Planning Inspectorate

Appeal Decision

Site visit made on 2 October 2025

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2025

Appeal Ref: APP/C1435/W/25/3366061
Land to the West of Bexhill Road, Ninfield, TN33 9EG

- 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 Simon Firkins (Landström Group Ltd) against the decision of Wealden District Council.
- The application Ref is WD/2024/1034/MAO
- The development proposed is an outline application for up to 24 No dwellings (including affordable housing), improved access to Ninfield Working Men's Club and public open space (all matters reserved with the exception of the main site access).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved except for access. I have determined the appeal on this basis, treating the submitted plans and details provided as indicative and show what may, not necessarily what will, be constructed.

3. A public consultation for a new Wealden Local Plan for the period 2023 to 2040 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012) has commenced. As the new plan is yet to be adopted, the Council has relied on policies in the Wealden Local Plan (1998) (WLP) on their decision notice. I have proceeded accordingly.

4. On 12 December 2024 a revised version of the National Planning Policy Framework (the Framework) was published. I have taken this into consideration in making my decision and any paragraph references are to this version.

Main Issues

5. The main issues in this appeal are:

   - whether the proposal would be in a suitable location; and,
   - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

6. The proposal is for up to 24 residential dwellings on the appeal site. A new access from Bexhill Road (A269) to the existing Ninfield Working Men's Club on the site and a new public open space would also form part of the development.

7. The main parties agree that the proposed development would be located outside a recognised settlement boundary, including that of Ninfield which is approximately 2km distant. Therefore, for planning purposes, the development would be located in the countryside.

8. Nevertheless, as the proposal would include new pedestrian crossings and an improved footway on the west side of the A269, the services of Ninfield, which include a primary and special needs school, a service station, a post office, a village store, health services, a bowls club and two public houses, could be reached by the occupiers of the new dwellings on foot. In addition, bus services run along the course of the A269 to the more comprehensive services and facilities found in Bexhill, Hastings and Battle, where there are rail links for commuting, longer journeys and leisure trips; these services would be enhanced by the proposed provision of additional bus stops, shelters, flags and raised kerbs in this location.

9. I acknowledge that walking or use of the bus services is likely to be less attractive to some people, particularly those with mobility issues, than the convenience of a private motor vehicle at certain times of the day and during the colder and wetter months of the year. Consequently, the shops and services of the nearest settlements would be more likely to be accessed by using a private vehicle. However, as this day-to-day activity by the occupiers of the new dwellings is likely to be no different or more frequent than residents in the other properties along Bexhill Road, I conclude that the proposal would be in a suitable location.

10. It follows then, in respect of a suitable location, the proposal would meet the aims of Policies GD2, DC17 and EN27 of the WLP and Policy WCS6 and WCS9 of the Wealden District Core Strategy Local Plan (2013) (WDCSLP) and the Framework when read as a whole, which says, amongst other things, that housing should be located where it will enhance or maintain the vitality of rural communities.

Character and appearance

11. The appeal site is a raised and sloping parcel of tree and hedge lined agricultural type land which is accessed from the A269 highway. The modest Working Men’s Club house can be seen to the northern side of the site.

12. The built form in this location is typified by a line of residential dwellings facing Bexhill Road and there is also an established cluster of loose knit properties to the west. The area is further characterised by low rolling fields with scattered woodland which can be seen from the site, including the High Weald Landscape and the Pevensey Levels in the wider views.

13. The adjacent land to the north[1] of the appeal site has planning permission[2] for 65 residential dwellings. Therefore, the appellant records in the submitted Landscape and Visual Impact Assessment (March 2024) (LVIA) that the proposal would be a logical and moderate extension to the proposed development. Moreover, that the dwellings would be indiscernible in the longer views and only partially glimpsed from within the local area. Furthermore, the appellant contends that the appeal site has an edge of settlement appearance, rather than an area of unspoilt land in a remote countryside location as a consequence of the suburbanising effect of a number of 'landscape detractors' nearby, such as but not limited to, pylons, telegraph lines, a club house and hard standings.

