



Appeal Decision

Site visit made on 3 September 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/P1425/W/25/3363074

Land adjacent to 4 Strawlands, Plumpton Green, East Sussex BN7 3DB

- 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 Clive Wheeler (Albany Homes Southern Limited) against the decision of Lewes District Council.
 - The application Ref is LW/22/0727.
 - The development proposed is Erection of 9 dwellings for persons aged 55 or over.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) whether the proposal is an appropriate development of the site; and b) flood risk, with particular regard to surface water management.

Reasons

Appropriate Development of the Site

3. Policy CP2 of the Lewes Local Plan Part 1 (LLP1) seeks, amongst other things, to ensure that housing developments deliver a mix of unit types and sizes. The policy notes that this will generally include 1 and 2 bedroom homes and that proposals should reflect a site's context and the character of the surrounding area whilst also establishing broad density objectives for towns and villages.
4. Policy CP11 of the LLP1 similarly requires development to be of a high standard which conserves and enhances the character of the area in which it is located. This requirement is further reflected in the detailed design criteria of Policy DM25 of the Lewes Local Plan Part 2 (LLP2), which includes having an acceptable layout and density.
5. The appeal site is an overgrown area of land which lies within the settlement boundary of Plumpton Green. It was part of an old coal yard which is now allocated for housing development. Policy 5.2 of the Plumpton Neighbourhood Plan (PNP) identifies the site for 12 houses, limited to one and two bedroom units and designed for older people. Consequently, there is no objection in principle to the proposal in terms of it being residential development and restricted to those aged 55 or over.
6. These local policies are broadly reflective of the approach of the National Planning Policy Framework (the Framework) which encourages the delivery of new homes to meet local needs. The Framework is also supportive of developments not

underusing land and ensuring schemes are efficient in how sites are developed, whilst at the same time recognising that the character and appearance of the area needs to be respected. However, both main parties acknowledge that local policies are not delivering the required numbers of new houses and that there is an undersupply of deliverable housing land in the Council area.

7. The scheme proposes 9 dwellings. This represent a lesser number of units than a previous scheme which was approved on the appeal site. That permission is no longer extant. Previous proposals also appear to have included additional adjacent land (some of which cannot be developed) and flatted development. A 2018 scheme was submitted in outline. Consequently, direct comparisons with these previous proposals, particularly on matters of density and building types, are of limited value.
8. The appeal site adjoins Wells Close and Strawlands. The proposed dwellings would form a cul-du-sac, accessed off Wells Close. These existing residential roads have a pleasant and spacious character, reflective of their edge of settlement location.
9. The proposed scheme would be of well sized dwellings and plots that would allow for generous spacing between the buildings. Communal vegetable plots contribute to the spaciousness of the development. In comparison to the established character of the adjoining roads, the proposed scheme would generally appear more open and spacious.
10. Even though the new development would not be a direct continuation of the pattern of development in either Strawlands or Wells Close, it would not appear wholly out of keeping. Nonetheless, it is evident that the receiving environment would equally be able to accommodate greater built development than proposed, without causing harm to the character and appearance of the area.
11. Nine houses would represent only 75% of the number of units the PNP seeks to achieve. The reason for refusal refers to the policy requiring 'around' 12 houses although this has subsequently been clarified as being a reference to the policy wording of the Submission Plan. This wording was removed at examination as was the phrase 'up to', so as to avoid ambiguity. It therefore seems to me that some work would have been undertaken to ensure the figure in the policy reflects the realistic potential of the site.
12. Nevertheless, the appellant refers to the planning history as evidence of the difficulty in achieving 12 dwellings. They point to an initial, outline scheme for 12 units which was refused by the Council in 2018. A subsequent scheme for 10 units was approved by the Council in 2021, although that scheme also initially proposed 12 units. Both schemes included a mix of units, including one bedroom flats.
13. However, these previous proposals do not prove that a scheme which involves a different mix of both one and two bed units could not provide 12 dwellings. Certainly, the larger the units and plots the more challenging it inevitably becomes to meet this figure. I am also mindful that there is nothing to indicate that the current scheme is part of a larger, phased development of the allocated land to achieve 12 dwellings or that the use of available space has been optimised.
14. In addition, the appellant interprets the policy as implying one bed units do not have to come forward as part of the site's development. Whilst the policy does not

prescribe a particular mix or ratio of one and two bedroom homes, the appellant's interpretation in effect translates into the policy saying that a development comprising entirely of just two bed units would be compliant.

