



Appeal Decision

Site visit made on 23 September 2025

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Appeal Ref: APP/Y9507/W/25/3361486

Land at Former Allotments, North Street, Alfriston, East Sussex, BN26 5UT

- 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 Edward Rees (Domusea Developments) against the decision of the South Downs National Park Authority.
 - The application reference is SDNP/24/02440/FUL.
 - The development proposed is erection of 5 houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Applications for planning permission are to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. I have considered the development plan as a whole, including the policies of relevance to the main issues in the South Downs Local Plan (Local Plan). The National Planning Policy Framework (the Framework) is a material consideration.
3. As the proposal is in a Conservation Area and is close to a number of Listed Buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). I have also paid regard to the National Park purposes set out in section 61 of the Environment Act 1995, including conservation and enhancement of natural beauty, wildlife and cultural heritage.
4. The appeal was submitted with revised plans that included amendments to the layout, detailed design, and dwelling mix. It is a fundamental principle that appeals are not the place to evolve a scheme. Where revisions are accepted it is by exception and at the discretion of the Inspector, paying regard to the Wheatcroft tests. In this case, the revisions include changes to the design and layout. Together they create a materially different scheme to what was before the Local Planning Authority (LPA) at the planning application stage and was subject to consultation that drew comments on a range of matters, including design. Accepting the revised proposal would deprive interested parties of the chance to properly consider a substantive change to the scheme. The result would be procedurally unfair. The LPA's positive comments about the design elements of the revisions and any consultation undertaken outside the submission of a planning application do not sway my view. For these reasons, I have not paid regard to the revised scheme.

5. The banner of my decision is amended to remove references to revisions to access and parking. They appear on the planning application form and are assumed to relate to a previous planning application that was before the LPA. Regardless, the words are superfluous and are removed to avoid confusion with the revised scheme that was put forward at the appeal stage.
6. Two factual updates were submitted by the Appellant, in May and August 2025. In consultation with the LPA, both these documents were accepted as late evidence and I have paid regard to them.
7. The Appellant's completed Unilateral Undertaking (S106) makes obligations aimed at addressing the LPA's reason for refusal number four (RFR4) on housing mix. The obligation includes two site plans that both have Unit 3 redlined. One plan appears to relate to the original scheme and the other to the revised scheme that, for the reasons set out above, I am not paying regard to. I note the LPA's position that completion of the S106 would overcome RFR4. It is unclear whether their position is predicated on me accepting the revised scheme. As it makes no difference to the overall outcome of the appeal, returning to the parties for clarification would serve limited purpose. From the evidence available, there is reasonable certainty that RFR4 is resolvable one way or another. As such, for the purposes of my decision making, housing mix is not a main issue in this appeal.

Main Issues

8. The main issues are:
 - The effect on the character and appearance of the area, including heritage assets and landscape character.
 - Whether the proposal is acceptable when regard is paid to highway safety and vehicle parking and turning.
 - Whether the proposal makes acceptable provision for biodiversity.

Reasons

Character and appearance (including heritage assets and landscape character)

9. This former allotment site sits within the historic core of Alfriston, on land that is presently wooded and overgrown. It is part of a bigger parcel allocated under Policy SD58 (Local Plan). In addition to being informed by the surrounding historic buildings, the character of the site is influenced by the sloping topography with the land beyond it eventually giving way to the banks of the Cuckmere River and its open, green valley and long public views from the countryside where the attractive settlement form of Alfriston contributes positively to the character of the area.

Conservation Area/character and appearance

10. The Alfriston Conservation Area (Conservation Area) was designated in 1969 and currently contains most of the historic core of the village and a number of Listed Buildings, with the site at its fringe. In so far as it is relevant to this appeal, its significance derives from the architectural and historic interest of its buildings, spaces, and layout and the evolution and standing of Alfriston as an example of a historic market town.

11. The proposed arrangement of a row of 5 dwellings lined eastwards from North Street is a logical and locally characteristic layout, as well as making good use of the land available.
12. In terms of form, while the dwellings identified on the plans as Plots 1 to 4 would be connected, the variation in ridge and building line setbacks would create a perception of separation between structures. The Appellant's conscious design choice to adopt a 'broken terrace' approach is an uncomfortable halfway house between the formal terraces seen on North Street and the more varied forms in other parts of the village, such as River Lane, that have evolved more organically over time. The result in respect of Plots 1 to 4 is a visual emphasis on three principle two story elements of similar, blockish form that strikes a more suburban appearance than something congruous with this historic context.
13. In terms of detailed design, the window openings in the main elevations of Plots 1 to 4 are standardised, which deepens my concerns about the form. The buildings attempt to gain a level of personality through the choice of materials. While they may be locally characteristic, the proposed application of materials in respect of Plots 1 to 4 appears haphazard, poorly articulated, and an attempt to 'liven up' quite standard building types. Rather than reinforcing the variety in the area, the design approach would appear confused and contrived.
14. The same criticism about form and detailed design cannot be levelled at Plot 5, which adopts a more coherent approach. However, the variety in form and more positive aspects of Plot 5 does not overcome my central concerns relating to Plots 1 to 4.
15. I do not share the LPA's view that the design approach to developing the site needs to create a stronger sense of a terrace, in the formal sense seen nearby on North Street. Given the variety in the area there is nothing to prevent the adoption of the looser approach best seen on River Lane that contributes positively to the lively historic form in the village. There is also opportunity to blend genuinely interesting modern design with the historic in a way that is symbolic of Alfriston's organic evolution. However, the proposal does neither of these things.
16. I am mindful that effects on the character and appearance of the Conservation Area should be judged in relation to the effect on the area as a whole. While the site is in a back land location, it cannot be regarded as lacking in prominence or importance to the Conservation Area as a whole. It is a key location close to the central historic core with the intention, articulated in Policy SD58 (Local Plan), of providing public accessibility through the site between the central area of the village and the river side. As such, the harm to the Conservation Area is harm to the asset as a whole.
17. The proposal would harm the character and appearance of the area and fail to preserve or enhance the character and appearance of the Conservation Area.

Listed Buildings

18. There are number of Listed Buildings within Alfriston that individually and cumulatively contribute to the architectural and historic interest of the settlement and support the significance of the Conservation Area. The back land location of the site results in minimal direct interface with most of the Listed Buildings in the village. Those closest to the proposal, and therefore with the greatest potential to have their settings effected are 1, 2 and 3, Waterloo Square, 1, 2 and 3, North

Street [Entry reference: 1191367], 12, 13, and 14 North Street [1043347] on the west side of North Street, and Bank House [1043337] on the east side of North Street. Each of these Listed Buildings principally addresses North Street itself

19. The curtilage of and contribution to setting to Bank House is not explored explicitly in the evidence. Given the proximity to the site and complexity of the apparent arrangement to the rear of Bank House, this creates a gap in the understanding of the significance of this heritage asset. As such, I am unable to satisfactorily conclude on whether harm arises from the proposal. For the purposes of this appeal, and taking a precautionary approach to this issue, I have assumed that some harm results.
20. There is intervisibility between the site and the buildings on the west side of North Street by virtue of the site access. Such views from the Listed Buildings would be principally towards landscaping within the site and through it. The proposed dwellings themselves would not be easily visible. Unlike Bank House, this is a more straightforward issue to conclude upon. The arrangement would preserve the setting of the Listed Building.
21. Nevertheless, in the absence of evidence to the contrary, there is assumed harm to the setting of the Grade II Listed Bank House.

Landscape character

22. Turning to effects on landscape character from countryside views, a reduction in vegetation across the site is an obvious consequence of developing it. As such, the proposal 'being seen' in views from the east would be unavoidable. As the dwelling at the eastern extremity of the site, Plot 5 would be more seen than other aspects of the development.
23. The Appellant's landscape evidence demonstrates that views of Plot 5 would be filtered through surrounding trees and proposed planting at the boundary, the latter of which could be the subject of conditions. Nevertheless, views of the proposal from the landscape would be available.
24. The north/south orientation of the main bulk of Plot 5 would not help to minimise its appearance in countryside views. Further, this orientation is broadly inconsistent with other buildings in the village on the slope approaching the river (including on River Lane). The difference in orientation would increase the prominence of Plot 5 and therefore draw focus away from the historic settlement pattern, rather than reinforcing it.
25. While the choice of materials for Plot 5 would help it to blend in when seen in longer views, this would not sufficiently mitigate the harm to landscape character discussed above and, therefore, achieve an acceptable landscape led scheme.

Conclusion on this main issue

26. The proposal would harm the character and appearance of the area, landscape character, and fail to preserve or enhance the character and appearance of the Conservation Area. Taking a precautionary approach there is also harm to the setting of the Grade II Listed Bank House.

