



Appeal Decision

Site visit made on 16 April 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2025

Appeal Ref: APP/P1425/W/24/3354967

Land at Coldharbour Lane, North Chailey, Lewes BN8 4HJ

(Easting: 540092, Northing 121112)

- 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 Pierfront Developments against the decision of Lewes District Council.
 - The application Ref is LW/24/0496.
 - The development proposed is described as the development of the site to provide 9 residential properties.
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Decision

1. The appeal is dismissed.

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. Therefore, I have treated the site plans showing a layout of nine dwellings, as well as the elevational drawings of the houses, as being for illustrative purposes only.

Main Issue

4. The main issue is whether the site is a suitable location for residential development having regard to (a) policies for the location of housing; and (b) the effect on the character and appearance of the area.

Reasons

Policies for the location of housing

5. The appeal site comprises an open grassed area of land located outside of the planning boundary of North Chailey. While the site is adjacent to residential development that itself extends out beyond the settlement boundary, in planning policy terms, the site is within the open countryside. Policy DM1 of the Lewes

Local Plan Part 2 (LLP2) seeks to focus development within planning boundaries defined on the Policies Map.

6. Outside of these areas the policy prioritises protection of the distinctive character and quality of the countryside. However, the policy does not impose a complete prohibition on development outside of these planning boundaries. New development may be permitted that is consistent with another, specific development plan policy or where the need for a countryside location can be demonstrated.
7. No specific development plan policy has been brought to my attention which would support the provision of dwellings on the appeal site. Furthermore, beyond the general need for housing, no specific need has been evidenced for the proposed housing to be in a countryside location.
8. In tandem with this approach to the location of development, Policy CP13 of the Lewes Local Plan Part 1 (LLP1) sets out a strategic objective of reducing the need to travel and to promote a sustainable system of transport. This is broadly reflective of the approach in the National Planning Policy Framework (the Framework) of promoting sustainable transport options.
9. The site is approximately mid-way between the main facilities of North Chailey and those of Newick. Given the distances involved, a return journey on foot would not be overly attractive to many people, especially given the limited range of services and facilities available. Nevertheless, despite the absence of street lighting there is a footpath and with care such a journey could be accomplished by an average, healthy person on foot.
10. These same journeys by bicycle would be achievable, especially to North Chailey as the route is generally flat but the nature of the road and traffic speeds would again dissuade many people from taking that option. There are bus stops close to the site. Whilst the bus services are not overly frequent, they offer access to larger settlements including Lewes and Haywards Heath.
11. Despite the alternatives to the use of a private vehicle not being overly attractive to everyone, there are nonetheless a number of different options available. I therefore accept that while in reality most trips would be by private vehicle there would be some sustainable transport options for future residents to use.
12. Therefore, given the options for sustainable transport I do not find the proposal contrary to Policy CP13 of the LLP1. Nevertheless, this does not overcome the proposal being within the open countryside, a location which would conflict with the requirements of Policy DM1 of the LLP2 which seeks to control development in the open countryside.

Character and Appearance

13. There is continuous frontage development along the north side of the A272 from the boundary of North Chailey through to Coldharbour Lane. However, at this point there is a noticeable change in character, with the appeal site and adjoining land to the east being undeveloped, open and rural in character.
14. Given that the site is separated from the frontage development along the A272 by Coldharbour Lane and enjoys a prominent position at this junction, its relationship with the wider countryside setting is visually very strong. This relationship is further

strengthened by the site's long eastern boundary with the adjacent field which causes the site to be read as part of a prelude to the surrounding wider open countryside setting.

15. Accordingly, the appeal site clearly functions and reads as countryside. That there is further sporadic development, on both sides of the road further to the east does not lessen the site's role in forming part of an important break in the pattern of development on the ground.
16. The fact that this site is not a designated valued landscape or a strategic gap does not undermine the positive visual contribution which the appeal site currently makes to the rural landscape context of the existing built form and to retaining the identity of the two settlements of North Chailey and Newick. To my mind, that the gap is said to be small, merely serves to underline its sensitivity to change and the importance of its role within the overall setting of North Chailey. Equally, that there are other gaps of varying sizes between buildings along the A272 does not lessen the importance and contribution of the appeal site to the character of the area.
17. Consequently, developing the site for 9 houses would dramatically alter the existing character of the site and its relationship with the wider area. The current openness of the site would be unduly interrupted by a mass of new dwellings that would not consolidate North Chailey but very obviously extend built form along the A272 and into the open countryside. There would be a very real appreciation of the encroachment into the rural landscape from the road.
18. There is a small ribbon of houses on the eastern side of Coldharbour Lane, to the north of the appeal site. However, they sit on lower lying ground and are positioned away from the A272. Thus, they are less pronounced within the landscape than the appeal site and so do not provide a basis for allowing what would be harmful development that would considerably erode the important character and appearance of the area.
19. The application was for 9 dwellings. I have to have regard to whether the maximum number of dwellings, or a lesser number, would be acceptable. The submitted evidence does not convince me that the effects of even 1 dwelling on the character and appearance of the site and its wider setting could be adequately mitigated through positioning, design treatment and landscaping. This is because of the spatial characteristics of the appeal site and its exposed, prominent location relative to its surrounding context.
20. In having regard to the facts on the ground I have considered the appellant's suggestion that the site can be seen as a continuation of the village of North Chailey and thus a logical extension to it. However, I have found that the appeal site has a stronger relationship with the countryside than the existing built form along the A272.
21. For the reasons given, I do not find the appeal site to be a suitable location for residential development, having regard to the considerable harmful effect it would have on the character and appearance of the area.
22. The proposal would therefore be contrary to Policies CP10 and CP11 of the LLP1 which, amongst other things, seek to conserve and enhance the natural beauty of the area and character of the district's villages, creating a sense of place of individual settlements. The proposal would also be contrary to Policy DM25 of the

LLP2 and Policy ENV5 of the Chailey Neighbourhood Plan 2019 - 2034 which require, amongst other things, development to contribute to local character and distinctiveness and to conserve the environment.

23. The Council's decision notice refers to Policy CP2 of the LLP1 but as this relates to housing type, mix and density it is not directly relevant to this permission in principle proposal. The decision notice also refers to Policy CP22 but the Council has subsequently confirmed that this policy does not exist

Other Matters

24. The Council is unable to demonstrate a five-year supply of deliverable housing land. The Council's spatial strategy is not achieving the level of housing growth expected by national policy. The Council has acknowledged a need to build outside settlement boundaries to help meet its requirements. This all weighs in favour of the proposal.
25. Land contamination reports were provided prior to the Council's decision. These were submitted to address concerns that the site contains a former railway cutting that has since been infilled. However, given that this application is for permission in principle, I am satisfied that such detailed information would be covered as part of the second stage 'technical details consent application' were I minded to allow the appeal.
26. Similarly, consideration of such matters as layout, design, garden space, landscaping, environmental enhancements, access arrangements, drainage etc would be for the TDC stage.
27. The proposal is said to make efficient use of land. However, Paragraph 129 of the Framework is clear that while decisions should support this objective, the desirability of maintaining an area's prevailing character and setting needs to be taken into account in such decisions. Given my findings above, the proposal would fail in this regard.
28. While the impact of developing the site for 9 houses might be reduced when compared to the previous proposal, it would still cause significant harm in the context of the sensitive nature of the location.

Planning Balance

29. I have found the proposal to be outside the planning boundaries identified in Policy DM1. While there is conflict with the development plan in this regard, given the difficulties in meeting housing demand in the area generally, together with future occupiers having access to some sustainable transport options, I give this conflict limited weight.
30. Conversely, I have concluded that in terms of the character and appearance of the area the proposal would conflict with the requirements of the development plan. The distinctive character and quality of the countryside would not be protected. I give this conflict significant weight.
31. Due to the lack of a five-year housing land supply and because there are no policies in the Framework which offer a strong reason for refusal, Paragraph 11(d)(ii) of the Framework is engaged.

32. The proposal would make a positive, albeit modest contribution towards boosting housing supply. It would also result in some economic benefits during the construction phase and subsequently upon occupation. There may also be some social benefits too. The Framework highlights the importance of ensuring an adequate supply of housing sites, and the need to support economic growth and productivity but, having regard to the scale of the proposal, I give these considerations moderate weight as benefits.
33. Weighed against these is the harm that I have identified and in particular the adverse effect the proposal would have on the landscape and character of the area, which would be substantial and long lasting. The need to protect the character and appearance of an area is perennial and in direct compliance with the Framework. Accordingly, I ascribe these harms substantial weight.
34. Taking account of Paragraph 11(d)(ii) of the Framework, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

35. I have found that the appeal site is not a suitable location for the proposed development and that it conflicts with the development plan when taken as a whole. While there are some benefits associated with the appeal proposal, neither they nor any of the other matters before me, including the contribution which the appeal proposal would make to the supply of housing in the local area, outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR