



Appeal Decision

Site visit made on 11 March 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/C1435/W/24/3348759

Bushy Wood Farm, Hailsham Bypass, Hailsham, East Sussex BN27 3LZ

- 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 and Mrs A and J McSorley against the decision of Wealden District Council.
 - The application Ref is WD/2023/3157/O.
 - The development proposed is the demolition of all buildings and construction of 3 dwellings, gardens and associated works and access to northern boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application was made in outline with all matters reserved for future consideration apart from access. I have determined the appeal as such, and any details in relation to the reserved matters have been considered on an illustrative basis.
3. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been taken into account in this decision.

Main Issue

4. The main issue is whether the proposal would be in a suitable location for housing, having regard to the development strategy for the area and access to services and facilities.

Reasons

5. The appeal site is located outside of any development boundary as defined by the development plan. Accordingly, it lies within the countryside for the purposes of planning policy, where new housing would normally be resisted as being contrary to Policies GD2 and DC17 of the Wealden Local Plan 1998 (LP). Spatial Planning Objective SPO7 of the Wealden District Core Strategy Local Plan 2013 (CS) seeks to reduce the need to travel by car by concentrating development where it can most closely relate to public transport opportunities.
6. Despite being close to Hailsham, the site is separated from this settlement by the A22. This is a busy dual carriageway, which in this location is subject to a 70mph

speed limit. As such, in order to reach Hailsham, future residents would have to cross four lanes of traffic. While I note the crossing point on the A22 opposite the site, this is not a formalised pedestrian crossing nor is it signal controlled, so it is unlikely that this would be suitable for everyday use due to safety concerns. Moreover, in this location, the A22 has grassed verges, lacks dedicated footways and cycle paths, and has limited street lighting. These factors would likely discourage future occupants from walking and cycling as a matter of routine to access the facilities and services within Hailsham using this route.

7. There is a Public Right of Way (PRoW) which passes near the site and leads to Hailsham. The PRoW is relatively flat, but is narrow, unmade, and unlit, so it is unlikely it would be suitable for everyday use. It would be potentially unsafe in the hours of darkness and difficult to negotiate when slippery, if it was wet or icy. In addition, using this route requires crossing the A22. Consequently, it is unlikely that using the PRoW would be particularly desirable for pedestrians, or attractive for cyclists.
8. The appeal site is not directly served by public transport, with the closest bus stops being located circa 1km east of Bushy Wood Farm and Polegate Rail Station is further away. Even if residents were prepared to walk or cycle such distances, they would be required to cross the A22 and walk or cycle on the grass verges of this road and along the PRoW.
9. In light of the above, it is highly likely that future occupiers of the development would be highly reliant on private vehicles to walking and cycling to access everyday facilities and services. This would significantly reduce the likelihood of journeys using sustainable modes of transport.
10. The appellant has put forward a proposal to improve the crossing facility near the site and upgrade the PRoW route. Although this would be a betterment that would benefit the users of this route, the proposal would remain linked to Hailsham via the existing grass verges along the A22 and unlit PRoW. Consequently, even if the delivery of the proposed improvements could be secured by planning condition, I am not persuaded that these would significantly increase the amount of journeys using sustainable modes of transport.
11. Opportunities to maximise sustainable transport solutions will vary from urban to rural areas but, overall, the characteristics of the A22 and of the PRoW would be likely to encourage residents to heavily favour the use of the private motor vehicle for convenience and safety. Therefore, there would be a dependency upon private motor vehicles for shorter journeys, to the detriment of sustainable transport solutions
12. The location of the proposed dwellings would help improve the vitality of facilities and services within the rural community of Hailsham, in accordance with paragraph 83 of the Framework. Nonetheless, the extent of the improvement would be limited given that the proposal is for two new net dwellings.
13. Therefore, the site would not be suitable location for housing, having regard to the development strategy for the area and access to services and facilities. The development would therefore conflict with LP Policies GD2, EN1 and DC17, and CS Policy WCS6 and Spatial Planning Objectives SPO1, SPO7, SPO8, SPO13 and SPO14 which, collectively restrict development outside development

boundaries, seek to manage development in the countryside, encourage reduction of the need to travel by car and encourage development that is safe.

Other Matters

14. Reference is made to planning permissions granted by the Council for residential development on Land at Arlington Road West and on Land to the East of Robin Post Lane. The evidence indicates that these sites are near each other and are also close to the A22. However, the sites have access to local services via a paved footpath link over the A22 and are close to bus stops, which is not the case with the scheme before me. On this basis, these examples would not justify the scheme before me. In any case, each proposal should be considered on its individual merits, which is what I have done in this case.
15. I note the interested party comment in support of the scheme. However, none of the matters raised would alter my findings on the main issue.

Planning Balance

16. The latest evidence provided by the Council sets out that it cannot demonstrate a 5-year supply of deliverable housing sites, and the figure is 4.45 years. This is not disputed by the appellant on their final comments. In such circumstances paragraph 11 d) ii of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. Benefits of the proposal include the provision of additional residential accommodation which would meet the Framework's objectives of boosting the supply of housing. The scheme would make use of previously developed land, and the site is a small one, so it could be built out relatively quickly. Future occupiers would contribute to the fabric of the local community. Some economic benefits would be accrued during the period of construction and once the dwellings would be occupied. The dwellings would meet adaptable standards, achieve a low carbon standard, and would be provided with electric vehicle charging points. The proposal would offer the opportunity to deliver a biodiversity net gain and new planting which would likely benefit the nearby ancient woodland, and the scheme would include SUDS. However, given that the proposal would provide a net gain of two dwellings, these benefits attract limited weight.
18. While the proposal may lead to a Community Infrastructure Levy (CIL) contribution, it is not clear from the evidence before me what this CIL contribution would be, or on what it would be spent on. As such, I cannot be certain what benefit would derive from a CIL payment. I do not, therefore, attach any weight to the CIL contribution.
19. The Framework makes it clear that the planning system should be genuinely planned. The LP dates from 1998 but the weight to be attached to its policies does not hinge on its age. Rather, the Framework sets out that due weight should be given to existing policies according to their degree of consistency with the Framework. Notwithstanding this, the Framework directs development toward places which are sustainable and reduce the need to travel and promotes walking, cycling and the use of public transport.

20. Thus, harm persists as the proposal would not be in accordance with the spatial strategy and, given that the site would have poor accessibility using sustainable transport modes, I ascribe substantial weight to the harm. Therefore, the conflict with LP Policies GD2, EN1 and DC17, and CS Policy WCS6 and Spatial Planning Objectives SPO1, SPO7, SPO8, SPO13 and SPO14 should be given significant weight in this appeal.
21. I am mindful that the single residential unit within the site and its current use as an animal sanctuary generate trips, including by car. The evidence indicates that the number of trips generated by the proposal would not be dissimilar to the current use, and I understand that the footpaths nearby and the crossing points along the A22 are regularly used by many people including by the appellant, with limited incidents. These considerations would temper the harm arising from the accessibility situation and resulting car dependence.
22. Nevertheless, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits 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

23. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR