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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/17/3188426**

**Marchants, Lower Station Road, Newick BN8 4HT**

- 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 Mr and Mrs Azimi against the decision of Lewes District Council.
  - The application Ref LW/17/0535, dated 19 June 2017, was refused by notice dated 15 August 2017.
  - The development proposed is erection of 1 No. 6-bedroom detached house, the provision of a detached triple garage, and creation of a new access from Lower Station Road.
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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 surrounding area; and (ii) whether the future occupiers would have reasonable access to shops and services by means other than private car.

## Reasons

### *Planning Policy*

3. The Development Plan includes the saved policies of the Lewes District Local Plan 2003 (Local Plan) and the Lewes District Local Plan Part 1 – Joint Core Strategy 2016 (Core Strategy). Policy CT1 of the Local Plan restricts development outside of the defined planning boundaries, except in certain circumstances. The appeal site falls outside of any planning boundary as defined by the Local Plan, falling between the villages of North Chailey and Newick. The residential development proposed as part of the scheme does not fall within any of the exceptional categories of Policy CT1.

### *Character and appearance*

4. The appeal site is outside of any built-up area boundary as defined in the Local Plan and is, in policy terms, in the countryside, falling between the villages of North Chailey and Newick. The appeal site is bordered by Lower Station Road and Oxbottom Lane. There is a loose scattering of dwellings along Oxbottom Lane, interspersed with large mature trees and hedgerows, along a relatively narrow road with no footpath or street lighting. Lower Station Road has a

- more structured pattern of development, with the area boasting generous properties set within large, open plots, contributing to a definitive semi-rural character.
5. The proposal would use the garden to the side of Marchants for the siting of a large, 6 bedroom dwelling and triple garage. The appeal would be sited with an access onto Lower Station Road which would require the removal of part of the mature boundary. The scale of the proposal would be harmfully intrusive as it would span a large part of the width of the site. The introduction of this level of built form would demonstrably and harmfully erode the existing garden which currently enhances the open setting of the area.
  6. Due to its size and siting alongside Marchants it would be visible within the streetscene, with views afforded from both Lower Station Road and Oxbottom Lane. The proposal would have a lower ridge height than Marchant, however it would be significantly wider. Although views of the proposal would be slightly limited by the retained hedgerows, this would not be a reason to allow a scheme such as this, as it would damage the openness of the area. The significant erosion of the currently open garden would harmfully erode the character of the rural area, and the built-up appearance of the proposal, including its drive and turning area, would harm its appearance.
  7. Taking into account its location at the junction of Lower Station Road and Oxbottom Lane, I do not consider that the proposal would represent infilling. It would significantly extend the level of built form towards Oxbottom Lane, intruding into the open, semi-rural quality of the area, and introducing a level of built form that would erode the spacious and open quality of the site.
  8. I note that the appellant refers to a permission previously granted for a swimming pool and associated pool house. I consider that scheme to be materially different to the proposal before me. The swimming pool and pool house would be single storey, located to the rear of Marchants. In my view its impact on the character of the area would be lessened due to its fundamental use as an ancillary, low lying structure. The scale and mass of this proposal is on an entirely different scale which would result in harm to the open character of this site. In any event, I have determined this appeal on the basis of its own merits.
  9. Accordingly, I find that the proposal would erode the semi-rural character of the area. It would intensify development within this small hamlet, outside of any defined planning boundary, which would be contrary to Policy CT1 of the Local Plan. The scale and mass of the proposal, and the introduction of urban form, would harm the open character of the area and would be in conflict with Policy ST3 of the Local Plan and Policy CP11 of the Core Strategy.

*Reliance on the private vehicle*

10. The main access to the services and facilities in either Newick or North Chailey would be via the A272. This is a main road, with speed limits of up to 50mph. Pavements are provided, however there is limited street lighting. In addition Oxbottom Lane, which is the most direct route to the A272 from the appeal site, does not provide street lighting or pavements. So, for a family with children, walking or cycling would not be a safe or attractive prospect, especially during inclement weather or after dark.

11. A bus service can be accessed from the A272, however, as I have stated above, the physical prospect of walking along Oxbottom Lane, which rises in gradient towards the A272, is unlikely to appeal to future occupiers. Access to local bus services along via Lower Station Road would involve a considerably longer walk along a road with no lighting or pavements. So whilst there are a few sustainable travel options, taking into account the physical restrictions of the roads for pedestrians, the likelihood is that the future occupiers would be reliant on travel by car.
12. The fact that this situation exists for the occupiers of properties along Lower Station Road does not justify additional development. Therefore, I consider that future occupiers of the proposal would not have reasonable access to local shops and services by means other than the private car. This would be contrary to Policy CP13 of the Core Strategy which seeks to promote a sustainable system of transport, and the National Planning Policy Framework (the Framework) which aims to actively manage patterns of growth to make the fullest possible use of public transport.

### **Other Matters**

13. There is some disagreement between the parties as to the ability of the council to demonstrate a 5-year supply of housing land. On the basis of the evidence before me I am satisfied that the Council is able to demonstrate a 5-year supply of housing land. The appellant argues that this supply is marginal, due to the restrictions of developing within the district, and that Paragraph 14 of the Framework should be applied.
14. An additional unit would make a small contribution to the 5 year housing land supply and that factor would weigh 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 the economic gains would include jobs during construction, New Homes Bonus and future occupier's local spending, and the social gain would include the new dwelling, 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, and the poor accessibility to local shops and services. Therefore the proposal would not amount to sustainable development and it would be contrary to the Framework.

### **Conclusion**

15. For the reasons above and taking into account all other matters raised, including the support of some nearby occupiers, I conclude that the appeal should be dismissed.

*J Ayres*

INSPECTOR