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# Appeal Decision

Site visit made on 17 April 2018

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> May 2018

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**Appeal Ref: APP/P1425/W/17/3188583**

**Downland Park, Court Farm Road, Newhaven, East Sussex BN9 9DJ**

- 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 Mrs Anne Barney against the decision of Lewes District Council.
  - The application Ref LW/17/0206, dated 7 March 2017, was refused by notice dated 31 July 2017.
  - The development proposed is the provision to place a mobile home on redundant parking area. Modification of condition 1 attached to planning permission LW/03/1867 to allow 30 caravans on the overall site instead of 29.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) highway safety with particular regards to emergency and refuse access.

## Reasons

### *Character and appearance*

3. The site is set beyond a low lying wall adjacent to Court Farm Road and is currently laid out for parking. To either side of the appeal site is residential development, varying in design and density. Beyond the appeal site the caravans that form Downland Park and Newhaven Heights are set spaciouly within the gently rising hillside. Downland Park clearly forms part of the character of the area, its layout enhances the open and tranquil nature of the site. The appeal site functions as a break in development and creates a buffer, setting Downland Park back from the more urban residential development along Court Farm Road.
4. The proposal would be sited forward of the neighbouring properties at Nos 51 and 51a Court Farm Road, and would stretch along a significant portion of the site. Due to the change in land levels it would be slightly raised in comparison to Court Farm Road. This introduction of additional built form, through the permanent siting of a caravan, would significantly erode the open nature of the appeal site. It would substantially block views into the spacious caravan parks beyond, and would bring the site to the road frontage, creating a continuous building line along Court Farm Road.

5. I do not agree with the appellant's assertion that the site is not a valuable piece of open land. Although it is physically laid out for parking, it provides a very wide, functional break in built form. It enhances the space of the area in general and plays an important role in providing a semi-rural setting for the caravan park beyond. The loss of this space would extinguish this physical and functional gap, harming the character of the area.
6. The appellant has referred to the placement of garages along the frontage pursuant to a permission granted in 2008. I have very limited evidence in relation to this permission, and in any event, I have determined this appeal on the basis of its own merits.
7. There is some dispute with regards to the use of the appeal site for the parking of vehicles. On the basis of the evidence, and at the time of my site visit, it is clear that the site is used for parking. This may vary depending on the time of day, and the day of the week, however I accept that the site is a valued amenity space. The use of the site for the parking of vehicles is visually compliant with the functionality of the site as a break in built form.
8. The proposal would erode this open space, creating an almost continuous building frontage along Court Farm Road. This would diminish the spaciousness of the site, and significantly harm the character of the area. The introduction of development would conflict with saved Policy ST3(a) of the Lewes District Local Plan 2003 (the Local Plan) with regards to respecting the character of the area.
9. The appellant has referred to Policy CP11 of the Lewes District Local Plan Part 1 – Joint Core Strategy (2016). Policy CP11 requires that development positively contributes to the character and distinctiveness of an area, and sympathetically responds to the site and local context. The proposal would result in harm to the character of the area, and I find that it would therefore conflict with the aims of Policy CP11.

#### *Highway safety*

10. The evidence demonstrates that the caravan park is able to accommodate visitor parking, and the provision of spaces exceeds that required when applying the East Sussex car parking calculator. On the basis of the evidence I am satisfied that the loss of the parking would not automatically lead to a dispersal of parking on Court Farm Road. I note the comments made by local residents in relation to parking levels on Court Farm Road, however, the Highway authority has confirmed that parking along Court Farm Road is not restricted. It is therefore possible for Court Farm Road to accommodate some additional parking should it be necessary.
11. I am mindful of the comments made by the council's team leader for waste services in relation to the swept analysis submitted by the appellant. However, the council has not put forward any additional evidence to dispute the accuracy of the analysis which demonstrates that access can be provided. In addition, the Highway Authority has not raised an objection on safety grounds.
12. Accordingly, on the basis of the evidence, I find that the proposal would not result in a significant restriction to the access to those caravans further along The Drive. Furthermore, there is unlikely to be the level of parking on Court Farm Road that would result in harm with regards to highway safety. It would

therefore comply with Policy ST3(d) of the Local Plan in respect of ensuring development does not create a hazardous environment.

### **Other Matters**

13. The appellant asserts that the proposal would provide an additional unit of accommodation which would contribute to the Council's supply of housing. An additional unit would make a small contribution that weighs in favour of the scheme. However, the Framework explains that the 3 mutually dependant dimensions of sustainable development, its economic, social and environmental roles, should not be undertaken in isolation. So whilst there may be some minimal economic gains relating to local spending and a social gain of an additional unit, these gains would be significantly and demonstrably outweighed by the environmental harm that the proposal would cause to the character and appearance of the area. Therefore the proposal would not amount to sustainable development and it would be contrary to the Framework.

### **Conclusion**

14. On the basis of the evidence I have found that the proposal would not result in a harmful displacement of car parking, nor would it impede the ability of emergency and refuse vehicles to access the caravan park. However, I have found that the proposal would significantly harm the character and appearance of the area by almost entirely extinguishing the experience of space and openness that the site currently contributes to and enhances. The absence of harm in respect of highway safety does not overcome the harm that I have identified in relation to the effect on the character and appearance of the area.
15. Therefore, for the reasons above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*J Ayres*

INSPECTOR