



Appeal Decision

Site visit made on 19 March 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/U1430/W/24/3355761

The Cedars, Sandhurst Lane, Bexhill-on-Sea, East Sussex TN39 4RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Brendan Heenan (BHK Construction Ltd) against the decision of Rother District Council.
 - The application Ref is RR/2024/1418/PIP.
 - The development proposed is Permission in Principle for 2 to 6 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for Permission in Principle for 2 to 6 dwellings at The Cedars, Sandhurst Lane, Bexhill-on-Sea, East Sussex TN39 4RH in accordance with the terms of the application, Ref RR/2024/1418/PIP, dated 3 September 2024.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The Permission in Principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (Technical Details Consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.
4. An applicant can apply for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. Although the appeal submissions refer to a range of between 1 and 6, the application was very clearly for 2 to 6 dwellings, and I have therefore determined the appeal on that basis.
5. The appellant indicates that determination of highways grounds is not applicable at this stage, especially as the number of dwellings has not been confirmed. Whilst matters such as visibility splays, parking provision etc would be for the TDC stage, a fundamental question in this case of whether the site is a suitable location for the development necessarily requires consideration of whether the site can be safely accessed via the existing road network. Furthermore, I have to have regard to whether the maximum number of dwellings, or a lesser number, would be

acceptable and so an exact number not being confirmed by the appellant is similarly not a reason to discount the issue at this stage.

Main Issue

6. The main issue is whether the site is suitable for residential development given its location, the proposed land use and the amount of development, with particular regard to highway safety and accessibility.

Reasons

7. The appeal site is an existing area of land to the rear of 'The Cedars' and which would use part of the host property's front garden to achieve access on to Sandhurst Lane.
8. Sandhurst Lane is an unclassified road of varying width. Between the appeal site and Barnhorn Road, which the appellant indicates to be a distance of 84m, there is no footway, or verge and for much of this distance the road is generally only wide enough for one car. The alignment of the road, lack of verge and high banks are such that there is not a direct line of sight from the point of egress from the appeal site to the junction with Barnhorn Road. It is only close to the junction with Barnhorn Road where the lane is wide enough for two cars to pass.
9. Consequently, if two vehicles were to meet, one would probably need to reverse or pull into a neighbour's access. Clearly vehicles reversing onto Barnhorn Road would be undesirable but as the lane is at its widest near the junction, that situation seems unlikely to occur. The lane can also be used by pedestrians and cyclists to access Barnhorn Road and so any changes could also have implications for them too.
10. The appellant points me towards other decisions where new dwellings have been permitted further north along Sandhurst Lane. Whilst the limitations of Sandhurst Lane have generally been acknowledged in those cases, the scale of the development, the speeds vehicles would be travelling, and the volume of traffic have ultimately not been considered of sufficient severity for the Highway Authority to sustain an objection to them. In some cases there has been a requirement for new passing places on Sandford Lane but vehicles would still be travelling between Barnhorn Road and the current appeal site, without that section of the lane having been altered.
11. I observed during my site visit that the lane did not appear to be one that was heavily trafficked. The two vehicles I did see using the lane whilst I was in the vicinity were not travelling quickly and took a cautious approach when forward visibility was limited. I acknowledge that my site visit was only a snapshot of a weekday afternoon, and that interested parties point towards a general increase in the use of the lane by vehicles over the years although not all consider the lane unsafe for pedestrians.
12. The proposal would be limited to no more than 6no. dwellings. Traffic movement generated by a scheme of this size is unlikely to be significant. Indeed, the Highway Authority estimate 3 two-way trips at the morning and peak periods. Overall, around 28 two-way daily weekday vehicle trips are forecast.
13. I recognise that small incremental changes can over time lead to fundamental change. The proposal would increase the opportunity for conflict between road

users but there is no substantive evidence to indicate that this would be materially harmful and that the residual cumulative impacts would tip over into being unacceptable in terms of highway safety for all users or severe to the road network.

14. The nature of the lane would make walking or cycling to Barnhorn Road unattractive for some people although it does benefit from street lighting. There is though a public footpath which runs from opposite the appeal site, parallel to Barnhorn Road and connects with it further to the east. It is an unmade path, so it is uneven underfoot, unlit and not overly wide. Whilst it is an alternative option to using Sandford Lane, it would not be suitable for everyone.
15. There is also a bus stop on Barnhorn Road, just to the east of Sandhurst Lane. The Highway Authority indicated there to be a half hourly service to nearby locations. However, given the nature of the routes to Barnhorn Road and thus the bus stop, this may dissuade some people from opting to use the bus.
16. As part of my site visit, I undertook a return walk from Little Common to the appeal site. Whilst it might not be a route many people would regularly take it can be accomplished by an average, healthy person on foot. It would also be possible to cycle along Barnhorn Lane to the shops and services at Little Common.
17. Despite the connections to Barnhorn Road not necessarily being overly attractive to everyone, there are nonetheless a number of different options available, and I accept that there would be some sustainable transport options for future residents to use. Furthermore, the site does not feel particularly detached or overly distant from local services and facilities. Consequently, I do not find the site to be in an unsustainable location in terms of accessibility to local services and facilities via sustainable transport modes.
18. Therefore, for the reasons set out above, the location, the proposed land use and amount of development would be suitable, with particular regard to highway safety and accessibility. The proposal would be in accordance with Policies OSS2, CO6 and TR3 of the Rother Local Plan Core Strategy which, amongst other things, seek to ensure that appropriate, safe, accessible, convenient, and attractive access is provided for all mode trips and to give priority to providing the users of new development with a range of travel options other than the private car.
19. Similarly, there is nothing to indicate that the proposal would not comply with the National Planning Policy Framework which advises, among other things, that development should provide safe and suitable access, including sustainable transport modes, and that there would not be an unacceptable impact on highway safety or the road network.

Other Matters

20. Whilst I accept that there is limited information provided to indicate that a safe and suitable access can be delivered at the site itself, these details together with on-site parking, turning etc. would come forward as part of a TDC application. It would be for the decision-maker at that stage to consider these details. However, there can be no guarantee that just because the first stage permission in principle has been granted, that the TDC will follow. It takes approval of both stages for a planning permission to be secured.

21. Interested parties have raised concerns regarding the impact of construction traffic were the appeal to be successful. It would be for the TDC stage to consider the possible implications of construction and use of traffic management plans.

Conditions

22. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type, and amount of development. Therefore, I have not imposed any conditions.
23. Where permission in principle is granted by application, such as this, the default duration of that permission is three years, and there is no justification to vary this period in this case.

Conclusion

24. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal should be allowed and so permission in principle for 2 to 6 dwellings is granted.

Stewart Glassar

INSPECTOR