Recommendation: That planning permission be refused for the reasons set out in paragraph 10.1 of this report

1. **Site Description**

1.1 The application site fronts Michel Dene Road near the junction with the A259 Eastbourne Road/ Friston Hill. The properties on the corner, Beech Tree Cottage and Longview, visually appear as a single large dwelling with a hedgerow to the front and a steep slope to the rear with mature trees. The adjoining land to the side, which forms the application site, is also defined by a steep slope and mature trees and was at one time part of the neighbouring property. The visual appearance of this street corner is characteristic of the area; one of larger properties on relatively large plots with high levels of greenery. In terms of South Downs Landscape Character Assessment, the site is located within character area A1 – Ouse to Eastbourne Open Downs.

1.2 Since the previous application and appeal on the site in 1992/3, the old garage/ petrol station facing Friston Hill and opposite the site, has been redeveloped for housing. The houses are flint walled with tiled roofs. There is a flint wall on the frontage and onto Michel Dene Road.

2. **Relevant Planning History**

2.1 WD/92/1914/P for the erection of a detached dwelling was refused on 19 October 1992 for the following reasons:

- The development of this prominent site in the manner proposed would be out of keeping with, and detrimental to, the prevailing character of the locality by the erosion of the existing well- dispersed arrangement of buildings contrary to policy 4B of the Adopted South Wealden Local Plan.

- The site is of inadequate area to permit its proper development for residential purposes which would, if permitted, result in a cramped form of overdevelopment of this steeply sloping site with inadequate amenity spaces for both the proposed and existing dwellings.

A subsequent appeal (reference T/APP/C1435/A/93/222151/P4) was dismissed in July 1993.

2.2 A previous similar application for the erection of a dwelling was refused and appeal (ref T/APP/G1435/A/89/134336/P5) dismissed in 1990.
3. Proposal

3.1 This proposal is an outline application with all matters reserved for the erection of a two storey detached dwelling on a 0.0361 hectare site.

3.2 The application form and site location plan are accompanied by:
- Extended Phase 1 Habitat Survey
- Indicative/illustrative details of a two storey dwelling

4. Consultations

4.1 East Dean & Friston Parish Council: The Parish Council representation stated that the Parish had resolved not to object to the application, but to urge the planning authority to impose tight traffic control conditions on the applicant. Whilst the representation commented on arguments for and against the proposal, it was considered that this part of the estate had changed since the previous applications had been refused and that the principal ground for refusal therefore no longer applied.

4.2 County Ecologist: Provided the recommended mitigation measures are carried out by way of planning conditions, there are unlikely to be any significant impacts on biodiversity and the proposal can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

4.3 County Archaeological: Although the application is situated within an Archaeological Notification Area, I do not believe that any significant archaeological remains are likely to be affected by these proposals.

5. Representations

5.1 East Dean & Friston Resident’s Association: Object to the application. They agree with neighbours’ objections. They also raise 4 specific concerns:
- The site is an extremely steep slope covered in trees. The loss of trees and retaining walls would have detrimental environmental impact;
- Increase traffic near junction resulting in a traffic safety hazard;
- Previous applications refused and appeals dismissed;
- Question over land ownership.

5.2 Four letters of objection have been received:
- The proposal may destabilise bank;
- Question over land ownership;
- This is still a rural area. Little has changed since previous refusal;
- Detrimental impact on the character of area and visual appearance of the National Park;
- Increased traffic at busy junction.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Wealden District (Incorporating part of the South National Park) Core Strategy Local Plan 2013 and the saved policies from the adopted Wealden District Local Plan 1998.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
6.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be complaint with the NPPF.

The South Downs Partnership Management Plan

6.6 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan. Of particular relevance to this application is outcome 9 – ‘communities and businesses in the National Park are more sustainable with an appropriate provision of housing to meet local needs and improved access to essential services and facilities’. This is linked to policy 50 whereby housing and other development in the National Park should be closely matched to the social and economic needs of local people and should be of a high design and energy efficiency standards, to support balanced communities so people can live and work in the area.

7. Planning Policy

7.1 The following policies of the Wealden District (Incorporating the South Downs National Park) Local Plan Core Strategy 2013 are relevant to this application:

• WCS 6 Rural Areas Strategy
• WCS 2 Distribution Of Housing Growth 2006 -2027
• WCS 14 Presumption in Favour of Sustainable Development

7.2 The following saved policies of the Wealden Local Plan 1998 are relevant to this application:

• EN1 Sustainable Development
• GD2 Outside Development Boundaries
• HG3 Affordable Housing Exceptions Policy
• TR3 Traffic Impact of New Development
• TR16 Car Parking Standards

8. Planning Assessment

8.1 This application is for outline planning permission for a two storey dwelling, with all matters reserved.

8.2 In terms of the principle of development in this location, the Core Strategy identifies East Dean as a neighbourhood centre, that is, “a settlement with limited, basic or no facilities but with access to another centre, or a settlement with facilities but poor accessibility or access only to a service or local centre”. Whilst Policy WCS6 of the Core Strategy identifies East Dean as a location to take an allocation of 10 dwellings over the plan period (to 2027), the policy does not set out the proposed location of the dwellings instead referring to the forthcoming delivery and site allocations Development Plan Document identifying sites. The Core Strategy was adopted in February 2013, less than a year ago, so it would not seem unreasonable that a site has not been allocated to date. In any case, an allocation would be
expected to be of more than 5 dwellings; not individual infill plots which would rather be
classed as windfall developments. It is acknowledged that once completed it will count
towards housing land supply figures but it would not negate the need for a site allocation in
the village. A site allocation of more than 5 dwellings would also require the provision of
some affordable housing to meet an identified local need in the village. An individual dwelling
such of this would not help to meet that need.

8.3 Paragraph 3.7 of the Core Strategy states that “after careful consideration of our
settlements and our growth strategy it is considered appropriate to apply countryside
constraints to neighbourhood centres and other unclassified settlements. This does not
necessarily mean that growth will not be allowed, but that it will need to reflect the
character and needs of the area.” Policy WCS 6 states that East Dean and Friston has had its
development boundary removed; therefore, development is not automatically acceptable in
principle here.

8.4 Two previous applications and subsequent appeals were refused in the late 1980’s/ early
1990’s on the grounds that a house of the size proposed on such a small steeply sloping site
forming an integral part of the semi- rural setting of East Dean would cause unacceptable
harm to the character of the village and would be an inappropriate built form, as well as
being cramped with inadequate amenity space.

8.5 The agent argues that there has been a significant change to the surrounding area since the
appeals. The most significant change, when viewed from the road, is the redevelopment of
the service station fronting onto the A259, opposite the application site. However, it is
considered that the housing here has enhanced the character of the area and is of the village
character. The application site remains visually prominent from the main road, characterised
by greenery and the steep slope, giving a semi-rural appearance; an additional dwelling here
would have an urbanising impact requiring the removal of mature and semi- mature trees.
The proposed new dwelling would appear cramped and out of keeping with the overall
character of the village.

8.6 With regards to land ownership which has been queried by neighbours, a certificate A was
received with the application, in accordance with Article 12 of Development Management
Procedure Order 2010, declaring ownership of all the land to which the application relates.
Section 68 of the Act provides that anyone making a false or misleading declaration on a
Certificate is liable to a fine of up to £1000 on summary conviction. The South Downs
National Park Authority holds no information to confirm that the applicant has made a false
declaration.

9. Conclusion

9.1 Two previous applications and subsequent appeals were refused in the late 1980’s/ early
1990’s on the grounds that a house of the size proposed on such a small steeply sloping site
forming an integral part of the semi- rural setting of East Dean would cause unacceptable
harm to the character of the village and would be an inappropriate built form, as well as
being cramped with inadequate amenity space. In this sense there has been no change in
circumstances. The redevelopment of the service station fronting onto the A259 whilst
providing housing has enhanced the character of the area and is of a village character. The
site remains visually prominent from the main road and an additional dwelling here would
have an urbanising impact.

9.2 The policy position is that the proposed development is situated outside of any settlement
boundary and therefore, development is not automatically acceptable in principle here.
Whilst the Core Strategy allocates 10 dwellings to East Dean, this proposal would represent
a windfall development which would not negate the need for an allocation in the village.

10. Recommendation and Reasons for Refusal

10.1 It is recommended that the application be refused for the following reasons:

1. The proposed two storey dwelling on this prominent sloping, wooded site would result
   in the urbanisation of the site to the detriment of the appearance of the site and the
surrounding area, and as such would be detrimental to the landscape character of the South Downs National Park, contrary to the NPPF, saved policies EN1 & GD2 of the Wealden Local Plan 1998.

2. The site is of an inadequate area to permit its proper development for residential purposes which would if permitted result in a cramped form of overdevelopment of this steeply sloping site with inadequate amenity space for the occupiers contrary to policies WCS 6 of the Wealden District (Incorporating the South Downs National Park) Local Plan Core Strategy 2013, saved policies EN1 & GD2 of the Wealden Local Plan 1998, the NPPF and purposes of the National Park.

11. **Crime and Disorder Implication**
   11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. **Human Rights Implications**
   12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. **Equalities Act 2010**
   13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

14. **Proactive Working**
   14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included accepting amendments during the application process.

**Tim Slaney**
**Director of Planning**
**South Downs National Park Authority**

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**Appendices**
1. Site Location Map

**SDNPA Consultees**
Director of Planning & Legal Services

**Background Documents**
Application Documents [http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NAQWSATUIP600](http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NAQWSATUIP600)

National Planning Policy Framework


SDNP Partnership Management Plan

Wealden District (Incorporating the South Downs National Park) Local Plan Core Strategy 2013

Wealden Local Plan 1998
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