27. In respect of the Conservation Area and Listed Building, Paragraph 212 (Framework) says that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to say that any harm to, or loss of, the significance of a designated heritage asset from its alteration should require clear and convincing justification.
28. Notwithstanding the uncertainty around and level of harm attributable to Bank House, in this case it is reasonable to work on the basis that the harm would be less than substantial but nevertheless of considerable importance and weight. In these circumstances, paragraph 215 (Framework) advises that the harm should be weighed against the public benefits of the proposal.
29. The scheme would deliver new homes in a settlement location, on an allocated site, in an area of development constraint. It would contribute towards the range and choice of homes in the locality, as well as the wider aim in the Framework of significantly boosting the supply of housing, and on a small/medium sized site. They attract significant weight. Economic benefits of more moderate weight would arise from the construction and occupation of the dwellings, although these are unquantified. Provision of a net gain for biodiversity in line with requirements attracts limited weight.
30. The observation in the Appellant's Heritage Statement that some degree of harm to the Conservation Area is likely to result from developing the site, as it is regarded as green space, is a fair one. The allocation of it in the Local Plan signals that such harm is likely to be tolerable/manageable provided a landscape led and conservation sensitive approach is taken. In this respect the proposal is deficient, with harm arising from more than simply a change in land character and use. The fundamentals of the design approach also generates harm. For this reason, I place the proposal higher on the spectrum than the lower end attributed by the Appellant.
31. While the benefits of housing delivery are weighty, there is limited evidence to suggest that the benefits of the scheme could not be achieved without this level of heritage harm in circumstances where great weight is to be given to conservation. I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance.
32. The proposal would have a harmful effect on the character and appearance of the area, including heritage assets and landscape character. There is conflict with development plan for the area, including Policies SD4, SD5, SD6, SD12, SD13, SD15, SD25 and SD58 (Local Plan) which together aim to secure development that is well designed, adopts a landscape led approach that respects local character, and conserves and enhances the historic environment.

Highway safety and parking and turning

33. The LPA's statement of case sets out concerns relating to site access, visibility splays, parking and turning, and accessibility. I will address each in turn, recognising there is a degree of overlap between the issues.

Site access

34. The street around the site access on North Street has a number of characteristics that creates a challenging set of conditions for highway users to navigate (including pedestrians).
35. In particular, the sloping topography, winds in the historic street pattern preventing cars passing in places, the street enclosure provided by boundary features and buildings, the absence of consistent footways on both sides for pedestrians, and the nearby square and services acting as a destination point for pedestrians (including people moving from the car parks at the bottom of North Street. The characteristics of North Street described above creates a number of potential hazards that may impact on anyone trying to use the proposed site access in a safe manner without impacting on other highway users.
36. The accessway to the site from North Street does not meet the LPA's width standard aimed at allowing two cars to safely pass. Use of any such standard should be context specific and avoid a blinkered application without common sense and human judgement. However, given the characteristics of North Street described above and the width of the accessway, it is right to describe its potential for allowing two cars to safely pass within it as inadequate.
37. The issue causes a further potential hazard on North Street if a vehicle is forced to wait or perform a manoeuvre to allow another car to exit the access. Given the difficult existing conditions on North Street described above, its capacity to accommodate further potential hazards is low. This materially heightens the severity of the impact from this issue.
38. I have paid regard to the Appellant's probability model and assessment of the likely additional trips generated from the proposal. I have also factored in that the access would be primarily used by people who are familiar with it, although the same cannot be said of road users on North Street. I acknowledge that inbound and outbound vehicles encountering each other on the access would not be a frequent occurrence. However, given the heightened severity of impact arising from adding further potential hazards to an already challenging highway environment, the site access arrangements proposed would have an unacceptable effect and fail to protect or enhance highway safety.
39. The results of the Appellant's speed survey indicating passing vehicles at somewhat below the speed limit are unsurprising given the characteristics of North Street in this location. This is a limited consideration as, even at slower speeds, passing through this location would require care. The likely travelling speeds on North Street do not, of themselves, provide justification for adding another potential hazard.
40. The Appellant's information about historic road safety incidents is informative, but not determinative as it cannot reflect the intensification in the use of the access. Such information also carries limitations as a proportion of incidents and near misses inevitably go unreported.
41. The notification of highways works taking place in Alfriston is not a material consideration as I have limited details, including evidence of how they would affect the proposed access one way or another. The proposal does not demonstrate adequate site access arrangements.

Visibility splays

42. The ability to achieve acceptable visibility splays for vehicles exiting onto North Street relies on maintaining existing views across third party land. The Appellant's reliance on prescriptive legal rights over neighbouring properties creates an evidential gap, as the right cannot be demonstrated one way or another unless the need to enforce it arises. Even if the right did exist, a requirement to enforce it in the interests of maintaining adequate visibility is not secured.
43. The proposal does not demonstrate that adequate visibility for vehicles onto North Street would be achieved. In light of the characteristics of North Street discussed above, material deviation from the visibility splays required by the LPA is not justified.

Parking and turning

44. Five car parking spaces within the site are proposed in circumstances where an application of the standards in the LPA's parking Supplementary Planning Document asks for eight. The LPA has not adequately justified why insisting on maximum provision is justified in this case. This includes how they have factored in the limited opportunity for further on street parking within the vicinity of the site acting a natural limitation on the potential for overspill parking and reflecting on trends of car ownership locally.
45. On the scheme proposed, I share the LPAs concerns about the space limitations on manoeuvring and turning within the site, which adds to my concerns about the site access above. Increasing the parking provision to meet the LPA's standards is likely to create further constraint within the site, exacerbate the issues with the access, and encourage a car dominant development that may frustrate a conservation/landscape led approach.
46. Taken as a whole, I am not persuaded that the LPA have adequately justified their position of conflict with Policy SD22 (Local Plan). This includes sensibly 'grasping the nettle' in respect of achieving the appropriate vehicle parking required under SD22(2) that is also of a location, scale and design that reflects the context, as required under SD22(3). For these reasons, I have not factored conflict with Policy SD22 into my overall conclusion of harm.

Accessibility

47. Distinct from the site access issues and effects on users of North Street discussed above, the LPA has advanced concerns about the pedestrian access and accessibility to the site. The site can be approach and entered from North Street by pedestrians using the footway on the opposite side of the road. From here, a pedestrian would have visibility down the site accessway and be able to see vehicles approaching from the site. The footway on North Street is wide enough to allow a pedestrian to wait for a vehicle to leave the accessway without impacting on other pavement users.
48. Unlike two passing vehicles, if a pedestrian used the accessway at the same time as a vehicle coming in the other direction the width of the accessway and circulation space within the site would to allow for this. While it is possible that a pedestrian could be at the edge of the accessway waiting to cross North Street as a vehicle turns into it, this would not create a material risk to pedestrian safety.

49. As such, accessibility to and within the site for pedestrians does not present material safety risks. Nor is there a case that pedestrians and vehicles could not share spaces within the site without unacceptable risks.

Conclusions on this main issue

50. The proposal would not result in an acceptable site access to act as the sole point of access for the development at the level of parking provision proposed. The limitations on manoeuvring and turning within the site deepen my concerns. Further, the visibility splays rely on views across third party land that are not demonstrated to be secured. These issues amount to an unacceptable impact on highway safety that would be contrary to Paragraph 116 (Framework).
51. The proposal would neither protect nor enhance highway safety, particularly for the users of North Street, as required by Policy SD21 (Local Plan). Nor does it demonstrate the continued safe and efficient operation of the road network, as required by Policy SD19 (Local Plan).
52. The suitability of North Street being considered at the point of plan making is a limited consideration. The necessary evidence for plan making would have been what was needed to allocate the wider site for development as a matter of principle. There is no evidence to show that the access was subject to detailed design appraisal of a standard that would be expected at the development management stage. Indeed, Section 4 of the highways evidence at Appendix 3 of the Appellant's statement of case explicitly says that the assessment is based on site measurements and observations, rather than detailed work. In any event, utilising North Street as a secondary emergency access in times of flooding is not the same as use as a primary and sole access. This clearly brings with it a greater breadth and intensity of use and a different range of potential highways effects.
53. The correspondence with the Estates Officer is not compelling evidence that there is no reasonable likelihood of achieving alternative access to the allocated land. The correspondence in Appendix 5 of the Appellant's statement of case indicates that the matter could not be considered conclusively without planning permission. Presumably, if an access through The Willows Car Park were proposed, a decision on that planning application would be taken in consultation with the estates team. Overall, it would be for the LPA's planning function to balance competing factors. This would include flood risk and the benefits of bringing forward housing that is allocated in the Local Plan. In the absence of detailed work, the Estates Officer was not reasonably in a position to say that risk of flooding of the car park would be an absolute barrier to development. As such, the comments appear to be little more than opinion given from a single party without the benefit of detail.
54. I accept that alternative accesses would need to be designed in such a way as to preserve the character of the area, and that an overengineered solution has the potential to be damaging. However, I do not have the detailed design evidence in front of me that I can legitimately pay regard to and draw conclusions on counterfactual scenarios. Indeed, it is not a function of the appeal process to rule on such scenarios or otherwise evolve a scheme.

55. While car free development at the site may be the subject of discussion between the LPA and Appellant, that is not fully reflected in the evidence and the details I have before me and, in any event, is not secured. As such, while I appreciate the needed to break any tension between highways considerations and achieving a well designed place reflective of the historic character of the area and deliver this allocated site, the potential for car free development is a limited consideration at this stage.
56. The proposal is not acceptable when regard is paid to highway safety and vehicle parking and turning. This is conflict with the development plan, including Policies SD19, SD21, and SD58 (Local Plan) in respect of protecting and enhancing highway safety and demonstrating the safe and efficient operation of the road network.

Biodiversity

57. Policy SD9 (Local Plan) encourages development management decisions to be made on the basis of up to date ecological information. In light of the existing wooded nature of the site, it is reasonable to expect a proposal to be based on a good understanding of existing features of interests and proposals for managing loss of habitat arising from development of the site. The need for development to enhance biodiversity and provide for protected species is also referred to in the site allocation at SD58 (Local Plan). The Appellant's Ecological Impact Assessment (EclA) is appropriate in scope and methodology. It is a good starting point for considering scheme design, mitigation and whether further work is needed.
58. The LPA's wish to see further survey work carried out across a range of species is not proportionate in light of the findings of the EclA, which in itself appears reasonable and precautionary in nature. Paying regard to the cases put forward by both parties, including the evidence provided and the level of risk identified in the EclA, I am satisfied that mitigation and enhancement relating to bats, badgers, dormice, breeding birds, and reptiles could be reasonably managed using conditions. Nor does further action in relation to great crested newts appear necessary or proportionate.
59. I have noted the advice in ODPM Circular 06/2005, insofar as it is drawn to my attention. However, in this specific case and on the evidence in front of me, a secure and proportionate approach to protected species could be achieved through the use of conditions.
60. In relation to tree cover, as discussed above, a reduction in vegetation across the site is an obvious consequence of developing it. As a matter of principle, loss of tree cover is 'baked in' to the allocation of the site for development. The Appellant's arboricultural evidence responds to the layout proposed and demonstrates a sensitive and balanced approach to tree retention, with tree protection being capable of management by condition. Further on-site enhancement could also be secured by condition, with off site mitigation also proposed.
61. Similarly, biodiversity net gain is a matter that could be addressed by condition, in circumstances where the evidence demonstrates a reasonable likelihood that a gain could be secured. The LPA's concerns appear relevant to the question of whether a Biodiversity Gain Plan should be approved, which would be a matter for the discharge of conditions.

62. Subject to conditions, the proposal makes acceptable provision for biodiversity. There is no conflict with the development plan for the area, including Policies SD2 and SD9 (Local Plan).

Other Matters

63. I have considered public and other comments received in response to both the application and the appeal. Comments relating to the main issues have been considered as part of my reasoning on those issues. Other comments do not materially change the overall assessment and outcome of the appeal.
64. Pre-application advice and progress and discussions between the LPA and Appellant on matters of concern since the decision are informative, but not determinative. Pre application advice is given without prejudice for formal decision making and my decisions are based on the planning application scheme rather than an evolution of it.

Conclusion

65. The proposal would have a harmful effect on the character and appearance of the area, including heritage assets and landscape character. It is also not acceptable when regard is paid to highway safety and vehicle parking and turning. Development plan conflict flows from these harms that amounts to conflict with the plan as a whole.
66. The benefits of the scheme are discussed elsewhere in this decision, in the context of the heritage balance. The same benefits apply when considering a more general planning balance.
67. I have some sympathy with the Appellant's position on the challenges of bringing forward a site where there are tensions between different planning objectives and the Local Plan indicates a wish to see it developed in the interests on contributing to local housing need. Whether the tensions could be better addressed if the wider parcel of allocated land was brought forward for development is a fair question, but outside the scope of this appeal.
68. The Council's case shows limited application of planning judgement, beyond posting the views of other parties, to show that a balanced overall approach has been taken (including to weighing the benefits). Regardless, when such judgement is applied, material considerations do not indicate that a decision should be taken other than in accordance with the development plan. As such, and paying regard to all other matters raised, the appeal is dismissed.

D R McCreery

INSPECTOR