



Appeal Decision

Site visit made on 17 November 2025

by C Coles MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Appeal Ref: APP/P1425/W/25/3370668

Land to the South of Allington Road, Newick

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Mephram of B.Yond Homes Ltd against the decision of Lewes District Council.
 - The application Ref is LW/24/0217.
 - The development proposed is for residential development of the site with access, roads, parking, open space, SuDs and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of the site with access, roads, parking, open space, SuDs and associated infrastructure at Land to the South of Allington Road, Newick in accordance with the terms of the application Ref LW/24/0217, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for a full award of costs was made by the appellants against Lewes District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant has submitted a Certificate of Incorporation on change of name which confirms the appellant for the appeal is the same as the applicant for the original application, but that the name of the company has changed from Rydon Homes Limited to B.Yond Homes Limited. This change is reflected in the banner heading.
4. The Council has confirmed reference in the decision notice to Newick Neighbourhood Plan (NNP) Paragraph ENV1 should have referred to NNP Paragraph EN1.
5. The appellant submitted late evidence in the form of Policy SGG3: Land between Newick and North Chailey published in the Regulation 18 version of the Lewes District Council Local Plan (December 2025). The Council has had the opportunity to comment on the implications for the appeal. I have therefore taken into account this late evidence.

6. A planning application for development of the appeal site for up to 63 dwellings was refused on 10th February 2015.¹ The refused application was successfully appealed (for up to 50 dwellings) after being recovered by the Secretary of State (SoS) on the 23rd November 2016. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 4th August 2017. An appeal against the high court decision was dismissed on the 8th June 2018. The Inquiry was re-opened and a new Inspector recommended dismissal of the proposals on 17th November 2020, including on grounds of harm to the character and appearance of the area, even though the previous decisions had not raised this as an issue. The SoS agreed with the second Inspector and the appeal was dismissed on the 16th February 2021.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Existing

The appeal site

8. The appeal site comprises a paddock and woodland and lies on the southern edge of Newick, to the south of Allington Road and directly adjoins but lies outside the settlement boundary of Newick to the east. The location of the site meets the requirements of the Interim Policy Statement on Housing (IPS) which is intended to provide a guide for where housing development should be located. The land slopes away from the road towards the wooded area. To the south of the site is a residential dwelling, to the east are residential dwellings along Allington Road and to the west is an access track for residential properties to the south. Further west are the properties of Oxbottom Close.
9. The site comprises two distinct sections. The northern part of the site adjacent to Allington Road which is broadly rectangular and currently in use as paddocks. This part of the site is largely open grassland with occasional trees including a row of five mature pine trees running north to south towards the eastern side of the site, all of which are subject to a Tree Preservation Order (TPO). There is a further tree (Oak) protected under the same TPO in the north-western corner of the site.
10. The southern part of the site is a wedge-shaped wooded area where there is a relatively dense arrangement of mature trees. Site boundaries are marked by hedgerow and woodland on the eastern and southern edges. The western boundary is flanked by a long driveway which runs south to Mitchelswood Farmhouse and is lined by regularly spaced poplars. The northern boundary is marked by post and rail fencing with occasional patches of bramble and dispersed coniferous trees.

Relationship to surroundings

11. At my site visit, I noted the site has more of a relationship to the village and residential development to the east than it does with open countryside. The site is

¹ LW/14/0703

² APP/P1425/W/15/3119171

well related to the settlement (both physically and visually), being bounded by development on three sides and extensive woodland to the southern edge, which provides containment of the whole site. This is likely to be reinforced by a recent planning permission on the north side of Allington Road (104 Allington Road), opposite the site, where consent has recently been granted³ for six new, four bed detached homes (LW/23/0511).

12. The site falls within a space in development between Newick and North Chailey. I note the adjoining properties at Oxbottom Close are technically within the parish of North Chailey, however, visually that development more closely relates to Newick. Any role that the paddock might play as a gap between the two settlements of North Chailey and Newick is notional and does not make a strong contribution to place making or creating a sense of place. In my view, the site does not play an important role in preventing the coalescence of the settlements.
13. In addition, I have not been directed towards an adopted policy recognising this as a strategic gap in the adopted Lewes District Local Plan Part 1 Joint Core Strategy (LDLP P1), the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies (LDLP P2) or the NNP. Draft Policy SGG3: Land between Newick and North Chailey in the Regulation 18 version of the Lewes District Council Local Plan (December 2025) illustrates the location of strategic green gap allocations which shows the appeal site would be located outside of the identified strategic green gaps, although I acknowledge that this remains a draft policy and therefore carries little weight.
14. The site falls within the Low Weald National Character Area which is a broad, low lying clay vale which largely wraps around the northern, western and southern edges of the High Weald. However, the northern part of the site (the paddocks) does not display special or intrinsic qualities that are representative of the Low Weald. The woodland to the south of the paddocks is a strong existing feature that is distinct and separate from the character of the paddock which fronts Allington Road. To the east of the paddock, development on Allington Road fronts the road and typically comprises ribbon development with detached dwellings on deep plots, some of which have development in their rear gardens. To the west of the site development sits further from the road and the plots are more spacious.
15. It is common ground, and I agree, that the paddock is not a 'valued landscape' in the context of the National Planning Policy Framework (the Framework) paragraph 187. Nevertheless, the site forms part of a parcel of land identified as 'Newick A' in the 2023 Landscape Sensitivity Assessment (LSA) commissioned by the Council as part of the evidence base for the emerging Local Plan, which concludes the overall parcel of land has medium sensitivity to small scale residential development, with potential for residential development to be accommodated in some defined situations without significant adverse landscape or visual effects. Development should be concentrated in the northeastern part of the parcel, to the north of the public footpath which runs east to west (Newick 4a), as this has a stronger relationship to the settlement edge of Newick. I agree with the conclusions of the LSA.
16. There are two public rights of way (PRoW) relating to the site. Newick 8 runs along the western boundary of the site running north to south. Newick 4a transects the

³ 17/09/2025

site from the northwest corner to the southeast corner and provides good visibility across the northern part of the site. The site is well screened from views from the countryside to the north by the mature tree belt on the edge of Newick, flanking the A272 and Allington Road, and from the south and west by mature tree belts and woodland, including the wooded area on the southern part of the site.

Assessment

17. The appeal scheme seeks planning permission for the erection of 27 dwellings with access, roads, parking, open space, SUDS and associated infrastructure. The scale of the proposal is reduced from previous applications on the site, would meet the requirements of the IPS, and would avoid placing built form on the southern part of the site. The development would be concentrated on the northern parcel of the site with the woodland, PRow and TPO trees all retained. The housing would address Allington Road behind an enhanced landscape buffer.
18. The route of Newick 4a would not be subject to any development, although a new footpath would be provided within the development to provide a direct link to the PRow. Due to the topography of the paddock, the proposed development would be visible from the PRow, although green buffers would be provided in the northwestern corner of the site and either side of the PRow Newick 4a.
19. The appearance of the site would change from the existing when viewed from all vantage points and there would be limited and localised intrinsic harm to the character of the area from the redevelopment of the paddock for housing. However, the proposal would enhance the street scene by setting back development and planting a native hedgerow and new trees along the road frontage. Whilst the landscaping would not hide the proposal, residential development in this location would not appear out of character with the surroundings as there is residential development to the north, east and west and therefore it would not be necessary to hide the development.
20. The proposal would restrict views from Allington Road towards the south and from Michelswood Wood. However, glimpsed views between the landscaping and the proposed development would be afforded and the views from the PRow would be enhanced by the additional landscaping. Overall, the layout comprises a significant number of new trees, including an enhanced woodland structure and edge.
21. The proposed development would be more dense than neighbouring development but it would be mitigated to a degree by the most prominent detached buildings within the development being large and other dwellings being incorporated in blocks that are designed to present as a single large dwelling. The 27 dwellings would therefore be accommodated within 17 individual buildings which would reduce the perceived density of the site and more closely reflect the character of nearby large dwellings. It is also noted that the density would be lower than required by Policy CP2 of the LLP P1 due to only developing on the northern section of the site. Nevertheless, the proposal would make the best and most efficient use of land as required by the IPS taking into account the character of the area.
22. In my view, the proposed density of development, including the proposed double row of dwellings on the Allington Road frontage, would not compromise the transition between the urban and rural environment due to the site's containment provided by the southern woodland that would limit the visual impact of the

development when viewed from the south and the presence of lower density development and mature trees belts to the north and west which would manage the transition to the countryside. The dwellings in Oxbottom Close would also provide some context to the depth of housing proposed.

23. I note the contents of the Land Availability Assessment (LAA) 2023 which identifies the site (ref: 03NW) as not being suitable for residential development due to the landscape impact of residential development on the site and the loss of the green space between Newick and North Chailey. However, the LAA is a high level study rather than a detailed planning assessment of the site. More recently the site has been included in the Lewes District Council (LDC) Regulation 18 consultation on Early Site Allocations for the emerging Local Plan as site EASP11 for a minimum of 27 new dwellings, suggesting the landscape impact and loss of the green space between Newick and North Chailey should not be a barrier to development in principle.
24. In conclusion, whilst the proposal would result in landscape change through the loss of an area of open green space, this would be localised in nature and would not extend into the sensitive Low Weald countryside to the south. Furthermore, the site does not represent part of any valuable 'green gap' between Newick and Chailey.
25. The proposal would be denser and built at more depth than neighbouring development, however, this is largely mitigated by grouping of buildings, the retention of green spaces and woodland and the enhancement of boundary planting. Overall, I do not consider the proposed development to have more than a localised visual effect and this would not, in any event be significant. The proposal would not have a significant harmful effect on the character or appearance of the area.
26. For the reasons outlined above, I have identified landscape change which would result in localised and limited harm to the character and appearance of the area. The proposal would therefore have some conflict with policies CP10 of LDLP P1 and DM25 of LDLP P2 which seek to conserve and enhance the high quality and character of the districts towns, villages and rural environment through high quality development or with NNP paragraph EN1 which seeks to ensure new developments in the Parish should respect the local landscape character and be designed to blend well with the existing built environment.

Other Matters

Appropriate Assessment

27. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) indicates the requirement for an Appropriate Assessment (AA). As the Competent Authority, I have therefore undertaken an AA.
28. Part of the site falls within the 7km Zone of Influence (Zoi) of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The qualifying features of the SPA are the Dartford warbler and the Nightjar which are breeding birds. The qualifying features of the SAC are the habitats European dry heaths and North Atlantic wet heaths as well as Great Crest Newt species.

29. Proposals that involve a net increase in residential development in this area is highly likely to increase recreational impact upon the forest through an increase in visitors and in particular dog walking which could disturb breeding birds. I therefore consider that the effects of the proposed dwellings, both on their own and in combination with other development projects, is such that they are likely to have significant effects on the integrity of the sites.
30. All development within the 7km Zol involving a net gain in residential dwellings is required⁴ to make a contribution towards Suitable Alternative Green Space (SANGs) and Strategic Access Management and Monitoring (SAMMs) as a means to secure the provision of alternative recreation space for future occupants (taking recreational pressure off the Forest) and to assist in the management of the SPA and SAC as well as fund initiatives to increase the awareness of visitors to the sensitivity of the area.
31. A SANG has recently been completed in Newick at the Reedens Meadow site which has the capacity to mitigate all development coming forward in Newick within the 7km Zol. The Council is currently working on developing a SANG tariff to cover the long-term costs of the ongoing maintenance and management of the SANG and is currently using a 'capped SANG tariff', of £5,000 per dwelling, until this is finalised. The tariff for SAMM contributions is set at a flat rate of £1,170 per dwelling.
32. The wording of the LDC guidance on SANGs and SAMMs states that the charges will apply to residential development that results in a net increase of one or more dwellings within 7km of the Ashdown Forest and certain larger developments close to the 7km boundary. Natural England has clarified that contributions should apply to all the dwellings within the development and not only those that fall within the Zol based on previous similar situations where the development straddles the 7km Zol. Based on the information before me I have no reason to take a different view.
33. The payments are secured within the section 106 legal agreement dated 4th August 2025 (the s106) which Natural England has confirmed meets its requirements. The relevant payment shall be that defined as Option B SANGs payment and Option B SAMMs payment. I am satisfied that the mitigation payment is required in order to avoid an adverse effect on the integrity of the SPA. I am also satisfied that the planning obligation meets the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (the CIL Regs) and Paragraph 58 of the Framework
34. Therefore, subject to the s106 contributions, I am satisfied that there would be no adverse effect on the integrity of the protected sites. The proposal also therefore complies with policy DM24 of the LDLP P2.

Planning Obligation

35. In addition to securing mitigation for the impacts on European sites, the s106 would secure 40% of the residential units as affordable housing, a Landscape and Ecological Management Plan, recycling contribution and highway works. Based on the information presented, I am satisfied that the planning obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the

⁴ See the Recreational Impact Statement of Common Ground for Ashdown Forest

development. They would therefore meet the tests set out in paragraph 58 of the Framework and Regulation 122 of the CIL Regs.

Interested parties

36. I have noted the widespread opposition to the proposals and the letters of support and I have taken the individual matters raised into account in my Decision. I have also had regard to the officer comments on the representations in the committee report and have no reason to take a different view on these comments, but have elaborated further below where necessary.
37. I haven't been provided with substantiated evidence that the drainage and sewerage system would not be able to cope with the proposals or to support a refusal on the basis of pressures on schools, health facilities or other local services.
38. The Lead Local Flood Authority has raised no objection to the proposal on grounds of flooding or surface water risk and I have no reason to take a different view.
39. I have no substantiated evidence that the traffic levels associated with the proposal would not be able to be safely accommodated on the local roads or that the parking proposed within the development would lead to unsafe parking practices on local roads.
40. Third parties have raised concern regarding the effect on the natural environment. Overall the scheme would result in Biodiversity Net Gain. A condition could also be used to secure a precautionary approach detailing reasonable avoidance methods for Great Crested Newts. I am therefore satisfied the proposed works would not result in the loss of any significant habitat and would deliver significant long term ecological gains within the site.
41. I note the concerns relating to the potential effects on social cohesion and the affordable housing being located predominantly in one area. However, for practical reasons on a small site it is more manageable for the affordable housing to be grouped together and there are opportunities for social integration with the remainder of the scheme such as through the areas of open space.
42. Concerns have been raised regarding the affordability of the proposed dwellings, however, this is a matter largely determined by the housing market and not a matter for planning.
43. Noise and disturbance to existing residents from construction of the proposed development would be temporary and not a reason to refuse the proposal. This could also be controlled by measures such as a Construction Management Plan.
44. My attention has been drawn to several appeal decisions by the Council. Whilst these are noted, each appeal must be determined on its own merits and each site will have different characteristics and location, even if they are located within the same area. Specifically, some of the appeals are located off a different road to the appeal site and therefore have different site characteristics and location to the appeal site. In addition, appeal ref 3273883⁵ was refused with reference to Policy DM1 which was not referred to in the decision notice for this appeal, and therefore other parts of the development plan were brought into consideration in determining the appeal.

⁵ APP/P1425/W/21/3273883

45. The Council reference an allowed appeal (Appeal F – Oxbottom in the Council Statement of Case) where the Inspector considers the scheme acceptable as the qualities of the A272 corridor of 'sporadic development, mature boundary landscaping and wider views of the open countryside' are not harmed or changed by the scheme. The Council reference the Oxbottom scheme as providing strong frontage landscaping and nature areas. In my view, the current appeal scheme also enhances the frontage landscaping and provides enhanced landscaping throughout the site, especially around the PRow. Whilst it is acknowledged the current appeal scheme would only develop the north of the site therefore developing an area of open space, I have already set out that I do not consider this to result in a loss of formally recognised gap between Newick and North Chailey.

Planning Balance

46. The proposal conflicts with the development plan when taken as a whole as I have identified limited, localised harm to the character and appearance of the northern part of the site, such as a loss of open green space and alterations to the views from Allington Road over the site towards the south, and conflict with policies CP10 of LDLP P1 and DM25 of LDLP P2 and with NNP paragraph EN1. The development plan policies relevant to these issues are consistent with those of the Framework and therefore I have given the policy conflicts and harms moderate weight.
47. The Council cannot provide a five year housing land supply and has acknowledged that the planning settlement boundaries may need to be breached in order to help meet local housing need. As such, policies which restrict development outside of these boundaries are of limited weight, although remain relevant in regard to protecting the character of the countryside. Paragraph 11d of the Framework indicates that in such circumstances, permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
48. The NNP also now has limited weight as it relates to housing and the policies relating to housing are considered out of date. I note that the Parish Council are working towards a new neighbourhood plan, however, until this is adopted, it carries little weight.
49. The proposal would contribute towards the provision of housing, including affordable housing and a good mix of unit sizes that would help the Council meet its identified need. There would also be associated economic benefits to the local community through employment and spending power in the local community. I attach the benefits of the additional housing substantial weight and moderate weight to the benefits to the economy. I also attach moderate weight to the biodiversity enhancements on the site.
50. In relation to highways and access to the site and drainage, these are technical issues that I attribute neutral weight to.
51. In the overall planning balance, the adverse impacts of granting permission, which are only of moderate weight as set out above, would not significantly and demonstrably outweigh the benefits. As a result, the proposal constitutes sustainable development in terms of the Framework and the presumption in favour of sustainable development applies. The proposal conflicts with the development plan taken as a whole, however, the material considerations in this case indicate

that the decision should be taken other than in accordance with the development plan.

Conditions

52. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in Planning Practice Guidance.
53. In the interests of certainty I have imposed a time limit and plans condition.
54. To prevent surface water flooding on and off the site, conditions are imposed requiring the surface water drainage plan.
55. To ensure the appropriate management of foul drainage a condition is imposed.
56. In order to protect the character and appearance of the area, conditions are required regarding hard and soft landscaping and a schedule of materials.
57. To provide the future residents with a healthy and safe living environment, conditions relating to the Local Equipped Area of Play and how the development adheres to Secured by Design are necessary.
58. To mitigate any adverse environmental impacts of the development and any potential impacts on protected habitats and species, conditions are imposed requiring a Construction Environmental Management Plan, a Precautionary Working Methods Statement and an Ecological Design Strategy and a lighting design strategy.
59. In order to ensure the site meets its requirement to provide a minimum biodiversity gain of 10% under the Environment Act 2021, a condition is imposed requiring 50 of the trees included within the landscaping scheme for the site to be of medium size at the time of planting.
60. In order to protect the safety of persons and vehicles entering and leaving the site and the living conditions of residents of the area, conditions have been imposed requiring the vehicular access and parking and the submission of a Construction Management Plan.
61. To encourage and promote sustainable transport, conditions are imposed requiring the cycle parking and the approval and implementation of a Travel Plan.
62. To ensure suitable sustainability measures are incorporated into the development, a condition is imposed requiring details of the sustainability measures to be provided as part of the development.
63. To minimise risks from any land contamination, conditions are imposed requiring the submission of a remediation strategy and the submission of a verification report and that any contamination identified during the build process has been appropriately dealt with. A condition requiring details of the chemical testing and assessment of the soils demonstrating their suitability is also necessary.
64. To safeguard the historic and archaeological interest of the site, conditions are imposed securing the implementation of a programme of archaeological works in accordance with a written scheme of investigation and the submission of site investigation and post investigation assessments.

65. The pre-commencement conditions are considered necessary as the details are considered necessary prior to development commencing.

Conclusion

66. For the above reasons, I therefore conclude the appeal should be allowed.

C Coles

INSPECTOR

Richborough

Schedule of Conditions

1. The development to which this permission relates shall be begun within three years of the date of this permission.
2. The development shall be carried out in accordance with the approved plans:

Location Plan	18 March 2024	10621-FA-01
Site Layout	08 November 2024	10621-FA-02A
Ground Floor Plan	08 November 2024	10621-FA-03A
Levels Plan	08 November 2024	10621-FA-11A
Plots 1 & 2 - Floor Plans	18 March 2024	10621-FA-100
Plots 1 & 2 - Elevations	18 March 2024	10621-FA-101
Plots 3-5 - Floor Plans	18 March 2024	10621-FA-102
Plots 3-5 - Elevations	18 March 2024	10621-FA-103
Plots 6&7 - Floor Plans	18 March 2024	10621-FA-104
Plots 6&7 - Elevations	18 March 2024	10621-FA-105
Plots 8&9 - Floor Plans	18 March 2024	10621-FA-106
Plots 8&9 - Elevations	18 March 2024	10621-FA-107
Plots 10&11 - Floor	18 March 2024	10621-FA-108

3. No external materials or finishes shall be applied until a schedule of materials (including full specification and photographs) has been submitted to and approved in writing by the Local Planning Authority. This shall include rainwater goods and window and door frames. The development shall thereafter be carried out in accordance with those details and maintained as such.
4. No development shall take place until a surface water drainage plan has been submitted to and approved in writing by the Local Planning Authority. The plan must address the following requirements:-
 - Surface water discharge rates not exceeding 2.1 l/s for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - The details of the outfall of the proposed attenuation a storage and how it connects into the sewer should be provided as part of the detailed design including cross sections and invert levels.
 - The capacity and condition of the sewer which will take surface water runoff from the development should be investigated / confirmed to be acceptable before discharge of surface water runoff from the development is made. Any required offsite improvements should be carried out prior to construction of the outfall.
 - Provide information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

- A scheme for surface water drainage to prevent the discharge of surface water from the approved development onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site.
- The capacity and condition of the sewer which will take surface water runoff from the development should be investigated / confirmed to be acceptable before discharge of surface water runoff from the development is made. Any required offsite improvements should be carried out prior to construction of the outfall.

The development shall thereafter be carried out and maintained in accordance with the approved drainage details.

5. No development shall take place until a maintenance and management plan for the entire drainage system has been submitted to and approved in writing by the Local Planning Authority. The management plan shall cover the following:
 - (i) Responsibilities for managing all aspects of the surface water drainage system, including piped drains.
 - (ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.
6. No development shall commence until a detailed foul drainage plan has been submitted to and approved in writing by the Local Planning Authority. The drainage plan shall be supported by correspondence with Southern Water along with confirmation of an appropriate connection agreement, agreed discharge rates and details of any necessary improvements that would need to be made to the existing sewerage infrastructure. No part of the development shall be occupied until the approved drainage scheme has been submitted and any required improvements made to the drainage network.
7. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) details of responsible persons and lines of communication;
 - g) details of the role and responsibilities on site of an ecological clerk of works

- (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

8. No development shall take place (including any demolition, ground works, site clearance) until a Precautionary Working Methods Statement (PWMS) for detailing reasonable avoidance measures for great crested newts and reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);
 - g) disposal of any wastes arising from the works.

Works shall only be undertaken in accordance with the approved Method Statement.

9. No development shall take place until an Ecological Design Strategy (EDS) addressing compensation, mitigation and enhancement measures and including a minimum of five bat bricks/boxes, five bird bricks/boxes, one log pile, one hibernaculum and hedgehog holes through impermeable boundary features, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

10. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access, egress, turning and routeing of vehicles
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction on the public highway (including the provision of temporary Traffic Regulation Orders),
 - measures to manage flood risk, both on and off the site, during the construction phase,
 - temporary diversion or protection of public rights of way,
 - arrangement of holding areas for construction vehicles,
 - details of public engagement both prior to and during construction works.
11. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the Local Planning Authority:
- a) Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.
12. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

13. Prior to completion of any residential unit forming part of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all boundary treatments (to include appropriate gaps beneath to allow for wildlife to move between sites);
- b) Details of all hard surfacing including car parking/turning areas;
- c) Details of seating and other furniture in communal areas;
- d) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;
- e) Details of any planting to be removed as well as protection measures for retained trees/hedging;
- f) Confirmation of compliance with biodiversity net gain requirements.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of any dwelling on the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

14. Prior to the occupation of any dwelling in the development hereby approved, evidence (including photographs) should be submitted showing that the drainage system associated with it has been constructed as per the final agreed detailed drainage designs.
15. Prior to the occupation of the 5th unit of the development, a Local Equipped Area of Play (LEAP) shall be provided in a suitable location within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be laid out, equipped, landscaped and properly retained, in accordance with these full details and specifications for the lifetime of the development. Seating for adults must be provided.

The play equipment shall be designed, manufactured, installed and maintained in accordance with European Standards EN1176 and EN1177 (or any superseding legislation) and the submitted details shall be accompanied by a management and maintenance plan for the play area.

16. In accordance with the details contained in the Statutory Biodiversity Metric (completed by Jessica Whittaker, 14/12/23) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination, 50 of the trees included within the landscaping scheme for the site must be of medium size at the time of planting (with a diameter at breast height greater than 30cm).

17. No part of the development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing ref: 10621-FA-02. The access shall not be used until visibility splays of 2.4m by 61m are provided in both directions and maintained thereafter.
18. No part of the development shall be occupied until the parking area serving that part has been provided in accordance with the approved plans and the areas shall thereafter be retained for that use. Parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls or fences). Car port spaces shall have minimum dimensions of 2.8m X 5m.
19. No part of the development shall be occupied until secure and covered cycle parking for that part has been provided in accordance with details been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use.
20. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
21. No part of the development shall be occupied until a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for species (including bats) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
22. Prior to the first occupation of any part of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secured by Design. The development shall be carried out and retained in accordance with the agreed details.

23. Prior to the first occupation of any part of the development, full details of all sustainability measures to be provided as part of the development, following the principles set out in the submitted Sustainability and Energy Statements and Air Quality Assessment, shall be submitted to, and Approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in full accordance with the approved details.
24. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.
- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
25. No soils shall be imported within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the Local Planning Authority.
26. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.

End of Conditions



Costs Decision

Site visit made on 17 November 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Costs application in relation to Appeal Ref: APP/P1425/W/25/3370668

Land to the South of Allington Road, Newick

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by B.Yond Homes Ltd for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of the Council to grant subject to conditions, planning permission for residential development of the site with access, roads, parking, open space, SuDs and associated infrastructure.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. PPG makes it clear that a Council may be at risk of a substantive award of costs if it fails to substantiate its reasons for refusal at appeal, and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant contends the Council caused considerable delay by taking so long to determine the application, were in special measures, the planning committee had come to a pre-determined conclusion on the application and acted unreasonably in relation to the weight given to the policies in the application.
5. The Council Planning Committee, refused the planning application against officer advice. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects. Whilst I have not agreed with the Council in its decision, I have not been provided with substantive evidence that the planning committee following hearing representations and an open discussion on the merits of the case did not show reasonable planning grounds for its decision or that it did not provide sound, substantive or defensible evidence in the appeal. Ultimately, the decision in this case called for a judgement to be made as to the qualitative aspects of an area, and it is rarely the case that there can be only one plausible judgement. I am satisfied that the Council gave a reasoned assessment for their decision.

6. The Council has acknowledged the delay in determining the application due to matters largely outside the Council's control and the applicant could have appealed against non-determination of the application but chose not to. I do not find the Council to have acted unreasonably in this respect.
7. Whilst the Council is in special measures, this is not a matter that should affect how the planning committee determines an application. I have not found this to be unreasonable behaviour on behalf of the Council.
8. The planning committee, as decision makers are entitled to determine the appropriate weight to apply to each planning policy and this weight has been justified in the appeal documents.
9. I have not been provided with substantive evidence by the applicant that demonstrates evidence of pre-determination on behalf of the planning committee.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in PPG, has not been demonstrated. Accordingly, the application for costs is refused.

C Coles

INSPECTOR