15. However, given the previous challenge in achieving multiple units on site, and the omission of the word 'around' from the policy, when read as a whole, it can only sensibly be interpreted as requiring a development to comprise both one and two bed units. Indeed, to do otherwise would risk undermining the objective of achieving a development of 12 dwellings and frustrating the wider policy objectives of achieving an efficient use of the site.
16. Doubt is also cast on the need to achieve both one and two bed dwellings. The Local Housing Needs Assessment (2023) is referenced as showing the highest percentage of market homes should be two bed properties. There may be less demand for one bed units but this does not mean that there is no demand for them or that they would not serve a local need. As the appellant's submissions demonstrate, there is a large and growing older population in the district and this is likely to continue to increase in the future.
17. The provision of any housing will be of benefit given the local land supply difficulties. However, Policy 5.2 forms part of the development plan for the area and the requirement to provide one bed units in this location has been established. The appellant has not demonstrated that there is no demand for one bed units nor any reasons as to why one bed units could not be provided on site.
18. Clearly a policy compliant scheme would result in three additional dwellings, which in numerical terms would be small. However, if the appellant's approach were to be repeated often enough, the overall effect could be considerable on the supply of houses in the area and the wider policy objectives of seeking a mix of dwelling sizes and types across the district would not be met.
19. Drawing all these strands together, I find that there is a shortage of housing land generally in the area and an aging demographic who have specific housing needs. The site has been allocated to address both these objectives, and the proposal would go some way to help meet them. However, it would fall short of the development plan's expectations for the site and there is insufficient substantive evidence before me to indicate that the site could not be developed to accord with the local policy.
20. On this main issue, I therefore find that the appellant has not demonstrated that the site cannot be developed for a policy compliant scheme and that the proposal is an appropriate development of the site. Consequently, it is contrary to Policies CP2 and CP11 of the LLP1, Policy 25 of the LLP2 and Policy 5.2 of the PNP which collectively, and amongst other things, require developments to have an appropriate housing mix and layout in general and in relation to this site in particular.

Drainage

21. The site is in an area susceptible to surface water flooding. Previous approvals on the site have been subject to detailed planning conditions requiring the submission of further drainage details. It is the Council's position that those schemes would have relied on land raising and careful design and that the schemes were supported by the Local Lead Flood Authority (LLFA). The LLFA has objected to the

current proposal due to a lack of information. This objection has been maintained at the appeal stage.

22. Firstly, the LLFA refer to the application as being one for reserved matters, which is incorrect. It is therefore not clear whether the LLFA are conflating the current submission with the previous outline approval and the detailed drainage conditions attached to it. If the application is being assessed on the basis of having to meet the detailed information required by those conditions, then the submission may well be lacking. However, this in itself does not mean that similar conditions could not be used for the current proposal.
23. I acknowledge that if conditions similar to those attached to the outline permission were attached to the current proposal this could create a tension between any approved layout of the site and any subsequent detailed drainage proposals. However, this would ultimately be for the developer to resolve and the Council would retain final approval before development could begin. Clearly a planning permission should not be granted which can palpably not be implemented but it is not apparent that we are at that stage in this case.
24. Indeed, the appellant has provided additional information in response to the refusal which is said to address the drainage concerns. From the emails and correspondence provided, it seems that the County Council's Drainage Team did not, for whatever reason, have sight of the appendices to this information. Thus, I cannot be sure that their stated objection has not been overcome.
25. The Council has not drawn to my attention any material changes since the outline permission was granted, relying principally on the LLFA's objection which I cannot be sure is sufficiently robust in this instance. In view of the foregoing, I am satisfied that imposing detailed drainage conditions would be similar to the approach previously adopted in relation to this issue and acceptable on this occasion.
26. Consequently, I find that the proposal would accord with Policies CP10 and CP12 of the LLP1; Policy DM22 of the LLP2 and Policy 4 of the PNP, which in relation to this matter collectively seek to reduce and manage flood risk as well as the impact and extent of flooding.

Other Matters

27. With regard to how well the Council is helping to deliver new homes, there is no disagreement between the main parties that it is unable to demonstrate a five year supply of deliverable housing land. The Council indicates the figure to be 3.02 years whereas the appellant considers it to be almost half of that at 1.59 years. I do not have sufficient information before me to make a definitive determination on the matter. Nevertheless, it is clear that the Council's policies are not delivering the housing required by national policy and if the shortfall is as large as the appellant suggests then it is, in the appellant's own words, severe.
28. In this context additional housing coming forward on allocated sites is to be welcomed. However, this also adds emphasis to the need to ensure allocated sites deliver as many units as possible. Indeed, recent revisions to the Framework, such as the omission of previous paragraph 130, add weight to the imperative of this and not under delivering on the number of future dwellings.

29. There is therefore something of a contradiction in the appellant's position of highlighting the severe shortfall in housing land but proposing a scheme which underdelivers on the number of expected units and is more spacious than the prevailing character.
30. The proposed development is said to also deliver 'downstream' benefits by providing opportunities for older people to downsize. However, I cannot be certain how many future occupiers would come from larger, under occupied homes.
31. There is no objection to the design and appearance of the houses per se. Furthermore, the heights compare favourably with previous schemes for the site. However, as these were not contentious matters in the appeal and represent a lack of harm, they are neutral factors in my decision.
32. A scheme for 10 dwellings might generate an affordable housing requirement. However, this in itself is not a reason to reject the current proposal.

Planning Balance

33. The proposal would be contrary to policies which seek to maximise the number of houses delivered while respecting local character. For this site in particular the proposal would conflict with a neighbourhood plan policy which functions as part of a plan led system and seeks to deliver 12 units for older people.
34. These local policies are consistent with the Framework insofar as it seeks to ensure that land is used efficiently, housing is delivered and for different groups within the community, including older people. Therefore, in a context where not enough houses are being delivered, I attach significant weight to them.
35. In the absence of a 5-year housing land supply, paragraph 11 d) of the Framework is engaged. This means that it is necessary to consider whether any adverse impacts of the development 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 in the Framework for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
36. Development of the site would boost the supply of housing by nine houses; there would be economic benefits in both the short and longer terms; and the scheme could be built out relatively quickly. There would also be social benefits, particularly in the form of the housing to be provided, notwithstanding that the allocation of the site is predicated on the housing being for older people.
37. My findings in relation to the issue of drainage remove a potential obstacle to the site's development but does not, of itself, weigh in favour of the scheme.
38. Conversely, the appeal proposal would deliver fewer units than expected from this site. In absolute terms three additional units would be a small numerical uplift over the current proposal. Nonetheless, it has not been demonstrated that a greater number of units cannot be provided on site. In this respect the proposal would not make efficient use of land.
39. The Framework requires developments to meet identified housing needs. Whilst the proposal would meet some of the identified housing needs for older people in the area, it would fall short of all of those identified or expected from the site.

40. Even though the shortfall in housing supply is substantial and the proposal would bring forward houses on the land, its contribution to meeting the area's identified housing need would fall short of what might otherwise reasonably be expected. As the scheme would not be as effective in reducing the supply deficit as it could be, there would be conflict with one of the main provisions of the Framework, which is the delivery of a sufficient supply of homes.
41. The package of benefits that would flow from the appeal proposal would weigh considerably in favour of the appeal and I recognise that the benefits meet many of the Framework's objectives. However, in this case, the harm identified in the previous paragraphs would weigh very heavily against the appeal proposal. In my judgement, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

42. For the reasons given above, I conclude that the proposal conflicts with the development plan when taken as a whole, and there are no material considerations, including the Framework, to outweigh this conflict. Therefore, the appeal is dismissed.

Stewart Glassar

INSPECTOR