



Appeal Decision

Site visit made on 20 August 2019

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Appeal Ref: APP/P1425/W/18/3208624

Pellingbrook, Lewes Road, Scaynes Hill, Haywards Heath RH17 7NG

- 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 Mr Robert Bell against the decision of Lewes District Council.
 - The application Ref LW/17/0930, dated 25 October 2017, was refused by notice dated 5 February 2018.
 - The development proposed is a new six-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Amended plans have been submitted with the appeal which show an alternative scheme. Those plans were not before the Council when it made its decision and have not been subject to consultation. I shall base my decision on the plans that were subject to the Council's decision as to do otherwise may be prejudicial to interested parties who have not had an opportunity to comment on the amended plans.

Main Issues

3. The main issues in the appeal are:
 - i) whether the proposed development would accord with planning policies for the location of residential development; and
 - ii) its effect on the character and appearance of the area.

Reasons

Planning Policies

4. The site is adjacent to the main Lewes Road and is in the countryside between the villages of Scaynes Hill and North Chailey. The site forms part of the side garden to the host property. It is divided from the rest of the garden by a hedge and is set back from the road behind a group of trees. The site falls outside any planning boundary as defined in the development plan.
5. Saved Policy CT1 of the Lewes Local Plan (2003) (LP) requires that development is contained within planning boundaries and that permission will not be granted for development outside those boundaries, subject to stated

exceptions. The proposal does not fall within any of those exceptions and does not accord with that policy.

6. The Council has provided an updated statement of its housing land supply. The Housing Delivery Test (HDT) shows that the Council delivered 50% of its housing requirement over the last 3 years, although I note that the Council disputes this figure. Annex 1 of the National Planning Policy Framework (the Framework) sets out transitional arrangements for the purpose of footnote 7 in the Framework. For this purpose, housing delivery is to be considered as substantially below the housing requirement where the HDT results published in November 2018 indicate that delivery was below 25% of housing required over the previous three years. As delivery has been at 50%, there has not been substantial under-delivery over the last three years. In accordance with the Framework, the Council has applied a 5% buffer in its calculation which demonstrates 5.59 years' worth of deliverable housing sites. This does not indicate that its policies are out-of-date.
7. The Framework allows for housing in rural areas where it will enhance or maintain the vitality of rural communities. However, isolated homes in the countryside should be avoided. I understand that services and facilities in North Chailey are limited but that there is a primary school, two public houses and a convenience store at Scaynes Hill which is about 1.4km away. There are no footpaths along Lewes Road and walking along the road would be hazardous particularly because of a lack of visibility around the bend close to the site. There is a bus stop opposite the site and Haywards Heath is a short distance away, but Chailey Parish Council says that the bus services are infrequent.
8. Although there are public transport services available, it is likely that any occupants of the proposed dwelling would be significantly dependent on the car for transport. They may support local services and facilities but there is no specific evidence before me to demonstrate that the proposal would maintain or enhance community vitality.
9. While the proposed dwelling would not be isolated in the sense that it would be within a group it would be isolated in terms of its distance from the nearest settlements. For these reasons I find that the proposal would not accord with national policy in the Framework.
10. Saved Policy CT1 of the LP restricts the development that can take place in the countryside and this general requirement is consistent with the Framework. The policy is not however fully consistent as the Framework allows a more flexible approach to housing in the countryside. This is a policy which is important for determining the application and is out-of-date.
11. Paragraph 11(d) of the Framework provides for permission to be granted in this circumstance unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
12. Although saved Policy CT1 is out-of-date, I accord significant weight to it because its underlying purpose is consistent with national policy. The restriction of housing in the countryside and outside settlements is important in terms of maintaining the character of the countryside and ensuring village services and facilities are supported.

Character and Appearance

13. The site is within a loose grouping of houses and farm buildings along the main Lewes Road. It is towards the northern end of this group and there is open countryside immediately to the rear. The adjacent houses are set back from the road and in spacious gardens. The low density of development combined with tree cover along the road are consistent with the rural character of the area. There is a higher density of development to the south of the site and on the western side of the road, but the immediate context of the site on the eastern side of the road is of sparse development.
14. The proposed dwelling would be large but would be set back from the road and screened by trees along the frontage. It would be sited to align with the existing house and would be within a spacious plot. Its design would be of good quality and complementary to the existing house. However, because the existing character on the eastern side of the road is of sparse development in an open rural area, the proposal would be intrusive and out of character. Although separated from the properties on both sides by hedges the proposal would be visible from those properties.
15. Core Policy 11 of the Joint Core Strategy¹ sets out key strategic objectives which include conservation and enhancement of the high quality and character of the rural environment. Saved Policy ST3 of the LP requires development to respect the character of the area. For the reasons given the proposal would not accord with those policies. I conclude that the proposal would unacceptably harm the character and appearance of the area. I give moderate weight to this harm.

Planning Balance

16. The proposal would contribute to the local economy during construction and would enable increased expenditure locally. As the construction period would be temporary and the economic contribution from a single dwelling would be limited, I give limited weight to this benefit.
17. The proposal would contribute a large family dwelling to the housing stock, but the Council can demonstrate a five-year supply of deliverable housing sites and the proposal would be of limited benefit in this regard. I give limited weight to this benefit.
18. I have given significant weight to saved Policy CT1 and the conflict with that policy. I have also given moderate weight to the identified harm. These significantly and demonstrably outweigh the limited weights that I have given to the benefits of the proposal.

Conclusion

19. For these reasons I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

¹ Lewes District Council Local Plan Part 1: Joint Core Strategy (2016)