



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: 13th February 2025

Appeal Ref: APP/P1425/W/24/3346977

Land to the East of Blakeney Avenue, Peacehaven BN9 9UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Cheffings against Lewes District Council.
 - The application Ref is LW/23/0655.
 - The development proposed is the erection of a two storey three bedroomed detached dwelling and associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. As set out in the procedural guide, appeal start letters include the dates by which documents and comments must be received. Late submissions will normally be returned unless a change in circumstances, such as new national policy, requires otherwise. The Council did not set out the decision it would have made on the application in time for that information to be considered in this appeal.
3. In the interests of factual accuracy, I have asked for copies of relevant policies and a plan to show the nearby national park boundary in relation to the appeal site. I have also given both main parties the opportunity to comment on any implications of the revised National Planning Policy Framework (the Framework), which was published after the determination of the application. Otherwise, any late submissions have not been considered.
4. I have used the site address from the Planning, Design & Access Statement as the postcode used on the application form is incorrect.

Main Issues

5. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. The appeal site (the site) is an area of undeveloped land outside of designated planning boundaries, where Policy DM1 of the Lewes Local Plan Part 2 (2020) requires the distinctive character and quality of the countryside to be protected, and that new development only be permitted where it is consistent with a specific development plan policy, or where the need for a countryside location can be demonstrated. On the evidence before me, the proposed development does not have the support of Policy DM1, the purpose of which is to positively focus growth on sustainable settlements, reduce the need to travel, and protect the intrinsic character and beauty of the countryside.
7. The appellant states that the site is in a sustainable location close to public transport networks and footpaths. Beyond drawing my attention to bus stops near the appeal site on the A259 South Coast Road, however, I have been provided with little evidence in support of this assertion.
8. During my site visit I saw no evidence of services and facilities near the appeal site. Whilst I saw bus stops near the junction between Blakeney Avenue and the South Coast Road, I have no information as to the services available from them. The pavement on the northern side of the South Coast Road offers a lit cycle route, segregated from the road, but I have no information as to the distance to the nearest services and facilities, and whether the cycle route leads to them. As such, I have no evidence that the development would not require its future occupants to travel for their daily needs, or that walking, cycling and public transport would offer a genuine choice of transport modes.
9. The site would not evidently be a suitable location for the proposed development, which would conflict with Policy DM1 of the Lewes Local Plan Part 2 (2020) where it seeks to focus growth on sustainable settlements and reduce the need to travel.

Character and appearance

10. 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.
11. Blakeney Avenue is one of a small number of roads and tracks in an area dissected by the South Coast Road and The Hwy (the area). To the south of the area is the sea, to the north is the South Downs National Park. The suburban settlements of Peacehaven and Newhaven are to the west and east respectively. From many parts of the area, it is possible to see at least one of these surrounding features. From some parts, such as at the southern part of Blakeney Avenue, they can all be seen simultaneously. Intermittent development exists in the area, but it is scattered across it in an ad-hoc manner, and the land is predominantly open. Overall, a large part of the character of the area is derived the way in which its

open, undeveloped nature serves to connect the sea to the National Park, and to separate the nearby settlements.

12. The site comprises a mix of grass and shrubland, accessed from a simple, unmade track at Blakeney Avenue. Other than a low, post and rail fence and gate, the site is undeveloped. The track has no street lighting or pavement, and whilst there is an eclectic mix of buildings nearby, including some dwellings, these are not laid out in any recognisably formal way. Gaps between buildings, or small clusters of buildings, are significant and largely undeveloped. Overall, the site and the part of Blakeney Avenue near it, correspond and contribute to the characteristics of the area.
13. Immediately north of the site is further undeveloped land, then the South Downs Road. On the far side of the road the South Downs National Park (SDNP) begins. Blakeney Avenue slopes downhill towards the South Downs Road. This, and the openness of the area, allow wide-ranging views of the SDNP from within and around the site, as well as direct views of the site and the open area of which it is a part, from within the SDNP. Though the site does not immediately abut the edge of the SDNP, the gap between them is small and the land therein is open and undeveloped, save for the South Downs Road, which does not obstruct intervisibility. As a result, and given the characteristics of the area as set out above, I find the site to be within the setting of the SDNP.
14. The proposed development includes a detached dwelling. Though it would be partly excavated into the hillside of the site, and even with existing greenery supplemented by new boundary planting, the presence of the dwelling would be readily apparent from Blakeney Avenue, from neighbouring sites, and from the SDNP. It would be starkly at odds with the current undeveloped nature of the site, and would erode the openness of the area, including that between and around clusters of buildings therein. As such, it would harm 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, and DM27 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

15. Submissions from third parties cite a range of concerns beyond those covered in the main issues above. In the absence of reasons for refusal it is not evident that the Council would have found harm in respect of any of the cited matters. I have made my determination on that basis.

Planning Balance

16. The provisions of paragraph 11(d) of the Framework are engaged as the Council cannot demonstrate a five-year supply of housing land. I have no evidence as to the extent of the shortfall and proceed on the basis that it may be significant, therefore.
17. The proposal would yield a net gain of one new house on a small site that could be built quickly and would improve the current shortfall. The benefits of providing housing carry significant weight but this is tempered by the modest scale of the scheme.

18. The proposed development would generate economic benefits, both temporary during the construction phase, and ongoing thereafter. Given the modest scale of the project and the relatively small number of new residents brought about, these benefits would be minor.
19. As described above, I have no evidence that the appeal site is a sustainable location, or that the proposed development would promote walking, cycling and public transport use, as directed by the Framework. For the same reasons it is not evident that the development would result in the effective use of land.
20. Overall, 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

21. The proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

A Knight

INSPECTOR