



Appeal Decision

Site visit made on 24 March 2025

by **JJ Packman MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/P1425/W/24/3352875

Land at Westdean Avenue, Harbour Heights, Newhaven BN9 9TX

- 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 F Rivett against the decision of Lewis District Council.
 - The application Ref is LW/24/0390.
 - The development proposed is the erection of a single storey holiday let building.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is in a suitable location, having regard to accessibility to services, and
 - the effect of the development on the character and appearance of the area.

Reasons

Location

3. The appeal site is situated to the north west of where Westdean Avenue joins Cuckmere Road. There is no development immediately adjoining the site to the north, east or south. There is, however, a residential property situated close by to the west which forms part of a loose collection of six dwellings centred around Westdean Avenue, Cuckmere Road, Charlston Avenue and Cornelius Avenue. This collection of dwellings is too small and too dispersed to be considered a settlement.
4. The built edge of Newhaven is clearly visible to the east, but the view from the appeal site is dominated by the open expanse of agricultural land to the south and east abutting the coastline.
5. Westdean Avenue itself comprises a single width, unmade road which serves residential properties. The road adjoins a network of other unmade roads to the north which link up with the main road network.
6. The proposal would comprise the development of a single storey purpose-built holiday let with associated parking and amenity space.

7. The appellant claims that paragraph 84 of the National Planning Policy Framework (the Framework) is not a relevant to the consideration of this appeal as the proposal is for a holiday let rather than a 'home'. The distinctive characteristic of a dwellinghouse is its ability to afford to those who used it the facilities required for day-to-day private domestic existence. It does not lose that characteristic if it is occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Given the proposed development would provide the facilities required for day-to-day private domestic existence, I have considered it on the basis of it being a dwellinghouse for the purposes of planning policy, albeit its occupation would be restricted. Accordingly, paragraph 84 is a relevant material consideration.
8. The judgement in *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin) stated that the term isolated "*simply connotes a dwelling that is physically separate or remote from a settlement*"...*whether a proposed new dwelling is, or is not, isolated in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand*".
9. It is accepted that the network of unmade roads that surround the appeal site link back towards the secondary and primary route network; from where it is possible to access bus services. No specific details of these services have been provided and I am not satisfied that the poorly surfaced and unlit roads would provide a safe and accessible walking route that could or would be realistically used by many.
10. The appeal site is situated within view of Newhaven's built edge, but the proposal would be clearly situated outside of the settlement of Newhaven and not within any other settlement. As such, I consider the proposal to be both physically isolated and, for reasons of poor accessibility, functionally isolated. Therefore, it would be an isolated home for the purposes of paragraph 84.
11. No evidence has been submitted to justify the proposals with reference to points a) – d) of para 84. The proposal is not intended to meet an essential need for a rural worker, does not involve a heritage asset or an existing disused building and does not comprise an existing residential building. The appellant, does, however claim that the proposal is of exceptional quality that raises the standards of design and enhances the immediate setting (circumstance e).
12. The proposed scheme is contemporary, low profile, includes a green roof and a PV array. Whilst these features appear appropriate for the scheme, they do not stand out as being 'exceptional'. The justification for the proposed scheme is also very limited. No detailed rationale is given for the form of the building, how it specifically responds to its setting and why certain materials have been chosen. Having considered the scheme and the limited justification for it, I cannot conclude that the proposal meets the challenging requirements set out in para. 84, point (e). It is not considered that the proposed scheme is truly outstanding or reflects the highest standards of architecture.
13. Furthermore, for the reasons set out below, it is not considered that the proposal would significantly enhance the immediate setting or is sensitive to the defining characteristics of the area.
14. The appellant also argues that the proposal complies with Policy CP5, which seeks to encourage sustainable tourism both within and outside of the National Park boundary. The appellant states that rural tourism cannot be provided unless

countryside locations are utilised. In some instances this may be the case, but the characteristics of those rural locations still need to be considered. In this case, for the reasons set out above, it is considered that the poor accessibility of the site and isolated location would make the site a poor location for sustainable tourism. Accordingly, it is considered that the proposal does not accord with Policy CP5.

15. Consequently, I consider that the proposal would not be situated in a suitable location. The proposal fails to accord with Policy DM1 of Lewes District Local Plan Part 2 2020 (LPP2), which states new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated. It would also fail to comply with paragraphs 84 and 88 of the Framework which concern rural housing and the rural economy.

Character and Appearance

16. Despite being situated relatively close to the edge of Newhaven's built-up area, the appeal site has an exposed, remote and tranquil character. The flat topography leading towards the coastline making it particularly sensitive to new development or landscape interventions.
17. The design of the proposal is contemporary, with a low profile and incorporating a green roof. It appears that a genuine attempt has been made to create a form of development that would lessen impacts on the character of the surrounding landscape.
18. Notwithstanding this, the proposal would be conspicuously sited in an isolated location with no immediate development to the north, east or south. Irrespective of design, a domestic building in this location would be incongruous and harmful to the rural character of the landscape which is highly sensitive to change.
19. Not only would the presence of a new building be highly visible, but the introduction of domestic activity, where there was previously none, would be damaging to the landscape's tranquil character. I acknowledge that a holiday let would typically be used less intensively than a full-time residential home, but such is the quiet and tranquil nature of the site and surrounding area that any residential activity would likely be harmful.
20. I find therefore, the development would have an unacceptable harmful effect on the character and appearance of the area. As such, it would fail to comply with Policies CP10 and CP11 of the Lewes District Local Plan 2016 and LLP2 Policies DM1, DM25. These seek to conserve natural beauty, wildlife and cultural heritage and conserve and enhance character, protect the distinctive character and quality of the countryside and contribute towards local character and distinctiveness through high quality design.

Other Matters

21. The appellant claims that the scheme would deliver a number of benefits including 'cultural and economic' benefits to local businesses. It is also claimed that the proposal would contribute positively towards the reputation of Newhaven as a tourist destination. The appellant has also highlighted a number of features that would contribute towards low carbon usage and a low level of embodied carbon. Whilst I attach moderate weight to these benefits, I do not consider that these

outweigh the significant harm identified above resulting from the site's unsuitable location and the effect on the character and appearance of the area.

Conclusions

22. For the reasons explained above and having had regard to all other matters raised, the appeal is dismissed.

JJ Packman

INSPECTOR