



Appeal Decision

Site visit made on 9 January 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2024

Appeal Ref: APP/P1425/W/23/3327384

Camoy's Court Farm, Barcombe Mills Road, Barcombe, East Sussex BN8 5BH

- 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 Hamilton on behalf of Home Steyning Ltd against the decision of Lewes District Council.
 - The application Ref LW/22/0820, dated 8 December 2022, was refused by notice dated 19 June 2023.
 - The development proposed is demolition of existing buildings and erection of 5 no. dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An amended version of the National Planning Policy Framework (the Framework) was published in December 2023. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.

Main Issues

3. The main issues are:
 - whether the site would be a suitable location for housing having regard to local plan policies; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. The proposal would be located outside of any planning boundary and is therefore regarded as countryside. Policy DM1 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies February 2020 (LP2) requires that outside the planning boundaries, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.

5. No specific development plan policy been brought to my attention which would support the provision of dwellings on the appeal site. Furthermore, no specific need has been evidenced for the proposed housing to be in a countryside location.
6. I therefore conclude that the proposed development would not provide a suitable location for housing in principle. It would be contrary to Policy DM1 of the LP2 and Paragraph 84 of the Framework. Amongst other things, these allow for new development outside planning boundaries only where such development is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.

Character and appearance

7. The appeal site is part of a working farm and contains a large barn that is proposed to be demolished as part of the appeal proposal. The appeal site is set back from the road and is surrounded by extensive hedgerows and mature trees. Dwellings in the area are generally sporadic, detached and are set within spacious plots. The wider area consists of open fields which gives the area an open and rural character and appearance.
8. The proposal would replace the barn with a terrace of 5 dwellings. The dwellings would face into the site and have their parking area on this frontage. The rear gardens of the dwellings would face the road. The dwellings would have a steel roof with dormer windows at the highest point which include large feature windows.
9. The proposed dwellings, while appearing as one mass within the site, would each be narrow. The gardens would face and extend towards the road, which combined with the large feature windows would draw attention to the dwellings in the street scene. I note the appellant's intention of this design is to add interest to the street scene; however, the modern appearance, terraced form and setting within small plots would result in the proposed development standing out as an incongruous and cramped feature in the context of the open and rural character and appearance of the area.
10. I therefore conclude that the proposal would harm the character and appearance of the area. It would be contrary to Policy DM25 of the LP2 and Paragraph 131 of the Framework. Amongst other things, these seek to ensure that its siting and layout respond sympathetically to characteristics of the development site and relationship with its immediate surroundings.

Other Matters

11. The appellant has put forward a fallback position in the form of an extant planning permission¹. This is for a prior approval for the change of use of an agricultural building to 5no. residential dwellings and I accept that the fallback position is available.
12. The appellant has stated their intention to carry out the fallback position should this appeal fail, I therefore accept that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed. It is therefore a material consideration in the assessment of the proposal.

¹ LW/21/0090

13. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
14. The appeal scheme would result in a reduction in footprint in terms of the bulk of the overall building. However, the overall height would increase and the garden sizes would be increased and be closer to the road. The design of the proposal is also different and rather than the simplistic design of the extant permission which replicates the more rural character and appearance of the site and wider area, it would be modern and contemporary.
15. I have already found that the proposal would harm the character and appearance of the area due to the height and design of the proposal. While I note the reduction in footprint as well as the benefits of increased amenity space through the larger gardens for future occupiers, this does not mitigate the harm I have identified from the height increase and design. I therefore find that the appeal scheme would be more harmful than the fallback position.
16. Consequently, for these reasons considered cumulatively, the fallback position carries limited weight in favour of the proposal.
17. The appellant has drawn my attention to an appeal decision² where the Inspector found that a fallback position carried significant weight. However, each appeal should be considered on its own merits and the appeal before me is materially different, and for the reasons given I have found that the fallback position would be less harmful than the appeal scheme.
18. The Council have concluded that the proposal would provide adequate living conditions for future occupiers, including an acceptable amount of outdoor amenity space. I have no reason to conclude differently, however, this is a neutral matter that does not outweigh the harm.

Planning Balance

19. The proposal would be contrary to Policies DM1 and DM25 of the LP2. These Policies are consistent with the Framework in focusing on protecting the distinctive character and quality of the countryside.
20. The Council concedes that it is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 77 of the Framework. As of April 2023, the Council has a 3.02 year supply which is a substantial shortfall. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
21. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. However, it is for a modest 5 homes. The proposal would also support the creation of jobs directly and indirectly during construction, would result in carbon neutral dwellings, a net gain in biodiversity and have the possibility for Passivhaus standards.

² APP/C5690/W/19/3220004

22. The appellant has drawn my attention to an appeal decision³ where the Inspector gave significant weight to the provision of housing in the overall planning balance. However, this related to the erection of a large number of dwellings, greater than the number proposed in the appeal before me.
23. In this instance, the inappropriate location and adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the very modest benefits and as such, the proposal would not constitute a sustainable form of development in terms of the Framework.
24. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

D Wilson

INSPECTOR

³ APP/P1425/W/22/3300691