



Appeal Decision

Site visit made on 17 September 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/P1425/W/24/3343819

Land South of Crest Road, Newhaven BN9 0PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr C Porpora, Highbeech Properties Ltd against the decision of Lewes District Council.
 - The application Ref is LW/23/0702.
 - The development proposed is outline application for two detached dwellings. All matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted indicative plans to show how two dwellings in the site would potentially be arranged, including access, parking, the footprint and position of the houses including a landscaped boundary. As all matters are reserved, these drawings would be for illustrative purposes only and I have determined the appeal on this basis.
3. An appeal against a refusal of planning permission for three dwellings on this site was dismissed in June 2023¹ and I have had regard to this decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. Crest Road is a private, unmade road which leads off Fairholme Road on the edge of Newhaven. The appeal site comprises a hillside plot of undeveloped open grass and scrub land to the south side of Crest Road which the appellant indicates was formerly used as a paddock. There is no residential development to this side of Crest Road and there is another paddock between the appeal site and Fairholme Road. There are two dwellings to the opposite side of Crest Road, which are also surrounded by open land. The appeal site is very close to the boundary of the South Downs National Park (National Park).
6. As open land, the appeal site and its immediate surroundings represent a transitional point where Newhaven meets open countryside and the National Park. There is a clear visual distinction between the regular, reasonably dense

¹ Reference APP/P1425/W/22/3304655

pattern of development along the west side of Fairholme Road, and the open land interspersed with sporadic development opposite to the east.

7. The appeal site sits outside the planning boundary as described by Policy DM 1 of Lewes District Local Plan Part 2 2020 (LLP part 2). This states 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. No substantive evidence has been provided which suggests the need for a countryside location for this proposal.
8. The proposal would continue the sporadic pattern of other development in the immediate surroundings. Nevertheless, this would harm the openness of the land and contribute to the suburbanisation of this area, which is characterised by its openness. In such a context the proposal would result in an intensification of built form in an area where open space contributes positively to the setting of the National Park.
9. I note the appellant's intention that the dwellings would take different forms so as to appear less urbanising and symmetrical than the scheme dismissed at appeal, along with a substantial landscaped boundary around the proposed plots to provide a managed transition to the National Park. The provision of the landscaped boundary between the proposed dwellings and the National Park would assist in screening the proposed development. Nevertheless, the loss of the open land and the consequent contribution of the appeal site to piecemeal development outside the planning boundary would be harmful to the character and appearance of the area irrespective of the detailed design and positioning of the proposed housing, including the landscaped boundary.
10. The proposal would harm the character and appearance of the area through loss of openness and the piecemeal suburbanisation of the area. This would conflict with the aims of Core Policy 10 of the Local Plan Part 1, Policy DM1 of the LLP part 2 and Policy D1 of the Newhaven Neighbourhood Plan 2017-2030. Taken together, these policies seek to protect the distinctive character and quality of the countryside outside the planning boundaries, require proposals to respond to local surroundings, landscape and context, and resist development in the setting of the National Park if it fails to conserve and appropriately enhance its natural and scenic beauty.

Other Matters

11. Both main parties refer to the Council's Interim Policy for Housing Development (Interim Policy) produced in May 2021. It addresses the issue of housing land supply and acknowledges that planning boundaries may need to be breached to meet local housing needs. The Interim Policy sets criteria for assessing applications for housing outside planning boundaries. Although the Council have used it to inform their assessment of the scheme, I note it is not an adopted policy that has been the subject of formal public consultation. As such, I afford it limited weight in the determination of the appeal. Even if I were to attribute full weight to the Interim Policy, given my assessment set out above the scheme would still run contrary to this guidance.
12. I note the appellant's view that the site has limited scope for other uses. However, this in itself does not justify the use of the site for residential

purposes and does not indicate that a decision should be taken other than in accordance with the development plan.

Planning Balance

13. Set against the harm identified, the proposal would deliver a net gain of two new dwellings. This would support the Government's aim of significantly boosting the supply of homes. However, the addition of two dwellings would provide a limited contribution in this context and I attach minor weight to this benefit. There would be temporary and ongoing economic benefits from the development through construction and use of local shops and services, but given the scheme contains only two additional dwellings, those benefits would be limited. There would also be potential benefits to biodiversity, to which I also afford modest weight given the undeveloped nature of the site.
14. The Council acknowledges that they cannot demonstrate a 5-year supply of deliverable housing sites; the reported supply is equivalent to 2.73 years. Therefore, paragraph 11d)ii of the Framework is applicable. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, 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.
15. As described above the benefits associated with two additional dwellings would be relatively minor even taking account of the Framework's objective of boosting significantly the supply of housing, and the Council's housing land supply position. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, along with ensuring that developments are sympathetic to local character, including the surrounding built environment and landscape setting. Furthermore, development within the setting of a National Park should be located to avoid or minimise impacts on the designated areas.
16. The harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

17. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

L Francis

INSPECTOR