

Appeal Decision

Site visit made on 6 March 2006.

by **R T Herron** B A (Hons) Dip TP MRTPI.

an Inspector appointed by the First Secretary of State

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Appeal Ref: APP/G1440/A/05/1194258

Land South of Crowborough Training Camp, Uckfield Road (A26), Crowborough, East Sussex.

- 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 Coppard Plant Hire Ltd. against the decision of East Sussex County Council.
- The application (Ref.WD/431/CM), dated 15 March 2005, was refused by notice dated 7 July 2005.
- The development proposed is the retention of the use of the land for the temporary storage of topsoil.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. For the avoidance of doubt I consider that the proposal is for the retrospective use of the land for the storage of topsoil that is intended to have a final destination elsewhere.

Main Issue

2. I consider that there are three main issues.
 - The effect of the proposal on the character and appearance of the area as an Area of Outstanding Natural Beauty (AONB), and in relation to the identification of the site as being within the Pale of Ashdown Forest;
 - whether the proposal complies with the Waste Strategy for the area; and,
 - the effect of the proposal on road safety at the junction with the A26

Planning Policy

3. The Development Plan for the area includes the East Sussex and Brighton and Hove Structure Plan 1991-2011 (SP), and the Wealden Local Plan (LP). A substantial number of policies have been drawn to my attention including policies S1, S4 and S5 of the SP, and EN1 and GD2 of the LP, which seek sustainable development, including not creating unacceptable traffic conditions. Policy TR3 of the SP, and policy TR3 of the LP, indicate that development proposals should not create, or perpetuate, unacceptable traffic conditions, whilst policies S10 and S11 of the SP, and DC5 of the LP, support uses requiring a countryside location.
 4. Policies EN3 and EN4, of the SP, and DC9 of the LP, give protection to the High Weald AONB and limit development to that derived from the character and quality of the countryside. Additional protection is afforded to the Pale of Ashdown Forest where only development catering for the needs of quiet recreation will be allowed. In addition policies W1, W2 and W9 of the SP indicate that development proposals for the handling of waste should demonstrate sustainable management practice and that proposals will be judged against strategic planning considerations.
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5. The East Sussex and Brighton and Hove Waste Local Plan Proposed Modifications (2005)(WLP) has significant weight as the policies have been modified following a hearing in public, the receipt of the Inspector's Report, and a resolution to formally adopt the modified plan. The plan contains a number of policies relevant to the strategy to be applied in dealing with waste proposals. Of particular significance is policy WLP3 that indicates that major waste proposals will only be acceptable within an AONB in exceptional circumstances, and policy WLP36 that makes clear that proposals will not be permitted where access arrangements are inadequate.
 6. Also submitted for consideration is the High Weald AONB Management Plan (1995), which is an advisory document to encourage a strategic approach to the management of the AONB. However, I have not been advised of the status of this document and therefore I can afford it very limited weight in the consideration of this appeal. In any case, it seems to me that those parts of the document to which I have been referred add little to the Development Plan policies.

Reasons

7. The appeal site is located on the edge of an extensive area of heath land to the south and west that changes to woodland to the east of the site. The site comprises a rectangular section of open ground that contains a number of randomly located piles of overgrown topsoil that give the area a neglected appearance. The site is indistinguishable from an area of land to the east used as in connection with a timber yard located on the edge of the woodland. To the south and west there is little distinction, other than a low embankment on the west side, between the appeal site and the extensive open heath beyond. Access is gained from the public highway (A26) along a well maintained private driveway that also serves the Crowborough Training Camp that occupies an extensive area to the north of the access road.

Character and Appearance

8. The designation of the site as being within the AONB, and more particularly as within the Pale of Ashdown Forest, means that acceptable land uses are generally restricted to agriculture, leisure and recreational uses. As such, a commercial storage use, would, in my view, require special justification to be considered favourably. The continuation of the use of the site for soil storage, either in mounds, or in some form of enclosure, would be in stark contrast to the extensive area of flat heath land across which the site would be seen from the south and west.
9. The existing mounds of earth have a neglected appearance, and further use for such storage may well perpetuate the rather untidy and overgrown appearance of the site. Such mounds, or any containing structures, would, it seems to me, be a highly visible and alien landform when viewed from the south and west across extensive open countryside. Although there is some relatively thin hedgerow screening of the site along the access road frontage, the proposed use would, in my view, still be highly visible to passers by on the access road. I consider such a use would be harmful to the established open character and appearance of the heath.
10. Nor do I consider that the existing timber yard next door, with its stockpiles of logs, justifies an extension of commercial activities on to the appeal site. Such an extension would extend commercial activities further into the open landscape than at present. It seems to me that the timber yard is situated on the edge of the extensive area of woodland to the east, and as such, it appears as a more appropriate activity in that location. In contrast, the appeal site is clearly seen as a continuation of the open heath land, and in my view, the proposed use for storage of soil would be much more visually disruptive of the character of the heath.

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11. I have not been made aware of any circumstances that would justify such an activity being undertaken on this site, other than that the site has been used for this purpose in the past, and that the site is conveniently located for the appellant company's current operation. Neither of these reasons appears to me as compelling evidence of justification for such a use in an environmentally sensitive area. I am reinforced in this view in that one of the key principles of Government policy in respect of development in the countryside, as contained in Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) is that the highest status of protection in relation to landscape and scenic beauty is afforded to nationally designated areas, such as an AONB.
12. My attention has been drawn to the extensive military camp to the north of the site, on the opposite side of the access road, and to the recent construction of some nearby houses, cited as support for allowing the proposal. Whilst I am not aware of the background to these uses being located within the AONB, the camp appears to be longstanding activity, and I am advised that the new houses are replacement dwellings that comply with other policies of the Development Plan. However, irrespective of the background of these uses, I consider that the proposal would only serve to extend and consolidate this non-conforming use within this sensitive area, contrary to the policies for the protection of the AONB, and to the special landscape designation of the Pale of Ashdown Forest.

Waste Strategy

13. The Council's Waste Strategy provides in-principle support to the re-use of soil from construction sites. However, the strategy also sets forth detailed criteria for the encouragement of sustainable proposals and for the undertaking of such development on less sensitive sites. I am of the view that no convincing special circumstances have been advanced for the favourable consideration of this sensitive location, and no grounds of appeal have been submitted to indicate that serious consideration has been given to any other site, or to demonstrate that this site has significant advantages over others that may be available. Under the circumstances therefore I do not consider that the proposal has demonstrated compliance with the strategy of the WLP for the encouragement of sustainable waste management.

Road Safety

14. The private access road that joins the busy A26 currently serves not just the appeal site but also a number of other commercial uses, some houses and provides a secondary access to Crowborough Camp. I understand that this junction has been used for some time with no record of accidents, nevertheless visibility is particularly restricted to the northeast for vehicles exiting the access road on to the A26, and where on-coming vehicles are travelling at speed.
15. I share the Council's view that visibility at this junction is well below the recommended standard as set out in the publication *Places Streets and Movement – A companion guide to Design Bulletin 32 – Residential roads and footpaths*. As such it is my view that any development that would have the potential to add to the number of vehicle movements at this substandard junction on the primary network, such as that proposed, would be likely to have a harmful effect on road safety. There is also no guarantee that the use would not be intensified leading to more vehicle movements in future.

Conclusions

16. I have found that the proposal would be harmful to the character and appearance of the area as part of the AONB and that of the area designated as the Pale of Ashdown Forest. I have also

found that the proposal does not accord with the Waste Local Plan, and that additional use of the junction with the A26 would be likely to result in harm to road safety. Under the circumstances I consider that the proposal is contrary to policies S1, S4, S5, S10, S11, EN3, EN4, W1, W2, W3, W9 and TR3 of the SP, to policies EN1, DC5, DC9, GD2 and TR3 of the LP, and to policies WLP1, WLP2, WLP3, WLP14, WLP35 and WLP36 of the WLP. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

17. I dismiss the appeal.

INSPECTOR