



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: 22 OCTOBER 2025

Appeal Ref: APP/P1425/W/25/3360979

Land to the east of The Orchards, Uckfield Road, Clayhill, Ringmer

(Easting: 544213 Northing: 113801)

- 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 Miss & Miss Carmella & Dolores Tebbutt against the decision of Lewes District Council.
 - The application Ref is LW/21/0667.
 - The development proposed is for 8 custom build dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss & Miss Carmella & Dolores Tebbutt against Lewes District Council. That application is the subject of a separate decision.

Preliminary Matters

3. I have taken the description of development from the Council's decision notice, omitting the nature of the application and the amendment as these are not acts of development.
4. The planning application was submitted in outline with the matter of access to also be determined at this stage. I have dealt with the appeal on this basis, treating any other details shown on the plans as illustrative. A completed unilateral undertaking (UU) has been submitted. I refer to this later in my decision.
5. The Council's cost rebuttal included additional, substantive information/comment on the appeal proposal itself. It was agreed that the appellant would have an additional opportunity to respond to the points made by the Council and that these would be taken into consideration. I confirm that I have had regard to these additional comments.

Main Issue

6. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to local and national policies for the distribution of housing and its accessibility to services and facilities.

Reasons

7. Policy DM1 of the Lewes Local Plan Part 2 (LLP2) seeks to focus development within planning boundaries defined on the Policies Map. Outside of these areas the policy prioritises protection of the distinctive character and quality of the countryside. However, the policy does not impose a complete prohibition on development outside of these planning boundaries. New development may be permitted that is consistent with another, specific development plan policy or where the need for a countryside location can be demonstrated.
8. In tandem with this, Policy CP13 of the Lewes Local Plan Part 1 (LLP1), seeks to promote development that will encourage walking, cycling and public transport. This includes ensuring new development is located with good access to schools, shops, jobs and other key services, thereby reducing the need to travel by car; and that appropriate measures are incorporated to mitigate for any transport impacts which may arise.
9. These policies are consistent with strategic objectives 3, 6 and 9 of the LLP1 which, amongst other things, seek to ensure housing growth is accommodated in the most sustainable way; the character of the environment is maintained; and that the need to travel is reduced.
10. Overall, the development plan is broadly reflective of the National Planning Policy Framework (the Framework) as regards the location and provision of new dwellings and support for sustainable transport options. However, current local policies are not delivering the number of houses required by national policy.
11. Therefore, in addition to the above policies, the Council has an Interim Policy Statement for Housing Delivery (IPS). The document sets out criteria that will help guide the identification of suitable land for housing developments and the Council in dealing with proposals until the Local Plan is updated. The IPS, as guidance, provides a useful adjunct to the Council's spatial strategy and acknowledges that sites next to, but outside of, existing planning boundaries will need to be developed.
12. The appeal site is not within a planning boundary. Whilst there are development plan policies with which the scheme may be compliant, in terms of Policy DM1, there is little before me to demonstrate that a countryside location is needed for the development. Similarly, the appeal proposal would address many of the criteria set out in the IPS but not all of them. In particular, the site is not contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map. Thus, the first criterion of the IPS would not be met.
13. The IPS is also consistent with national and local policies in requiring developments to provide safe and convenient pedestrian and cycle access to key community facilities and services. I consider this matter below.
14. Given the nature of the roads, particularly the A26, and general lack of footpaths and lighting in the area, walking and cycling any distance, even to the nearest pub, would be an unattractive proposition for most people. I note the intention to provide secure cycle storage for the new houses but this does not overcome the inherent difficulties of the site's location being a likely discouragement to cycling. Similarly, an absence of Local Cycling or Walking Infrastructure Plans does not negate the

need for developments to accord with the over-arching objectives of the Framework as regards sustainable transport.

