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## Appeal Decision

Site visit made on 27 August 2025

**by A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 9<sup>th</sup> September 2025**

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**Appeal Ref: APP/P1425/W/25/3362057**

**Land adjacent to Kiln Cottage, Coldharbour Farm, Hundred Acre Lane,  
Wivelsfield Green, East Sussex RH17 7RS**

- 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 Ian Eldred of Shire Barn Developments against the decision of Lewes District Council.
  - The application Ref is LW/22/0421.
  - The development proposed is a single 4 bed home, part single and part 2 storey, including garage and access (revision is to previously proposed a) two homes and b) single 5 bed home).
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Ian Eldred against Lewes District Council. This application is the subject of a separate decision.

### Preliminary Matter

3. The proposal was originally described on the application form as 'erection of 2 no. detached dwellings with car parking and associated works (re-submission of planning ref. LW/21/0192)'. However, the proposal was subsequently amended, and the banner above reflects the amended plans and the description of development on the appeal form and decision notice.

### Main Issues

4. The main issues in this appeal are:
  - whether the proposed scheme would make efficient use of the site, having regard to the provisions of the development plan; and
  - the effect of the proposal on the natural character of the countryside and landscape.

### Reasons

#### *Efficient use*

5. The appeal site lies in a rural village setting, largely comprising grassland with a tree belt along the western boundary. The grassed part lies within the planning boundary for Wivelsfield Green on the Lewes District Policies Map which also

identifies this land as a housing site allocation under Policy 2 of the Wivelsfield Parish Neighbourhood Plan 2016 (NP).

6. Policy 2 of the NP supports the development of the site for approximately two dwellings that are proximate and relate well to the existing cluster of buildings at Coldharbour Farm, amongst other things. The NP states that the principle of very small increments of housing development in this location adjoining the village has already been established on Hundred Acre Lane and around the farm and seeks to confine development to a small number of dwellings.
7. The NP includes a key housing policy objective to provide a mix of dwelling types, particularly smaller dwellings for young families and older people wishing to downsize, and starter homes for younger people and key workers. Further, Core Policy 2 of the Lewes District Local Plan Part 1 Joint Core Strategy 2016 (LPP1) seeks the provision of a range of dwelling types and sizes to meet the identified local need, which will generally include one and two bedroom homes for single person households and couples with no dependents. This policy sets out a density of 20 to 30 dwellings per hectare for villages though different densities may be justified by the specific character and context of a site.
8. The original proposal was for two detached dwellings, but this was amended to one detached dwelling in response to ecological concerns regarding impact on a badger sett in the adjacent woodland. The revised scheme is for a large four bedroom house over two floors, equating to around 7.6 dwellings per hectare.
9. The buffer zone around the badger sett reduces the amount of the site which could feasibly be developed and the density of development which could be achieved in this location. Nevertheless, there is little substantive evidence to demonstrate that the site could not suitably accommodate two smaller dwellings, such as a pair of semi-detached properties, in accordance with the aims and policy requirements of the NP and LPP1. Policy 2 of the NP refers to an approximate number of dwellings and the NP Examiner found that this avoids being too prescriptive and placing a burden on future proposals that may render them unviable. However, there is little to indicate that the provision of two residential units on the site would not be viable.
10. Consequently, I conclude that the proposed scheme would fail to make efficient use of the site, having regard to the provisions of the development plan. This would be contrary to Policy 2 of the NP where it sets out the number of dwellings which should be provided on the site. Though not included in the relevant reason for refusal, it would also conflict with Core Policy 2 of the LPP1 where it seeks the inclusion of smaller dwellings.

#### *Countryside and landscape character*

11. The appeal site lies immediately south of a cluster of residential buildings at Coldharbour Farm, through which it is accessed. Although it has an undeveloped, rural appearance, it is well contained by the adjacent woodland and large boundary trees which separate it from the wider rural area.
12. The proposal would introduce a sizeable building together with hardstanding, a terrace and associated domestic paraphernalia on a currently undeveloped site on the edge of Wivelsfield Green. It would change the rural character of the site, with residential development encroaching closer to the existing woodland, but the

principle of residential development in this location has already been established through the allocation of most of the site for housing under NP Policy 2.

13. The proposed development would be some distance from the adjacent wood and the new building would not impinge on the tree canopy line. There is no indication that any trees would be removed. However, the appellant's Arboricultural Impact Assessment (AIA) states that all ash trees on the site, which comprise many trees along the western boundary, are likely to be in the early stages of infection from ash dieback disease and thus the prognosis for them is poor. The AIA indicates that there is good scope for replacement boundary screen planting. It also outlines measures to protect trees during construction, which along with additional landscaping could be secured via a condition. As such, the proposed development would be largely contained and screened from the wider countryside by existing and new planting.
14. The proposed building works would be outside a 15m buffer zone around badger setts on and adjacent to the site. The appellant's Preliminary Ecological Appraisal, Badger Monitoring Report and Ecological Technical Note outline mitigation measures to avoid harm to bats, nesting birds and badgers.
15. The appellant's Great Crested Newt Method Statement and Ecological Enhancements (GCNMS) report indicates that the managed grassland on site is considered to provide sub optimal habitat for great crested newts (GCNs) but recognises that GCNs can cross grassland habitats. As there are ponds which could accommodate GCNs within 250m of the site, the GCNMS sets out a precautionary method of works to ensure that GCNs would not be harmed. As the mitigation measures could be secured by a condition requiring a Construction Environmental Management Plan, the scheme would conserve protected species in accordance with the Framework.
16. Therefore, I conclude that the proposal would not harm the natural character of the countryside and landscape. In this respect, it would comply with Core Policies 2, 10 and 11 of the LPP1 and Policy DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies 2020 (LPP2). Together, these require developments to respect local character, maintain natural landscape qualities, and conserve priority species, amongst other things.

## **Other Matters**

17. The Council did not find harm or development plan conflict in relation to several other matters, including the design of the proposed house, living conditions, drainage, heritage assets, highway safety and contaminated land. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
18. The appellant and the Council disagree over whether the occupants of the proposed dwelling would have suitable access to public transport. There is reference to a proposal for 45 homes allowed on appeal at South Road, Wivelsfield Green in this respect<sup>1</sup>. However, regardless of whether future residents would walk, cycle or use buses to access services, the site is within the planning boundary for Wivelsfield Green where Policy DM1 of the LPP2 permits new development and is also allocated for residential development in the NP.

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<sup>1</sup> Appeal ref: APP/P1425/W/22/3299370

19. As set out above, I have considered the appellant's cost application in relation to the appeal separately. The appellant has expressed general dissatisfaction with the Council's handling of the application. However, this is a matter between those parties, and it does not in this instance have any bearing on my determination of this appeal.

### **Planning Balance and Conclusion**

20. The Council cannot currently demonstrate a five year housing land supply required by the National Planning Policy Framework (the Framework). Therefore, paragraph 11(d) of the Framework is engaged. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so 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 including directing development to sustainable locations and making effective use of land.
21. The Framework seeks to boost housing supply and highlights the important contribution small sites can make. The scheme would make a modest contribution of one family dwelling to the supply of housing within the planning boundary for Wivelsfield Green, a service village. It would contribute towards Lewes District's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute modest weight to this benefit.
22. There would also be some economic benefits during the construction phase when the development would provide jobs and once occupied when future residents would support local services. However, given the relatively small scale of the proposal, these benefits would be limited.
23. In contrast, the proposed scheme would fail to make efficient use of the site, contrary to the aims of the Framework. I have concluded that the proposal would conflict with Policy 2 of the NP and Core Policy 2 of the LPP1 in this respect. This matter carries significant weight against the scheme. Indeed, the adverse impact of the proposal would significantly and demonstrably outweigh the benefits.
24. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

*A Wright*

INSPECTOR