
Appeal Decision

Site visit made on 23 October 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/P1425/W/24/3345368

Land adjacent to 4 Telscombe Road, Peacehaven BN10 8AH

- 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 Mr J Ockenden against the decision of Lewes District Council.
 - The application Ref is LW/24/0105.
 - The development proposed is erection of 3 bedroom dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application a revised National Planning Policy Framework (the Framework) has been published. The main parties have been given the opportunity to comment. I have considered resultant submissions and the revised Framework in my decision.
3. Section 245 of the Levelling-Up and Regeneration Act (LURA) amended the duty on relevant authorities regarding land in Protected Landscapes, (including National Parks), requiring they seek to further the statutory purposes of such areas. Guidance published in December 2024 is clear that this extends to functions undertaken outside of a National Park, but which affects its setting. Paragraph 189 of the Framework requires that development within the setting of a National Park should be sensitively located and designed to avoid or minimise adverse impacts upon it.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site (the site) is a largely undeveloped paddock at the furthest end of a residential street, where the suburban conurbation of Peacehaven cedes to open countryside beyond, including the South Downs National Park (SDNP). It is acknowledged by both main parties that the site is outside of designated planning boundaries as per Policy DM1 of the Lewes Local Plan Part 2 (2020).
6. The front boundary of the site is marked by a low field gate that provides vehicular access from Telscombe Road (the road) and by a mature hedgerow that continues on around the eastern edge of the site. There is a signposted public footpath leading into the SDNP immediately adjacent to the field gate. Walkers using it

must pass the site entrance, from where the view broadly north-northeast is largely unobstructed.

7. In the foreground of this vista is the site itself; it is simple but pleasant, with a distinctly rural character. In the background is the arresting sight of the rolling hills of the South Downs stretching out into the distance. In combination these create a highly attractive scene, and identify the site as firmly in, and part of, the countryside rather than the town. For these reasons, I find the site to be within the setting of the SDNP.
8. The effects of the view described above are accentuated by the markedly low levels of development around the site. The exception is to the west, where housing exists. Even then the nearest house to the site, 4 Telscombe Road, is on the far side of a significant expanse of open garden, such that the land immediately west of the site is undeveloped. These surroundings combine with the characteristics of the site to create a quiet and tranquil environment, in keeping with the countryside setting.
9. The appeal proposal includes the erection of a detached dwelling, which would be directly visible from the road near the site entrance. The dwelling would significantly impede the existing views, eroding the extent to which the site appears as part of the countryside. Whilst the existing hedgerow and parts of the grassed area would be retained, these simple and naturalistic features would be overpowered by the formality of the dwelling, and the undeveloped and rural character of the site would be overridden by a markedly suburban one, at odds with the surrounding area and harmful to the setting of the SDNP. The proposed dwelling would appear disconnected from housing to the west due to the distance between the two.
10. The southern section of the dwelling would occupy the majority of the width of the site, with a patio and parking area laid out in front. These features would emphasise the presence of the dwelling, exacerbating the harmful effects described above. The existing quiet and tranquil environment would be undermined by the movement of cars, the inevitable presence, even with mitigating steps taken, of artificial light, and normal domestic activities as associated with a dwelling. Whilst the site may already be subject to vehicular movements and activity related to the keeping of horses, I have no evidence that this results in impacts comparable to those likely to be generated by the proposed development.
11. The site is included in area B2: Peacehaven Residential, in a recent Landscape Character Appraisal (LCA) undertaken for Lewes District Council. Area B2 is described therein as having a high influence from residential development and urbanising features, high levels of enclosure generally with some views of the SDNP from higher parts, and representing a transitional landscape between the SDNP and the coastal settlements.
12. Even setting aside the status of the LCA relative to the development plan and the Framework, the description is a summary of the whole of Area B2, and not necessarily of each site within it. I have found the characteristics of the appeal site to be as set out above, for the reasons given.
13. Whilst the topography of the area operates in conjunction with other features to screen, reduce, or prevent views of the development from some nearby locations,

it would nevertheless at least be prominent from the road near the site entrance, as would the loss of the view therefrom. Given the proximity of the footpath into the SDNP and the presence of a public bridleway over the road, the effects of the development would likely be experienced by a significant number of people.

14. The reasons for refusal do not refer to the potential for the land to be used to produce food. I see no reason to apply a different approach and, as such, the status of the site in that respect does not weigh against the development.
15. The proposed development would harm to the character and appearance of the area, including the setting of the SDNP, contrary to Policies CP2, CP10 and CP11 of the Lewis Local Plan Part 1 (2016), and to Policies DM1, DM25, DM27 and DM35 of the Lewis Local Plan Part 2 (2020) where they require development to conserve rural landscape qualities in the setting of the SDNP, and respect and contribute to local character.

Other Matters

16. I appreciate that the appeal proposals comprise revised plans and would benefit the personal and family life of the appellant. Nevertheless, I must form my view on the planning merits of the proposed development as submitted.

Planning Balance

17. The Council does not dispute that the housing delivery position activates the provisions of paragraph 11(d) of the Framework. The proposal would yield a net gain of one new house on a small site that has not been found inaccessible. It could be built quickly and would improve the current shortfall in the district's housing land supply. The benefits of providing such housing carry significant weight but this is tempered by the modest scale of the scheme.
18. The site already has a vehicular access and, notwithstanding its separation in visual and characteristic terms, is near to existing development and alongside the planning boundary. Occupiers of the proposed development would provide additional support to existing local facilities. There would be temporary economic benefits associated with the construction phase. Given the relatively small number of new residents brought about, these benefits would be minor.
19. The proposed development has not been found harmful to biodiversity and, subject to appropriate planning conditions, has the potential to deliver enhancements in that respect. The proposal includes measures to promote energy efficiency potentially greater than those required by the Building Regulations. It also includes renewable energy and water saving provision. Overall, however, the benefits from the proposed development would be outweighed by the harm caused to the character and appearance of the area, including the setting of the SDNP.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Knight

INSPECTOR