

Planning Appeals Analysis

2022-2023 (April 22 to March 23)

January 2023 to March 2023 (8 Appeal Decisions in 3 months) – THIS APPENDIX

(April 2022 to March 2023 (32 Appeal Decisions in 12 months))

WR – Written Representations

IH - Informal Hearing

PI - Public Inquiry

22/23 – No 25 Planning Application No	Site	Description of Development	Decision
LW/22/0390 PINS 3310508	5 Holmstreu Villas, Fort Road, Newhaven, BN9 9EL	Vehicle cross over for access to hardstanding	DISMISSED 10 January 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – Highway safety and character and appearance of host property and local area
- The Inspector found highway safety problems because the proposed cross over was close to a pedestrian crossing

22/23 – No 26 Planning Application No	Site	Description of Development	Decision
LW/22/0475 PINS 3308176	104 Wicklands Ave, Saltdean BN2 8EP	Steps to exit French doors at the rear of the property	DISMISSED 10 January 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – living conditions of the occupants and neighbour overlooking.
- Steps already constructed. Impact on neighbour amenity, (overlooking) more important than reduction in living conditions of occupants. Dismissed.

22/23 – No 27 Planning Application No	Site	Description of Development	Decision
LW/22/0284 PINS 3302382	Widmore, Chyngton Lane North, Seaford BN25 3UU	Demolition of existing dwelling and erection of two new semi - detached bungalows and parking spaces	ALLOWED 26 January 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area and impact on neighbouring amenity/privacy
- Existing house is a modern detached bungalow with gable roof, set back from the road with lawn at the front and the rear garden looks onto open countryside. Plot widths and depths vary in the neighbourhood. The proposed dwellings would respect the front building line and local scale, massing and roofscapes. No unacceptable impact on neighbours. Appeal allowed

22/23 – No 28 Planning Application No	Site	Description of Development	Decision
LW/22/0104 PINS 3299940	Land south of Lewes Road/Laughton Road, Broyleside, Ringmer BN8 5FP (Known as “Chamberlains Lane”)	Outline application, (all matters reserved) for 68 new homes	DISMISSED 6 February 2023
H		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Yes Deleg Refusal Non Determ.

Inspector’s Reasoning

- **Key Issues** – Impact on Council Spatial Strategy; impact on character and appearance of countryside and on setting of SDNP and impact on neighbouring heritage assets
- The Officer’s report recommended approval, but Committee overturned this recommendation. The LPA refused planning permission on the basis of harm to the setting of the SDNP and the surrounding countryside contrary to Ringmer NP policy 4.1; LP Part 1 CP10 (Landscape character protection) and LP Part 2 DM (planning boundaries).
- The scheme is close to but outside the settlement boundary, (see plan below). The Inspector noted this as she also set out the importance of Lewes’s spatial strategy, (LP Part 1 SP2; LP Part 2 DM1 and Ringmer NP Policy 4.1).
- **Character and Appearance**

Inspector was concerned about loss of this “gap countryside site”. She explains...” the contribution which the site makes to its rural surroundings would...greatly diminish as a result of the proposal”. The Inspector particularly concerned about the loss of this gap site because a recent neighbour appeal was allowed, (Broyle Gate Farm), making this site, “the last gap site”. The Inspector mentions views from the SDNP the “separation” between Ringmer and Broyleside and claims that the site...”forms part of expansive views from the scarp foothills, (SDNP) and open downs across the Low Weald”. The Inspector was concerned about protecting the rural nature of pastoral public rights of way (PROW).

