



Appeal Decision

Site visit made on 8 July 2025

by **S Wilkinson BA, BPI, Dip LA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/C1435/W/24/3358025

Land to the east of Shortgate Lane, Laughton, Nr Ringmer, East Sussex, BN8 6BG

- 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 Peter Mandell and Mr Tony Bull against the decision of Wealden District Council.
 - The application Ref is WD/2024/0099/O.
 - The development proposed is construction of 7No. detached self-build dwellings with associated access and infrastructure works.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of 7No. detached self-build dwellings with associated access and infrastructure works at land to the east of Shortgate Lane, Nr Ringmer, BN8 6BG in accordance with the terms of the application, Ref WD/2024/0099/O, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme is submitted in outline with all matters reserved apart from access. Accordingly the indicative block plan and masterplan are to be treated for illustrative purposes only.
3. The Development Plan comprises the Wealden Local Plan (WLP) 1998 and the Wealden Core Strategy 2013 (WCS). Whilst a Regulation 18 draft of the new Wealden Local Plan has recently been the subject of consultation both parties accept that due to the limited progress made towards its adoption this is not material to this appeal. I have determined this appeal on the basis of the existing Development Plan policies.
4. All references in this decision are to the Government's adopted National Planning Policy Framework (NPPF) December 2024 and not the previous draft referred to in the Council's decision.
5. The appeal was accompanied by a completed S106 Agreement dated 18 March 2025. I consider this later in this decision.

Main Issues

6. The appeal scheme raises the following issues:
 - Its location with reference to both national and local policies

- Its effects on the character and appearance of the area
 - Its effects on the living conditions of future occupiers
 - Its effects on local wildlife with particular regard to bats and Great Crested Newts
 - whether or not the appeal scheme includes biodiversity net gain, and
 - whether or not the appeal scheme includes the necessary infrastructure required to support the development proposed.
7. Both parties agree that the Council does not have a policy compliant housing land supply.

Reasons

Location

8. Policies WCS SP01, SP07, SP08 and SP013 seek to enhance and protect natural landscape, reduce dependency on private transport, maintain and support a network of villages and encourage the development of safe and attractive living environments.
9. Policy WCS6 sets out a Rural Areas Strategy which identifies four categories of settlement with Laughton defined as a Neighbourhood Centre. This is defined as having limited, basic, or no facilities but with access to another centre. The policy would allow up to 455 dwellings within the largest three categories of settlement but subject to a Site Allocations DPD.
10. The policy also removed development boundaries for Neighbourhood Centres and would allow housing in Laughton. Whilst policy DC17 seeks to resist development in the countryside policy GD2 allows development beyond development boundaries subject to other policies in the WLP. Policy WLP EN1 requires development to adhere to the principles of sustainability.
11. Laughton has a good level of services with a public house, primary school, hall, a church and a shop which also acts as a Post Office and café. Bus stops are located within around 5 minutes walk of the centre of the site with services to Brighton, Hailsham, Lewes and Eastbourne. In this regard, the appeal site cannot be readily distinguished from sites around Laughton where recent decisions by the Council and my Inspector colleagues have allowed development.
12. The site would allow a choice of transport modes to access services. It is acknowledged, however, that the section of Shortgate Lane leading from the site to Lewes Road does not include pedestrian footways. However, the appeal has been lodged with a S106 Agreement which includes obligations to fund footways from the site to Lewes Road (the B2124) and to extend the width of the existing footway from the junction of Shortgate Lane to the bus stop on the east bound carriageway.
13. The amount of proposed development is modest in scale and would adhere to the principles of sustainable development required by policy WLP EN1. Given that development boundaries were removed, policies WLP GD2 and DC17 have only limited weight. There is no conflict between the appeal scheme and WCS SP07, SP08 and SP013 and policy WSC6. The scheme would be located on a site with

good access to services by a choice of transport mode. Safe design can be resolved through the submission of reserved matters and it would support the District's network of villages resulting from the increase in residents living in the scheme. However, the scheme conflicts with policy WCS SPO1 and SPO14 as it involves development in a field and the site is not previously developed land.

Landscape character

14. The appeal site comprises a small paddock of around 0.45ha lying on the north side of Laughton. A public right of way (PROW) runs alongside its west side and there is a public house to the south and houses to the east. A large detached house lies on the west side of the PROW.
15. The site lies in in the Low Weald, National Landscape Character (NCA) 121, a low lying clay vale characterised by a small and irregular field pattern often surrounded by shaws. The site lies in LCA^{13A} Uckfield-Hailsham Wooded Clay Vale, described as a gently rolling landscape dissected by river valleys which include the River Cuckmere and includes a pattern of rural settlements.
16. The appeal site has many landscape characteristics common to the NCA and LCA. These include its pastoral nature, established tree belts and a slightly undulating character. The tree belts lie along each side of the site with nine individual trees and one group on the site's east side included in Tree Preservation Orders.
17. The proposed landscape strategy seeks to respond to local character with a well designed place and to address surface water drainage through natural solutions. Whilst the appeal scheme would lead to the loss of several Category C trees the landscaping strategy would enhance boundary tree and shrub planting belts around the site.
18. The indicative masterplan includes a line of seven dwellings extending north south located towards the middle of the site. This would keep the proposed dwellings well away from the surrounding tree belts. I am satisfied that due to the size of the individual plots each of the proposed dwellings could be developed without adversely impacting on the root protection areas. The suggested linear pattern of development would be similar to the alignment of dwellings along Pound Lane to the east. It would not contrast adversely with the form of built development in this part of Laughton.
19. To reduce the potential visual impacts of the scheme, a Design Code is included with the scheme which suggests proposed heights, scale and massing of each dwelling. This could reduce the scheme's landscape impacts and could in the event that planning permission is granted be required by condition.
20. In terms of its visual impact the most sensitive receptors are the residential occupiers of properties which surround the site. However, due to the effective screening provided by the treed boundaries views of any development would be limited. The tree belts provide effective screening for users of surrounding routes.
21. In views from Lewes Road, it would require a determined effort by someone driving and even walking to see development within the site. Whilst from Shortgate Road the proposed development could be directly seen only by the proposed access. These would not be detrimental to the user's experience.

¹ Wealden Landscape Character Assessment

22. In its decision the Council has identified conflict with policies WLP EN27 and WCS SPO13 SPO14 and WCS14. Policy EN27 is a general design policy although it does not address trees and rural character which are at the heart of the Council's reason for refusal. Policies WCS SPO13 and SPO14 require good design and the efficient use of land. Policy WCS14 refers to how decisions should be made with reference to sustainable development.
23. In consideration of the appeal scheme I find that the form of development proposed would adhere to the character of its surroundings and would not adversely impact on the protected tree belts. Accordingly, I find no conflict on this main issue between the appeal scheme and these policies.

Living conditions

24. The tree belts surrounding the site are deep and contain several mature trees, some of which extend up to 18 metres in height.
25. Policies WLP EN27 is a general design policy and requires at EN27(3) that development should ensure a satisfactory environment for future occupants, including adequate provision for sun/day light, privacy, and garden space.
26. Given that this is a scheme submitted in outline with only an indicative masterplan identifying suggested locations for the proposed housing, I find that there would be sufficient space within the site to adequately accommodate seven dwellings. Occupant's living conditions would not be adversely impacted by leaf fall, falling branches and excessive shading. The comments of the Council's arboriculture team are instructive in this regard. The scheme's southern plot is sufficiently large to locate a single dwelling away from the trees to minimise shading.
27. I conclude that the appeal scheme would not adversely impact on living conditions and is not in conflict with policy WCS EN27.

Local wildlife

28. The appeal site was surveyed in 2012 and a Preliminary Ecological Appraisal (PEA) submitted with the application dates from 2021. This identified the presence of protected and notable species. The survey has been supplemented by reptile surveys which identify that none were found on site.
29. Whilst the parties are in broad agreement that for the majority of species including birds, badgers and dormice, further surveys may be required in advance of works commencing on site. However for both bats and Great Crested Newts (GCN) both parties acknowledge that harm could arise from the appeal scheme.
30. The site lies outside the Sussex Bat CAT zones but there is some potential for bat roosting and foraging in some of the trees around the site. These habitats could be adversely affected by the degree of lightspill from the appeal scheme. The PEA recommends a series of measures based on the Bat Conservation Trust Guidelines which require lighting to be located away from woodland edges, be designed with minimum spillage and that dark buffer zones are retained around the site. In the event that this appeal is allowed this matter could be addressed through details submitted in response to a condition requiring full details of a lighting strategy and the location of buffer zones separating the proposed development from the existing trees.

31. Within 250m of the site there are fourteen ponds although at the time of the survey several of these were found to be dry. However the ponds offer the potential for breeding populations of GCN. The site lies in a red risk zone indicating that the site as most important for GCN in the local area.
32. Since the Council's decision, the appellant has used the Council's District Level Licencing (DLL) Scheme through its partner, NatureSpace. A set of conditions are included in the DLL which could be included in this decision. The DLL supports appropriate mitigation and compensation and the appellant has stated a commitment to working with NatureSpace. The appeal was accompanied by a GCN certificate in respect of mitigation issued by Natural England
33. For this reason, I conclude that the appeal scheme would not result in conflict with policies WCS SPO1 and WCS12 which seek to recognise and enhance biodiversity.

Biodiversity Net Gain

34. The application was submitted before the legal requirement for 10% BNG came into effect. However, at the time of submission there was still a requirement referred to in Paragraphs 180 and 186 of the Framework (2023) for development to minimise impacts on biodiversity; this requirement is retained in the Framework (2024) at Paragraphs 187 and 193. This requirement is supported by policies WCS SPO01 and WCS12.
35. However, the legal requirement is not applicable to schemes for Self Build and Custom Built schemes² and given its size for less than 9 units and site area.
36. Whilst the Council seek the provision of compensation through the BNG off setting process and the appellant has committed to this through a suitably worded planning condition I find that that there is no requirement to pursue given the exemption which applies to this scheme.
37. For this reason, I conclude that the appeal scheme does not conflict with policies SPO01 and WCS12. For these reasons I have not imposed a planning condition in respect of BNG as suggested by the Council.

Infrastructure

38. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind. The negotiation of planning obligations required to support infrastructure is supported by Policies CS1 and WCS7.
39. The S106 Agreement includes obligations in respect of the provision of footways along Shortgate Lane from the access to the appeal site to Lewes Road and its extension to the bus stop located by the entrance to the Roebuck Inn public house. Furthermore, the S106 Agreement includes a financial contribution towards the continuing costs of the operation of the 28 bus service.

² The Biodiversity Gain Requirements (Exemptions Regulations 2024 Regulation 8)

40. I conclude that the S106 Agreement includes infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. To conclude I am satisfied that each of these obligations fall within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 58 of the Framework and is supported by local policy.

Other Matters

41. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority I would normally be required to undertake an Appropriate Assessment of the development on the basis of its Likely Significant Effects on the Ashdown Forest (Special Area of Conservation (SAC) and Special Protection Area (SPA) and the Lewes Downs SAC as a European Sites.
42. Given the small amount of development proposed and its location beyond 7km distance from Ashdown Forest within which Natural England consider that a majority of residents would visit the Forest, I am satisfied that the scheme would not provide a pathway for recreational disturbance which requires mitigation. I am also satisfied that the potential for air pollution arising from the appeal scheme on both the Ashdown Forest and Lewes Downs SACs would not arise given its small scale and the distances involved.
43. In conclusion, I am satisfied that the appeal scheme both alone and in combination with other plans and projects does not require mitigation.
44. In coming to my conclusions on the various issues that have been raised by interested parties, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan, the National Planning Policy Framework and other material considerations.

Planning balance and conclusions

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise.
46. Both main parties acknowledge that there is an undersupply of housing land which has declined since the decision to refuse planning permission and is currently 3.68 years supply. In these circumstances there is a presumption in favour of sustainable development as defined by the Framework.
47. The fact that policies are deemed as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 232, which amongst other things, states that the closer that local policies are to those in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed as out of date by reason of an inadequate land supply to still carry significant weight.
48. The appeal scheme conflicts with the Development Plan policies WLP GD2, DC17, WCS SP01 and SPO14. Given that policies GD2 and DC17 aim to protect the countryside for its own sake through adherence to development boundaries they are inconsistent with Paragraph 135; the conflict is accorded limited weight.

49. In respect of policies SPO 01 and SPO14 whilst these policies together seek to encourage development on previously developed land they are broadly consistent with Paragraph 125; they are accorded moderate weight.
50. Set against the conflict with these four policies the appeal scheme has a range of benefits. The size of the scheme is appropriate for Laughton as a Neighbourhood Centre and its location allows modal choice to access local shops and services. The scheme includes appropriate mitigation for both ecological impacts and impacts on protected species. There is no requirement for BNG given its size and the tenure of the proposed housing. These matters are consistent with Paragraphs 63, 110, 192 of the Framework.
51. The Council has no specific policies which would support the development of Self Build dwellings. The Self Build and Custom House Building Act 2015 and the Regulations 2016 encourage provision of this form of housing which is supported by Paragraph 63 of the Framework. The appellant's evidence on the level of local demand for this form of housing is compelling on this point. The appeal scheme would provide seven dwellings which would in a limited but positive way address the existing undersupply.
52. When all these matters are considered together there are compelling arguments in favour of the appeal scheme which outweigh conflict with policy. Accordingly, the appeal is allowed, and conditional planning permission is granted.

Conditions

53. I have considered the suggested conditions in light of the advice in both the Framework and the Government's Planning Practice Guidance. I am satisfied that the conditions are supported by the policies of the Development Plan.
54. The Council has suggested a reduction in the statutory timeframes for the commencement of development from three years to 18 months and consistent with this, request a reduction in the standard time frame from three years to two for the submission of applications for reserved matters. Given the Government's impetus for housing development reflected in Paragraph 81 of the Framework I have included the timelines as suggested by the Council.
55. For reasons of certainty, I have imposed a condition requiring that development is carried out in accordance with the approved plans.
56. I note the appellant's comments enquiring whether Condition 6 is required. However, given that this site has had no previous development I maintain that it is still required and so have included conditions requiring an implementation programme of archaeological works with a written scheme of implementation to be completed in advance of development commencing in order to protect the archaeology and historic interest of the site.
57. To protect the character and appearance of the area I have imposed a planning condition requiring development to proceed in line with the submitted Design Code. This is also the rationale for Condition 12 with regard to the proposed vehicular access road. For the same reason, I have imposed a planning condition requiring a full Arboriculturally Method Statement.

58. To protect the living conditions of surrounding occupiers during the construction period I have imposed a planning condition requiring a Construction Management Plan and limited the hours of construction activity.
59. In the interests of highway safety I have imposed conditions requiring the submission of detailed drawings of the proposed access road, surface water drainage, street lighting and parking spaces with appropriate visibility splays to the access.
60. Consistent with the Government's desire for development to be located on sites which allow access by a choice of transport modes I have imposed conditions requiring the submission of a Travel Plan and full details of the location and design of cycle parking spaces.
61. Interested parties identified concerns over the flood risk associated with development on this site and I have imposed conditions regarding the details of proposed foul drainage disposal and surface water disposal to ensure that the development would not lead to flooding on neighbouring sites.
62. Self build housing can make an important contribution to housing choice. For this reason I have imposed a planning condition to restrict the development to this form of housing.
63. Following advice from Natural England I have imposed two conditions which require full adherence to the District Local Licensing Scheme to ensure that any adverse impacts on GCN are appropriately mitigated. I have imposed a planning condition requiring a detailed specification of any proposed lighting on the site in order to preserve the maintain habitats for local bat populations

S Wilkinson

INSPECTOR

Schedule of Conditions

1.

Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the layout, landscaping, scale and appearance of the development to which this permission relates, before any development is commenced, such matters being reserved from the permission.

2.

(a) Application for approval of the matters reserved for subsequent approval must be made to the Local Planning Authority no later than the expiration of 2 years beginning with the date of the grant of this outline permission; and
(b) the development to which this permission relates must be begun no later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

3.

The development hereby permitted shall be carried out in accordance with drawing nos: Site location plan 21266-PA-001, Trees Survey Plan LAR2309-ARB-DRA-0102-P04, Tree Survey Plan LAR2309-ARB-DRA-0101-P04, Tree Survey Plan LAR2309-ARB-DRA-0102-P04, Tree Constraints Plan LAR2309-ARB-DRA-0103-P04, Tree Protection Plan LAR2309-ARB-DRA-110-P03, Arboricultural Impact Assessment LAR2309-ARB-REP-0104-P03, Landscape Design Strategy LAR2309-LAN-REP-0310-P03, Landscape Strategy Masterplan LAR-LAN-DRA-0901-P03.

4.

No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR149, or a 'Further Licence') and with the proposals detailed on plan "Land to the North of Roebuck Inn: Impact plan for Great Crested Newt District Licensing (Version 1)", dated 12th December 2024.

5.

No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR149, or a 'Further Licence'), and in addition in compliance with the following - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

6.

No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

7.

The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

8.

Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be constructed other than as self-build or custom build dwellings as defined under the Self build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.

9.

The development hereby approved shall be carried out in accordance with the design parameters set out in the submitted Design Code and in accordance with the following phasing plan:

Phase 1 shall consist of the installation of services and access.

Phase 2 shall consist of the construction of Plot 1.

Phase 3 shall consist of the construction of Plot 2.

Phase 4 shall consist of the construction of Plot 3.

Phase 5 shall consist of the construction of Plot 4.

Phase 6 shall consist of the construction of Plot 5.

Phase 7 shall consist of the construction of Plot 6.

Phase 8 shall consist of the construction of Plot 7.

Phase 9 shall consist of the landscaping scheme and completion.

10.

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,

- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works.

11.

No development shall commence until detailed drawings, including levels, sections and constructional details of the proposed roads surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

12.

The vehicular access shown on the approved plans shall be provided in accordance with the requirements of the phasing condition 9 and in accordance with the approved plans.

13.

The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.

14.

No dwelling hereby approved shall be occupied until the parking areas to which the dwelling relates have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

15.

The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

16.

The development shall not be occupied until cycle parking areas have been provided in accordance with the approved details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

17.

The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their possible adoption as publicly maintained highway.

18.

No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good

practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

19.

Before preparation of ground levels of the development approved by this permission full details of the proposed means of foul drainage disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of any dwelling on site, whichever is the sooner.

20.

Before preparation of ground levels of the development approved by this permission full details of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of dwelling on site whichever is the sooner.

21.

Before development commences a full Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which shall include numbering and detailing trees, confirming root protection areas, tree protection fencing, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall be implemented in accordance with the approved details.

22.

No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, which takes account of the guidance for Bat sensitive lighting from the Institution of Lighting Professionals (ILP) in partnership with the Bat Conservation Trust (BCT), which shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

23.

During the construction phases, no works shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays Public or Bank Holidays. Deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.

END OF SCHEDULE