15. The site is located on the A26, to the north of the village of Ringmer. Although my site visit provides only a snapshot of a weekday morning, this appears to be a busy road with traffic travelling up to the national speed limit. There is a dedicated footpath from the site to the nearby bus stop. Although unlit, the footpath is flat and the bus stop a short distance from the appeal site. The bus service from this bus stop appears to be frequent through to Lewes and Brighton. A similar level of service to Uckfield and Tunbridge Wells is available from the bus stop on the opposite side of the A26. There is not however a direct bus to Ringmer which is the closest settlement with primary and secondary schools.
16. Opposite the westbound bus stop is a petrol filling station which has a small convenience store. It is open every day from 6am to 10pm. I observed some breaks in the traffic along the A26 which would allow most people to cross the road with care and so access the store, as well as the eastbound bus stop. The range of goods available would no doubt offer some basic provisions for nearby residents.
17. In addition to encouraging housing to be well located to services and facilities, the Framework also encourages rural housing to be located where it would enhance or maintain the vitality of rural communities in order to promote sustainable development in rural areas. The appeal site is not physically isolated from other development, given the adjacent houses and buildings clustered near to the petrol station. Nonetheless, they collectively appear as a sporadic ribbon of development, divorced from any sizeable community. The Averys scheme will increase the number of houses in the vicinity but any contribution that did occur from the proposal would have a very small positive effect.
18. Furthermore, the Framework notes that opportunities for villages to grow and thrive should be identified through planning policies rather than by individual decisions. Indeed, the planning system should be plan-led. The Local Plans, together with the IPS, have defined where housing in the countryside could be acceptable and the proposal does not comply with them.
19. I acknowledge that the proximity of the bus stop and shop mean that the site is comparatively well served compared to many other rural locations. There would also be some employment sites nearby, including the Averys site, albeit the nature and scale of employment opportunities are uncertain. I also appreciate that there is generally a greater reliance on the private car in rural areas such as this one.
20. Nevertheless, the appeal site is physically separate from the nearest settlements of Ringmer and Lewes which offer more convenient access to facilities and services. Facilities and public transport options do exist near the site but they are not so abundant or attractive as to minimise the use of the private car for travel for most day-to-day needs. Nor are there any substantive measures before me which would be likely to particularly encourage the use of non-private car modes of transport.
21. Consequently, drawing all of the above together, I find that the proposal would not be an appropriate location for the proposed housing development and would conflict with the locational requirements of Policy DM1 of the LLP2 and Policy CP13 of the LLP1 which, amongst other things, seek to control development in the

open countryside and ensure that development takes place in locations with suitable access to services and facilities. For similar reasons the proposal would be contrary to the Framework.

Other Matters

22. The Council cannot demonstrate a five-year supply of deliverable housing land. In April 2023 the Council's Annual Position Statement indicated a 3.02 years supply. Applying the standard methodology of the revised Framework, the appellant calculates supply to be 2.35 years. In either case, and despite the IPS, the Council's spatial strategy is clearly not achieving the level of housing growth expected by national policy. This weighs positively in favour of the proposal.
23. The proposed houses would be custom build houses. The Council initially indicated that they were meeting current needs but provided no substantive evidence. Subsequent submissions from the Council have thrown doubt on these initial claims.
24. In contrast, the appellant offers a more detailed and robust analysis of the self and custom housebuilding situation, which indicates that overall, there remains a clear need for such permissions but with no policy framework in the development plan to help deliver them. I particularly note that unmet demand is now cumulative, so any demand that has not been met within the three-year compliance period does not dissipate but rolls over and remains part of the demand that an authority has to meet. In addition, amendments to the legislation mean that a permission now only counts in meeting the duty if it is actually for self-build or custom housebuilding. I am satisfied that the submitted UU meets the necessary tests and secures this form of housing.
25. The houses would also make a contribution towards the provision of two and three bed units. The specified floor spaces in the design code for the plots could allow for different bedroom numbers/configuration to come forward at the details stage but this is something which would be subject to approval from the Council.
26. I have therefore considered the scheme as a self-build/custom build development, which would increase housing choice in the area. Based on the evidence before me, the proposal would make a contribution towards meeting a current demand for such homes in the area. Accordingly, this is a matter which also weighs positively in favour of the proposal.
27. The appellant has also provided a number of appeal decisions from elsewhere in the country where self build houses have been permitted on sites outside of settlements. In most of the cases presented, the appeal site was found to be within, adjacent or close to a settlement boundary. In one instance the land was considered to be previously developed and in another partial re-use of a building was involved. Clearly weight is afforded to the nature of the housing but other factors such as the proximity to a settlement are also important elements within an overall balance. Collectively, these decisions do not lead me to a conclusion that custom build proposals will necessarily outweigh concerns regarding a site's location.
28. In support of the current appeal, I have also been presented with the appeal decision at the Averys site on the A26, some 200m to the northeast. As the Inspector for the Averys decision noted, the location is sub-optimal and concluded

it would not have good access by walking, cycling and public transport. I have broadly agreed with those conclusions.

29. Whilst the housing land supply situation was a factor in support of that scheme, the scale of the benefit (a net increase of 52 houses with some being affordable) was also important. Other factors such as the provision of new employment floorspace were also crucial aspects of the Averys scheme. In that respect, compliance with Policy CP4 which seeks to retain existing employment sites and, in some circumstances, allow a mixed use meant the scheme was also considered to be compliant with Policy DM1. The site being, in-part, brownfield and allowing for the removal of existing buildings and addressing contamination were further valuable benefits. The extent and scale of these benefits do not apply to the current appeal scheme.
30. The existing Orchards development was approved by the Council in 2015. The appellant notes that the Orchards scheme offered two shared ownership dwellings and bus stop improvements. I note from the description of development that existing buildings (including a dwelling) were to be demolished as part of the proposal. The Inspector in the Averys decision also noted that part of the justification for the housing being permitted at the Orchards was that it was an alternative to an extant permission for a restaurant and butchery development. In contrast the appeal site is an undeveloped field.
31. I am also referred to a subsequent approval on the existing Orchards site to sub-divide an approved dwelling into two smaller units. The Officer Report did not address the issue of whether the site was sustainably located. However, any uplift in the number of residents was likely to have been small given the change from one five-bedroom dwelling to two three-bedroom houses. I am also mindful that a building was already permitted on this part of the site. I therefore see this uplift as being more akin to an extension to a dwelling and do not extrapolate it to mean that further new housing on an adjacent site should be considered as being sustainably located.
32. The appellant also refers to the Hamsey Lakes scheme. Again, the Inspector for the Averys decision noted it appeared to have been justified as an alternative to the brickworks and waste transfer station at the site. This distinguishes it from the context of the current appeal.
33. Thus, even though these other decisions may have been taken at a time when the Council was, as now, unable to demonstrate a five year supply of housing land, the individual circumstances of those cases were different from the case before me. As such, they do not mean the appeal proposal should be allowed.
34. Various ecological and biodiversity enhancements could be secured through the scheme. It is also said to offer a 24.25% biodiversity net gain (BNG), despite the submission pre-dating BNG becoming a mandatory requirement. This weighs positively in favour of the proposal.
35. The site layout and the design of the houses were not matters before me. These were not contentious issues for the Council who focused on the principle of the development. Accordingly, they are neutral matters in this appeal.
36. Access to the site is however a matter to be considered at this stage. The proposal would utilise an existing internal road through the Orchards site and its access

onto the A26. Subject to the imposition of certain planning conditions the Highway Authority raises no objections to the proposal in terms of highway safety or capacity. The Council has not raised any concerns in relation to the access arrangements, and I see no reason to disagree.

37. It is suggested that, by using the existing access arrangements, part of the appeal site can be considered to be brownfield land. However, this relates to only a small part of the appeal site and as a relatively recently installed access it is not land that requires upgrading, improvement or remediation. Furthermore, in order to make effective use of land, national policy does not favour utilising previously developed land wherever it is found. Paragraph 125 c) of the Framework gives substantial weight to the value of using suitable brownfield land within settlements but that does not apply here. In addition, the section on rural housing provides no endorsement of new housing using previously developed land in the countryside.
38. Similarly, it is suggested that the proposal would make effective use of land as it is too small to be used for agriculture. However, the site is adjacent to other fields and there is nothing to suggest that the land could not inherently be used for some form of agricultural purpose if so desired. Furthermore, the site currently makes a contribution to safeguarding the rural character and appearance of this countryside environment and I do not consider the proposal would make a more effective use of the site.

Planning Balance

39. There is no dispute between the parties that the Council cannot demonstrate a five-year supply of deliverable housing sites. Given the shortfall in housing supply, paragraph 11d) of the Framework is engaged. Permission should therefore only be withheld where any adverse impacts of the proposal 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.
40. The Framework's policies seek to boost the supply of housing. Eight new dwellings would only make a modest numerical contribution but given the scale of under-supply in the Council's area, this nonetheless carries added emphasis. Furthermore, there would be a meaningful benefit in relation to the provision of self and custom build houses.
41. The houses could be built out relatively quickly and there would be some economic benefits resulting from their construction as well as the spending associated with their occupation. There may also be some associated social benefits. Collectively, I find these and all the other benefits advanced in favour of the proposal to carry considerable weight.
42. Conversely, the Framework seeks to direct development towards locations with good access to services and facilities and ensure that sustainable transport modes are prioritised, giving priority first to pedestrian and cycle movements. It also seeks rural housing to be located where it will enhance or maintain the vitality of rural communities, with planning policies identifying opportunities for villages to grow and thrive, especially where this will support local services.

43. The need to locate development sustainably is perennial and in direct compliance with the Framework. Indeed, there is nothing in the Framework which indicates that the provision of housing should be at the expense of such matters. These are serious planning objections and in this case are likely to be long lasting. Accordingly, I ascribe the harm significant weight.
44. Taking into account the above conclusions, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the proposal would not be sustainable development within the meaning of the Framework, and this weighs heavily against the proposal such that the presumption in favour of sustainable development does not apply.

Conclusion

45. I have found that the proposal would be at odds with the Council's spatial strategy and that it would significantly harm the Council's objectives in this regard. The housing land supply position means that the weight attributable to the need to demonstrate a countryside location is reduced. Nevertheless, as these policies remain consistent with the overarching aims of the Framework, they still carry considerable weight.
46. Whilst there are some benefits associated with the appeal proposal, neither they nor any of the other matters before me, including the contribution which the appeal proposal would make to the supply of housing in the local area and self build/custom build housing in particular, outweigh the conflict with the development plan when it is taken as a whole.
47. Therefore, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR