



Appeal Decision

Site visit made on 22 July 2025

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 August 2025

Appeal Ref: APP/P1425/C/23/3315715

Land to west of Ringmer Road, Newhaven BN9 9TN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr. Ian Myers against an enforcement notice issued by Lewes District Council.
- The notice was issued on 21 December 2022.
- The breach of planning control as alleged in the notice is *without planning permission, the erection of the unauthorised wooden (chalet style) building shown in the attached photograph.*
- The requirements of the notice are:
You must:
 - (i) *Remove the unauthorised wooden (chalet style) building in its entirety and*
 - (ii) *Permanently remove all resultant materials and debris from the Land*
- The period for compliance with the requirements is: *Six months from the date this notice takes effect.*
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is dismissed, and the enforcement notice is upheld in the terms set out below in the Formal Decision

Formal Decision

1. It is directed that the appeal is dismissed, the enforcement notice (EN) is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 (the 1990 Act) as amended.

Appeal on ground (a), the deemed planning application

2. The deemed planning application is for the erection of a wooden (chalet style) building.

Main issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

Character and appearance

4. Ringmer Road is a narrow private road with no pavements and soft, vegetated verges, with several sporadic residential properties¹ located along its roadside. These properties are visible from public vantage points and are a mixture of design styles and types including bungalows and two-storey dwellings which also include various small scale outbuildings. Nevertheless, despite these intermittent houses

¹ "Redcliffe", "Barley Cottage", "Fairoak" and "Thrylstone"

the character of the area is one which is relatively undeveloped and devoid of built structures given its wooded, verdant and rural feel.

5. The character of the area has also been protected with the provision of an Article 4 Direction², preventing the erection of various structures which would otherwise be permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended. These include minor operations such as fences, walls, gates and other means of enclosure, alongside agricultural buildings, works and uses. Given its protection, the area provides a functional green buffer, preventing the further crawl or the merging of the nearby settlements of Newhaven to the east and Peacehaven to the west of the appeal site.
6. The development subject of this appeal consists of a single storey timber chalet style building located away from the existing residential properties within the heavily wooded and protected area referenced above. As such, the character and appearance of the immediate vicinity has an extremely verdant and rural feel. The appeal site has an informal accessway via a gate from the northern side of Ringmer Road. The site itself is well-screened and hidden from most public vantage points given the boundary treatments consists of well-established mature hedgerows and trees.
7. Policy DM1 of the Lewes District Local Plan Part 2 (LDLP2), adopted in 2020, is concerned with development outside planning boundaries. The policy focusses on protecting the distinctive character and quality of the countryside, with new development only being permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.
8. In regard to the first limb of the policy, the parties agree that the appeal site is located outside the settlement boundaries of both Newhaven and Peacehaven. Thus, there is a presumption against development in this location.
9. Furthermore, the appellant has not identified a specific development plan policy which would support the provision of the retention of the wooden building at the appeal site, as required under the second limb of policy DM1. Nor has a specific need (other than its use as private land for recreation and food growing purposes for the well-being and healthier lifestyle of the appellant) been evidenced for the purpose of the building being located within the countryside.
10. Even if, a specific need for the development to be located within the countryside had been recognised, the provision of additional built development is at odds within the established wooded rural location, and not in keeping with its character and appearance. It is acknowledged that the site is screened from public vantage points by the well-established trees, hedges, and shrubs along the boundaries, providing the appeal site with a relatively isolated and discrete position. Thus, the scale of the development is limited in visual terms.
11. Nevertheless, whilst the restricted views and screening result in a limited visual impact, the wooden building does increase the quantum of built development in the area, thus detracting from the character and appearance of the countryside. Furthermore, I noted on site other associated paraphernalia such as vehicles, waste and refuse receptacles and the storage of various materials and apparatus

² Appendix 4 of the Councils Statement of Case

usually associated with a residential use, which also detract from the rural character and quality of the area by introducing further clutter into the relatively undeveloped piece of land.

12. Consequently, the development does not protect the distinctive character and quality of this part of the countryside, providing a more dense and developed appearance harmful to the area.
13. I therefore conclude that the appeal site does not provide a suitable location for the development. It is therefore contrary to policy CP11 of the Lewes District Local Plan Part 1, adopted May 2016 and policies DM1 and DM25 of the LDLP2 which collectively require development outside planning boundaries to be consistent with a specific development plan policy or meet a specific need for its countryside location, and where development is acceptable it should respond sympathetically to its surrounding character and the countryside, amongst other things.
14. The development is therefore unacceptable and the appeal on ground (a) fails.

Appeal on ground (f)

15. The appeal on ground (f) is that the requirements of the EN exceed what is necessary. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. S173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or b) remedying any injury to amenity which has been caused by the breach.
16. The requirements of the EN are clear, to demolish and completely remove the unauthorised wooden building and restore the appeal site to its state prior to the breach taking place. Consequently, I am satisfied, that the purpose of the notice is to remedy the breach of planning control as set out under S173(4)(a) of the 1990 Act.
17. Case law³ has established that it is open to me to decide whether there is any solution, short of a complete remedy of the breach, which is acceptable in planning and amenity terms, and whether there are clear and obvious alternatives that would overcome the planning harm at less cost and disruption to the appellant than its total demolition.
18. The appellant has indicated that the wooden building could be painted green, and/or they could plant native species of vegetation into hedging on the boundary, to lessen the views of the building. Nevertheless, the development would remain in situ, and the breach of planning control would not be remedied. This would not achieve the purpose of the notice as the appeal site would not be restored to its condition before the breach took place. As a result, the lesser steps proposed by the appellant are not an obvious alternative to the requirements of the EN.
19. Therefore, the steps set out in the notice are not excessive; they are proportionate and commensurate to the breach of planning control, being the minimum that is required to restore the property to its condition prior to the breach taking place. Consequently, the ground (f) appeal also fails.

³ Tapeacrown Ltd v FSS & Vale of White Horse DC [2006] EWCA Civ 1744

Overall Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN and refuse to grant planning permission on the application deemed to have been made under S177(5) of the 1990 Act, as amended.

Robert Naylor

INSPECTOR