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## Appeal Decision

Site visit made on 25 February 2025

by **Jane Smith MA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

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### Appeal Ref: APP/P1425/W/24/3347967

#### Land at North Barnes Lane, North Barnes Lane, Plumpton Green BN7 3DX

- 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 and Mrs M Awbery against the decision of Lewes District Council.
  - The application Ref is LW/24/0243.
  - The development proposed is described as 'Demolition of existing buildings. Construction of detached four bedroom dwelling.'
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### Decision

1. The appeal is allowed and planning permission is granted for 'Demolition of existing buildings. Construction of detached four bedroom dwelling' at Land at North Barnes Lane, North Barnes Lane, Plumpton Green BN7 3DX in accordance with the terms of the application, Ref LW/24/0243, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2024 and is applicable to this appeal. Both parties have had the opportunity to comment on changes relevant to their cases and I have taken comments received into account.

### Main Issues

3. The main issues are:
  - whether the proposed development would be a suitable location for housing, having regard to the Council's spatial strategy and accessibility to services and facilities,
  - the effect on the character and appearance of the area, and
  - whether any conflict with the development plan is outweighed by any other considerations, including the housing land supply position and the benefits of the proposal.

### Reasons

#### *Location*

4. The appeal site is a parcel of land outside the planning boundary of Plumpton Green. It is accessed from North Barnes Lane, which is a narrow private track lacking pavements or streetlights. However, the lane has an engineered surface

- supporting vehicular use and is also a public bridleway, as well as providing access to several houses and other buildings at the edge of the settlement.
5. A short distance further along North Barnes Lane, there is a dwelling next to a group of agricultural buildings. However, the appeal site itself is currently surrounded by open fields. Although outline planning permission has been granted for a sizeable residential development on land nearby at Nolands Farm, at the time of my site visit there was no apparent development on that land.
  6. Outside planning boundaries, Policy DM1 of the Lewes District Local Plan Part 2 (LLP2) focusses on protecting the distinctive character and quality of the countryside, with new development only being permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated. No argument has been advanced that the proposed development relates to a specific need for a countryside location or is supported by any other relevant development plan policy. It would, therefore, conflict with Policy DM1 as a matter of principle.
  7. The Council's Interim Policy Statement for Housing Delivery, March 2020 (IPS), sets out several criteria to guide the provision of housing outside settlement boundaries, if there is a shortfall in housing land supply. The IPS is not part of the development plan, so it does not carry similar weight. In any case, the appeal site clearly conflicts with the first criterion in the IPS that housing should be contiguous with an adopted planning boundary, so the proposal does not gain support from this additional guidance, since all the relevant criteria must be satisfied.
  8. In order to promote sustainable development in rural areas, the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Isolated housing is to be avoided, other than in the specific circumstances listed in paragraph 84.
  9. The site is within the Parish of East Chiltington, which is a rural hamlet described by the Parish Council as unsuitable for development. However, it is close to the edge of Plumpton Green, which is a fairly sizable village, with local services including a primary school, convenience store, railway station and bus service. Although the appeal site is detached from the planning boundary, the distance into the settlement is short, with village amenities being around 500m away according to the Council's Officer Report. There is a direct route into Plumpton Green, via North Barnes Lane, and housing within the village is visible from the site. Consequently, the site is neither far away nor remote. As such, the proposed dwelling would not be isolated, giving the word its ordinary, objective meaning, and paragraph 84 of the Framework is not applicable.
  10. The narrow width of the lane and lack of pavements or street lighting would be a deterrent to walking or cycling, particularly for those with restricted mobility or accompanying small children. However, the lane is a public bridleway, indicating that there are general rights of access for pedestrians, cyclists and horse riders. It is straight, with reasonable visibility of oncoming vehicles. Although the verges are narrow, the limited width of the lane suggests that vehicles are unlikely to be travelling at speed, which would limit the risk of conflict between vehicles and pedestrians. Cycling would not be particularly challenging. The lane is wider near Sun Close and there are several dwellings close to the junction with Station Road, where some pedestrian use of the lane seems likely.

11. Taking these factors into account, while the conditions for walking and cycling are not ideal, at least some future occupiers would have the option of doing so with care. Having reached the village, there is access to public transport, with bus stops on Station Road and a railway station a short distance away. Therefore, it would also be feasible to travel to larger settlements by that means.
12. Nevertheless, the likelihood is that the proposed development would increase the number of trips by private car, particularly in poor weather, after dark or where future occupiers do not feel confident walking or cycling. Notwithstanding the recognition in the Framework that opportunities to maximise sustainable transport will vary between urban and rural areas, the nature of the lane weighs against the suitability of the location for additional housing. While future occupiers would be able to use the local services and facilities, only a single dwelling is proposed, so any positive contribution to the vitality of those services would be very limited.
13. Taking all the relevant factors into consideration, I conclude that the site would not be a suitable location for housing, having regard to the Council's spatial strategy and the somewhat compromised accessibility to services and facilities. It would conflict with Policy DM1 of the LLP2 as summarised above. While it would not conflict with the Framework's provisions regarding isolated housing in rural areas, it would not, overall, be a suitable location when considered against other relevant aspects of the Framework.

#### *Character and Appearance*

14. Although the appeal site is surrounded by open fields, with a gently undulating, pastoral character, the site itself has the character of a small yard, containing several outbuildings and sheds. The eastern boundary is well defined by a hedgerow. At the time of my site visit, the hedge did not continue along the front boundary, as suggested on the plans, although there was a raised earth bund to either side of the access. However, the other boundaries between the site and the adjacent open fields are not so clearly demarcated.
15. There is a cluster of outbuildings in the southern part of the site, where the proposed dwelling would be sited, as well as a variety of items stored outdoors, including several metal containers. There is now also a four-bay barn in the northern part of the site, close to the lane. This appears recently constructed and is not shown on the application drawings. In their representations on the appeal, East Chilton Parish Council referred to an agricultural barn having recently been approved and, while details of that approval are not before me, their description is consistent with the barn I observed on site.
16. The existing buildings and structures are not untypical of a rural agricultural landscape. Nevertheless, the site has a more developed character than the surrounding open fields. There is other sporadic housing within the surrounding landscape, notably the dwelling slightly further along North Barnes Lane. The edge of the settlement is also visible, so the rural landscape is not devoid of residential development. As such, the visual continuity of the landscape is already somewhat interrupted. The new barn is also a fairly prominent feature.
17. The proposed dwelling would replace the outbuildings and sheds identified on the plans. No mention is made of the barn, but the proposed layout would allow for it to be retained and in the absence of any evidence to the contrary I have considered the appeal on that basis. While it has not been argued that the dwelling

is required for agricultural purposes, the combination of house and barn is not an inherently alien feature within the countryside and the development would not preclude ongoing agricultural use of the adjacent fields.

18. Although the proposed dwelling would have a smaller footprint than the buildings to be demolished, it would be taller, being on two storeys with a pitched roof. The design includes external materials and detailing which can be found in the surrounding rural area. Nevertheless, the site as a whole would have a more domestic appearance, reinforced by the introduction of a residential curtilage, including a garden, patio and parking. On the other hand, the level of outdoor storage is likely to be reduced.
19. The proposed housing at Nolands Farm has not yet been implemented. Based on the evidence before me, even if it had been, the proposed dwelling would be beyond the limits of that development, still standing apart from the settlement edge. It would also be a more piecemeal form of development. As such, while I have noted the potential change in the landscape as a result of the anticipated development at Nolands Farm, that has not been a significant factor in my consideration of the case.
20. Nevertheless, while I recognise that there would be a change in the character of the site, the appearance of the dwelling would be consistent with that of a rural dwelling standing in a relatively spacious plot. The developed area would not extend beyond the existing limits of the yard and additional planting could be secured to demarcate the boundaries and establish a clear distinction between the site and the adjacent fields. Taking account of the particular circumstances of the site and its surroundings, the effect of a single dwelling on the rural landscape would be neither materially harmful nor materially beneficial, but broadly neutral.
21. I therefore conclude that the effect on the character and appearance of the area would be acceptable in the circumstances of this particular case. The proposed development would not conflict with relevant requirements in Policies CP2, CP10 and CP11 of the Lewes District Local Plan Part 1 (LLP1) or Policies DM1 and DM25 in LLP2. These policies, taken together, require that the distinctive character and quality of the countryside is protected, and that development responds sympathetically to the site, its local context and locally distinctive landscape characteristics.

### *Other Considerations*

22. The Council acknowledges that, as of May 2024, a five year housing land supply cannot be demonstrated. The appellant alludes to a housing land supply of around 3 years based on the 2022/23 Authority Monitoring Report and no evidence has been presented to the contrary. As such, the evidence indicates a fairly substantial shortfall, which is a matter carrying significant weight in the context of the focus of Government policy, including within the revised Framework, on boosting the supply of housing.
23. While only a single dwelling would be provided, in the context of the shortfall any additional housing is of value. There would also be some economic benefit, as a result of the construction process and longer-term contribution by the occupiers to the local economy. Nevertheless, given the modest scale of the proposal, any such benefits would be inherently limited.

24. The application form indicated that the proposal was for a self-build dwelling. The Framework is supportive of the provision of sites for people wishing to commission or build their own homes and, if delivered as such, the dwelling may help to satisfy the Council's statutory obligation to respond to demand for custom and self-build housing. However, there is no evidence before me of a specific shortfall in the supply of plots for self-build housing and in any case no legal mechanism has been proposed to secure the delivery of self-build housing on the site. Therefore, while I appreciate that may be the appellant's intention, delivery of a self-build scheme meeting the definition in the Framework cannot be guaranteed and I have therefore given the potential contribution to the strategic supply of self and custom build housing limited weight.
25. The development would make use of a relatively small site, where there is already some built development. However, it has not been claimed that the site is previously developed land as defined in the Framework and the site is outside any settlement, where the reuse of such land would be more specifically supported. Therefore, these aspects of the proposal carry limited positive weight.
26. While I have noted concerns raised about potential future development proposals on land to the south, with access being available through the site, the adjacent land is an open field with a different character and appearance to the appeal site. Therefore, any proposed development in that location would have to be considered on its own merits, taking account of those characteristics and any relevant circumstances at that point.

### **Planning Balance**

27. Although Policy DM1 of the LLP2 does allow for some development outside planning boundaries, it takes a more restrictive approach to housing in the countryside than that set out in the Framework. While the somewhat compromised accessibility to services and facilities weighs against the development, the level of harm is mitigated by the short distance to Plumpton Green, the possibility that some future occupiers would choose to walk or cycle and the level of services and facilities available, including public transport to larger settlements. Taking all these factors in combination, while the proposal would conflict with the development plan by virtue of the conflict with Policy DM1, in the context of this particular proposal, I have given the harm associated with its location modest weight.
28. In light of the substantial shortfall in housing land supply, even if the small scale of the proposal and its location outside the settlement is taken into account, the social and economic benefits of the development carry similarly modest weight.
29. Since the Council cannot demonstrate a five year supply of housing land, and the proposal would not conflict with policies in the Framework that protect areas or assets of particular importance<sup>1</sup>, the approach set out in paragraph 11dii of the Framework is applicable. In this case, the level of harm and the level of benefit carry similar weight. Therefore, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework.

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<sup>1</sup> As identified in footnote 7 of the Framework.

