

Report to: Planning Applications Committee

Date: 6 November 2024

Application No: LW/23/0752

Location: Land north of Lewes Road, Ringmer

Proposal: **Counsel's Opinion on the 9/10/24 LPAC Recommendation to Refuse Application LW/23/0752**, for the Erection of 95 dwellings, with associated access, car parking, refuse/recycling storage, landscaping, infrastructure and works.

Applicant: Thakeham Homes Limited

Ward: Ouse Valley and Ringmer

Recommendations:

1. Committee notes and considers:
 - the LPAC 9/10/24 Officer's Report and Recommendations on LW/23/0752 as set out at **Appendix 1**,
 - the Additional Proposed ESCC Highway Conditions as set out at **Appendix 2**
 - and Counsel's Opinion as set out at **Appendix 3**.
2. Committee Approves LW/23/0752 subject to conditions and section 106 agreement securing affordable housing, highway improvements and transport contributions, landscape and biodiversity management and maintenance and management and delivery of LEAP and LAP facilities, as set out in Paragraphs 8.15, 8.16 and Sections 9-12 of the report in Appendix 1.
3. In agreeing 2 above, Committee also approves the Additional ESCC Highway Conditions as set out at Appendix 2
4. In agreeing 2 above, Committee also delegates to the Head of Development Management the authority to:
 - a) Make a Diversion Order under s.257 T CPA'90 relating to part of Public Footpath RIN/17/1
 - b) To carry out all legal steps required to publicise and consult on the Order and,
 - c) Subject to no objections being received or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation.
 - d) To make minor modifications to the Draft Order, or to re-make and confirm the Order with minor modifications if required

Contact Officer:

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1.

LPAC Decision

The Lewes Planning Applications Committee (LPAC) considered application LW/23/0752 on 9th October 2024. Please see Appendices 1 and 2 attached, which comprise the original report and recommendation to LPAC (Appendix 1), together with additional Highways related condition wording (Appendix 2)

LPAC made the following decision:

“That planning application LW/23/0752 for the erection of 95 dwellings, with associated access, car parking, refuse/recycling storage, landscaping, infrastructure and works be deferred to obtain counsels opinion on the proposed reasons for refusal as set out by the Head of Development Management:

(Proposed Reason for Refusal) – The Development, by reason of its occupation of undeveloped green space that forms part of a green buffer between Ringmer and Broyleside, would result in an unacceptable erosion of this buffer, that would compromise the identity of Ringmer and Broyleside as two distinct semi – rural settlements, and present as unacceptable sprawl into the rural environment. On the balance of material consideration, the benefits of the Proposal would not outweigh the harms. The Development is therefore in conflict with LLP1, Policies CP10 and CP11 and LLP2 Policies DM1 and DM25, and Ringmer Neighbourhood Plan Policies 4.6 and 6.3, and Paragraphs 135 and 180 of the NPPF”

2. Counsel’s Consideration and Opinion

A planning barrister at Cornerstone Chambers was commissioned to assess LPAC’s decision. **Ms Parry’s full response is set out at Appendix 3.** Ms Parry was given background information; details of the application and Ms Parry reviewed the 9/10/24 Committee recording.

In addition to the landscape Reason for Refusal (RfR) suggested, the Barrister also consider concerns about surface water drainage; heritage and the cumulative growth impact on Ringmer and the Broyle.

3. Recommendation, Appendices and Background Reports

Lewes Planning Applications Committee is asked to support and approve the recommendations at the front of this report.

The Appendices relating to this proposed decision are described at the front of the report and attached.

There are no further Background Reports.