- **Heritage**

Inspector found that the proposal would impact significantly on some neighbour heritage assets

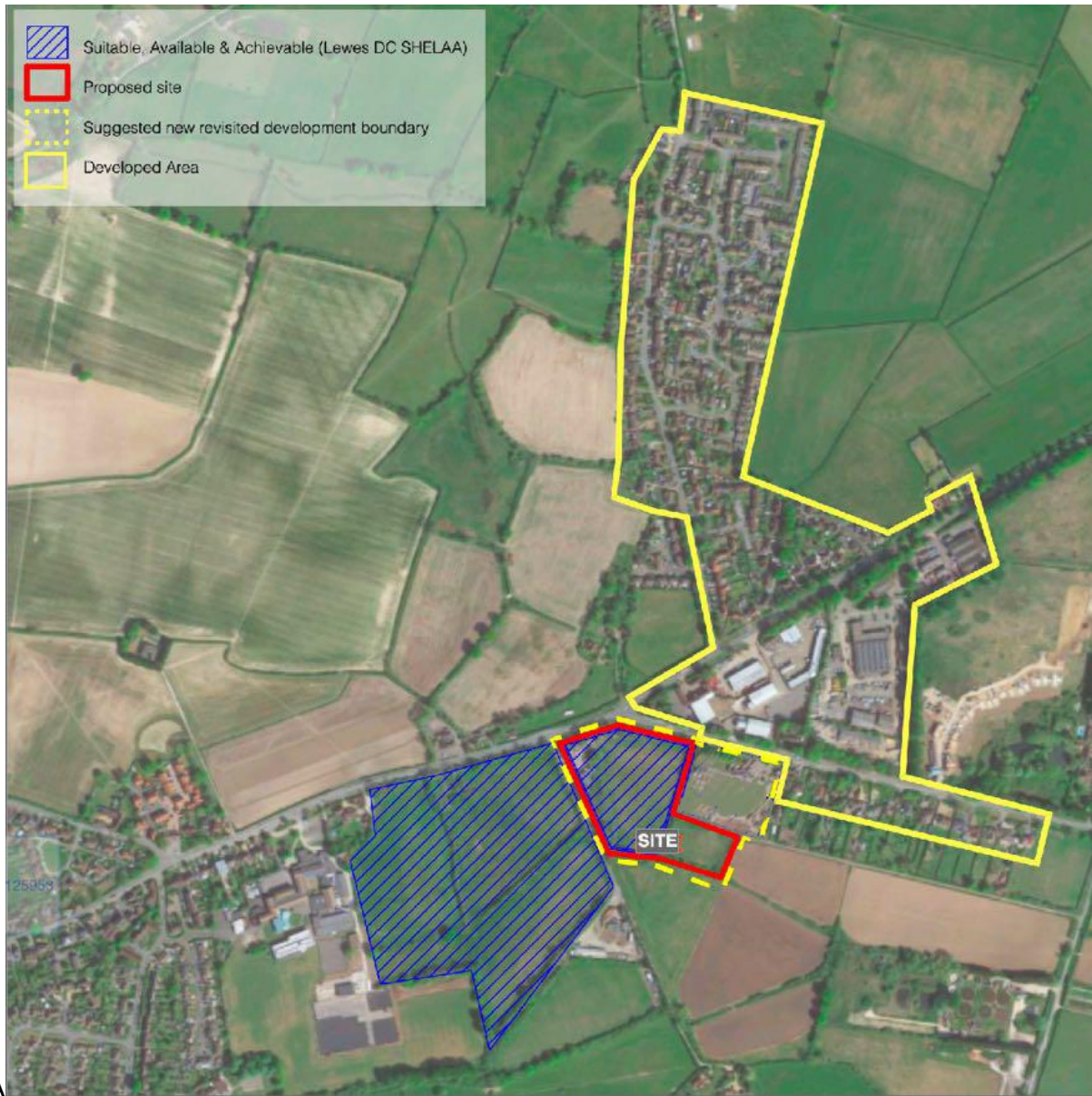
- **Interim Policy Statement for Housing Delivery**

Inspector found this of low significance since it was not statutory or consulted upon

- **Planning Balance**

- Lack of a 5yrs – significant
- New homes and AH – significant weight
- Jobs – “some weight”
- Public open space and ecological gains – limited weight
- Cycling and public transport s106 – limited weight
- Heritage impact – significant adverse
- Impact on SDN setting – significant adverse

- Overall.....”adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the proposal in this Framework taken as a whole”. Appeal Dismissed



A

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Dwelling houses:		
HOUSE TYPE	TYPE	NO. OF UNITS
A	2-BEDROOM (Sp @ 79m ²)	10
B	3-BEDROOM (Sp @ 100m ²)	34
C	4-BEDROOM (Sp @ 156m ²)	3
D	4-BEDROOM (Sp @ 124m ²)	5
Total:		52

Dwelling flats:		
UNIT NO.	TYPE	NO. OF UNITS
1 (First floor)	2-BEDROOM (Sp @ 80m ²)	2
2	2-BEDROOM (Sp @ 70m ²)	6
Total:		8

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Total:		8

Area highlighted in purple is identified as an ecological area and is to be protected and preserved. Total area = 4,154.7m².

Area highlighted in orange is identified as a community hub area. Total area = 1,048.0m².

Proposed LEAP (Local Ecological Area) is to be established. This area is to provide a green space for residents and water sustainability.

Orange and pink highlights represent proposed and existing parking spaces and areas of outdoor amenity to be provided.

Blue dots represent potential locations of electric vehicle charging points. Total number proposed = 27.

Car parking spaces are to be provided for all vehicle spaces. Total vehicle spaces = 41.

SUDS to be formed as indicated on the plan. Total area of SUDS = 1,000.0m². See notes on site plan for details.

Blue strip along the boundary represents the proposed acoustic fencing and landscape screening. Total length of boundary treatment = 134.5m.

MORGAN CARN ARCHITECTS
 BEDFORD PARK DEVELOPMENTS
 LAND SOUTH OF LEWES RD, RINGMEI

Masterplan
 Planning
 2103-P-100

22/23 – No 29 Planning Application No	Site	Description of Development	Decision
LW/21/0729 PINS 3305946	Land east of Ditchling Road (B2112)	Outline application, (all reserved except access) for 96 new homes, including open space, allotments, infrastructure, access and landscaping.	ALLOWED 23 February 2023 Delegated Refusal Partial Award of Costs – being contested by LPA
PI		Costs Sought YES Costs Awarded/Not Partial Award – LPA contests Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Key Issues – character and appearance; impact on green infrastructure (public rights of way on the site); the LP Spatial Strategy, (outside of the planning boundary) and the lack of a 5-year land supply. (Highway matters were finally not defended by the LPA/ESCC, but the Inspector held a roundtable discussion with members of the public to listen to their concerns).
- The scheme is close to, but outside the settlement planning boundary, (see plans below). It was noted that Wivelsfield had previously lost an appeal in 2022 south of South Road, (45 homes 21-0754) and that Springfield Industrial Estate is now allocated in the NP for 30 homes. Allocation in the LP for Wivelsfield is 123 homes to 2030 “as a minimum”, but the Lewes LP is now out of date and on the new annual homes target it does not have a 5 yls – only 2.73 years.

- It was further noted that in 2015 a scheme for 95, (not 96) homes was refused at the same location, but on a smaller site. This was dismissed at appeal, (and by the SoS). At that time the Inspector noted that Lewes did have a 5yls; that the “housing would be a benefit” and that that the scheme was in a sustainable location. Main refusal reason was the conflict with “spatial strategy”, (outside of planning boundary) because it had force through the 5yls.
- **The LPA refused application 21-0729 on 3 grounds:**
 - a) The scheme would “overwhelm” the thin linear design of the village (see images below); it would not reflect the village design balance and “transition”, (denser in the west, less dense in the east with outlooks to countryside north and south) and does not comply with Interim Policy Statement on Housing Delivery (IPSHD 2020) – so overall detrimental to village character.
 - b) Harm the rural character of public rights of way on site – will “suburbanise” their character.
 - c) Inadequate highway information.
- **The Inspector’s response**
 - a) **“Overwhelm; Transition and IPSHD”**

The Inspector found there was harm to the pastoral character of the “public rights of way” (PROW) and the “traditional countryside fields”. Both had limited capacity to change.

The Inspector found limited harm to village character – the issues of “overwhelming and transition”, and in any case found no strong evidence presented by the LPA. (So landscape evidence, but no urban design evidence for reason for refusal). The Inspector accepted the scheme would “deepen the village at the western end”, but saw no harm.
 - b) **Green Infrastructure**

The Inspector noted that the PROWs and fields would become more suburban – which would be an adverse impact. But agreed with appellant there would be mitigation and, in any case, not strong evidence from the LPA
 - c) **Highway matters**

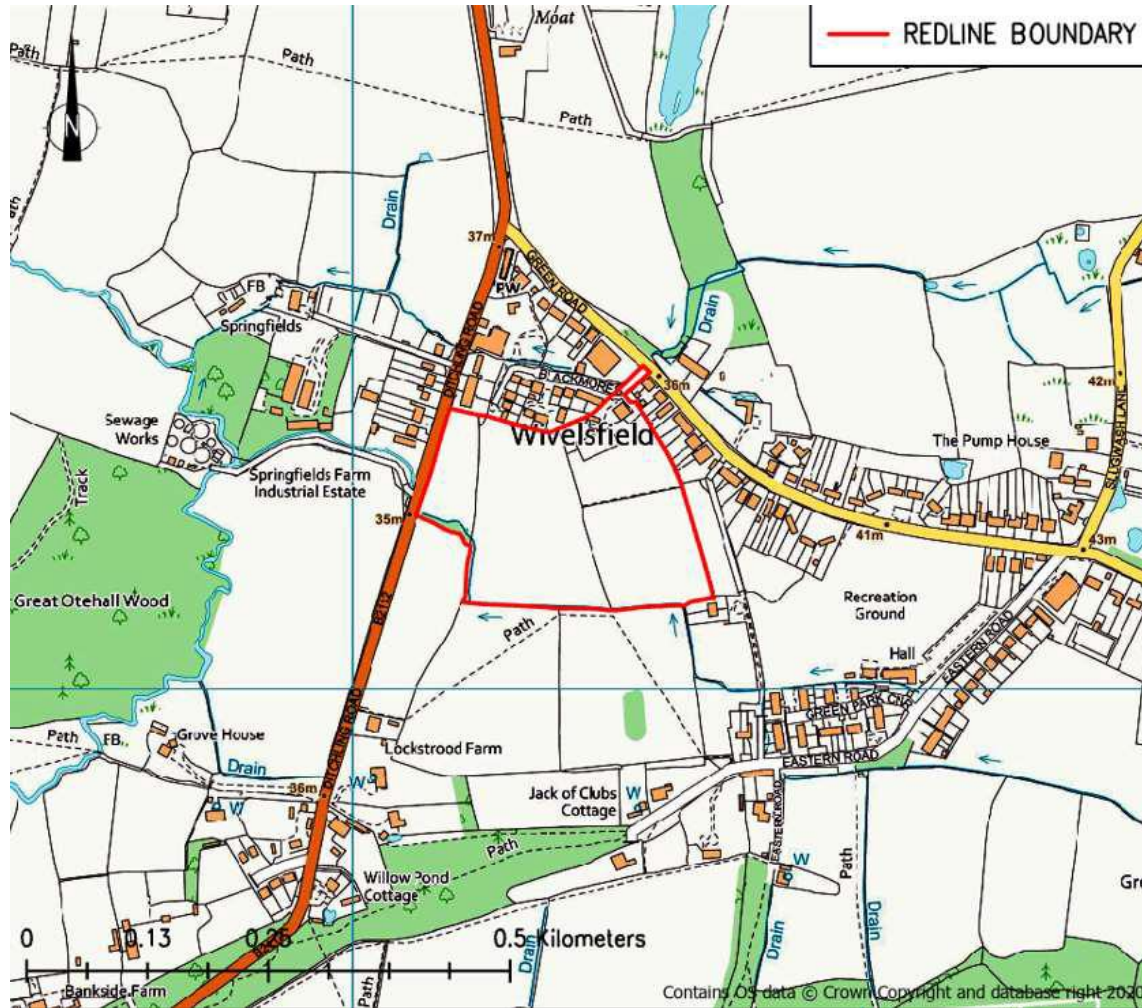
Inspector concluded no serious highway impact and mini roundabout would only experience a small increase in queuing.

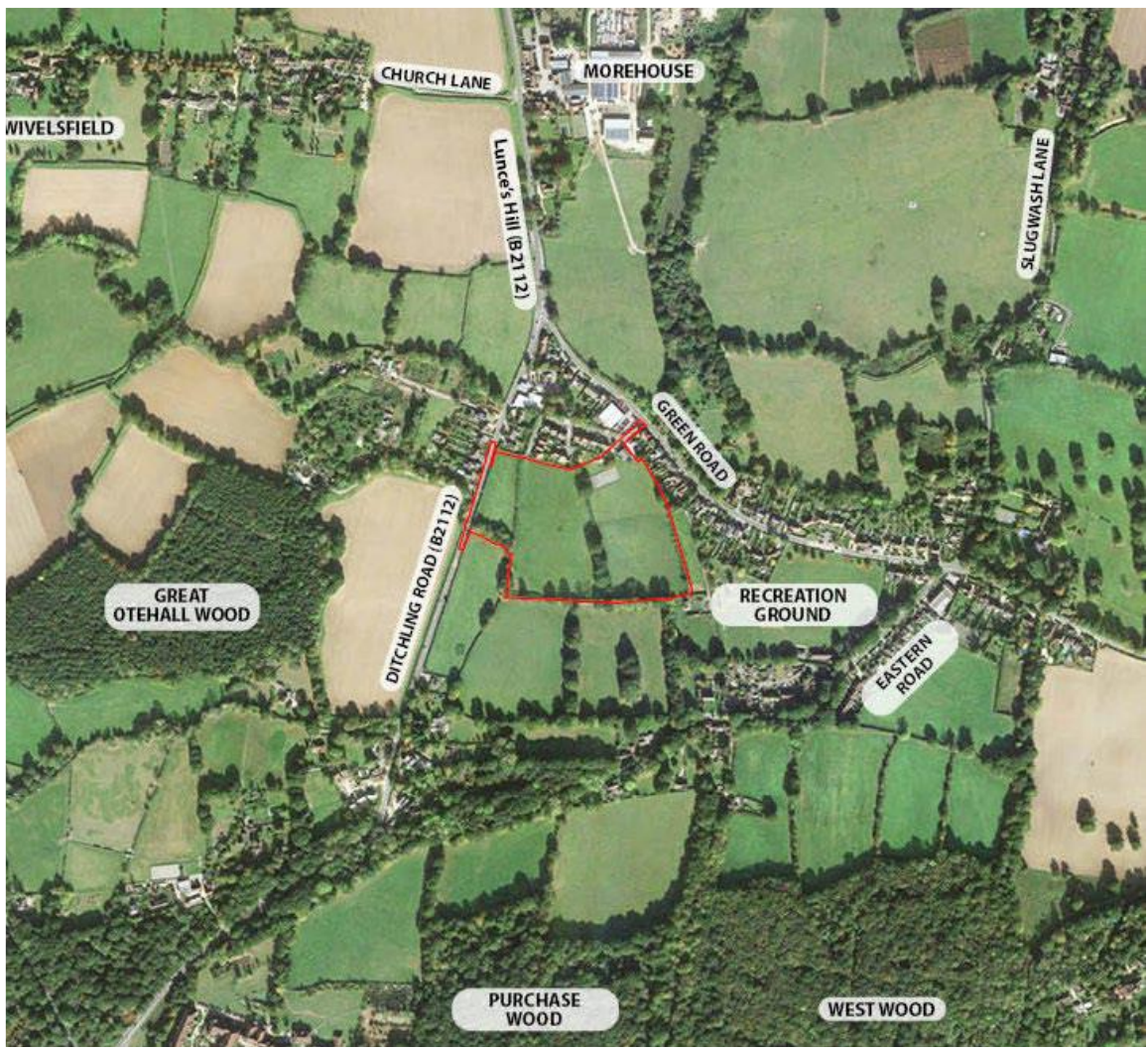
- **Planning Balance:**

- Lack of a 5yls – very significant
- 96 homes and AH – substantial benefit
- New jobs – moderate benefit
- BNG – moderate benefit
- Bus/PT improvements – moderate benefit
- Harm to Character and Appearance – adverse impact – but there is mitigation
- Harm to Lewes and Wivelsfield plans, spatial strategies – adverse impact – but limited weight
- NPPF para 14 sets out 4 tests if a planning decision were to go against a NP. But the Inspector did not engage these since all 4 must be met and Lewes' lack of even a 3yls leads to mitigation failure

- But most important of all was lack of 5yls – so appeal allowed.

Planning Application Images – see below







22/23 – No 30 Planning Application No	Site	Description of Development	Decision
LW/20/0011 PINS 3308331	Averys Nursery, Uckfield Road, Ringmer BN8 5RU	Outline applications (access only) for demolition of commercial/agricultural buildings and development of new business (B1) workshops and 53 dwellings	ALLOWED 1 March 2023
HEARING		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn YES Deleg Refusal Non Determ.

Inspector's Reasoning

- Issues – Sustainability of the location, in particular for homes, outside of a settlement. Whether the Lewes development plan support a mixed use scheme on this out of settlement site. Consideration of the whole planning balance, including lack of 5 yls.
- Planning Balance – The Inspector concluded that the “site was sub optimal” in terms of access to a settlement with facilities, including walking and cycling. It therefore conflicted with LP Part 1 CP 13 – but this deficiency was only given “moderate weight”, because the NPPF accepts the “sustainable transport solutions will vary between urban and rural areas”. The Inspector gave the mix use benefits substantial weight and was concerned for Lewes’s lack of a 5 yls. And it was noted that Council policy supports mixed used use schemes, including homes, on employment sites when viability studies show that a new “employment only” scheme would not be viable. This was further emphasised because the Council did not submit any evidence to counter the Appellant’s viability case.

22/23 – No 31 Planning Application No	Site	Description of Development	Decision
LW/21/0706 PINS 3296642	6 Grassmere Ave, Telscombe Cliffs BN10 7BZ	Erection of a two-bed bungalow	ALLOWED 2 March 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area
- Existing site has a bungalow and substantial garden and sits in a street with established residential character with glimpses of the SDNP. Inspector's view is that the site was big enough to create two plots and there would be no visual or practical harm to the setting of the SDNP. Appeal Allowed.

22/23 – No 32 Planning Application No	Site	Description of Development	Decision
LW/22/0420 PINS 3308285	81 Hillcrest Road, Newhaven BN9 9EG	Single storey extension at upper ground level and 2 single storey rear extensions at lower ground level	DISMISSED 2 March 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area and impact on neighbouring amenity/privacy
- Existing house/site is a semi - detached bungalow, quite close to No 83. The Inspector found that the “upper ground floor extension” would be acceptable, but the “lower ground floor” extension would be close to the neighbour and would unacceptably impact on neighbour amenity, (privacy and noise). Appeal dismissed