14. I find to the contrary. Other than in exceptional circumstances, saved Policies GD2 and DC17 of the WLP seek to resist all development beyond settlement boundaries. Indeed, whether the site is excluded from the Council's emerging Regulation 18 consultation site allocations list or not, a new settlement boundary for Ninfield is yet to be decided. Therefore, notwithstanding the low-key club house and surrounding infrastructure, there can be no doubt that the proposed development would be located in the countryside beyond a settlement boundary.

15. Even if this were to be otherwise, I noticed at the site inspection that although the highway surrounding the site, is relatively 'sunken', the development for up to 24 dwellings would not only be seen from the first-floor windows of the properties on Bexhill Road but also through the gaps in the hedging by those cycling or travelling in motor vehicles along Crouch Lane. The 'viewpoints' set out in the LVIA are noted, nonetheless the development would also be seen from the surrounding countryside, including the High Weald and Pevensey Levels. This would be particularly the case at certain times of the year when leaf cover on the trees and hedges bounding the appeal site is less dense. As such, the multi dwelling development would appear as an incongruous and prominent suburban style addition in this rural-type location that is typified beyond the Ninfield settlement boundary by agricultural fields and woodland. Additional landscaping would not be adequate mitigation.

16. I acknowledge the established residential dwellings to the west of the site known as 'Holly Cottage', 'West Ryecroft' and 'Comely Bank'. However, given the relative age and appearance of the properties, I cannot be certain if they were permitted under the same development plan as the proposal before me or not. Moreover, whether the construction of residential dwellings on the adjacent northern site and its landscape buffer proceeds or not, in this very specific location the proposed dwellings would be in stark contrast to the slim and historic tapered line of development facing Bexhill Road, which helps to provide a soft transition to the nearby agricultural fields and wider countryside beyond.

17. I conclude therefore, that the proposed development would result in substantial harm to the character and appearance of the area. As such, the proposal would be contrary to Policies GD2, DC17, EN2 and EN8, of the WLP; Policies WCS13 and WCS14 of the WDCSLP, which are clear that development in the Low Weald will only be permitted if it conserves the low rolling agricultural character of the landscape, and Paragraph 135 (c) of the Framework.

[1] WD/2024/0583
[2] WD/2021/2454/MAO and WD/2024/0583/MRM

Planning Balance

18. The Council cannot demonstrate a 5-year Housing Land Supply (HLS). As such, Paragraph 11(d) of the Framework is therefore of relevance and the 'tilted balance' engaged.

19. The proposal would deliver up to 24 new dwellings, including a percentage of affordable and self-build homes and adapted bungalows. This would be a modest but useful contribution to the Council's HLS. New open space would also be created that would help with wider community wellbeing. Therefore, even though the WLP identifies that moderate growth levels for Ninfield have been exceeded and, without prejudice, that other developments might be possible to meet government objectives to exceed national housing targets, I attribute these social benefits great weight.

20. I acknowledge the employment opportunities connected to the construction of new homes and the patronage of local services by the new residents. There would also be a new pedestrian footway, bus stops/shelters, signage and pedestrian crossings. In addition, benefits include transport and access improvements that would be acceptable to the highways department. I afford these economic and other benefits moderate weight even though the employment opportunities associated with the construction of the scheme are likely to be short-term.

21. Furthermore, there would be new landscaping and a biodiversity net gain (BNG) of approximately 65% on the appeal site. Other environmental benefits include cycle parking, surface water management, pollution control, flood risk management and cowled lighting to protect the dark night skies and wildlife. However, some of these matters are normal Council policy requirements, as are Council Tax and Community Infrastructure Levy (CIL) payments. As such, even in combination, I attribute these benefits moderate weight.

22. Overall, although the proposal would result in some social, economic and environmental benefits, including the provision of up to 24 new dwellings against the Council's HLS, even if the appellant's submitted 'Universal Undertaking' pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) were to be acceptable to the Council, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Conclusions

23. For the reasons given above, the appeal is dismissed.

J E Jolly

INSPECTOR