

Appeal Decision

Site visit made on 29 October 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/P1425/W/19/3234824

Land to the rear of The Oaks, Lower Station Road, Newick BN8 4HU

- 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 Tom Sheridan (TKEI Developments Ltd) against the decision of Lewes District Council.
 - The application Ref LW/19/0106, dated 19 December 2018, was refused by notice dated 13 May 2019
 - The development proposed is the erection of 3 detached 4 bedroom houses with associated landscaping and access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form stated the site address simply as 'Goodacres', a dwelling adjacent to the site. However, in the heading above I have used the address from the Council's decision notice, which has also been used on the Appeal Form, as this more accurately describes the site's location. In doing so there would be no prejudice to the interests of any parties.
3. During the course of the appeal the Housing Delivery Test (HDT) score for the Lewes District was revised. The main parties were given opportunity to comment on the implications for the assessment of this appeal and I have had regard to the response received.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site fronts the A272 and is located in the area of countryside between the settlements of North Chailey and Newick. Ribbon residential development, with large gaps between groups of buildings is the dominant character of the locality.
6. The side boundary of the site abuts the rear gardens of the dwellings of Lower Station Road which is one of the exceptions to the ribbon development character, being a verdant residential street with bungalows to one side and larger dwellings to the other, all of which are set within generous and well landscaped plots. The low height of the bungalows of Lower Station Road means that only a gable end can be seen above the vegetation that fronts the

- A272. Similarly, the cluster of dwellings at Burchetts, accessed from further along the A272, are set far away from the road and behind extensive foliage. As such the site sits within an area of rural character and is part of a long stretch on this side of the road where buildings appear to be absent.
7. The appeal site is enclosed by trees and is mostly vacant grassed land. The ground levels change across the site, falling away from the A272 and also falling towards the Greenwich Meridian Trail public right of way that is adjacent to the side boundary of the site. Despite the tree coverage surrounding the site, views into the site are possible through the vegetation from both the main road and the public right of way. The absence of buildings at the site contributes positively to the rural character of the area.
 8. The proposal would involve the erection of 3 dwellings in a loosely linear arrangement, with detached garages at each end of the group. The development would represent the encroachment of built form onto the currently vacant site which would erode the contribution that the site makes to the rural character of the locality.
 9. Although the dwellings would be of a design that is reflective of the general appearance of other buildings within the locality, the scale of the dwellings, their proximity to each other and the shared courtyard to the front would exaggerate the visual effect of the built form at the site. In turn, this would cause the presence of buildings at the site to be emphasised and as such the development would represent an intrusion into the countryside.
 10. The development would be conspicuous from the Greenwich Meantime Trail and would therefore alter the setting of that route which, on this side of the A272, is currently bordered by fencing and trees, with any existing built form being set well away. Although the vegetation of the site and the surrounding area would soften and partially mask the proposed buildings, the development would still be visible from the Trail and the road and footways to the front of the site. As there cannot be any certainty that the landscaping at the boundaries of the site would endure in the long term and the presence of foliage would be seasonal, this would not mitigate the effect of the development.
 11. The proposal would therefore have a harmful effect on the character and appearance of the surrounding area. As such, the development would be contrary to policies CP2, CP10 and CP11 of the Joint Core Strategy 2010-2030¹ and saved policies CT1 and ST3 of the Lewes District Local Plan (2003) which require, amongst other things, that development reflects the context of the site and the character of the surrounding area whilst also conserving and enhancing the high quality and character of the rural environment, particularly in locations between settlements. The proposal would also be contrary to the National Planning Policy Framework which requires that development contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside.
 12. Newick and North Chailey can be accessed on foot and by bus from the bus stops that are close to the site. The bus routes continue to other large settlements and therefore the site is reasonably well located in terms of accessibility by means other than private car. The proximity to other

¹ Lewes District Local Plan Part 1 – Joint Core Strategy 2010-2030 (Adopted May 2016)

development means that the site is not isolated, a good standard of living accommodation would be provided and no harm has been identified in relation to arboricultural and biodiversity matters. However, as these factors are a requirement of sustainable development rather than a benefit, I give them neutral weight.

13. The appellant has indicated that economic benefits would arise from the proposal including construction employment and support for local services by future occupiers and the construction process. However, the construction related benefits would be temporary in duration and the scale of the development means that the benefits would be modest. Therefore, whilst I afford these benefits limited weight, they would not outweigh the harm that has been identified and are not considerations that indicate that a decision should be taken contrary to the development plan.

Other Matters

14. The revised HDT score for the Lewes District is now above the threshold at which the approach set out at paragraph 11d) of The Framework would be engaged. Furthermore, it is not a matter of dispute between the main parties that the Council can demonstrate a 5 year housing land supply, with the appropriate buffer. Consequently, these are also circumstances where the approach at Framework paragraph 11 d) would not be engaged. I note that a similar view has been reached by the appellant.
15. It has been drawn to my attention that planning permission for 11 dwellings has been granted at the "Glendale Farm" site² and that this site is allocated for residential development within the emerging Part 2 of the local plan. However, I do not have full details of the reasoning for that decision and, in any event, based on the information before me it is apparent that there are substantial differences between that site and the appeal site in terms of the surrounding built form, the character and appearance of that site and its relationship with the countryside. Therefore, based on the evidence before me and as each proposal should be assessed on its own planning merits, I do not find the circumstances to be sufficiently comparable for the existence of that permission to lead me to conclude that the appeal proposal would be acceptable.
16. I have not been provided with details of the status of the emerging Part 2 Local Plan and therefore, as it is not certain that it will be adopted in its current form. In any event, the details of the emerging policies that I have been provided by the appellant do not indicate a significant change in the relevant considerations and do not alter my assessment in respect of the main issue.

Conclusion

17. Overall, I have found that the development would be harmful to the character and appearance of the area and that the harm caused would not be outweighed by other considerations. Therefore, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR

² Lewes District Council Reference LW/19/0054