## Conditions

30. The Council did not provide a list of conditions which should be imposed if planning permission was granted. Nevertheless, I have considered what conditions should be imposed, having regard to the tests in the Framework and Planning Practice Guidance and evidence from both parties, including the Officer Report, advice from consultees and technical evidence submitted with the application. Both parties were given the opportunity to comment on the conditions, without prejudice to the outcome of the appeal, and neither raised any objection.
31. In addition to the standard timescale for implementation of the development, I have imposed a condition specifying the approved plans, in the interests of clarity and a condition requiring approval of the external materials, in the interests of the character and appearance of the area.
32. For reasons set out in the desktop assessment submitted with the application, further investigation of any contamination would be necessary in advance of development commencing, along with a programme of remediation if any contamination is identified. I have therefore imposed a condition to that effect. To be effective, it is likely that any remediation would need to take place prior to any other works proceeding and the appellant has confirmed agreement to imposition of a pre-commencement condition.
33. Conditions are necessary to secure agreement and implementation of a suitable landscaping scheme, including enhancement of the existing landscaping around the boundaries, in the interests of the character and appearance of the area. The required scheme would also incorporate appropriate ecological safeguards and enhancements, as set out in the Preliminary Ecological Appraisal, and a separate condition is imposed to ensure that precautionary working practices are observed during construction, taking account of any ecological interest on the site.
34. Conditions are imposed to ensure that suitable access and parking is available clear of North Barnes Lane, prior to occupation of the dwelling and that suitable waste and recycling arrangements are in place, in the interests of a well-functioning development. The final condition would ensure that demolition of the existing buildings is completed in full prior to occupation of the dwelling, with the resultant materials being removed, in the interests of the character and appearance of the area.

## Conclusion

35. The proposed development would conflict with the development plan. However, other material considerations, including the presumption in favour of sustainable development as defined in the Framework, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

*Jane Smith*

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:
  - 004081 – Location Plan
  - 237790 / 01 Rev C – Proposed Site Plan
  - 237790 / 04 – Proposed Dwelling Elevations
  - 237790 / 05 – Proposed Dwelling Outline Section
  - 237790 / X01 – Proposed Dwelling Floor Plans
  - 237790 / EX01a – Existing Site Plan Condition
  - 237790 / EX01 Rev A – Existing Site Plan
  - 237790 / EX04 Rev A – Existing Building 1, 2, 3, 4
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
  - i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
  - ii. the site has been remediated in accordance with the approved measures and timescale; and
  - iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

  - i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
  - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 4) No development above ground level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  - details of all existing trees and hedgerows on the land, identifying those to be retained and setting out measures for their protection throughout the course of development,
  - details of all boundary treatments, which shall include the provision of new hedgerows along the western and southern boundaries of the site, as shown on drawing 237790 – 01 Rev C (Proposed Site Plan),

- ecological enhancement measures in accordance with the recommendations in the Ecology Partnership Preliminary Ecological Appraisal dated February 2024,
- details of all external lighting, and
- details of hard surfacing materials.

The development shall thereafter be implemented in accordance with the scheme of landscaping, once approved.

- 5) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling 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 the 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. Any other approved ecological enhancement measures, boundary treatments, hard surfacing and external lighting shall be implemented prior to occupation of the dwelling and thereafter retained.
- 6) The precautionary measures and working methods detailed in the Ecology Partnership Preliminary Ecological Appraisal dated February 2024, as summarised in Table 3 of that document, shall be observed throughout the demolition of the existing buildings and construction of the dwelling hereby permitted.
- 7) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling 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.
- 8) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 237790 – 01 Rev C (Proposed Site Plan). Thereafter those spaces shall be retained for the parking of vehicles only.
- 9) The development hereby permitted shall not be occupied until the means of access for vehicles, pedestrians and cyclists has been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 10) The development hereby permitted shall not be occupied until details of the arrangements for storage and collection of waste and recycling 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.
- 11) Prior to the first occupation of the dwelling hereby permitted, the existing buildings identified on drawing 237790 EX01 Rev A as Outbuildings 1, 2, 3 and 4 and 'Shed' shall be demolished and all materials resulting from the demolition shall be removed from the site.

END