



Appeal Decision

Site visit made on 28 March 2024

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/C1435/W/23/3323357

Land at Dean Farm, Palehouse Common, Framfield, TN22 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Enlightened Limited against the decision of Wealden District Council.
 - The application Ref is WD/2021/3056/MAJ.
 - The development proposed is the erection of two business units (Class E), access, landscaping and other associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two business units (Class E), access, landscaping and other associated infrastructure on land at Dean Farm, Palehouse Common, Framfield, TN22 5QZ in accordance with the terms of the application, Ref WD/2021/3056/MAJ, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issues are, firstly, the appropriateness of the location having regard to the need for business development; secondly, the effect of the scheme on the character of the countryside; thirdly, the effect on the significance of the Grade II listed Pelham Farmhouse and Pelham Place; and finally, the effect on protected species and trees.

Reasons

The appropriateness of the location having regard to the need for business development

3. The 2 business units would be sited in a field next to 4 recently built business units, known as the Enlightened Business Park, which occupy the former site of a chicken farm. They would share the same access and would represent the small-scale extension of this existing modest business site.
4. The Employment and Economic Study for Eastbourne and Wealden District (April 2022) found that the demand for business property in Wealden District is extremely high and there is an acute supply shortfall, with small units particularly in demand. There is a shortfall of 37.1 hectares of land to meet industrial and warehousing needs, and 44% of jobs in the district are in rural areas. The study recommended that meaningful extensions should be made to existing industrial parks as well as intensifying existing sites, especially in the A22/A27 corridor.

5. However, there is insufficient opportunity to meet this identified demand on existing, allocated or new sites. The current policy framework is restrictive; saved policy GD2 of the Wealden Local Plan 1998 resists development outside settlements whilst policy SPO7 of the Wealden Core Strategy Local Plan 2013 aims to concentrate development near public transport. The Core Strategy is more than 10 years old and the saved policies of the local plan are more than 25 years old, so the provisions for business development in the development plan are seriously out of date. The emerging Wealden Local Plan is at an early (regulation 18) consultation stage and carries little weight.
6. There is therefore limited opportunity to meet the identified demand through development on suitable sites allocated through the development plan process, and there are no up to date development plan policies for considering planning applications for business use on non-allocated sites. Against this background, the scheme would play a beneficial role in helping, to a degree, to meet the acute need for business growth and expansion in this area.
7. As regards traffic generation, the submitted transport report estimates that the development would generate around 130 daily trips. Although the site is served by minor roads, the road network to the east of the site provides good access to the A22, with satisfactory width and forward visibility, and is adequate to handle the amount and type of traffic that would be generated by this relatively small development. The network to the west is less suitable for this purpose, but a condition is attached requiring a sign to be installed at the exit to the site directing vehicles to turn left (eastwards) and follow the most suitable route towards the A22 via the B2192. The sign can be left to the developer and there is no need for the submission of details. A condition is attached requiring the laying out of the parking and turning areas before first occupation. To limit the impact of construction, a further condition is attached requiring the development to adhere to an approved construction traffic management plan.
8. In conclusion, there is a significant need for business development in the area; the local plan is seriously out of date and does not provide adequately for that need; and this location is suitable for the development proposed. The scheme would accord with the National Planning Policy Framework, which encourages the sustainable growth and expansion of all types of business in rural areas and recognises that sites to meet local business needs in such areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

The effect of the scheme on the character of the countryside

9. The business units would be similar to the existing units on the Enlightened Business Park. Relatively modest in scale, they would form a group with the existing units. They would be located within a flattish grass field which has no special character and does not make a significant contribution to the wider Low Weald landscape.
10. The units would be sited away from the field edges, leaving a wide buffer which would allow room for a substantial tree screen. The land falls away to the north of the site, but the positioning of the units and the landscaping buffer would ensure that the scheme was not prominent in the landscape. The tree screen would benefit the landscape in the medium to long term, for it would not only mitigate the impact of the proposed units over time, it would also help to soften the appearance of the existing units when seen from the east.

11. Subject to the attached conditions seeking details of the materials to be used on the buildings, landscaping (including the tree screen as well as other hard and soft landscaping), habitat protection and enhancement, lighting and operational hours, the development would accord with saved policies EN8 and EN27 of the Wealden Local Plan 1998 and policy SPO1 of the Wealden District Core Strategy Local Plan 2013, which together seek to manage countryside resources and distinct landscapes, preserve the character of the Low Weald landscape, and ensure that development respects its surroundings.

The effect of the scheme on the significance of the Grade II listed Pelham's Farmhouse and Pelham Place

12. Pelham's Farmhouse and Pelham Place is located about 60 metres from the south-east of the appeal site. The significance of the listed building lies in the historic and architectural interest as an 18th century vernacular farmhouse set in a largely rural location. Whilst the appeal site sits within the rural context of the listed building, there was no direct historic ownership link between the two.
13. Visually the listed building is separated from the appeal site by a road and two hedgerows, and even when the intervening vegetation is not in leaf, there is limited intervisibility between the site and the listed building itself. The development would be more apparent at the exit from Pelham's Farmhouse and Pelham Place, but the proposed planting buffer around the units would reinforce the visual separation between the development and the listed building and its curtilage, and would have the additional benefit of reducing the visual impact of the existing units. The proposed development would not affect the significance of the listed building or erode its setting and would accord with policy SPO2 of the Wealden Core Strategy Local Plan.

The effect on protected species and trees

14. There are several ponds in the area, the nearest being 20 metres south of the site, and the Council have identified the site as lying within the red impact risk zone for great crested newts. However, the ecology report accompanying the application, which was based on both records and field observations, concluded that the improved grassland on the site provides sub-optimal habitat for amphibians due to limited sheltering and foraging opportunities, and that there is negligible potential to support great crested newts. The sub-optimal habitat is clearly evident on site. Moreover, there is very limited documentary evidence of great crested newts within 2km of the appeal site. It can be reasonably concluded that there is no real, identifiable risk to the protected species. Natural England's standing advice is that no licence is required if on balance the proposed activity is reasonably unlikely to result in an offence. A condition is attached requiring adherence to an approved statement of good practice and reasonable avoidance measures, to minimise the potential impact on great crested newts during and after construction.
15. An area of ancient semi-natural woodland lies north of the site. A minimum buffer should be maintained between the development and the adjacent woodland to safeguard features associated with the woodland, including roots and ancient woodland ground flora. The proposed development footprint, including its areas of hardstanding, would be over 20 metres from the adjacent woodland, beyond an appropriate buffer. Habitats within this area would be retained, with no ground works or the storage of materials or machinery within this buffer area. A condition is attached in respect of tree protection during

construction, and a further condition relating to site drainage to ensure that this aspect of the scheme does not adversely affect the woodland. A short condition only is necessary; the Council's suggested condition is over-prescriptive.

16. Subject to the appropriate conditions, the development would not have a harmful effect on protected species or trees. The scheme would accord with policies SPO13 and WCS12 of the Wealden Core Strategy Local Plan which seek to maintain the quality of the environment, prevent a net loss of biodiversity and achieve gain, and protect the ecology of ancient semi-natural woodlands.

Conditions

17. Conditions are attached in respect of materials, construction traffic, tree protection, surface water drainage, the protection of great crested newts, landscaping, habitat protection and enhancement, lighting, the provision of parking and turning areas, the direction of vehicles leaving the site, and operational hours; the need for these conditions is discussed above.
18. Provision for cycle storage is shown on the submitted drawings and the Council's suggested condition seeking the submission of details for cycle storage is not necessary. In view of the role of the building regulations it is not necessary to attach the suggested condition relating to construction, energy efficiency and energy conservation. There appears to be no clear justification for restricting permitted development rights as suggested by the Council.

Conclusion

19. I have considered all the other matters raised, but they do not alter the balance of my conclusions. For the reasons given above, the appeal is allowed.

Jonathan Bore

INSPECTOR

ANNEX

Conditions

1. The development hereby permitted shall commence not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 0721/P103 A (UNIT 1 as Proposed)
 - 0721/P104 A (UNIT 2 as proposed)
 - 0721/P105 B (Street Scene Looking North)
 - 0721/P100 D (Site Location Plan)
 - 0721/P101 E (Block Plan)
 - 0721/P102 E (Site Layout as Proposed)
3. Prior to the commencement of development, a schedule of external materials to be used in connection with the development hereby permitted shall be submitted to and approved in writing by the local planning authority, and the approved materials shall be used in the implementation of the development.
4. Prior to the commencement of development, a construction transport management plan (CTMP) shall be submitted to and approved in writing by the local planning authority. The approved CTMP shall be implemented and adhered to in full throughout the construction period. The CTMP shall include details of:
 - a) the anticipated number, frequency and types of vehicles used during construction;
 - b) the method of access and egress and routing of vehicles during construction;
 - c) the parking of vehicles of site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;
 - e) the storage of plant and materials used in construction of the development;
 - f) the erection and maintenance of security hoarding;
 - g) wheel washing facilities;
 - h) works to mitigate the impact of construction upon the public highway;
 - i) measures for the control of noise and dust;
 - j) delivery hours and construction phase working hours; and
 - k) measures to manage flood risk, both on and off the site, during the construction phase.
5. Prior to the commencement of development, a tree protection plan (TPP) and related arboricultural method statement (AMS) shall be submitted to and approved in writing by the local planning authority. The TPP and AMS shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the root protection area of trees shown on the TPP, including installation of service routings, surface water drainage channel and attenuation basin. All works shall be carried out in accordance with the approved details.
6. Notwithstanding the details shown on drawing no. 0721/P100 D, drawing no. 0721/P101 E, and drawing no. 0721/P102 E, no development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the management

of surface water by means of a sustainable drainage system, ensuring that the integrity of the ancient semi-natural woodland is protected and the risk of flooding is not increased elsewhere. The scheme shall be implemented and maintained in accordance with the approved details.

7. Prior to the commencement of development, a statement of good practice and reasonable avoidance measures to minimise the potential impact on great crested newts during and after construction shall be submitted to and approved in writing by the local planning authority. The development shall adhere to the approved strategy.

8. Prior to the commencement of development, a landscaping scheme shall be submitted to and approved in writing by the local planning authority, which shall include details of all hard and soft landscape works, including the following:

- a) planting plans, to include a substantial tree screen between the buildings and the site boundary;
- b) details of any gates, fences, walls or other means of enclosure to be erected, as well as the location of signage; and
- c) the surfacing for the driveway and parking and turning area.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner: and any trees or plants which within a period of 5 years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping comprised in the approved details of landscaping shall be carried out prior to the first occupation of the buildings or the completion of the development, whichever is the sooner.

9. The development shall include measures for the protection and enhancement of wildlife habitats having regard to the recommendations of the Preliminary Ecological Appraisal dated 8 August 2021 and such measures shall be retained in perpetuity.

10. Prior to the installation of any external lighting to the site, details shall first be submitted to and approved in writing by the local planning authority. The details should provide for lighting that is low level, hooded and directional. External lighting shall only be installed and maintained in accordance with the approved details.

11. Prior to first occupation of the development hereby approved, the parking and turning areas serving the development shall be constructed in accordance with drawing no. 0721/P102 E (Site Layout as Proposed) and retained thereafter.

12. Prior to the first occupation of the development hereby approved, a sign shall be installed at the exit of the site directing all traffic from the site to turn left (eastwards) towards the B2192 (Lewes Road). The sign shall be retained thereafter.

13. The development hereby permitted shall only be occupied and deliveries to the site shall only take place between 08:00 hours and 19:00 hours on Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays.