
Appeal Decision

Site visit made on 22 September 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th October 2025

Appeal Ref: APP/P1425/W/25/3368100

Camoy's Court Farm, Barcombe Mills Road, Barcombe, East Sussex BN8 5BH

- 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 Tom Hamilton of Home Steyning Ltd against the decision of Lewes District Council.
 - The application Ref is LW/24/0785.
 - The development proposed is demolition of existing buildings and erection of 5 no dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and erection of 5 no dwellings at Camoy's Court Farm, Barcombe Mills Road, Barcombe, East Sussex BN8 5BH in accordance with the terms of the application, Ref LW/24/0785, subject to the conditions in the attached schedule.

Applications for costs

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

Preliminary Matter

3. The description of development in the banner heading is taken from the application form but I have adjusted the description to remove words that do not relate to an act of development.

Main Issues

4. The main issues in respect of this appeal are:
 - whether the site would be a suitable location for housing having regard to local plan policies;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether any harm in respect of the first two issues is outweighed by other material considerations, such as to justify a grant of planning permission contrary to the development plan.

Reasons

Location

5. The proposal would be located outside of any planning boundary and is therefore regarded as countryside. Policy DM1 of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies February 2020 (LP2) requires that outside the planning boundaries, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.
6. No specific development plan policy has been brought to my attention which would support the provision of dwellings on the appeal site. Furthermore, no specific need has been evidenced for the proposed housing to be in a countryside location.
7. I therefore conclude that the proposed development would not provide a suitable location for housing in principle. It would be contrary to Policy DM1 of the LP2 and paragraph 84 of the National Planning Policy Framework (the Framework). Amongst other things, these allow for new development outside planning boundaries only where such development is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.

Character and appearance

8. The appeal site is part of a working farm and contains a large barn that is proposed to be demolished as part of the appeal scheme. The appeal site is set back from the road and is surrounded by extensive hedgerows and mature trees. Dwellings in the area are generally sporadic, detached and are set within spacious plots. The wider area consists of open fields which gives the area an open and rural character and appearance.
9. A previous appeal on the site¹ for the demolition of the existing buildings and erection of five dwellinghouses was dismissed with the Inspector noting the modern appearance, terraced form and setting within small plots would result in the proposed development standing out as an incongruous and cramped feature in the context of the open and rural character and appearance of the area.
10. The proposed building would be lower than that proposed under the previous scheme and its fenestration would be less contemporary. This would give rise to a more traditional design which more closely resembles the barn it would be replacing in form, height and materials. The resulting development would sit more comfortably within its setting. Notwithstanding this, the plot sizes would be smaller than in the previous appeal thus the density of the development would remain broadly the same. In the context of the open and rural character of the area, the terraced form of the proposal with small plots would have a more cramped appearance than the existing barn on site.
11. I therefore conclude that the proposal would harm the character and appearance of the area by virtue of its cramped appearance when viewed within the rural context. It would be contrary to Policy DM25 of the LP2 and Policies CP2, CP10 and CP11 of the Lewes Local District Local Plan Part 1: Joint Core Strategy 2010-

¹ APP/P1425/W/23/3327384

2030 (LP1) which amongst other things, seek to ensure that siting and layout respond sympathetically to the characteristics of the development site and relationship with immediate surroundings.

Other Material Considerations

12. The appellant has put forward a fallback position in the form of an extant prior approval². This is for the change of use of the agricultural building to five residential dwellings. The appellant has stated their intention to carry out the fallback position should this appeal fail, I therefore accept that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed. It is therefore a material consideration in the assessment of the proposal.
13. For significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
14. The appeal scheme would result in a reduction in footprint in terms of the bulk of the overall building when compared to the fallback position. The overall height would be marginally less and the layout of the units would provide better living conditions for the occupiers of the units (unit 3 in particular which in the prior approval would have shared an internal boundary with more of the units than in the proposal). There would also be more outdoor amenity space associated with each unit in the appeal scheme.
15. I have already found harm in relation to the suitability of the location and character of the area. However, I note the proposal results in a reduction in height and footprint relative to the fallback scheme and a more traditional design when compared to the contemporary scheme dismissed on appeal. The living conditions of the occupiers of the proposal would be an improvement on those in the fallback scheme with a layout that allows the potential occupiers of the units to share no more than two boundaries with neighbouring properties. I therefore find that the fallback scheme would be more harmful than the appeal scheme. For this reason, given the greater than theoretical possibility that the fallback would be implemented I give this material consideration significant weight.
16. I have been directed towards recent planning permissions to build a large number of new dwellings adjacent to Barcombe Cross Village. I have not been supplied with details of the permissions in terms of location, however, the Council currently cannot demonstrate a 5 Year Housing Land Supply therefore there remains a housing shortage in Lewes District to which I give significant weight. The appeal scheme would help to address this shortfall.

Other Matters

17. An interested party invites me to reconsider the Prior Approval on the basis the Prior Approval LW/21/0090 fails to meet the basic requirements of Q.1 section (i) due to demolition of a third of the original structure and it depended on a permissive footpath to amenities that does not exist. However, my remit is to consider the appeal before me. I do not have the power to review past permissions.

² LW/23/0766

18. I have been directed towards evidence of flooding on Barcombe Mills Road. The Council have confirmed the site lies within flood zone one and is not at risk of flooding. There is also more than one route to the site therefore the occupiers of the dwellings would have an alternative option to access and exit the site were flooding leading to the site to occur.
19. A third party has directed me towards photographs of road traffic accidents on Barcombe Mills Road. However, I have no evidence of the causes of these accidents or that an additional five dwellings on Barcombe Mills Road would have any significant impact on highway safety.

Conditions

20. I have had regard to the list of suggested conditions provided by the Council alongside those suggested by consultees and have considered these in light of the Framework and the Planning Practice.
21. For the avoidance of doubt, conditions relating to the time frame for implementation of the permission, the plans, materials, bin storage, cycle storage and parking have been imposed.
22. To safeguard the amenity of neighbouring residents and the locality conditions requiring a Construction Method Statement and Demolition Method Statement relating to demolition and construction are required to be submitted to the Council. A condition relating to hours of construction has also been imposed.
23. To enhance the site biodiversity, details of how the proposal would demonstrate a 10% (minimum) net gain in biodiversity value is required.
24. To protect the visual amenity of the area a condition requiring details of hard and soft landscaping to be provided is required and details of the timescale of the implementation of the landscaping.
25. To ensure the appropriate management of surface water and prevent an increased risk of flooding a condition is required regarding the provision of an appropriate surface water scheme.
26. To ensure the safety of persons and vehicles using the site, a condition requiring appropriate visibility splays is stipulated.
27. To ensure risks from asbestos and land contamination to construction workers and the future users of the site are minimised, a condition requiring details of the remediation strategy dealing with land contamination is imposed.

Planning Balance and Conclusion

28. The proposal would be contrary to Policies DM1 and DM25 of the LP2 and Policies CP2, CP10 and CP11 of the LP1. These policies are consistent with the Framework in focusing on protecting the distinctive character and quality of the countryside.
29. The Council's Interim Policy Statement for Housing Delivery, March 2020 (IPS), sets out several criteria to guide the provision of housing outside settlement boundaries, if there is a shortfall in housing land supply. The IPS is not part of the development plan, so it does not carry the same weight. In any case, the appeal proposal clearly conflicts with the first criterion in the IPS that housing should be

contiguous with an adopted planning boundary, so the scheme does not gain support from this guidance, since all the relevant criteria must be satisfied.

30. The Council concedes that it is unable to demonstrate a 5-year supply of deliverable housing sites. Paragraph 11d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. Whilst the contribution would be modest at five homes, the proposal would also support the creation of jobs directly and indirectly during construction and through spending in the local economy. There is also a fallback position on the site which I consider to be more harmful than the appeal scheme. This is material consideration to which I attach substantial weight.
32. The unsuitable location and adverse impacts on the character and appearance of the area would not significantly and demonstrably outweigh the significant benefits. As such, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework therefore material considerations indicate that the application should be determined otherwise than in accordance with the development plan.
33. For the reasons given above the appeal should be allowed.

C Coles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos
1608 3.000 - Rev B – Proposed OS Plan
1608 3.001 - Rev B – Proposed Block Plan
1608 3.002 - Rev C – Proposed Ground Floor Plan
1608 3.003 - Rev B – Proposed First Floor Plan
1608 3.004 - Rev B – Proposed Attic Plans
1608 3.005 - Rev B – Proposed Roof Plan
1608 3.010 – RevB – Proposed Elevations
1608 3.011 – RevB – Proposed Elevations
1608 3.012 – RevB – Proposed Elevations
1608 3.013 – RevB – Proposed Summary
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority (LPA). The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - site security and lighting;
 - delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until a Demolition Method Statement has been submitted to and approved in writing by the LPA. The Statement shall include details of:
 - the sequence and methodology of demolition
 - noise, dust, and vibration mitigation measures
 - waste management and recycling strategy.
- 5) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.
- 6) No development above slab level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the LPA. These details shall include:
 - Planting plans and schedules;

- boundary treatments;
- hard surfacing materials;
- details of maintenance and management.

All planting, seeding or turfing shall be carried out in the first planting season following the completion of the development.

- 7) No development shall take place until a Biodiversity Net Gain (BNG) Assessment has been submitted to and approved in writing by the LPA. The Assessment shall demonstrate how the development will achieve a minimum of 10% net gain in biodiversity value, calculated using the latest version of the DEFRA Biodiversity Metric. The assessment shall include:
- A baseline habitat survey
 - Proposed habitat enhancements or creation
 - A habitat management and monitoring plan for a minimum of 30 years
 - Details of any off-site biodiversity units if applicable.

The development shall be carried out in accordance with the approved details and the biodiversity enhancements shall be implemented prior to first occupation and maintained thereafter in accordance with the management plan.

- 8) Prior to the first occupation of the development, details of refuse and recycling storage facilities shall be submitted to and approved in writing by the LPA. The approved facilities shall be provided prior to occupation and retained thereafter.
- 9) The development hereby permitted shall not be occupied until details of the car and cycle parking provision shall be submitted to and approved in writing by the LPA. The approved parking shall be provided prior to occupation and retained thereafter.
- 10) Prior to the commencement of development, a scheme for surface water drainage to prevent the discharge of surface water from the approved development onto the public highway, and similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the LPA for approval in consultation with the Highway Authority.
- 11) No part of the development shall be first occupied until visibility splays of 2.4 metres by 116m to the west and 2.4 metres by 99 metres to the east of the site have been provided at the proposed site vehicular access onto Barcome Mills Road in accordance with the approved plans. The splays shall thereafter be maintained and kept free of all obstructions over a height of 600m.
- 12) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the LPA. If any contamination is found, no development shall take place until:

- i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the LPA;
- ii. the site has been remediated in accordance with the approved measures and timescale; and
- iii. a verification report has been submitted to and approved in writing by the LPA.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the LPA; and
- ii. a verification report for all the remediation works has been submitted to and approved in writing by the LPA.

- 13) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the LPA. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the LPA. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the LPA.
- 14) Prior to demolition, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the LPA together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.