



Appeal Decision

Site visit made on 11 June 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/C1435/W/25/3361325

Land adjacent to Herstmonceux Medical Centre, Hailsham Road, Herstmonceux BN27 4JX

- 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 Assura PLC against the decision of Wealden District Council.
 - The application Ref is WD/2023/2845/F.
 - The development proposed is the erection of three dwellings and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three dwellings and associated infrastructure at Land adjacent to Herstmonceux Medical Centre, Hailsham Road, Herstmonceux BN27 4JX in accordance with the terms of the application, Ref WD/2023/2845/F, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are whether the proposed development would be inappropriate for the site and create an unsatisfactory environment for future users.

Reasons

3. The proposed dwellings would comprise a short terrace of three houses. They would be two-storeys in height and be styled to complement the existing medical centre. The units each exceed the Nationally Described Space Standards for a two bedroom/four-person dwelling, with each providing 80m² of floorspace. Front and rear gardens would be provided, and these appear to be a usable size and shape and offer each of the occupiers' private outside space. There is no indication that the gardens would be contrary to the requirements of any development plan policies or Council guidance.
4. The houses would be sited to the southwest of the medical centre. Part of the existing grassed bank, immediately adjacent to the building's southwestern elevation, would be retained. This, together with the proposed front gardens of the houses, would ensure that there was a reasonable visual and physical separation between the two uses.
5. The development would generate a requirement for just over 4 car parking spaces. The submitted drawings show that three allocated and two visitor spaces would be provided. These would be located at the end of the existing car park, close to the houses.

6. The existing car park is at surface level. The front part is formally laid out with an east to west fall, with the rear section towards the appeal site, a more informal but levelled area. The accessible parking space which serves the medical centre is towards the front of the building. This helps ensure those with less mobility have minimal interaction with vehicles accessing the car park. There is currently a footpath which runs around the side of the medical centre, so that other pedestrians do not have to walk through the existing car park if they do not wish to do so. The scheme would extend the existing footpath to serve the dwellings.
7. Although it was only a snapshot of one weekday morning, at my site visit I saw a number of users walk through the car park to get to the medical centre or to return to their car. Generally, given the nature of the environment, cars were moving slowly through the area. There was little indication that those on foot were being overly cautious or were behaving in ways to suggest that the environment was in some way unsatisfactory or unsafe. Given that the scheme is limited to three new dwellings, there is nothing before me which indicates that this situation would be unduly altered by the appeal scheme.
8. The proposal would require some significant earth works to re-profile the site. However, this would allow the houses to be erected and to sit at a level that would ensure their overall height was commensurate with the other buildings in the vicinity. While the scale of the ground works would be extensive relative to the size of the site, and might cause some temporary inconvenience to neighbours, I do not find the finished development to be out of keeping with the site or surrounding area.
9. Overall, there is no substantive evidence before me to demonstrate that the proposal would be harmful or inappropriate for the site or create an unsatisfactory environment for future users. Consequently, I find that it would accord with Policies EN27 and TR3 of the Wealden Local Plan 1998 which, amongst other things, require developments to ensure that they have an appropriate layout and design and that unacceptable traffic impacts will not arise.

Other Matters

10. The Council did not object to the location of the site in its reasons for refusal but in its appeal statement, references its location as being outside of the development boundary for the village and so contrary to policies GD2 and DC17 of the Wealden Local Plan 1998 and Policy WCS6 of the Wealden Core Strategy 2013.
11. However, the site is located between the medical centre and the houses on Hawthorn Lane and would be within a consistent line of development which runs through the village on the southern side of the A271. Furthermore, the Council confirms its housing land supply to be 3.68 years. This indicates that the existing development boundaries and previous housing allocations for the area are no longer sufficient to meet national policy expectations. As such, the site's location and subsequent conflict with those development plan policies carries limited weight.
12. Interested parties have suggested that the appeal site might be required by the medical centre for expansion. I have no information to indicate the extent to which the existing building is utilised; what the projections are for future patient numbers; whether any increases in patient numbers can be accommodated within the existing building; or whether any extensions would necessarily have to be at the

rear of the building as opposed to say, the front of the building. I am also not aware that the appeal site has been specifically allocated for a medical use in a development plan. As such, it is a matter which carries limited weight against the scheme.

Planning Balance

13. The site is outside of the development boundary for Herstmonceux and so contrary to the development plan. This, together with the lack of a 5-year housing land supply, means that Paragraph 11 d) of the Framework is engaged.
14. 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. I have also found the scheme to accord with the Framework in terms of providing a safe environment and being in keeping with the local character.
15. Consequently, the adverse impacts identified above, including the harm caused by the location of the appeal site outside of a defined settlement boundary would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development, and this indicates that permission should be granted.

Conditions

16. I have had regard to the conditions set out in the Council's submissions and relevant guidance on the imposition of conditions. Both parties have had the opportunity to comment on the conditions. I have obtained the appellant's written agreement where it has been necessary to impose pre-commencement conditions.
17. In addition to the standard time limit, a condition specifying the approved plans is required in the interests of certainty. The Council suggest 18 months would be a sufficient period within which to commence development in order to expedite the provision of housing at a time when there is an undersupply. However, I do not consider this in itself to be sufficient justification to warrant a departure from the timescales in the Town and Country Planning Act 1990.
18. To ensure the development functions as intended it is necessary that details of the foul and surface water drainage are provided. For similar reasons, a condition requiring the implementation of the car parking spaces is reasonable. Cycle parking is shown on the site layout but a condition requiring full details of the storage sheds and their implementation would ensure the development offers a range of transport options.
19. To ensure the development fits into the receiving environment, conditions requiring the submission of samples of the external materials to be used, site levels, landscaping and ecological enhancements are necessary.
20. Given the size and location of the site as well as the layout of the development, it is also reasonable and necessary for certain permitted development rights to be removed to ensure the Council is able to assess additional built form in relation to

neighbour's living conditions and in relation to the character and appearance of the site and wider area.

Conclusion

21. The proposed development conflicts with the development plan when read as a whole. However, for the reasons given above, I attach limited weight to this conflict. The policies of the Framework are a material consideration which weigh strongly in support of the appeal.
22. I therefore consider that in the specific circumstances of this case, the material considerations indicate that the decision should be taken other than in accordance with the development plan. Accordingly, the appeal should be allowed.

Stewart Glassar

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 numbers:

Site Location and Block Plan	- HA042 001 Rev B
Proposed Access Plan	- HA042 118 Rev B
Proposed Site Plan	- HA042 119 Rev B
Proposed Ground Floor Plan	- HA042 120 Rev B
Proposed First Floor Plan	- HA042 121 Rev B
Proposed Roof Plan	- HA042 122 Rev B
Proposed North-East Elevation	- HA042 200 Rev B
Proposed South-East Elevation	- HA042 201 Rev B
Proposed South-West Elevation	- HA042 202 Rev B
Proposed North-West Elevation	- HA042 203 Rev B
Proposed Section A-A And B-B	- HA042 300 Rev B
Proposed Site Section	- HA042 301 Rev B
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing and proposed ground levels, the adjacent highway and medical centre have been submitted to and approved in writing by the local planning authority. Details of the finished levels of all proposed accesses to include pathways, driveway, steps and ramps shall also be submitted to and approved in writing by the local planning authority.
 The development shall be carried out in accordance with the approved levels.
- 4) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the completion of the development or occupation of any dwelling on site, whichever is the sooner.
- 5) No development shall take place until a detailed foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the completion of the development or occupation of any dwelling on site, whichever is the sooner.
- 6) No development shall take place until a detailed landscaping and ecological enhancements scheme, which shall include a programme for the implementation of the works and long term management, shall be submitted to and approved in writing to the Local Planning Authority. This detailed scheme shall include:
 - (i) Appropriate ecological enhancements, (including wetland habitats incorporated into any SUDS scheme and attenuation pond areas);
 - (ii) Compensatory habitat creation (including replacement ponds) and landscaping planting;

(iii) Measures specifically to address retention and enhancement of the site's ecological connectivity through ecological corridors and networks;

(iv) Works to all areas of retained habitat and an agreed future management and maintenance strategy for all habitats on the site, including enhancement areas;

(v) Details of all management and enhancement works to the existing water-bodies and design and management details for the new water-bodies/reed-beds to be created which shall include:

a) Considerations of water quality impacts of surface water runoff on existing ponds/waterbodies, including designs for pollution control and interception facilities;

b) How ponds will be designed to maximise wildlife value;

c) Clearance of shading and trees and scrub, other vegetation clearance, creation of habitat piles;

(vi) A scheme for human access restrictions to the retained and created habitats.

Thereafter, the scheme shall be completed in accordance with the approved plans and programme and the management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

- 7) No development shall take place above ground level until a scheme of hard and soft 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, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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.
- 9) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 10) The development hereby permitted shall not be occupied until the details of the cycle storage sheds shown on drawing HA042 120 Rev B have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the occupation of the development and shall thereafter be retained.
- 11) The development hereby permitted shall not be occupied until the car parking spaces and turning area shown on drawing HA042 118 Rev B have shall been fully implemented. Thereafter they shall be retained for such purposes.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-

enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B and E of Part 1 of Schedule 2 to the Order shall be undertaken.

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