



Appeal Decision

Site visit made on 3 December 2025

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: APP/C1435/W/25/3372922

Land to side and rear of Woodlands Cottage, Eastbourne Road, Halland, BN8 6PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr. P. Strutt against the decision of Wealden District Council.
 - The application Ref is WD/2025/1470/PIP.
 - The development proposed is the erection of a minimum of a single dwelling and a maximum of a single dwelling to the rear of existing dwelling along with associated access works and erection of replacement detached garage following removal of existing garage.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of a minimum of a single dwelling and a maximum of a single dwelling to the rear of existing dwelling along with associated access works and erection of replacement detached garage following removal of existing garage at land to side and rear of Woodlands Cottage, Eastbourne Road, Halland, BN8 6PU in accordance with the terms of the application, Ref WD/2025/1470/PIP.

Preliminary Matters

2. As this appeal relates to a permission in principle (PIP) it is necessary to specify the minimum and maximum number of proposed dwellings and consequently I have amended the description of development accordingly.
3. Moreover, as the proposal is for a PIP the Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PIP consent route has two stages. The first stage establishes whether a site is suitable in-principle (the PIP stage) and the second, Technical Details Consent (TDC) stage is when the detailed development proposal is assessed. This appeal relates to the first of these two stages.
4. The scope of the consideration for a PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if the PIP is granted. I have determined the appeal on that basis.

Main Issue

5. The main issue is whether or not the appeal site is an appropriate location for the proposed development having regard to the settlement strategy and development plan and national policies relating to development within rural areas.

Reasons

6. The appeal site mainly comprises the rear part of the garden of Woodlands Cottage. There are residential dwellings on the same side of the road and the substantial Staverton Nursery located within a very easy walk which not only provides goods that would be expected within a garden centre, but also provides a significant range of every day food goods, including a deli, a butcher, milk and other dairy goods, vegetables, frozen ready meals as well as a café. The range of goods sold are similar to what would be expected within several different shops or within a small to medium sized supermarket/convenience store.
7. The appeal site is located outside any settlement boundary and consequently is within the countryside. Saved policies GD2 and DC17 of the Wealden Local Plan December 1998 (WLP) set out that within such an area housing development will be resisted unless it is in accordance with specific policies in the plan. The Council point out that the appeal site does not meet any of the rural exception types of development and is not allocated for development. I have no reason to disagree with this analysis.
8. Further the appeal site is not part of the land allocated for housing growth as set out in Policies WCS2 or WCS6 of the Wealden District Core Strategy Local Plan, February 2013 (WDCSLP). As a result, relevant development plan policies do not support the introduction of a dwelling at the appeal site.
9. However, as recognised by the Council the appeal site is located within an established ribbon of development fronting Eastbourne Road. As outlined above, the appeal site is within easy walking distance of an existing nursery that provides day to day shopping facilities. Future occupiers of the proposed dwelling would be able to access these facilities by walking along an existing pavement within a few minutes.
10. Moreover, the appeal site has relatively good public transport links with a bus stop within walking distance of the appeal site. The East Sussex County Council Bus Service Improvement Plan May 2025 sets out the many service improvements that have occurred since 2021 including Route 54 which can be accessed within walking distance from the appeal site and provides a regular service to Eastbourne, Polegate, Hailsham and Uckfield. Through additional funding this service now provides a new 2 hourly evening and Sunday service. There is also a new Flexibus service which is an on-demand minibus service available Monday-Saturday 0700-1900 which enables users to book a journey within East Sussex provided that the route and destination are not already served by public transport. I accept that this by its very nature is not operated as a specific regular time-table service, but it undoubtedly provides further public transport coverage to supplement the existing bus services that could be accessed by future occupants.
11. As a result, although there would likely to be some reliance on the private car, especially to access a greater range of shops and employment, nevertheless the appeal site would be relatively well served by sustainable transport modes. This would help to reduce the use of private car journeys, promoting sustainable travel choices. In this regard the proposal would not significantly conflict with the National Planning Policy Framework (the Framework) as the bus service, coupled with the range of day-to-day facilities available in Staverton Nursery within walking distance, would give future residents a genuine choice of sustainable modes of transport and

access to a good range of day to day retail goods, which would in turn help reduce reliance on the private car.

12. This would promote sustainable patterns of development in accordance with the Council's overall development strategy and the Framework. The proposal would also generally accord with Saved Policy EN1 of the WLP and Policies SPO7 and SPO13 of the WDCSLP which seek among other things, to pursue sustainable development, and encourage the reduction of the need to travel by car.
13. In reaching that view I have taken account of a previous appeal decision at Hop Garden Nursery also on Eastbourne Road¹ where the Inspector found that there was little in the way of day to day services and facilities and that future occupiers of that proposed development would be largely reliant on the private motor car to access shops, services, facilities and employment.
14. As set out above I accept that there would be some reliance on the private car, however, I am satisfied that in the time since the determination of the other appeal there has been improvements in the public transport services available. Also, I am not sure what level of goods were available at Staverton Nursery in July 2019 when the previous Inspector visited the area, but from my own observations at the site visit the range of day to day retail goods available for future residents would be extensive. As a result, I am satisfied that the circumstances are now materially different and this limits the weight of the previous appeal decision in the determination of the appeal.
15. I therefore, conclude that the proposal would not accord with policies GD2 and DC17 of the WLP or with policies WCS2 and WCS6 of the WDCSLP for the reasons set out above. However, any harm caused by the conflict would be modest as the proposal would generally accord with other relevant development plan policies including saved policy EN1 of the WLP and policies SPO7 and SPO13 of the WDCSLP and also with the Framework's aims of promoting sustainable development, enhancing the vitality of rural communities, promoting walking and public transport and thus limiting the need to travel. Consequently, I afford this issue moderate weight in the determination of the appeal.

Other Matters

16. I turn now to consider housing supply. The Council accept that they cannot demonstrate a 5-year supply of housing and in fact, based on Wealden's Housing Land Supply position as of 1 April 2025, they set out that they can only demonstrate 3.44 years of housing land supply. This is well below Government expectations.
17. Although the proposal would only involve a maximum of one additional dwelling it would nevertheless be valuable in boosting housing stock in circumstances where there is an existing shortfall. The proposal would also have modest economic and social benefits. For example, it would provide some jobs and create demand for materials during the construction phase, would broaden the availability of housing in the area and once occupied would support the existing services and facilities in Halland. Overall, I afford the provision of up to one dwelling moderate weight in the determination of the appeal.

¹ APP/C1435/W/19/3226973

Planning Balance

18. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan, unless there are material considerations, such as those in the Framework, which indicate otherwise.
19. I have afforded some matters weight as outlined above and I afford the totality of the benefits moderate weight in the determination of the appeal. On the other hand, I have found that the proposed dwellinghouse would be located in the countryside and would conflict with certain policies of the development plan. However, for the reasons set out above I have also afforded that issue moderate weight.
20. As outlined, the Council confirm that it cannot demonstrate a five-year supply of deliverable housing sites. Thus, paragraph 11(d) of the Framework, is engaged. This means that planning permission should be granted, unless 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. WCS14 of the WDCSLP is consistent with the Framework as it deals with the presumption in favour of sustainable development and sets out the same criterion.
21. Certain development plan policies do not support the introduction of a dwelling at the appeal site, and I have afforded this conflict with policy moderate weight. However, I have also afforded the totality of the benefits associated with the proposal moderate weight. It follows that any adverse impacts associated with the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the scheme would represent sustainable development within the meaning of paragraph 11(d) which weighs substantially in favour of the scheme and indicates that the appeal should be allowed.

Conditions

22. As correctly pointed out by the Council the relevant Planning Practice Guidance indicates that it is not possible to impose conditions as the terms of any PIP must only include the site location, type of development and amount. Consequently, I have not attached any conditions.

Conclusion

23. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal should be allowed.

S Rawle

INSPECTOR