



Appeal Decision

Site visit made on 31 October 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/C1435/W/24/3339112

Land at Coopers Green Road, Ringles Cross, Uckfield TN22 3AA

- 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 Signature Care Sussex Limited against the decision of Wealden District Council.
- The application Ref is WD/2023/0947/MAJ.
- The development proposed is a residential care home.

Decision

1. The appeal is allowed and planning permission is granted for a residential care home at Land at Coopers Green Road, Ringles Cross, Uckfield TN22 3AA in accordance with the terms of the application, Ref WD/2023/0947/MAJ, subject to the conditions in the attached schedule.

Preliminary Matters

2. An updated ecology assessment¹ was submitted with the appeal. The Council raise no objections to this and provide comments in its Statement of Case. This has resulted in part of the second reason for refusal, relating to protected species, no longer being defended by the Council. The updated assessment is not substantive and there would be no prejudice to any parties in accepting it.
3. A Unilateral Undertaking (UU) was also submitted, dated 19 September 2024, which provides for off site biodiversity net gain. The Council raise no objections to this, and this results in the other part of the second reason for refusal being addressed. I have dealt with the appeal accordingly.

Main Issues

4. The main issues are the effect of the development on:
 - a) the character and appearance of the area; and,
 - b) heritage assets.

Reasons

Character and appearance

5. Located on the east side of Coopers Green Road, the site is an undeveloped field around 0.5 hectares. Directly opposite the site is a row of predominantly 2 storey houses that run north south along the road. To the east of the site is Buxted Park, a Grade II* listed Registered Park and Garden (RPG), with the

¹ The Ecology Co-op, dated December 2023.

Grade II* Listed Buxted Park, a former country house, now hotel, set in the grounds. The site is bounded by trees and hedges with an Ancient Woodland to the east, which is part of the RPG. There is little development on the eastern side of Coopers Green Road, and with the set back nature of the existing dwellings on the west, coupled with well established landscaping in the street, the immediate area has a semi-rural character.

6. The proposal is for a residential care home, comprising 50 beds for older people with specialist age related needs including residential, nursing, dementia and respite care. It will comprise a 'H' shaped footprint, being 1.5 storeys to the east and west wings, with a central single storey element. Features such as gable details, dormers and varying materials would be used, along with a set back of around 25-30 metres from the road, commensurate with the dwellings opposite. Whilst the frontage would be wide, it would be appropriately broken up by dormer windows, overhanging eaves and a stepped roof design, which reduces the perceived massing. Additional landscaping is proposed to the frontage and both the northern and southern boundaries. The scheme would also be set around 25-35 metres in from the east, away from the Ancient Woodland and RPG.
7. The height would be low level, lower than most of the dwellings opposite, and the form, design and materials would be appropriate and of high quality, respecting the character of the area. The scale and site coverage of the care home would be substantial in terms of footprint, yet an effective use of land given the height has been kept at 1.5 storeys and considerable buffers to both the RPG and the road have been utilised.
8. The location would introduce development to the eastern side of the road, where there is a more open and rural character. Meadows to the north and south would be retained and the proposal would sit between. To this extent, it would appear prominent in the street scene, and it would be a noticeable change. However, change does not necessarily result in harm, and given the set back from the road, existing housing opposite the site, low height of the building, high quality design, and the proposed and existing landscaping, it would satisfactorily assimilate into this setting over time.
9. Additionally, the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) (2024), which forms part of the evidence base for the emerging local plan², identifies the site, and land to the north and south as suitable for residential development. This would result in around 55 dwellings on these sites, with the appeal site being identified as potentially accommodating around 15. Whilst the SHELAA is of little weight, given the stage of examination, it does provide some comfort that the Council considers that sensitive development could be accommodated on this eastern part of Coopers Green Road, and development to the north and south of the site may come forward in time.
10. Therefore, the proposal would have an acceptable effect on the character and appearance of the area. This would be compliant with Policy EN27 of the Wealden Local Plan (December 1998) (WLP), which requires that development should respect the character of adjoining development and, where appropriate, promote local distinctiveness. There would also be compliance

² The draft Regulation 18 Local Plan, and its underpinning evidence base, was made available for consultation in March 2024.

with the National Planning Policy Framework (the Framework), which seeks well designed and beautiful places, along with the Wealden Design Guide Supplementary Planning Document, which seeks to encourage a higher standard of design for development.

Heritage

11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to designated assets in the planning balance. This includes any harm to the setting of a listed building.
12. The Framework details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
13. There are several designated heritage assets that are located near to the proposal. To the east of the site is the Grade II* listed Buxted Park, and also Buxted Park RPG, also Grade II* listed. Also associated with the house are the stables and courtyard structures, both Grade II* listed. Within the park is the Grade I listed Old Church of St Margaret the Queen and the associated Grade II listed war memorial. There is also a scheduled monument which is the site of the medieval settlement of Buxted within the park.
14. The significance of these buildings collectively results from the historic development of a country house, originating from the 18th century, in extensive parkland, and its associated and complementary buildings, such as the stables and Church.
15. The significance of the RPG is derived from the retention of its historic boundaries and extensive landscaped parkland, which forms part of the wider setting for Buxted Park house, located at the centre of the park on high ground. A considerable amount of the RPG's historic and architectural interest comes from the existing designated heritage assets that lie within it. The RPG covers around 170 hectares, and the western part is largely formed by Views Woods, the ancient woodland that runs alongside the boundary of the site. This slopes down from a ridge towards Coopers Green Road and it appears to have been laid out with a pleasure function, given the historic network of paths.
16. The wider setting of the RPG to the north and east is generally agricultural and pasture land. The list entry for the RPG also specifically mentions that a strip of paddock rural hinterland has survived along Coopers Green Road at this point, which the site occupies part of.
17. The setting of the RPG can be appreciated through the site and the land north and south from Coopers Green Road, and there is a sense of a rural surroundings to the RPG on the eastern side of the road. The proposal would introduce built development into this currently open and undeveloped area. However, directly opposite the site is a row of dwellings and Uckfield presents a close boundary to the RPG to the south. To this end, the RPG is already influenced by urban development in this location.

18. Views from parts of the woods in the RPG towards the site would be available, given the presence of some paths, but these would be filtered with the existing woodland, and the dwellings opposite the site would be visible. There is very limited intervisibility between the site and other assets within the RPG, given the woodland, and the low height of the proposal.
19. The development would have an impact on the significance of the RPG through loss of the historic pasture, and the rural context that the site currently provides. This is especially pertinent in this case, where the list entry specifically refers to this section of land. There would also be an adverse effect on views towards the RPG from Coopers Green Road, along with views out of the RPG. The proposal would also fail to better reveal the significance of the RPG. However, the proposal is a low height, and whilst occupying a large footprint, would have an acceptable effect on the character and appearance of the area. A substantial 25-35 metre landscaped buffer would be incorporated offsetting the building from the RPG, which in part mitigates the effect.
20. Nevertheless, the effect of the development would result in harm to the setting of the RPG. This would be less than substantial, and at the upper end of the scale. By association, there would also be less than substantial harm to the setting of the other assets within the RPG, but given the limited intervisibility, this would be at the lower end of the scale.
21. The Framework sets out that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I shall carry out the heritage balance later in the decision.

Other matters

Biodiversity net gain

22. The scheme would result in a loss of biodiversity on site. The UU commits to providing a biodiversity scheme for offsetting this using an Off-Setting Bank or Broker, who are registered with the Government's Biodiversity Gain Site Register. The UU also requires that the units purchased must have the same distinctiveness as the habitat being lost.
23. The UU ensures that the biodiversity that would be lost on site through the development would be compensated for off site. Thus, there would be at least 10% net gain overall. Consequently, there would be compliance with Policy WCS12 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan (February 2013) (CSLP).

Special Protection Area

24. The site lies within 7km of the Ashdown Forest Special Protection Area (SPA). The qualifying features underpinning the SPA designation is the concentration of Dartford warbler and European nightjar. The conservation objectives for the SPA can be summarised as ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features. Natural England's supplementary advice on conserving and restoring site features for the SPA identifies recreational disturbance as one of the principle threats to ground nesting birds.

25. The Council were concerned that the proposal could lead to an increase in recreational visits to the SPA through the proposal. However, the appellant sets out that the care home would be occupied by frail older people in their mid-80s on average, who have moved there due to a significant health event in their lives, with many residents experiencing some form of mobility issue, dementia and/or other cognitive condition. Residents of the care home are therefore very unlikely to visit the SPA for recreational purposes and as such the proposal would have no effect upon the integrity of the SPA. To ensure that this remained the case, the occupancy of the care home could also be the subject of a condition [condition 16].
26. Thus, the proposal would comply with Policies EN1 and EN15 of the WLP and Policy WCS12 of the CLP, which seek to reduce the recreational impact of visitors upon the SPA resulting from new residents.

Protected species

27. The EIA details that the development has potential to result in disturbance to commuting and foraging bats, both during construction and in the long term after completion, through increased artificial lighting, disruption of commuting corridors, and direct loss of the other neutral grassland habitat that could be an important source of insect prey for bats. However, avoidance and mitigation measures are proposed, which would result in the residual impacts on commuting and foraging bats being negligible.
28. I have had regard to my duties under Regulations 9(1) and 9(3) the Habitats Directives, and considered the 3 tests in the light of the proposed mitigation and compensation. Based on the evidence before me, I have no reason to doubt that any required licenses would not be issued.

Planning obligation

29. The UU also commits to providing a Travel Plan to promote sustainable modes of transport, a bus consultation contribution, and off site highway works for the delivery of a footway and bus provision. These requirements, together with all the others in the planning obligation, would be necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind, complying with the Framework and the CIL Regulations.

Local residents' concerns

30. The distance between the site and neighbouring dwellings would ensure that there was no adverse loss of living conditions, either through noise, increased light or loss of privacy. There are no objections raised from the Council's highways team in relation to an adverse increase in traffic, and the car parking proposed is considered suitable providing access to a footpath and bus stop. The Council's Drainage Officer confirmed that the site is at low risk of fluvial flooding and very low risk of surface water flooding; and a condition [condition 5] for surface water drainage details would be secured to ensure a satisfactory standard of development that did not increase flood risk elsewhere.

Heritage balance

31. There is an acute need for care home accommodation, based on both the Council's and appellant's evidence and there is a high proportion of elderly residents in the district. The appellant claims there to be a need for 121

en-suite bed spaces now, rising to 189 by 2025. The Council presents no solution to this, with the Council's own Housing Needs Assessment concluding there was, at that time, likely to be a shortfall of 993 residential and nursing care bed spaces by 2039.

32. The proposal would provide 50 bed spaces for older people and would also provide an element of specialist dementia care, making a valuable contribution to an acute national need for such accommodation. This weighs substantially in favour of the scheme.
33. Furthermore, the proposal would free up larger family sized homes for rent or sale by older persons moving to the care home. Given the Council's lack of a 5 year housing land supply, this weighs significantly in favour. It is also undisputed that the scheme would provide a high standard of care and support for older peoples, in a purpose built environment that includes communal facilities, logically laid out spaces, wheelchair accessibility and safety measures. This has the potential to reduce costs to health and social services (including local GP practices) by providing specialist and dedicated in-house care and support; and reducing the need for residents (who might have previously lived alone) to call in existing local services. This weighs moderately in favour.
34. Additionally, the building's sustainability credentials, provision of local employment, biodiversity net gain and improvements to public transport are of moderate weight. It is my judgement that these public benefits would outweigh the less than substantial harm to the heritage assets, such that the proposal would be compliant with the Framework.

Conditions

35. The plans are listed for certainty [condition 2]. Conditions requiring a construction management plan [condition 3] and hours of construction [condition 14] would be necessary to ensure a satisfactory effect on the living conditions of nearby residents. For condition 3, I have not required details of the number, frequency and types of vehicles used, nor the routing of vehicles during construction, because these matters would be unenforceable. I have also not required for details of public engagement as this would be unnecessary.
36. An archaeological programme of works would be necessary to ensure that any archaeological and historical interest of the site is safeguarded and recorded [condition 4]. Foul drainage details [condition 6], including any necessary capacity upgrades, would be necessary to protect water quality and ensure a satisfactory standard of development.
37. Technical details of the off site highway works and their implementation would be necessary to ensure suitable and safe access to the site and sustainable transport means [condition 7]. Submission of the details/samples of materials would be necessary to ensure the external appearance is suitable [condition 8]. A scheme for biodiversity enhancements [condition 9] and an external lighting scheme [condition 10] would be necessary to protect biodiversity, including protected species. To promote sustainable building design, a condition for details of energy efficiency measures, renewable energy and sustainable construction would be necessary [condition 11].

38. The provision of visibility splays would be necessary to ensure a safe access and egress point [condition 12]. Provision of the car park and turning areas would be necessary prior to occupation to ensure suitable off road parking is provided [condition 13]. I have not however required the spaces to be a particular size as the condition requires the parking area to be laid out in accordance with the approved plan and thus it would be unnecessary and potentially contradictory. Tree and hedgerow protection would be necessary to preserve those on site [condition 15].
39. I have not required a condition for evidence to be submitted of the installation of the surface water drainage system, as condition 6 requires it to be implemented in accordance with the approved details and thus it would be unnecessary. I have also not implemented a condition for maintenance and management, or a condition for surface water highways details, as these can be required through condition 6. I have not required a condition for signage to be kept clear of the highway verge as this would be subject to separate advertisement controls. I have not required a condition for a Travel Plan as this is subject to the obligation in the UU.
40. All pre-commencement conditions [conditions 3-7] are fundamentally necessary to be agreed prior to the commencement of development. The appellant has agreed to the imposition of these.

Conclusion

41. For the reasons set out above, the appeal is allowed.

Katie McDonald

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: A19108-102 P4, A19108-101 P7, 01/01 January 2023, 01/02 January 2023, 01/03 January 2023, 01/04 January 2023, 01/05 January 2023, 01/08 January 2023, 01/10 January 2023, 10/09 January 2023, 3.B (Planting).
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) Access, egress and the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place, including any works of demolition, until:
 - (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved Written Scheme of Investigation.

- 5) No development shall take place until a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall include the following:
 - i) detailed plans, layouts and sections of the proposed drainage system, pollution/silt control devices and construction details of any non-standard features including a timetable for its implementation.
 - ii) full hydraulic calculations that prove that the final design can accommodate the site runoff rates for the standard 1 in 100 year rainfall event plus the most recent climate change allowance provided by the EA on 10 May 2022.

- iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 6) No development shall take place until a scheme for the provision and implementation of foul drainage, including any necessary capacity upgrades to the existing infrastructure to facilitate the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and completed in accordance with the approved details, prior to first occupation of the development.
- 7) No development shall take place until technical details of the layout of the new access, which shall include details of the footway, crossing points (north and south of the access) and bus stop infrastructure have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and completed in accordance with the approved details, prior to first occupation of the development.
- 8) No development above slab level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 9) No development above slab level shall take place until a scheme for the enhancement of the site for biodiversity purposes, in line with the recommendations and mitigation measures in chapters 5 and 6 of the Ecological Impact Assessment (14 December 2023) to include timescales for implementation, siting of biodiversity features and future management, has been submitted to and approved in writing by the local planning authority. The scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.
- 10) No development above slab level shall take place until a scheme for all permanent external lighting across the site, including details of the lighting specification, the siting of lighting columns/posts and a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved scheme and thereafter maintained and retained at all times.
- 11) No development above slab level shall take place until details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

- 12) The access shall not become operational until visibility splays of 2.4m by 120m are provided in both directions and shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
- 13) The development shall not be occupied until the car park has been provided in accordance with drawing no 01/02 January 2023, and retained as such thereafter.
- 14) Demolition or construction works, and deliveries, shall take place only between 0800-1800 on Monday to Friday, 0800-1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 15) No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow:
 - i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
 - v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
 - vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2012 'Trees in Relation to Construction'.
- 16) The premises shall be used for a Care/Nursing home for elderly infirm residents by reason of dementia or nursing or other care needs and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*****END OF CONDITIONS*****