Planning Inspectorate

Appeal Decision

Site visit made on 2 December 2025

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/P1425/W/25/3368895
Merlins, Uckfield Road, Ringmer, East Sussex, BN8 5RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Akehurst Homes Ltd against Lewes District Council.
- The application Ref is LW/24/0216.
- The development proposed is for the demolition of existing buildings, erection of new employment/commercial units and up to 43 residential dwellings and other associated works with all matters reserved apart from access to the site.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is made in outline with all matters reserved for later consideration other than for access.

3. For the purposes of this appeal, I have taken the access to mean the vehicular access onto the A26 Uckfield Road which would be shared with development on the adjoining site, and a pedestrian access in the south eastern corner of the site. The existing vehicular access would be retained but used for emergency purposes only. Access does not include the roadways within the site which are shown for illustrative purposes only.

4. The appeal is accompanied by a legal undertaking under S106 of the Town and Country Planning Act 1990. I consider the obligations contained in the undertaking in more detail later in my decision.

5. Both parties submitted late evidence with final comments and costs submissions. Although neither procedure is normally the appropriate route for the submission of evidence, some of it is relevant to the appeal, in particular a recent appeal decision[1] (land to the east of The Orchards) issued after the current appeal was lodged. I therefore gave both parties the opportunity to comment on the additional evidence and have taken it into account in reaching my decision.

6. Draft amendments to the National Planning Policy Framework (the Framework) were published for consultation in December 2025. As those amendments are in draft, and may change depending on responses made to the consultation, I place little weight on them.

[1] APP/P1425/W/25/3360979 – land to the east of The Orchards, Uckfield Road, Clayhill, Ringmer

Application for costs

7. An application for costs was made by Akehurst Homes Ltd against Lewes District Council. The application is the subject of a separate decision.

Main Issues

8. Prior to the appeal being lodged, the application was scheduled to be considered at a meeting of the Council's Planning Committee with a recommendation for refusal. I have used the draft reasons for refusal in the committee report, an additional reason in the Council's statement of case, and the arguments made in the appellant's statement of case, to identify what I consider to be main issues in this appeal. They are as follows:

   - The location of the development in relation to the spatial strategy of the development plan
   - Accessibility to services and facilities
   - The effect on the landscape

9. It is also necessary to consider the consequences of an acknowledged shortfall in housing land supply in the district. I do this as part of my planning balance.

Reasons

Spatial strategy

10. The site lies outside any planning boundaries as shown on the Policies Map, which are used as part of the spatial strategy to make a distinction between settlements and the countryside. There is a localised group of residential and commercial properties in Clayhill, but it is not defined by a planning boundary nor is it recognised as a village by the Council. The building group is otherwise surrounded by open farmland. Given its small size and loose knit nature, I consider it represents a scatter of buildings in the countryside rather than a settlement.

11. Outside planning boundaries, Policy DM1 of the Lewes District Local Plan Part 2 – Site Allocations and Development Management Policies (the Local Plan) requires that 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.

12. The northern corner of the site is covered by a development plan policy in that it is designated as part of the EMP 20 Lower Clayhill Business Area in Policy 5.1 of the Ringmer Neighbourhood Plan (the Neighbourhood Plan). This policy supports the more intensive employment use of the business area.

13. As well as the designated area, which is currently occupied by a small group of buildings being used for vehicle servicing and restoration, there are other parts of the site in commercial use including an area of hardstanding used for vehicle storage and hire, and an equestrian business. Policy CP4 of the Lewes District Local Plan Part 1 – Joint Core Strategy 2010-2030 (the Core Strategy) and Policy DM11 of the Local Plan permit the redevelopment or intensification of existing employment sites, including where they lie outside planning boundaries.

14. Development of these parts of the site for employment use is consistent with Policies CP4, DM11 and 5.1 and would therefore accord with Policy DM1 and the spatial strategy of the development plan in relation to encouraging economic development.

15. So far as the residential element is concerned, there are no specific development plan policies that support residential development of this nature outside planning boundaries, and no need for a countryside location has been demonstrated. The residential element would therefore conflict with Policy DM1 and the spatial strategy of the development plan, which seeks to direct residential development to defined settlements or allocated sites. The spatial strategy of the development plan is however no longer delivering the amount of housing land required by national policy. I address the implications of the shortfall in housing land supply later in the planning balance.

16. As the employment and residential elements are not severable, I conclude that the proposed development would, taken overall, be contrary to the spatial strategy of the development plan and conflict with Policy DM1.

Accessibility to services and facilities

17. Services and facilities close the appeal site include a small convenience shop at the petrol filling station across the road. Improvements to footways along either side of the A26 and a central reservation secured as part of the development at Averys Nursery and as proposed in the current scheme would allow reasonably safe access notwithstanding the speed and volume of traffic on the road. A small play area would be provided within the site. There are also a limited number of employment opportunities within walking distance. There is a public house to the south but it can only be reached by walking along the grass verge of the A26 or the carriageway itself, which would be an unattractive proposition for most people. Similarly, because of the speed of traffic along the A26, it is unlikely to be an attractive option for the majority of cyclists, particularly children.

18. Services and facilities in neighbouring towns could be accessed by bus. There are bus stops outside the site, which could be reached by footways once the improvement works are complete. There are relatively frequent bus services to Lewes and Brighton to the south and Uckfield and Tunbridge Wells to the north, with services running from early to late and at weekends. However, there is no direct service to Ringmer which is the nearest settlement.

19. Given the very limited range of services and facilities close to the site, the limitations on walking and cycling, and the difficulty in reaching the nearest settlement of Ringmer by public transport, I agree with the Inspectors who determined appeals on adjoining sites[2] that in all likelihood the large majority of trips generated from this location would be by private motor car. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, but that is nevertheless in the context that significant development should be focused on locations which are or can be made sustainable. The appeal proposal would be significant development, and for the reasons set out above would not be in a sustainable location.

[2] APP/P1425/W/22/3308331 – Averys Nursery, Uckfield Road, Ringmer, Lewes and APP/P1425/W/25/3360979 – land to the east of The Orchards, Uckfield Road, Clayhill, Ringmer

20. I conclude that the site is therefore sub-optimal in terms of its accessibility to services and facilities by sustainable means of transport, and consequently the proposal conflicts with Policy CP13 of the Core Strategy, which promotes development that encourages travel by walking, cycling and public transport, and seeks to reduce the proportion of journeys made by car.

21. The Inspectors in the 2 appeal decisions identified above reached broadly similar conclusions as me on this issue and assigned moderate to significant weight (Averys Nursery) and significant weight (land to the east of The Orchards) respectively. In my view, the paucity of facilities nearby and the difficulty in accessing services or facilities by walking or cycling are such that I assign significant weight to the harm so caused.

Landscape

22. As the proposal is made in outline, matters relating to the layout and design of the scheme are reserved for later consideration, and therefore Policy CP11 of the Core Strategy and DM25 of the Local Plan are not relevant. However, the effect of the proposal on the landscape, and the degree to which it would consolidate scattered development in Clayhill is a matter for consideration at this stage. Therefore Policy CP10 of the Core Strategy is relevant which seeks to maintain and where possible enhance the landscape.

23. As described in the appellant's design and access statement, the site consists of different parcels of land. On the northern part of the site (Field 1) are the commercial uses already described as well as Merlins, a residential property, and its garden[3]. To the south are two paddocks (Field 2 and Field 3) separated from the northern parcel by a hedge and ditch. The whole site is surrounded by mature hedges with occasional trees, and with further trees within the site, in particular to the east of Merlins.

24. More intensive development on those parts of the site which are previously developed would be more visible but would not encroach into the countryside in the sense that the land is already occupied by buildings or commercial activities. Development on the undeveloped parts of the site, in particular Fields 2 and 3, would however introduce buildings onto open land. That effect would be moderated to some extent by the hedges and trees around the site and its position between Averys Nursery and The Orchards. Nevertheless, it would still have an adverse effect on the landscape by developing what is currently open and undeveloped countryside. It would consequently conflict with Policy CP10 of the Core Strategy.

25. The Council's putative reasons for refusal also refer to strategic objectives 3, 6 and 9. While the strategic objectives provide general themes relating to planning, they do not have the focus of policies and are therefore of less relevance to decision making on specific proposals.

Other appeal decisions

26. Both parties have made reference to other appeal decisions. The 2 which are most relevant to the current appeal are those on the adjacent site at Averys Nursery, and land to the east of The Orchards.

[3] The appellant says that Merlins is now divided into 3 dwellings. It is not clear whether that is a lawful use but for the purposes of this appeal I do not consider whether Merlins is 1 or 3 dwellings to be significant.

27. The Averys Nursery site has similar accessibility to services and facilities, which the Inspector found to be sub-optimal and gave moderate to significant weight. It is also designated as a business area, as is the northern part of the appeal site, and is being developed with a roughly comparable number of houses. However, it differs in other respects. The justification for a significant housing element in the allowed scheme was based on viability evidence that residential development was necessary to enable the commercial element to be built and to decontaminate the site. For those reasons, it was found not to conflict with Policy DM1. No such viability argument has been made with the current appeal scheme, nor is it suggested that any parts of the site are contaminated. The Averys Nursery site was also largely previously developed with buildings, which is not the case with parts of the current appeal site. Those are factors that weighed significantly in favour of the Averys Nursery scheme but are not present, or are only partly present, on the current appeal scheme.

28. Land to the east of The Orchards also has similar accessibility to services and facilities, which the Inspector found not to be an appropriate location for housing and ascribed the harm significant weight. Other than for the access, which would have been through the existing group of houses at The Orchards, it is also undeveloped land, similar to Fields 2 and 3 which it adjoins. The Inspector rejected the argument that it was too small to be used for agriculture and noted that the site made a contribution to safeguarding the rural character and appearance of the countryside environment.

29. Other appeal decisions are referred to by the appellant which are in different authority areas. While accessibility featured as an issue in all these appeals, the decisions turned on the individual circumstances of each case, and the policies that were relevant to those sites. Given that the circumstances and policies differ from those which apply to this appeal, they are not particularly relevant and I give them little weight.

30. The appellant has also criticised the Council for inconsistent decision making, citing a decision to grant planning permission for a mixed commercial and residential development at McBeans Orchid Nursery, Resting Oak Hill, Cooksbridge[4]. While I note that site lies in open countryside some distance from most services and facilities, it also involved the redevelopment of previously developed land. It would therefore appear to reflect more the situation at Averys Nursery rather than that of the current appeal site. I distinguish it from the appeal site for that reason.

31. Lastly, 2 appeal decisions are referred to in relation to housing land supply. I comment on these later in my reasoning on the planning balance.

Other Matters

32. A consultation response from East Sussex County Council advises that further information is required on ecological matters before a decision can be made, in particular whether any protected species may be harmed. The appellant has submitted surveys of reptiles, dormice and great crested newts and an updated ecological impact assessment. The County Council has not commented on that evidence although I do note that the District Council is content to address this matter through the imposition of conditions. Given my decision on the appeal, I have not sought further consultation on the ecological evidence.

[4] LW/22/0688 McBeans Orchid Nursery, Resting Oak Hill, Cooksbridge, East Sussex

33. Neither main party has drawn my attention to the Interim Policy Statement for Housing Delivery although it is referenced in the appeal decisions at Averys Nursery and land to the east of The Orchards. From those decisions I understand that it is not a development plan document but has been published by the Council in recognition of the need to apply housing policies flexibly given the shortfall in housing land supply. As it has no statutory weight I have not sought further information on it.

Planning Obligations

34. The appeal is accompanied by a legal undertaking, which secures a number of planning obligations relating to the provision of 40% of dwellings as affordable housing, a recycling contribution, biodiversity net gain, provision of a local equipped area of play, a travel plan and auditing fee, a school transport contribution if an island refuge cannot be provided, highway works consisting of a new right turn lane from the A26, a new footway along the eastern side of the A26, an island refuge, and pedestrian/cycle connection to the existing footway in the south-eastern corner of the site.

35. The legal undertaking has been signed by the appellant, the Council and East Sussex County Council. It secures the planning requirements set out in the Council's committee report at paragraph 9.2 and meets the requirements of Policies CP1 (affordable housing), DM26 (recycling), CP13 (travel plan), statutory biodiversity duty, and matters to address highway safety.

36. I am satisfied that these obligations meet the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 and I place weight on them in reaching my decision.

Planning Balance

37. The employment element of the proposal is policy compliant in that it gains support from Policies DP4, DM11 and 5.1. That applies notwithstanding its location outside planning boundaries. The housing element however conflicts with the spatial strategy of the development plan in terms of its location and limitations on accessibility to services and facilities by sustainable means of transport. It therefore conflicts with Policies DM1 and CP13. That harm carries significant weight. By building partly on undeveloped land, the proposal also conflicts with Policy CP10 and would cause moderate harm to the landscape. The two elements are not severable and therefore must be considered together. I conclude that the proposal conflicts with the development plan when taken as a whole.

38. The last published housing land supply statement concedes that the Council is only able to demonstrate 3.03 years' worth of housing land supply. This is based on a 2023 Annual Position Statement and is therefore dated. Given the changes to the standard method of calculating housing land supply brought by the 2024 version of the Framework and Planning Policy Guidance, the current housing land supply position is likely to be lower. A more recent appeal decision[5] refers to a figure of 2.73 years, and the appeal decision on land to the east of The Orchards refers to 2.35 years. I take these latter figures as being more representative of the current housing land supply position. Mention is made of 1.59 years in an even more

[5] APP/P12425/W/24/3343819 – Land south of Crest Road, Newhaven

recent appeal decision, but the Inspector was unable to make a definitive determination on the matter, so I give it little weight.

39. The proposal would provide benefits. It would provide employment floorspace, which would be of benefit to businesses seeking new premises as well as providing additional employment. It would provide additional housing, 40% of which would be affordable, and proportionately more than that provided at Averys Nursery. Given the acknowledged shortfall in housing land supply, and the difficulty for many to afford housing in the area, all those benefits would be significant.

40. There would also be an economic stimulus during the construction phase and from the new population in the longer term, a biodiversity net gain of at least 10%, and the highway improvements secured by the planning obligations. I consider these are of moderate benefit.

41. Other provisions such as the play area, recycling contribution, travel plan and school transport contribution are necessary to ameliorate the demands arising from the development and I give them only limited or neutral beneficial weight.

42. Because of the shortfall in housing land supply, the policies most important for determining the appeal are deemed out of date by virtue of paragraph 11d) of the Framework. In such circumstances national policy says that planning permission should be granted unless either of two criteria apply.

43. There is no dispute that the first of those criteria does not apply, as there are no policies in the Framework protecting areas defined in footnote 7 that provide a strong reason for refusal. The second criteria applies if any adverse impacts of the development 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.

44. As will be seen from my reasoning, I have had particular regard to the sustainability of the location, and the provision of affordable homes. No issue has been raised about making effective use of land, and I have addressed securing well-designed places in so far as it is relevant to the effect on the landscape. As with the development plan, the appeal proposal gains support from some policies in the Framework and is opposed by others.

45. Notwithstanding the Government's objective of significantly boosting the supply of homes, there is a requirement that the planning system should actively manage patterns of growth in support of sustainable transport, and that significant development should be focused on locations which are or can be made sustainable. I have found that the site is not in a sustainable location and the improvements to the highway would not make it so. I conclude that the adverse impact of that locational disadvantage, together with the other more moderate harm to the landscape outlined above, would significantly and demonstrably outweigh the benefits, significant though some of those are. The presumption in favour of sustainable development in paragraph 11d) of the Framework, sometimes referred to at the 'tilted balance', does not therefore apply in this case.

Conclusion

46. I conclude that the proposed development would conflict with the development plan and that there are no other considerations of sufficient merit to outweigh that conflict. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR