



Appeal Decision

Site visit made on 24 October 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/C1435/W/21/3292472

Land north of Crossways/St Michaels Close, Hailsham Road, Stone Cross, PEVENSEY, BN24 5EH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Greymoor Homes Ltd against the decision of Wealden District Council.
 - The application Ref WD/2021/1759/PIP, dated 28 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is Housing development.
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Decision

1. The development is allowed and permission in principle is granted for residential development comprising a minimum of seven and a maximum of nine dwellings at land north of Crossways/St Michaels Close, Hailsham Road, Stone Cross, Pevensey, BN24 5EH in accordance with the terms of the application, Ref WD/2021/1759/PIP, dated 28 June 2021.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. There is an earlier permission in principle application that relates to the eastern part of this site that has been refused by the Council (planning ref: WD/2021/0128/PIP) and appealed (appeal ref: APP/C1435/W/21/3284526). That proposal was for a smaller development of between three and five dwellings. The Council's refusal reason 1 is the same in respect of both permission in principle decisions. Given the policy context, the site and its location are the same there will be similarly to the conditions in respect of both appeals. Furthermore, there is similarity within the appeal submissions from both parties. Notwithstanding this, given that the appellants differ I have dealt with the appeals separately, noting also that representation made in respect of

both applications and appeals differs and that there is a second refusal reason in this case.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

6. The Council refers to the previous refusal and advises that there have been no changes to the local built context of the site, nor any significant change to the proposed scheme other than to enlarge the site area to allow for more dwellings. The Council confirms that there is still no five-year housing land supply in place as was the case at the time of the previous determination. However, the Council does not consider this proposal addresses the previous reason for refusal, and therefore there are no material reasons to justify any departure from the formal decision made previously by the Council. Although the Council advise that the primary reason for refusal is as set out for appeal APP/C1435/W/21/3284526, the Council have submitted a Statement of Case to support this appeal.
7. The site is outside any development boundary and the Council contends that the quantum of development under the Wealden Core Strategy Local Plan (WCSLP) 2013 Policy WCS6 has already been consented in Stone Cross, albeit Policy WCS6 is not referred to within refusal reason 1 on the Council's decision notice. As such, the Council considers that significant growth in more sustainable locations around Stone Cross has already been delivered or granted planning permission. It is also contested that this greatly reduces the benefit of the additional housing in this particular location outside any of the strategic growth locations in the WCSLP and the development boundary as set out within the Wealden Local Plan (WLP) 1998.
8. Nonetheless, the Council does not have a five-year supply of deliverable housing sites in place. The National Planning Policy Framework makes it clear that that where the local planning authority cannot demonstrate a five-year supply of deliverable housing site policies which are most important for determining the application should be considered out-of-date. This substantially reduces the weight that can be attributed to those policies that direct development to within settlement boundaries and to the quantum of development achieved given the current housing need situation.
9. Further to the above, this is not a remote or isolated site. Whilst this would be a larger development to that of the previous permission in principle scheme and cover a greater area, the site abuts the urban area where there is access to public bus transport and where there is opportunity to cycle further afield. The development would be seen as a relatively small expansion of the urban area. Stone Cross hosts a wide range of services and facilities. Other recent residential development has been constructed within close proximity to the site and I note that outline planning permission is in place for residential development on land to the east of Hailsham Road. In terms of its geographical location the site is a good candidate for housing given its

relationship to other residential development and accessibility to services that would reduce reliance on private motor vehicle.

10. Having regard to the above, I do not attribute any weight to the conflict with Policies GD2 and DC17 of the WLP and Policies WCS2 and WCS6 of the WCSLP in regard of resisting development outside settlement boundaries and the distribution of housing.

Land Use and Amount of Development

11. The site is a greenfield site. The development would take place within and adjacent to woodland. However, this is a relatively modest area of land and its contribution to the semi-rural transition along Hailsham Road is extremely limited. The residential use of the site would change its vegetated characteristics. Nonetheless, this area of land is separated from the wider countryside by the Pevensy Bypass. This limits the contribution of this vegetated site to the quality of the wider landscape. I do not consider the visual harm arising from the residential use of the land to be so substantial given the site's location between the Bypass and the urban area, and when taking into consideration its separation from the wider rural landscape. Policy EN27 of the WLP seeks to promote local distinctiveness, amongst other matters. The area is characterised by predominately residential development and in this respect the development would accord with Policy EN27.

High-pressure gas main

12. The second reason relates to a high-pressure gas main at the west part of this site. Statutory consultee, the Health and Safety Executive, have identified that residential use of the site may be hazardous, and that work should not occur without more detailed information. However, at this permission in principle stage consideration of technical matters is not for assessment. This is a matter for stage 2 of the permission in principle process.

Other Matters

13. Technical matters are not relevant to the permission in principle application, therefore matters pertaining to drainage, water run-off, ecology, arboriculture, noise, pollution, air quality, access, visibility, increased traffic converging on a junction and the public footpath that traverses the site would be evaluated as part of the stage 2 process.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR