no indication as to how the track is to be permanently surfaced. As explained below, the only reference seems to be to a temporary surface for construction traffic. It is unclear why such detail has been omitted. It should form part of the application.

At the outset, my clients' position is, whether or not the proposal is for a self-build dwelling, it is unacceptable in extending beyond the settlement boundary, in lying on the vulnerable southern edge of Balcombe conservation area – a designated heritage asset - and being within the High Weald National Landscape (NL aka AONB). In combination, they make the application site a particularly sensitive one. The High Weald AONB Management Plan rails against extensions to residential curtilages to minimise erosion of AONB character (p27). And 'The contribution that setting makes to the

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significance of a heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting.’ (PPG 18a-013-20190723). Whilst the applicant explains how the proposal would fit within the wider landscape, this overlooks that many such sites could be found on the edge of towns and within countryside for such development. Designated heritage assets and NL continue to be afforded a significant degree of protection in the December 2024 dated NPPF.

Set against this, a presumption in favour of sustainable development will apply in a situation where the development plan is out of date and where the LPA is unable to provide a 5 year supply of deliverable housing sites. The council has met the government's housing delivery test. An October 2023 dated appeal showed there to be a 5 year housing supply. There appears to be no available update. The AMR (annual monitoring report), due to be published this December, is delayed. On the information available, there is no compelling need for new housing development such that adopted policy can still be taken to apply by reference to the NPPF.

Against this background, objection is made as follows.

1. The proposal would involve the removal of a holiday let originally justified on the basis it would support the local economy. That permission was granted on condition it should not be used as independent, self-contained accommodation. The holiday let consent is being traded up for a new dwelling.
2. The proposed dwelling assumes similar proportions to the host dwelling, Stumble Ridge. The house and its garden would not fit within the boundary of the built-up area. Part of the footprint of the building projects beyond the settlement boundary, with the remainder within the conservation area. The access, associated hard standing and garden to the south would extend beyond the settlement boundary; the whole of the application site falls within NL.

The applicant states the new dwelling and its associated curtilage would occupy only the managed portion of the existing residential garden (3.1, DAS). Comment is later made that the parking/turning area, which the highway authority believes is restricted (and which may lead to later enlargement with the grant of any permission), could be provided as permitted development. This raises the question as to the extent of the residential curtilage of Stumble Ridge which includes the holiday let. I do not believe that the curtilage of a dwelling house can, necessarily, be increased by annexing adjoining land but, it appears, this is what is being claimed in the present case.

3. The application site sits within an extended part of the conservation area - it was considered important enough to add to the original conservation area in 1990. The significance of this part of the conservation area lies in its unusually open aspect and soft boundary where built form blends with open countryside – it overlooks a gently sloping, wooded landscape within NL. The proposal would formalise the presently open boundary within the NL. Such features may not be readily visible from the street but that is not to detract from their importance to those who back on to it.

The Heritage report states s72 of the 1990 Act places a duty on the decision maker to consider preserving or enhancing the character or appearance of conservation areas ‘however this does not extend to the setting of conservation areas.’ (para. 2.2). There is nothing in the report to support why the setting should be excluded. Other references in the report appear to

contradict this. Para. 2.6 of the report goes on to state ‘Paragraph 200 of the NPPF [requires] an applicant to describe the significance of any heritage assets affected by a proposal, providing a proportionate level of detail’. What is actually stated in the NPPF is that applicants are required to describe ‘the significance of any heritage assets affected, *including any contribution made by their setting.*’ (emphasis added). This wording is retained in NPPF para. 207 (2024). Annex 2 of the NPPF states that a conservation area is a designated heritage asset. It also defines the setting of a heritage asset as ‘The surroundings in which a heritage asset is experienced’. One might infer from this that the wider setting of the application site is important.

Having assessed the significance of this part of the conservation area, the Heritage report finds that no harm would arise from the development that is proposed. In addition, it is noted that, in completing the application form, the applicant considered that trees and hedges adjacent to the proposed development would have no impact on the scheme itself; neither were they considered important as part of the local landscape character.

However, the application is missing an assessment of landscape that goes beyond that which is provided in the Heritage report given the site’s location within NL, and having regard to the High Weald AONB Management Plan, 2024-2029. Features contributing to the character of the conservation area include large detached houses set predominantly within spacious gardens, the number of hedgerows and fine trees, and attractive views of rolling countryside (p8, Conservation Areas in Mid Sussex, August 2018). In the present case, there is a cross over between an assessment of the heritage asset and its landscape setting. This is because the significance of a heritage asset can relate to the ‘general aesthetics of a place.’ (PPG ID 18a-006-20190723).

As explained in para. 013 –

‘The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors...and by our understanding of the historic relationship between places.’

By reference to the High Weald AONB Management Plan, 2024-2029 –

- ‘The High Weald is one of the best preserved mediaeval landscapes in northwest Europe.’ (p16).
- Under ‘Settlement’, a top issue includes the ‘Erosion of AONB character through the cumulative effects of suburbanization, including...the extension of residential curtilage boundaries [and] inappropriate boundary treatments, hard servicing and kerbing...’ p26.

Arising from this, Objective S1 seeks to protect the historic pattern and character of settlements, the rationale being to protect the distinctive character and landscape settings of towns, villages etc. ‘to maintain the hinterlands and other relationships which contribute to local identity.’

Objective S2 is couched in terms of needing to ‘ensure new development reflects intrinsic High Weald character and place making, embedded with a true sense of

place, along with re-establishing the use of local materials and rich colour palette as a means of protecting the environment and adding to local distinctiveness.’

Objective S3 seeks to conserve the distinct built heritage of the High Weald. The rationale being ‘To protect and preserve the character and setting of heritage assets (designated and non-designated). On p27, at ‘k’, public bodies should ‘Seek to minimise erosion of AONB character through suburbanization in rural areas, including...extensions to residential curtilages...and smaller interventions such as new accesses and solid fences, which have a cumulative effect.’

- It is unclear what regard has been had to the general principles that relate to Dark Skies set out in the High Weald NL Planning Technical Advice Note dated July 2024 - no lighting details for the application site, that include the track, are supplied.
- ‘Aesthetic and Perceptual Qualities’ in the Management Plan includes an appreciation of sensory qualities such as unexpected panoramic and long views, often uninterrupted...’ (at k, p45).

In this light, the scheme would impact upon the character and appearance of the conservation area, contrary to Policy DP35. The impact of this should not be seen solely in terms of the application site - the open aspect presented along the southern edge of the conservation area is shared immediately by a community of 9 properties including Stumble Ridge and Lamb Cottage. The significance of this part of the conservation area would be diminished, not preserved, if the scheme is permitted. So far as there would be less than substantial harm to the heritage asset, neither is it considered this would be offset by public benefits.

4. It is proposed access would be provided via an unmade track of limited width and with no vehicle passing places indicated. From the street, the access presently appears as a gated, grassed track and which provides an open view of countryside beyond. As stated, it is unclear how the track would be surfaced for day-to-day use by pedestrians and vehicles. In providing access to a new dwelling, there is the question of how secure the rear of properties to the west would be. The track that would access Oldlands Avenue comprises land separately owned by Lamb Cottage and Stumble Ridge i.e. half the track is owned by Lamb Cottage.

Root protection areas are shown for hedgerows and trees adjoining the track. The AIA states no drainage or service plans have been received for the site. On the basis of dense rooting along the track, it is acknowledged open trenching would cause unacceptable damage to tree roots. Directional drilling has been offered as an alternative but without any further explanation in either the AIA or DAS. The AIA does not explain, in the author’s experience, in situations such as that presented by the proposal, how successful such a method would be. Neither does the drainage report consider this. It is as if the access along the track has been set to one side by the applicant, but this is an oversight. One legal point being that the majority of the root systems come from trees within Lamb Cottage. It appears, at best, incongruous to detail the measures to protect trees within the main site and yet to rely upon blind drilling along the track which could threaten the health of mature planting within the conservation area.

In conclusion, the proposal is presented, in essence, as being unobtrusive. However, as stated, the significance of a heritage asset does not depend on there being public rights of way, or an ability to otherwise access or experience that setting. The scheme is too large to fit within the built-up area.

It projects into countryside contrary to policy DP12, it would not preserve or enhance this vulnerable part of the conservation area contrary to DP35, and the scheme would be entirely out of keeping within this part of the NL in conflict with DP16 and DP26. The application as submitted is missing detail in terms of how the track to Oldlands Avenue would provide access, be drained, lit and accommodate services without harming established planting. The status of the scheme as a self-build is unclear. The applicant has not explained where other less intrusive self-build opportunities may be available. By reference to the overall housing supply position within the district, there is no compelling need for this development. A grant of permission for this development would set a precedent the further speculative proposals.

For all the above reasons, the council is urged to recommend that the development proposed be refused.

Yours sincerely,

Nicholas Ide MRTPI,

Director