



Appeal Decisions

Site visit made on 18 October 2021

by **J E Jolly BA (Hons) MA MSc CIH MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal A Ref: APP/P1425/W/21/3268428

Former Woods Fruit Farm, Goldbridge Road, Newick BN8 4QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Thakeham Homes Ltd against the decision of Lewes District Council.
 - The application Ref LW/20/0298, dated 13 May 2020, was refused by notice dated 13 August 2020.
 - The development proposed is for the demolition of Oakside and the erection of 69 dwellings, with associated access, parking, landscaping and infrastructure works.
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Appeal B Ref: APP/P1425/W/20/3271620

Former Woods Fruit Farm, Goldbridge Road, Newick BN8 4QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Thakeham Homes Ltd against the decision of Lewes District Council.
 - The application Ref LW/18/0351, dated 27 April 2018, was refused by notice dated 26 November 2019.
 - The development proposed is for the demolition of Oakside and the erection of 69 dwellings, with associated access, car parking, cycle parking, refuse/recycling storage, landscaping and infrastructure.
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Decision

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are two appeals on this site. For the avoidance of doubt I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The *National Planning Policy Framework* (the Framework) represents the Government's up-to-date planning policies for England and how they should be applied. The Government published a revised Framework on 20 July 2021 and is a material consideration for development proposals. The appellant has made a number of comments in respect of these changes which I have given consideration to as part of my determinations.

Main Issue

5. The main issue for both appeals is whether the proposal would be in a suitable location.

Reasons

6. The appeal site is a field of grazing land with a number of outbuildings that is located between the detached host dwelling of 'Oaksides' and a property known as 'The Gables'. The front boundary of the appeal site is set back behind an overgrown pathway and a raised verge and hedge that faces onto the A272 highway. There is a parking area to the front of the host property which is shielded from the road by an informal set-back and a timber fence. To the side and rear of the appeal site there are a number of other hedge lined fields and pastures across which loose-knit development can be seen. The eastern side of the appeal site is partially located beyond the settlement boundary of Newick, and therefore for planning purposes is considered to be in the countryside.
7. Both scheme 'A' and 'B' propose to demolish the host dwelling and to construct 69 new dwellings that would meet *Nationally Described Space Standards* and be built in traditional type materials with parking, landscaping and other infrastructure including a two-way access road.
8. The appellant has brought to my attention an appeal determination in support of the appeal cases¹. From the evidence before me I am persuaded that the *Newick Neighbourhood Plan, 2015* (NNP) does not place a 'cap' on new housing for unallocated sites within the Parish of Newick provided that a proposal is acceptable in all other regards; and that the western part of the appeal site as shown in Policy H04.1 of the NNP is specifically allocated for up to 38 (net) new homes. However, whether the proposals would make best and most efficient use of the combined allocated and unallocated land parcels or not, the fact remains that in the case of proposal 'A', and similarly in proposal 'B', a significant proportion of the 69 proposed dwellings would be located in the countryside beyond the recognised settlement and planning boundary shown in adopted Policy H04.1 of the NNP.
9. Nonetheless, the appellant contends that the informal undeveloped space of the proposals would focus the built form away from the unallocated eastern edge of the field in order to retain the 'open' feel of the appeal site; I find to the contrary. Irrespective of the layout of the dwellings or the proposed extent of the undeveloped area to the east of the site, the overall bulk and mass of the developments, in combination with the extensive hard-surfacing and numerous parking spaces where currently there are none, would in my view, erode and diminish the verdant character and beauty of the rural type gap between 'The Gables' and 'Oaksides'. Indeed, notwithstanding the appellants' 'Landscape and Visual Assessment' or the contiguous location adjacent to the settlement boundary, the appeal site provides a soft and important buffer space at the settlement edge between the surrounding built form and the countryside beyond.

¹ APP/P1425/W/3119171

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10. My opinion is reinforced by the positive contribution the spacious grazing site makes to the visual quality of the immediate surrounding landscape, which I noticed at my site visit is relatively unfettered by the built form. Moreover, the proposed developments, that would contain an engineered access road, would be readily seen from a number of nearby vantage points, including in part from the well-used A272. Indeed, while I note the appellants suggested landscaping schemes, which include, amongst other things, shared green spaces, indigenous trees and shrubs, an orchard and a pond, the green infrastructure for both proposals would not provide a satisfactory transition between the existing development and countryside or mitigate the harm I have found above.
 11. I conclude therefore, that in this specific location, the erosion of this rural type space, as a consequence of the construction of a number of dwellings beyond a settlement boundary, that would form an inextricable part of both 69 unit schemes, would harm the spacious beauty of the countryside where development is generally limited.
 12. Therefore, both proposal 'A' and proposal 'B', when considered as a whole, are in conflict with Policies H04 of the NNP and Policy CT1 and emerging Policy DM1 of the Lewes District Plan 2016, which aims include that outside the planning boundaries, the distinctive character and quality of the countryside will be protected.
 13. For similar reasons, the proposals are contrary to Paragraph 174 (b) of the Framework which requires that planning policies and decisions should recognise the intrinsic character and beauty of the countryside.

Planning Balance and Other Matters

14. The main parties agree that the Council cannot demonstrate a five-year housing land supply, and as such, Paragraph 11(d) of the Framework is engaged, when balanced against other aspects of the proposal. As such, I note and attribute some weight to the range of housing types including smaller homes and bungalows, the provision of affordable homes that could be secured by a planning obligation and the fact that the developments would be in a relatively sustainable location with improved transport and footway links to Newick. Nonetheless, while acknowledging these environmental, social and economic benefits and two appeals provided by the appellant in support of the case², I nevertheless find the adverse impacts of the proposal, which includes harm to the beauty of the countryside, significantly and demonstrably outweigh the benefits, which include the provision of 69 new dwellings.
15. The appeal site is partly located in the Ashdown Forest Special Protection Area (SPA) and is therefore, subject to the Habitat Regulations which protect the SPA. If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and give further consideration to the likely effectiveness of any mitigation measures. However, as I have found against the Appellant on the main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

² APP/C1435/W/17/3178137 and APP/C1435/W/17/3179061

Conclusions

16. Having considered all matters raised in support of the developments I find that the other considerations in this case do not clearly outweigh the harm that I have identified. The proposed developments would conflict with the adopted development plan and the Framework, and there are no material considerations indicating a decision otherwise than in accordance with those Policies.
17. Therefore, I conclude that Appeal 'A' should be dismissed, and Appeal 'B' should also be dismissed.

J E JOLLY

INSPECTOR

Richborough Estates