



Appeal Decision

Site visit made on 22 July 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 OCTOBER 2025

Appeal Ref: APP/C1435/W/25/3360712

Great Easterfields, Chiddingly Road, Horam, East Sussex TN21 0JJ

- 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 Tymaric Properties Limited against the decision of Wealden District Council.
 - The application Ref is WD/2024/0812/O.
 - The development proposed is redevelopment of site to provide 7 residential dwellings with associated access works and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline with details of access provided for consideration. All other matters are reserved for subsequent approval. I have treated the submitted layout plan as illustrative.
3. Since determination of the application, the Environment Agency has produced updated flood risk mapping which shows that part along its south-eastern edge has a high chance of surface water flooding. The surface water map for 2040-2060 also shows an area of medium surface water flood risk in the centre of the site. I have therefore elevated flood risk to a main issue and given the parties the opportunity to make representations on the implications for the appeal. I have taken their comments into account.

Main Issues

4. The main issues are:
 - whether the development would be at risk of flooding; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Flood risk

5. Paragraph 175 of the National Planning Policy Framework (the Framework) sets out that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except where a site specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable

elements, would be located on an area that would be at risk of flooding from any source.

6. Planning Practice Guidance: Flood Risk and Coastal Change (PPG), advises at paragraphs 023¹, 027² and 028³ that the sequential approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Unless a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test needs to be applied. No site-specific flood risk assessment or sequential test has been carried out in this case.
7. The updated Environment Agency maps for annual risk of flooding show high risk of surface water flooding along the south-eastern edge of the site. The surface water map for 2040-2060 also show medium risk in the centre of the site which would cover the siting of the rear garden to plot 6 and the car parking spaces for plots 5 and 6. The area of high risk of surface water flooding along the south-eastern boundary covers the pedestrian access from Chiddingly Road for plot 6, which the illustrative plan shows to also provide pedestrian routes to the front entrances of dwellings at plots 4 and 5. These areas could be categorised as potentially vulnerable elements in the development.
8. The Wealden Level 1 Strategic Flood Risk Assessment (SFRA) May 2022 paragraph 131 states flood risk should not form a constraint to development if it can be appropriately managed. Where there is a surface water flow path though the site, East Sussex County Council's advice is that: the developer must understand the source of the flow path; where possible the flow path should be managed in a green corridor; and if diversion of the flow path is required, then the impact upstream, downstream and at the site must be understood.
9. The appellant has identified that the areas at risk of surface water flooding are small, shallow, isolated areas that are not part of a larger catchment or flow path and that no identifiable flow paths have been recorded either on site or in adjacent land parcels. The proposed vehicular access is also not within an area of surface water flood risk.
10. Despite the above, nothing in the PPG stipulates that shallow water is not a problem and no site-specific flood risk assessment has been submitted. The appellant asserts that as the application is in outline with only access being considered, the footprints of the dwellings could be arranged to avoid parts of the site at risk of surface water flooding, and that there will be drainage improvements and mitigation measures applied to the site.
11. The appellant refers to surface water drainage being achieved via infiltration following SuDS principles. I have not been provided with information on a soakage test and therefore I have no evidence that infiltration would be a suitable solution

¹ 023 Reference ID: 7-023-20220825

² 027 Reference ID: 7-027-20220825

³ 028 Reference ID: 7-028-20220825

for the site, especially given the presence of a watercourse and a number of ponds on the surface nearby.

12. Whilst it may be possible that the site could be laid out in a manner that would avoid areas of the site at medium and high risk of surface water flooding, this has not been adequately demonstrated.
13. In conclusion, I cannot be satisfied, based on the information before me, that the proposal would not put people or property at risk of flooding. It would therefore be contrary to paragraph 175 of the Framework which seeks to locate development away from areas known to be at risk from flooding from any source.

Character and appearance

14. The appeal site is located just outside of the main built-up area of Horam and comprises a large, detached dwelling set back from the road on a large plot and accessed via a driveway shared with Horam Park Golf Club. To the rear of the site (northwest) is a former pitch and putt course which has an extant permission for five large dwellings (WD/2023/3043/RM). Opposite the site (the Two Oaks site) outline planning permission has been granted for up to 24 dwellings (WD/2020/0950/MAO). Other residential development along Chiddingly Road comprises terraced properties on relatively small plots set close to the road, detached houses on spacious plots and semi-detached dwellings on long narrow plots set back from the road. The variation in size and scale of dwelling and plot size forms an intrinsic part of the character of the area.
15. The appeal proposal would include the demolition of the existing dwelling and the provision of seven new dwellings. The illustrative proposals show that an informal and loose building grouping is achievable, which maintains the mature frontage hedgerow. Access would be taken from the existing shared access that serves the site.
16. Details of the appearance, landscaping, layout and scale of development are not for determination with this application. However, the indicative layout suggests an appropriate density of development which would be comparable with existing and permitted development to the northwest and opposite the site. The private gardens to all dwellings would exceed the overall minimum required space. The frontage properties would be informally laid out with space between the dwellings and a varied building line akin to properties to the northeast. The mix of semi-detached and detached dwellings also reflects the existing mix of development on Chiddingly Road. The existing hedging would help preserve the character of the area.
17. A previous appeal on this site (APP/C1435/W/23/3320804) (3320804) for nine dwellings was dismissed. The Inspector concluded that although the density in isolation would not be unusual and sufficient provision would be made for private garden space, the provision of nine dwellings on the site would appear very crowded in comparison to existing development nearby with limited space between dwellings. Five of the dwellings would have been set much closer to the road than the existing dwelling on site and there would have been an erosion of the spacious and verdant character of the area. The current appeal with the reduction of two dwellings on the site would allow sufficient space between the dwellings to accommodate the development without unacceptable effects on the character of the area or the pattern of development.

18. In conclusion, the proposal would not have a harmful effect on the character and appearance of the area and accords with policies EN1, EN8 and EN27 of the Wealden Local Plan (1998) (LP), Policy WCS14 of the Core Strategy Local Plan (CSLP) and Policy HCD4 of the Horam Neighbourhood Plan. Together these policies seek to optimise the potential of sites whilst being sympathetic to local character and where appropriate, promote local distinctiveness, not have an unacceptable impact on the amenities of adjoining development and ensure a satisfactory living condition for future residents.

Other Matters

19. I note the consultation responses from two parish councils and other interested parties. I have already dealt with the effects on the character and appearance of the area in my reasoning above. Matters relating to detailed layout, the scale and external appearance of the buildings, and the landscaping of the site would be addressed at the reserved matters stage in the event of outline permission being granted.
20. Various other objections are made, including in relation to access and parking, the capacity of the local highway network and the effect on pedestrian safety. However, the Highway Authority does not raise any concerns and based on the information before me, I have no reason to take a different view.
21. I have seen no substantive evidence to support objections relating to the lack of infrastructure to support the development, the potential for noise and light pollution or the loss of heritage significance through the demolition of the existing dwelling. Planning policy supports the redevelopment of previously developed land. Biodiversity Net Gain provisions would apply to any scheme, and this would address concerns over the effects on ecology.
22. On the basis of the evidence presented, none of the other matters raised by interested parties would, justify dismissal of the appeal.

Planning Balance and Conclusion

23. The site lies outside the development boundary of Horam, in a location where Policies GD2 and DC17 of the LP would not permit development. However, the Council is unable to demonstrate a 5-year supply of deliverable housing sites, with a published supply figure of 3.68 years, and therefore the conflict with the aforementioned policies attracts limited weight. The Council has permitted other residential schemes in the vicinity, and this is reflective of Policy WCS6 in the CSLP, a more up-to-date policy, which recognises that the development boundaries in the LP, which date back to 1998, would have to be breached to deliver growth.
24. Paragraph 11(d) of the Framework indicates that where the requisite housing land supply cannot be demonstrated, planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or (ii) any 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 for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

25. In this case, the proposal runs contrary to the Framework policies on planning and flood risk. I have attached these conflicts with national policy significant weight. This represents a strong reason for refusing the development and as such paragraph 11 (d) (ii) of the Framework is not engaged.
26. Nonetheless, I have taken account of the benefits of delivering six new homes. The scheme would make a small but important contribution to remedying the housing shortfall although the degree to which a small scheme could address the housing affordability in the area would be limited.
27. The proposal would be located on previously developed land which would help to relieve pressure on other, more environmentally sensitive sites and it would provide energy efficient dwellings to replace a less efficient dwelling.
28. Economically, the proposal would generate employment and spending during the construction process as well as from future occupiers of the homes. The scheme would help to support local businesses, public transport and the economy more generally within the local area.
29. The proposal would not conflict with the development plan in respect of the effects on the character and appearance of the area. There are no substantive conflicts with the development plan policies cited by the Council. Notwithstanding this, and the aforementioned benefits, the material considerations indicate that the application should be refused on flood risk grounds in line with national policy.
30. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR