



Appeal Decision

Site Visit made on 21 January 2021

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/Y9507/W/20/3261128

Land to the South of 46 Beacon Road, Ditchling, East Sussex BN6 8UL

- 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 & Mrs S Legg against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/01311/FUL, dated 23 March 2020, was refused by notice dated 13 August 2020.
 - The development proposed is described as revised application for erection of a detached dwelling and garage, with new access & associated landscaping (Following withdrawal of SDNP/19/04109/FUL).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in inappropriate and inefficient use of land having regard to adopted settlement boundary policies.

Reasons

3. The appeal site comprises an enclosed tennis court and adjacent grassed areas within the southern part to a large back garden to 46 Beacon Road. The house and immediate back garden to no.46 are within the settlement boundary for Ditchling; the appeal site is outside but adjacent to it. The site and surrounding area are within the South Downs National Park.
4. Policy SD25 of the South Downs National Park Local Plan (2019) (SDLP) directs development to defined settlements, such as Ditchling, requiring that it makes an efficient and appropriate use of land. Exceptionally, development can be permitted outside of settlement boundaries where it complies with relevant SDLP policies, responds to the context of the relevant broad area and satisfies listed criteria. The criterion at paragraph 2d) states, *"It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park"*.
5. Policy DS1 of the Ditchling Street and Westmeston Neighbourhood Development Plan (made May 2018) (DSWNP) supports development meeting identified housing requirements within settlement boundaries. Exceptionally development will be permitted outside of the settlement boundary where it complies with relevant policies in the development plan and listed criteria. Criterion g) states, *"it is an appropriate re-use of a previously developed site, excepting residential gardens"*.

6. The appeal site is previously developed land in that an enclosed tennis court occupies much of the site. But as the status of the land changed to a domestic garden at the time the tennis court was constructed, the proposal would not satisfy the exceptions for development outside the settlement boundary listed in Policies SD25 and DS1. The proposal would therefore be contrary to these adopted development plan policies. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
7. The appellant contends that there are such material considerations to justify the development. The house would be opposite housing on the western side of Beacon Road which already extends further to the south away from the settlement centre. A mixed scheme of affordable and market housing has been agreed on land outside the settlement boundary to the south of this. The proposed house would be closer to the centre of the settlement than the new houses. It would form 'a full stop' to the village with little scope for additional dwellings south of this point as a woodland buffer separates the site from open countryside. The design of the house would reflect the character of other dwellings in Ditchling but in any case, the house would be largely screened by high hedges. Its plot size would reflect the character of more spacious development on the eastern side of Beacon Road. The appellant has prepared a planning boundary assessment for Ditchling which contends that there are no other comparable sites, so the proposal would not set a precedent for other development beyond the boundary. It would provide a 'much needed downsizer property' for the village. Finally, it is reasoned that there would be no harm in relation to the character of the area, integrity of the planning boundary or to the aims of the National Park.
8. The boundary assessment demonstrates that Ditchling has an irregular shape and that the outer extents of the built up areas are not even along both sides of roads at the edges of the settlement. The houses opposite the site and a little to the south form a block of established higher density housing around the crescent of Long Park Corner. The proposed housing further to the south is an agreed exception to the settlement boundary to meet a perceived need for more affordable housing in accordance with development plan policies, and this would be closely related to the houses in Long Park Corner. By contrast the proposed house, whilst closer to the village centre, would still be a relatively remote outlier from the cluster of dwellings around the junction with Nye Lane on the eastern side of Beacon Road.
9. The character of the site does not reflect that of the open countryside beyond the ancient woodland belt to the south of the site, but neither does it fully reflect that of the low density housing to the eastern side of Beacon Road. Beyond the tennis court the land comprises rough grassland and abuts similarly less manicured land parcels that appear to be in equine and agricultural uses, and which are largely free from development. Retention of a frontage hedgerow and vegetation to other boundaries would help to screen the house from many views, but it would still be seen through the gap created for the access. The house's design would be appropriate to the area but its siting on the plot some distance from no.46 and away from other dwellings on the eastern side of the road would not be. Its siting close to the settlement boundary would nonetheless be beyond that boundary, a line that was confirmed through the recent neighbourhood plan process.

10. The provision of a downsizer dwelling would be a personal benefit for the appellant, but the dwelling would be a permanent addition to the settlement. The proposal would undermine the adopted development strategy of constraint to preserve the character of the Plan area, in which development should be carefully controlled and new housing limited to meeting identified requirements. The material considerations raised in favour of the proposal do not amount to the exceptional circumstances in which the development should be permitted outside the settlement boundary.
11. The appellant has referred to a site at 142 South Street, Lewes also within the National Park, in which a detached dwelling was permitted outside but adjacent to the settlement boundary. Circumstances differ from the site to site and my findings are that the current appeal site is more closely linked to a hinterland between the open countryside and the village than to the fringe of the built up area of the settlement as referred to in the Lewes decision.
12. Whilst the size of the house and plot would appear to have been constrained during the application process, following withdrawal of a previous submission, to make a more efficient use of the land, the siting of the dwelling would nonetheless be inappropriate.
13. I have noted the representations on the proposal, several in favour reaffirming points made by the appellant, but these do not lead me to a different conclusion.

Conclusion

14. The proposal would result in an inappropriate residential use outside of the settlement boundary for Ditchling which would not relate well to the context of the settlement in terms of its location. The material considerations advanced in favour of the proposal would not outweigh the expediency of determining the proposal in accordance with the adopted development plan. The appeal therefore should be dismissed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR