



Appeal Decision

Site visit made on 18 October 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2022

Appeal Ref: APP/P1425/W/22/3296130

Site Adjacent Bernisdale, Haywards Heath Road, North Chailey BN8 4DP

- 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 Miss and Mr H and WG Menniss and Doull against the decision of Lewes District Council.
 - The application Ref LW/21/0996, dated 23 December 2021, was refused by notice dated 18 February 2022.
 - The development proposed is construction of two storey detached four bedroom dwelling and separate garage with one bedroom annexe accommodation over and ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is located approximately 15 metres from the Chailey Common Site of Special Scientific Interest (SSSI) and Local Nature Reserve. The SSSI is a designated sensitive area, as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). Furthermore, the proposed development falls within the description at 10 (b) of Schedule 2 to the EIA Regulations, as a result of its relationship with this sensitive area. However, following consideration of the nature, scale and location of the proposed development and its potential impacts on the SSSI, a screening direction was issued by the Secretary of State on 14 July 2022, which directed that an Environmental Impact Assessment is not required.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide a suitable location for housing, having regard to the accessibility to services and facilities, and
 - the effect of the proposed development on the character and appearance of the area, having regard to its relationship with the rural landscape.

Reasons

Suitability of Location

4. The appeal site is a parcel of undeveloped land between two existing detached dwellings. It lies outside the village of North Chailey, as defined on the Council's Policies Map, but within a loose knit ribbon of housing extending along

a significant length of the A272, west of the village. In the vicinity of the appeal site, housing is generally on one side of the road only and is interspersed with areas of heathland and smaller pockets of woodland.

5. Policy DM1 of the Part 2 Local Plan¹ directs new development to land within planning boundaries defined on the Policies Map. Outside the planning boundaries, Policy DM1 focusses on protecting the distinctive character and quality of the countryside and allows for development only where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated. The supporting text also explains that the planning boundaries are intended to positively focus growth on sustainable settlements and reduce the need to travel. The appeal site is outside any defined planning boundary.
6. Although there are some local services in North Chailey, this nearest village would not realistically provide all the facilities required to support family housing. The convenience store and other local services are small in scale and limited in scope. I saw during my site visit that the school near the appeal site is a specialist institution. While this may provide job opportunities, the appellant's evidence confirms that mainstream schooling is at a significantly greater distance.
7. The pavements which connect the appeal site with North Chailey are narrow and close to the carriageway, exposing pedestrians to heavy vehicles travelling at speed. The pavement is not continuous along either side of the road, so pedestrians would need to cross the busy road, at a traffic island, in order to reach the village. There is no street lighting. As such, while services in North Chailey may be within a reasonable walking distance, there are a range of factors which make the walking environment rather inhospitable.
8. There are bus stops near the site, which provide public transport into North Chailey and larger settlements, but the current hourly service is not so frequent or convenient that it would be likely to support ad hoc trips to the nearest shops and services. Cycling along the A272 would be possible for a confident cyclist, but there are no dedicated cycle facilities to encourage less confident users.
9. Given the limited nearby facilities and the inhospitable character of the main road, the likelihood is that future occupiers would largely travel by car. As such, the proposed development would not encourage a range of travel options. Neither would it be likely to enhance or maintain the vitality of North Chailey to any meaningful degree, given the limited scale of the development and the ease with which the village could be bypassed in favour of larger settlements.
10. Having regard to the above, while the appeal site is not geographically isolated, given its proximity to the village and the existing ribbon development, it does have a significant degree of detachment from the nearest settlement. This detachment is both physical, as a result of the intervening extent of undeveloped heathland and functional, in terms of the lack of a suitable environment to encourage walking and cycling to local services.

¹ Lewes District Local Plan, Part 2: Site Allocations and Development Management Policies, adopted February 2020

11. As a result, there would be negative environmental and social effects arising from the location, in terms of the use of natural resources and the limited accessibility of local services. The development would also fail to enhance or maintain the vitality of rural communities as required in paragraph 79 of the National Planning Policy Framework July 2021 (the Framework). I have given these disadvantages of the location significant weight.
12. For the above reasons, I conclude that the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. It conflicts with Policy DM1 of the Part 2 Local Plan which, amongst other things, limits development outside defined planning boundaries. It also conflicts with relevant paragraphs in the Framework which direct development in rural areas towards locations which enhance or maintain the vitality of local communities.

Character and Appearance

13. The ribbon of development along the A272 is not continuous; there are several parcels of undeveloped land, including small fields and paddocks between dwellings and more extensive areas of heathland and woodland. This pattern of developed and undeveloped land contributes to the informal, rural character of the area, in which established housing in large plots is interspersed with more spacious parcels of grazing, heathland and woodland. Depending on the level of vegetation, some of the gaps also open up views into the wider rural landscape.
14. The appeal site is one such gap, being a parcel of grassland to the side of a substantial detached house. Behind the boundary hedgerow it is open and fairly flat, enabling views into the wider landscape. While such views are relatively localised, due to the boundary screening, there is a clear sense of connection with the countryside setting around the existing dwellings.
15. Introduction of a substantial detached house and its prominently sited garage/annexe would consolidate the existing pattern of built development and erode its countryside setting. The proposed buildings would extend across almost the full width of the site, closing the gap and obstructing any views into the wider landscape beyond. The amount of space to either side of the dwelling would be much more limited than is typical of the existing development.
16. While the proposed barn-style design aims to respond to the rural setting, the design would contrast with the elevational treatment and hipped roof forms of the adjacent dwellings. It would not clearly relate to any existing farmstead or agricultural holding, thereby appearing somewhat incongruous in the context of the established development.
17. Although there is more extensive built development nearby at Chailey Heritage School, this is of a different character, being an education institution standing in large grounds. The school buildings have a close relationship with the heathland and woodland which surround them. They are also on the opposite side of the road, separated from the appeal site by heathland, such that the proposed development would have only a tangential visual relationship with the school complex.
18. For the above reasons, I conclude that the proposed development would harm the character and appearance of the area, including its relationship with the

surrounding rural landscape. As such, it conflicts with Policies CP2, CP10 and CP11 of the Part 1 Local Plan² and with Policies DM1 and DM25 of the Part 2 Local Plan and with relevant paragraphs in the Framework. These policies, amongst other things, require that new development should reflect the site context including the character of the surrounding area and protect the distinctive character and quality of the countryside.

19. The effect on the character and appearance of the area would be relatively localised, since vegetation and existing development along the length of the A272 screen longer range views of the site. In addition, no specific landscape or heritage designations have been brought to my attention. On that basis, I have given the harm identified to the character and appearance of the area moderate weight.

Other Matters

20. The Council accepts in its officer report that the housing targets in Policies SP1 and SP2 of the Part 1 Local Plan are out of date. With respect to Policy DM1, while this policy relates in part to the delivery of housing, by focussing development within defined planning boundaries, it does not preclude all forms of development outside those boundaries. Its focus on protecting the distinctive character and quality of the countryside is consistent with the Framework, notably paragraph 174b. As such, while recognising the implications of the shortfall in housing land supply, I have given the conflict with this development plan policy moderate weight.
21. I note from the appellant's evidence that the Inspector considering a previous appeal at Mitchelswood Farm, Allington Road, Newick (ref: 3119171, dated 16 February 2021) is stated to have reached a similar conclusion in relation to the status of Policy DM1, although full details of that appeal and the circumstances surrounding the proposed development are not before me.
22. Both parties agree that the Council currently has no five year housing land supply, although they suggest different figures for the annual housing requirement. The appellant alludes to a housing land supply figure of 2.9 years. I have been presented with no clear evidence to the contrary. The Council's Officer Report confirms the absence of a five year supply, without quoting a specific figure. Both parties agree that the presumption in favour of sustainable development, as articulated in paragraph 11d of the Framework, is applicable. Based on the evidence provided, although there is some uncertainty as to the precise figure, it is clear that there is a material shortfall in housing land supply. As such I concur that paragraph 11d of the Framework is engaged.
23. Although the appeal site is close to a SSSI, as noted above, no adverse impacts on the SSSI have been identified in the evidence or in the reason for refusal. The evidence does not indicate that the appeal site is subject to any other policies which protect areas or assets of particular importance, as listed in footnote 7 to Framework paragraph 11d(i). Therefore it is appropriate to consider whether any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, as set out in paragraph 11d(ii).

² Lewes District Local Plan, Part 1: Joint Core Strategy 2010-2030, adopted May 2016

24. Since the proposed development is for a single dwelling, its contribution to the shortfall in housing land supply would inherently be limited. Any contribution to economic growth would be similarly limited. While the Framework supports the efficient use of land, paragraph 124 makes clear that this is not at the expense of maintaining an area's prevailing character and setting, where appropriate, or directing development towards locations which limit future car use.
25. The application indicates that the proposed development would be a self-build dwelling, and this is explained further in the evidence submitted at appeal stage. I have noted that the applicant is stated to be on the Council's Self-Build Register, that they have a relevant local connection and that support has been expressed by a family member. However, no legal mechanism has been presented to secure the provision of self-build housing on the site. As such, while I have noted the potential contribution to demand for self-build plots, I cannot be certain that such benefit would be delivered in practice. For that reason, I have given the provision of self-build housing limited weight.
26. While the proposed introduction of renewable energy generation is a potential benefit, any benefit in terms of carbon emissions would be tempered by the unsuitable location and consequent reliance on private motorised transport. Although ecological enhancements are proposed, there is limited evidence to confirm whether these would amount to a quantifiable net gain in biodiversity, when other effects of the proposed development are taken into account. I have therefore given these potential benefits limited weight.
27. In conclusion, the benefits associated with the proposed development are modest in scale and, in some cases, not clearly supported by evidence that they can be delivered. Set against those benefits are the negative environmental and social effects associated with the unsuitable location, as set out above. I have given these significant weight, albeit I have attached only moderate weight to the resultant conflict with development plan policy DM1, given the housing land supply position and the planning boundaries, as discussed above. In addition, there would be harm to the character and appearance of the area, to which I have given moderate weight, along with the consequent conflict with development plan policy.
28. Given the harm that I have identified, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

29. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR