



Appeal Decision

Site visit made on 26 June 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/P1425/W/25/3360915

Land north east of Brook Lodge, Theobalds Road, Burgess Hill, RH15 0SX

- 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 & Mrs D and C Doherty and Mullis against the decision of Lewes District Council
 - The application Ref is LW/24/0468
 - The development proposed is the erection of a detached dwelling with associated access and landscaping
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are:
 - a) the effect of the proposed development on the character and appearance of the area; and,
 - b) whether the proposed dwelling would be acceptable when consideration is given to local and national planning policy regarding the location of development.

Reasons

Character and appearance

3. The appeal site comprises a grassed area of land with a hedgerow to Theobalds Road, and which lies to the side of Brook Lodge. There is woodland to the north and west of the site, and the grassland area extends well beyond the appeal site. The site lies outside the planning boundaries, as defined in Policy DM2 of the Lewes Local Plan Part 2: Site Allocations and Development Management Policies 2020 ('the LLP2), and is regarded as countryside for planning purposes. Whilst there are some properties in the wider area, the site and the locality have a strong open, rural countryside appearance with a general absence of built development.
4. The site is located away from the nearest built-up area of Burgess Hill. It is reached via Theobalds Road, which is a narrow country lane that winds through the countryside. That lane has a suburban nature on its western end as it travels from Valebridge Road where residential properties front it. However, the character of the lane changes notably beyond where it adjoins the Orchard Close housing development, with the lane becoming more rural in appearance due to the lower density of housing and more open areas. The lane then enters a sizeable area of

woodland past which is Brooks Lodge and undeveloped fields. This creates a very open, rural character to the countryside, where that character and appearance is defined largely by the absence of development.

5. The proposed development would see the erection of a two storey house and a detached garage on the currently undeveloped parcel of land. This would be clearly visible in long views along Theobald Road, which is a public right of way, and would lead to a significantly urbanising impact upon the open and rural countryside character of the area.
6. The design of the house is traditional in general architectural approach, with pitched roof, timber cladding and large areas of glazing. Whilst unassuming in its architectural approach, I do not see this as particularly relating in design terms to a distinct rural or barn-like vernacular. Moreso, the design does not mitigate the harmful impact upon the countryside area: it would be a substantial building in terms of scale, height and bulk, and this overall design approach would lead to an impression of suburbanisation of Theobald Road which, as noted earlier, is not the character of this part of the lane and wider area. The driveway, access and detached garage would further increase the built form and compound the suburban appearance of the development. Landscaping on the site would not lessen this harmful effect.
7. On the first main issue it is therefore concluded the proposal would cause substantial harm to the character and appearance of the area. Policy DM1 of the LLP2 states that, amongst other matters, the distinctive character and quality of the countryside will be protected. Policy DM25 requires development to contribute towards local character and distinctiveness through high quality design, which includes responding to the characteristics of the site and surroundings; development of poor design will not be permitted. The development would be contrary to these policies of the development plan. It would also conflict with the requirement in the National Planning Policy Framework (the Framework) that developments should be sympathetic to local character, including the surrounding landscape setting.

Location of development

8. Access to the proposed dwelling would be via Theobalds Road, with services, shops and public transport connections in Burgess Hill a considerable distance away. The lane is narrow and winding, with no footway and partial lighting. Due to these features, and the sizeable distance to the settlement, I consider the lane is not conducive to regular use by pedestrians or cyclists to habitually access services.
9. I recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, from the submissions to me and observations at the site visit, I consider future occupants would be heavily reliant on the private car for access to the property, and the site represents an unsustainable location. I further consider the appeal site to be one that is isolated and remote from a settlement in the context of paragraph 84 of the Framework.
10. The development would therefore be contrary to Core Policy 13 of the Lewes Local Plan Part 1: Joint Core Strategy (2016) ('the LLP1'), which seeks to ensure new development is located in sustainable locations, and would not be consistent with the Framework's objectives in seeking to ensure sustainable transport modes are

prioritised in specific developments and to avoid the development of isolated homes in the countryside

Planning balance

11. The Council accepts it is unable to demonstrate a 5 year supply of deliverable housing land, and that the 'tilted balance' pursuant to paragraph 11 of the Framework is engaged. Furthermore, the Council does not dispute the appellant's claims that the most recent monitoring report for the District concluded that its deliverable housing land supply was 3.02 years on 1 April 2023, and that the Council's housing delivery target has since increased from 777 dwellings per annum to 853.
12. As noted earlier, the site lies outside the planning boundaries as defined in the development plan and so there is a conflict with Policy DM1 of the LLP2 with regards to its statement that new development will only be permitted in such locations where the need for a countryside location can be demonstrated. However, due to the shortfall in housing land supply, the Council accept the spatial strategy as set out in the LLP2 carries limited weight. As the tilted balance is engaged, the weight attached to the conflict with Policy DM1 insofar as it relates to the need to demonstrate a countryside location is reduced.
13. The proposal would lead to the provision of a dwelling that is said to be a self-build dwelling, though there is no mechanism put forward to secure this. The Council accept there is a current housing land supply shortfall in the district and the additional dwelling would contribute to addressing this shortfall, and to the Government's broader objective of significantly boosting the supply of homes. With one house proposed, I attach modest weight to this benefit.
14. The appellants' submissions explain there would be the opportunity for ecological enhancements to the land arising from the development. However, there are no details on the degree to which this might be achieved since the proposal is said to be a self-build dwelling which, as explained in the submitted Preliminary Ecological Assessment, would be exempt from the obligation to achieve measurable biodiversity net gains under the Environment Act 2021. The appellants do, though, say there could be benefits secured by a planning condition and so I attach modest weight to this matter.
15. There would be a short-term boost to economic development during implementation of the scheme, which attracts limited weight. The longer-term benefits occupying the home to support local services attracts little weight, since those residents would be in an area that I have found isolated and unsustainable.
16. Taken overall, there is conflict with the development plan in relation to the two main issues. Although the spatial strategy element of Policy DM1 of the LLP2 has reduced weight, the requirement in that Policy for all development within the countryside to protect the character and quality of the countryside means there remains conflict with that Policy. There is further conflict with Policy DM25 of the LLP2 and Core Policy 13 of the LLP1. The proposal thus conflicts with the development plan as a whole.
17. My findings on the two main issues have found the proposed development to conflict with policies in the Framework, in addition to the policies of the development plan. These matters attract substantial weight against the proposal

due to the harm to the countryside and the unsustainable location of the site. In support of the proposal is the provision of the dwelling and the ecological and economic benefits from implementation, where there is less than a 3.02 year supply of deliverable housing sites. This is a significant shortfall, but I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Hence, the proposal would not comprise sustainable development.

Conclusion

18. My overall conclusion is therefore that the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal is dismissed.

C J Leigh

INSPECTOR