



Appeal Decision

Site visit made on 11 April 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/P1425/W/21/3285118

Grimwade Farm, Spatham Lane, Westmeston BN6 8XL

- 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 B Babister against the decision of Lewes District Council.
 - The application Ref LW/20/0259, dated 29 April 2020, was refused by notice dated 23 August 2021.
 - The development proposed is the demolition of three derelict barns and replacement with family dwelling (resubmission following LW/19/0152).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would comprise a sustainable form of development having regard to the existing settlement pattern and the provisions of the development plan;
 - the effect of the proposal on the South Downs National Park (SDNP); and
 - the effect of the proposal on the ecology of the site.

Reasons

Form of development

3. The proposal is for the demolition of three large disused agricultural buildings on a 0.58 ha site on the western side of Spatham Lane and the construction of a single storey dwelling within extensive landscaped grounds.
4. The appeal site lies about 3.5 km north of both Ditchling and Westmeston, well outside the defined planning boundary for Ditchling¹ and consequently in the countryside for planning policy purposes. As such Policy DM1 of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies 2020 (the LPP2) only permits new development where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated, neither of which apply in this case. This follows the strategy of the Lewes District Core Strategy 2016 (the CS) to concentrate development in the towns with only limited growth in defined villages.

¹ Westmeston has no defined planning boundary

5. In addition, Policy DS1 of the Ditchling, Streat and Westmeston Neighbourhood Development Plan 2018 (the NDP) restricts development outside the Ditchling settlement boundary to certain limited categories, of which only (g) potentially applies, the appropriate re-use of a previously developed site. However, the National Planning Policy Framework (NPPF) excludes agricultural buildings from the definition of such land, so the proposal also conflicts with that policy.
6. The site is some distance away from services and facilities with the nearest about 3 km away in Ditchling and Burgess Hill. The closest bus stop with regular services is also about 3 km away. Spatham Lane itself is a long, narrow country lane with no footways or street lighting. The appellant appears to accept that walking to and from the site would be impractical for regular journeys. Whilst cycling would be possible, during the winter, wet weather and at night this would be an unattractive option. As a result, the occupiers of the property would be likely to rely on use of the private car, contrary to the aim of NDP paragraph 1.6.4 to reduce the volume of traffic and NPPF paragraph 112 which seeks to prioritise pedestrian and cycle movements and access to high quality public transport in decision making.
7. Whilst there are a series of individual dwellings scattered along the length of Spatham Lane, including the single storey dwellings Grimwade Farm and Fleets on either side of the appeal site, this legacy of previous development does not demonstrate the suitability of the location for a further dwelling.
8. For these reasons the proposal would not comprise a sustainable form of development having regard to the existing settlement pattern and the provisions of the development plan. As explained above it would conflict with LPP2 Policy DM1 and NDP Policy DS1 which seek to protect the distinctive character and quality of the countryside and limit development outside defined settlement boundaries.

South Downs National Park

9. The appellant's land ownership is rectangular but the appeal site is L shaped to exclude land within the SDNP. Whilst the remainder is shown on the plans as additional landscaped grounds, this does not fall within the planning application which is the subject of this appeal. Since the site falls wholly outside the SDNP it follows that the policies in the South Downs Local Plan 2019 are not directly applicable in this case.
10. However, the proposal lies immediately adjacent to the SDNP within its setting where Core Policy 11 of the CS requires high quality design that has regard to the National Park and its purposes. In this case the relevant aim to conserve and enhance the natural beauty of the area is informed by the SDNP Landscape Character Assessment 2020 which identifies the area as part of the Adur to Ouse Scarp Footslopes, the agricultural lowland below the steep scarp slope which forms a transition to the Low Weald further north. In this area the pressure for small-scale incremental development eroding rural character is noted as one particular concern.
11. The site is currently occupied by three large, disused and unsightly agricultural buildings with a combined footprint of 761 sq m. By comparison, the proposed dwelling, at 618 sq m, would have a smaller footprint and lower ridge height. There is also no dispute that, in itself, the dwelling would be a high-quality interpretation of a traditional barn form and would be constructed of suitable

materials. However, the proposal would introduce an unduly large-scale residential property into the landscape, a substantial albeit low profile building set in an extensive residential curtilage with parking area for several cars and curved ramp to a basement level garage. Notwithstanding that the site would be tidied up and visually intrusive buildings would be removed, the change to residential use of the 0.58 ha site with a single storey dwelling, grass lawns, extensive landscaped grounds, garden features and domestic paraphernalia would significantly erode the existing rural character of the area.

12. Whilst the dwelling has been designed with narrow windows to reduce light spillage and external lighting would be minimised and carefully controlled, the proposal would inevitably introduce some lighting at night into an area where currently there is none. This would conflict with the objective to promote dark night skies within the SDNP.
13. For these reasons the proposal would significantly harm the adjacent SDNP by adversely eroding the rural character of its setting and introducing lighting at night. This would conflict with CS Core Policy 11 and LPP2 Policy DM25 which require development in the setting of the SDNP to conserve its natural beauty and in all cases to respond sympathetically to the characteristics of its immediate surroundings. It would also conflict with NPPF paragraph 176 which requires development within the setting of a national park to be sensitively located and designed to avoid or minimise impacts on the designated area.

Ecology

14. The appeal site includes overgrown areas of tall ruderal vegetation and scrub, two ponds, an area of species poor semi-improved grassland and is surrounded by tall hedgerows with trees. The appellant's Preliminary Ecological Appraisal dated June 2020 identified a range of semi-natural habitats which would be lost and concluded the proposal has the potential to result in significant impacts on breeding birds, badgers, common dormice, great crested newts and reptiles. Further surveys were recommended to enable accurate ecological impact assessments to be undertaken and to inform an appropriate mitigation strategy. However, these have not been carried out and are necessary prior to any permission being granted as they may affect the scheme design. The suggestion that the surveys could be required by pre-commencement condition therefore fails to address the issue as does the appellant's argument that the development would be an exemplar of sustainable construction.
15. In the absence of such detailed assessment the proposal is likely to adversely affect the ecology of the site in conflict with LPP2 Policy DM24. This seeks to protect biodiversity by ensuring any ecological losses can be mitigated to achieve a net gain in biodiversity. It would also conflict with NPPF paragraphs 174(d) and 180(a) which impose the same requirement.

Conclusion

16. The Council accepts it cannot demonstrate a five-year supply of deliverable housing sites so the conflict with the above policies should be given reduced weight in the planning balance. The presumption in favour of sustainable development set out in NPPF paragraph 11(d) applies. However, the proposal would only provide a single additional dwelling towards the shortfall, and as a large four-bedroom dwelling would not meet the identified local need for small

one/two bed or two/three bed affordable accommodation in conflict with NDP Policy HSG1 which seeks such housing.

17. The primary benefit of the proposal would be the removal of three large unsightly agricultural buildings and the tidying up of the site. There would also be economic and social benefits arising from the provision of a unit of high-quality family accommodation. The dwelling would be self or custom built, constructed to exemplar sustainability standards and comprise an attractive design, but this does not amount to a truly outstanding, exceptional quality proposal that might be considered under NPPF paragraph 80(e). The proposal would not reach the highest standards in architecture, a particularly high bar, and in any event, the unduly large-scale residential property would not be sensitive to the defining characteristics of the local area. As explained above, the site does not fall within the definition of previously developed land.
18. Bringing these arguments together, the adverse impacts of granting permission identified under the three main issues would significantly and demonstrably outweigh the benefits. In this instance material considerations do not indicate a decision should be made at variance with the development plan.
19. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR