

Planning Appeals Analysis

Below follows a summary of the appeal decision received for the following two periods

April 2021 to March 2022 (18 Appeal Decisions in 12 months)

April 2022 to December 2022 (24 Appeal Decisions in 9 months)

There are three types of appeal reported and summarised as follows

WR – Written Representations

IH - Informal Hearing

PI - Public Inquiry

21/22 - 01 Planning Application No	Site	Description of Development	Decision
LW/ ENFORCEMENT EN/19/0154 issued 27-2-20 APP/P1425/C/20 3249900	Land at Workshop, 18A Valley Road, Peacehaven BN10 8AE	Change of use from car repairs (B2 Use Class) to mixed use for car repairs and residential use of a static caravan	DISMISSED & UPHOLD ENFORCEMENT 16 April 2021 Delegated Refusal And Enforcement Notice
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 – Is site suitable for residential location? Countryside location. Effect, (disturbance) of car repairs on living condition of occupiers of a caravan
- Site in countryside outside settlement of Peacehaven. Between urban edge of Peacehaven and boundary of South Downs National Park. Importance of the “valley area as a rural character and contributor to SDNP... and as a buffer to the urban area of Peacehaven”. So, site not a “suitable location” for residential.

21/22 – 02 Planning Application No	Site	Description of Development	Decision
LW/20/0372 APP/P1425/W/20/ 3271601	Brickyard Farm, Green Lane, Ringmer BN8 5AD	Restoration of old clay pits to reclaim a parcel of land to be put back into agricultural use – and whether this can be done under permitted development rights (Class A, Part 6, Schedule 2 of General Permitted Development Order)	DISMISSED 27 April 2021 Delegated decision – Not Permitted Development
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 and Conclusion - The proposed restoration of old clay pits would not be carried out on agricultural land comprised in an agricultural unit, and so would not fall within the definitional scope of Class A of Part 6 to Schedule 2 of the GPDO. The land was not solely agricultural land as defined by the PD limitations.

21/22 - 03 Planning Application No	Site	Description of Development	Decision
LW/20/0377 APP/P145/W/20 3262362	The Briars, 93 Firle Road Seaford BN25 2JA	New 3 bed dwelling, with garden and parking areas	DISMISSED 6 May 2021 Delegated decision
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 area (Area of Established Character) and host property
- 93 Firle fronts onto Firle Road, but its long rear garden fronts onto Royal Drive. Proposal looks to use the end of the long garden and create a new home onto Royal Drive. Inspector refers to importance of LP part 2 DM25 and Seaford NP SEA5 seeking to ensure “sympathetic developments, responding to their surroundings”, (landscape design, height, scale, proportions, roofscape, boundary treatments).
- Inspector recognised importance of need to make “efficient use of land” however, not at the cost of good quality character and policies designed to protect good character. Inspector noted that under PD development could be built in rear garden, but, concluded that this would be smaller and ancillary to main house. In the balance between need for houses and character/appearance, the Inspector found in favour of character/appearance.

21/22 – 04 Planning Application No	Site	Description of Development	Decision
LW/0242 APP/P1425/W/20/ 3271609	80-82 South Coast Road, Peacehaven BN10 8SJ	Demolitions of public house and erection of block of flats, (18 flats), office space and parking	DISMISSED 10 May 2021 Delegated decision
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 – a previous scheme for 17 flats approved on appeal in 2020. This then was a “fallback” opportunity. Inspector, on the proposed “18 unit” scheme considered a) neighbouring amenity; b) access and car parking
- On neighbouring amenity, (CP11 and DM25), the scheme failed. On highway safety and levels of car parking, the scheme passed. Appeal dismissed.

21/22 – 05 Planning Application No	Site	Description of Development	Decision
LW/20/0604 APP/P1425/W/20 3266081	64 Rodmell Ave, Saltdean BN2 8PG	Extension and alterations, including remodelling of roof, all to an existing dwelling	DISMISSED 6 th May 2021 Delegated decision
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 – impact on character and appearance of the area, and impact on neighbour amenity (privacy). LP Part 2 DM25 Design and DM 28 Extensions. Policies aim to ensure character and appearance of host and neighbour buildings are respected and no unacceptable harm to amenity.
- The Inspector found in favour of appellant on “character and appearance” but against on “neighbourhood amenity”. So, Dismissed. (Inspector would have liked to have found a “split decision”, but the offending terrace integral to whole scheme – and so refusal of all).

21/22 – 06 Planning Application No	Site	Description of Development	Decision
LW/20/0452 APP/P1425/W/20 3263505	Land at the front of 5 Greenhill Way, Peacehaven BN10 7UL	New 2 bed bungalow (at the front of an existing home)	ALLOWED 21 June 2021 Delegated decision
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 – Suitable location for housing, having regard to character and appearance and travel requirements. Valley area of Peacehaven. SDNP 300m away. In the countryside, but is it “isolated”?
- Overall the Inspector felt the proposed scheme would not be isolated and would be similar in character to the “valley area”, (i.e. well screened by trees and no impact on the neighbouring “open countryside of the Valley area...and would not unduly interfere with the transition to SDNP and AONB”. Inspector found the scheme “not fully in accordance with DM1, yet would conserve the intrinsic qualities of the Valley area”. (Saved Policy PT20 Lewes Local Plan 2003).
- Inspector acknowledged Lewes “did have” a 5yls at this point, but explained that, “a single dwelling would in any case be only a modest benefit in this respect”. (Worth noting for “character and appearance” appeals once Lewes no longer had a 5yls – this argument of “little contribution”, continued to be made on very small housing schemes, but not on large ones).

21/22 – 07 Planning Application No	Site	Description of Development	Decision
LW/19/0496 APP/P1245/W/20/ 3271285	44 Lincoln Ave, Peacehaven BN10 7JU	Change of use of workshop/office/warehouse and van depot (sui generis) to children’s nursery school	DISMISSED 5 August 2021 Delegated decision
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 – the living conditions of nearby occupiers; whether proposal would support reducing impact of climate change and whether existing use remains economically viable
- Proposed nursery use, which, despite proposed acoustic fencing would cause noise harm from children’s play and activity levels. (Existing use properly marketed with no takers, therefore not viable and proposed nursery scheme would incorporate some anti climate changes measures, but not reason for refusal). Dismiss on amenity grounds, (ST3, CP11 and CP13)

21/22 – 08 Planning Application No	Site	Description of Development	Decision
LW/20/0210 APP/P1425/W/20 3265944	Land to north of Theobalds Road, Burgess Hill RH15 0SS	3 new detached dwellings, with garages and landscaping	DISMISSED 20 September 2021 Delegated decision
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 – suitable location for development in terms of character and appearance of the area and setting of Grade II listed building. Also issues of neighbour amenity – overlooking/privacy. By September 2021 Lewes did not have a 5yls.
- Site not in settlement boundary where Lewes policy aims to locate new housing. Previously a plant nursery, still its character is “rural”, even though in a “transition zone”. Site opposite Grade II listed building, whose character and setting must be afforded great weight, and is rural in character.
- Inspector notes that DM1 and 2 policies offer the main criteria for new housing outside boundaries – but these exception criteria not fully addressed by the applicant. Though Inspector does use March 2021 Interim Policy Statement for Housing Delivery (IPS), he prefers LP Part 2 Planning Boundaries para 4.5-4.7 as criteria for harm, (i.e. “protect character and beauty of the countryside; reduce the need to travel; focus growth in sustainable locations; function and pattern of settlements/their character; need to conserve designated areas of national landscape, ecological, geological or historic importance” – these along with DM2-DM13, plus “renewable energy and essential infrastructure), since these are part of adopted LP.
- Inspector found “tilted balance” (support for housing in a “without 5yls” situation), outweighed by heritage harm; found no neighbour amenity harm and refused on “character and appearance and heritage”. (Note the LPA withdrew objection/refusal reason on issues of “surface water drainage and sewer network capacity”).

21/22 – 09 + 10 Planning Application No	Site	Description of Development	Decision
(09) LW/18/0351 PINS – 3271620 (10) LW/20/0298 PINS - 3268428	Former Woods Fruit Farm, Goldbridge Road Newick BN8 4QP	Demolition of Oakside, (host dwelling site) and the development of 69 dwellings, along with access, car and cycle parking, refuse/recycling storage, landscaping, and infrastructure	(09) – DISMISSED (10) – DISMISSED 27 October 2021 Committee decision in both cases. Both times an officer recommendation for approval was overturned to refuse.
WR		Costs Sought No Costs Award/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Yes Deleg Refusal Non Determ.

Inspector's Reasoning

- Issues – “suitable location” for both appeals. The eastern boundary of the proposed site is located beyond the Newick settlement boundary and is therefore, in policy terms considered to be in the countryside. Part of the application site is also located in the Ashdown Forest Special Protection Area (SPA). The site is not a “valued landscape” in terms of NPPF OR THE East Sussex Landscape Character Assessment.
- The Inspector concluded that, the development proposals would...” erode and diminish the verdant character and beauty of the rural type of gap between ‘The Gables’, (a neighbouring house) and ‘Oakside’. The Inspector further explained that, “notwithstanding the appellants’ ‘LVA’ or the contiguous location adjacent to the settlement boundary, the appeal site provides a soft and important buffer space at the settlement edge between the surrounding built form and the countryside beyond”, and therefore should be protected. Both appeals dismissed. (Contrary to policies CT1 and DM1).

21/22 – 11 Planning Application No	Site	Description of Development	Decision
LW/20/0737 APP/P1425/D/21/ 3276502	10 Chene Road Peacehaven BN10 8XG	House holder application for installation of a fence and landscaping, including laying a patio, forming pergolas, and retaining walls	ALLOWED 4 November 2021 Delegated decision
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 – impact on local character and appearance. Impact on neighbour amenity from pergola and fencing. If fencing would impact on biodiversity.
- A timber fence found by the Inspector to be in character. Same with the pergola, and both would be linked to the main dwelling. Inspector found no impact of these features on neighbour amenity; he also saw there were other gaps in boundary for wildlife to gain passing access. Allowed, supported by policies CP11 and DM25.

21/22 – 12 Planning Application No	Site	Description of Development	Decision
LW/21/0357 APP/P1425/D/21 3283786	9 Carlton Road Seaford BN25 2LE	Development of a balcony	DISMISSED 24 December 2021 Delegated decision
WR		Costs Sought No Costs Award/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on neighbours' amenity/living conditions.
- Area is residential character. Detached and semi-detached homes. Proposal was to use rear flat roof as a balcony area, including opaque glazed side screen.
- The Inspector concluded unacceptable impact on neighbour living conditions, (inordinate overlooking and loss of privacy”), contrary to Policy DM25 LP Part 2 and Seaford NP SEA2.

21/22 – 13 Planning Application No	Site	Description of Development	Decision														
LW/21/0303 APP/P1425/D/21/ 3283912	21 Cliff Close Seaford BN25 1BW	Erection of 2 storey side extension; alteration to glazing and creation of an enclosed balcony	DISMISSED 30 December 2021 Committee decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Award/Not</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Award/Not		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Award/Not																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector's Reasoning

- Issues – character and appearance and illumination
- Despite permission having previously been granted for a similar scheme (LW/18/0004), that permission had lapsed, and the authority was given a second chance to consider it. This time the LPA refused, and the applicant appealed. However, despite acknowledging the likely appellant's disappointment, the Inspector agreed with the refusal.
- The Inspector concluded that the proposed very large extension (63% increase in floor space) and the enclosed balcony on an exposed site close to the SDNP would be out of character and that "light spill" from the enlarged home would be contrary to the policy of "dark skies". Dismissed, contrary to DM20, 25 and 28.

21/22 – 14 Planning Application No	Site	Description of Development	Decision
LW/21/0093 APP/P1425/D/21 3273632	82 Hurdis Road, Seaford BN25 2TQ	Proposed Prior Approval/Permitted Development Right: 1 st floor extension with pitched roof over; 2 windows in north-west elevation and 1 window in south-west elevation	DISMISSED 27 January 2022 Delegated decision
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 – impact on neighbour amenity and satisfactory external appearance of the changes to design of the house. Site is a detached bungalow, in a row of bungalows. The construction of an additional storey would create a house.
- On neighbour amenity, the Inspector found harm. On design, the Inspector found there to be support for “upward extensions” and did not agree a “house would be unsympathetic and incongruous”.
- Dismissed on neighbour amenity matters alone.

21/22 – 15 Planning Application No	Site	Description of Development	Decision
LW/20/0642 APP/P1425/W/21/ 3273883	Land at Coldharbour Lane, North Chailey, Lewes BN8 4HJ	Outline application for the development of 18 affordable dwellings, access, parking, and landscaping. (Layout and access details to be considered with the remaining matters as outline)>	DISMISSED 4 February 2022 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Non Determ. Yes

Inspector's Reasoning

- Issues – suitable ground conditions; affordable housing (entry level); character and appearance in relation to North Chailey/Newick, including close to but outside settlement boundaries; highway design and access; surface water drainage.
- On “ground conditions”, the Inspector found the applicant provided insufficient contamination and mitigation information.
- On “affordable housing”, the Inspector found the proposal was for affordable housing which is a development that could be accepted in the countryside, however, because it was not otherwise in a “sustainable location” (i.e. not in easy distance to communal facilities), the Inspector did not accept the location as suitable.
- On “character and appearance” the Inspector found the site’s “green gap” between North Chailey and Newick too important and so found against in terms LPP2 DM1 and LPP1 CP10.
- On Highways and access, lack of a Road Safety Audit and poor layout details contributed to the Inspector failing this matter.
- On “surface water drainage”, given the slope of the site and no applicant “on – site infiltration testing or ground water monitoring”, the Inspector could not be sure of an operable surface water strategy

21/22 – 16 Planning Application No	Site	Description of Development	Decision
LW/20/0819 APP/P1425/W/21 3278635	340 South Coast Road Peacehaven BN10 7EW	Extensions to 2 existing ground floor flats and a first floor to provide a further 2 flats	DISMISSED 4 February 2022 Delegated decision
WR		Costs Sought No Costs Award/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on the character and appearance of the area; neighbour amenity and living conditions of future residents. Existing building is a 2-storey building with a single storey rear addition. Existing building contains 7 flats, proposed to go to 9 self-contained flats.
- “Neighbour Amenity” – Inspector did not support Council, who argued “overlooking, overshadowing and overbearing”.
- “Future residents living conditions” – Inspector found no harm.
- “Character and appearance” – Inspector did not find “overdevelopment”. But Inspector found against a proposed “external staircase” on design grounds (LP part 2 DM25 and DM28), and dismissed the appeal on this basis alone.

21/22 – 17 Planning Application No	Site	Description of Development	Decision														
LW/20/0659 APP/P1425/W/21/ 3277416	Land rear of 6-12 Tarring Close, South Heighton, Newhaven BN9 0QU	Demolition of double garage and development of a new 2 bed dwelling with car and cycle parking and landscaping	DISMISSED & NO COSTS AWARDED 4 February 2021 Committee Decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>Yes</td> </tr> <tr> <td>Costs Not Awarded</td> <td>Yes</td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	Yes	Costs Not Awarded	Yes	Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td>Yes</td> </tr> <tr> <td>Deleg Refusal</td> <td></td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn	Yes	Deleg Refusal		Non Determ.	
Costs Sought	Yes																
Costs Not Awarded	Yes																
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn	Yes																
Deleg Refusal																	
Non Determ.																	

Inspector's Reasoning

- Issues – impact on neighbour amenity
- Inspector found that the proposal due south of neighbouring properties would create a shadow impact and be unacceptably overbearing. Inspector quoted LP Part 2 DM 25, design, and DM 30 backland.
- On the “Application for Costs”, the Inspector found the Council had NOT acted unreasonably. The applicant argued that the officer’s report recommended approval and the height of the development was mis represented at Cttee. The Inspector did not agree and supported Cttee’s overturn of officer report.

21/22 – 18 Planning Application No	Site	Description of Development	Decision
LW/21/0078 APP/1425/W/21/ 3281707	Land north of Brickyard Lane, (opp “Namron”), Brickyard Lane South Chailey BN8 4AD	2 bed, 2 storey cottages, (2 nd storey set within the roof/dormer) and 2 on-site parking spaces. (During appeal process, applicant changed dormer to a rooflight)	DISMISSED 31 March 2022 Delegated decision
WR		Costs Sought No Costs Award/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector’s Reasoning

- Issues – impact on character and appearance of the area; living conditions of future occupiers; and issues of sustainability and biodiversity. Site is outside settlement boundary, and so in policy terms, is in the countryside. Site is within Minerals Safeguarded Area/Chailey Brickworks.
- Inspector found the proposal would be out of character of the “local beauty of the countryside”. (This point more important than “outside settlement boundary”, and Inspector emphasised that purpose of DM1 (settlement boundary) was to protect countryside qualities).
- Living Conditions – insufficient evidence that future occupiers will not be reasonably protected from neighbouring business brickworks noise and activities
- Minerals – site would compromise the Minerals Safeguarded Area
- Biodiversity – scheme satisfied the Inspector
- Inspector agreed lack of a 5yrs was significant, but not so important as to outweigh the harmful impact on countryside, disturbance from the Brickworks and the compromising of the brickwork business. Dismissed.

22/23 – 01 & 02 Planning Application No	Site	Description of Development	Decision														
(1) LW/21/0278 PINS – 3284565 (2) LW/21/0712 PINS - 3290793	Easemore House 3 Homefield Road Seaford BN25 3DG	(1) Proposed extensions at the lower ground, ground, and 1 st floors. And demolition of existing garage and boundary wall, and then the construction of a new garage and boundary wall (2) Proposed extensions at lower ground, ground and 1 st floors, and internal 1 st floor alterations. Application for costs made against the LPA on both applications/appeals	BOTH APPEALS DISMISSED (1) PARTIAL COSTS AWARDED (2) COSTS NOT SUPPORTED 21 April 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>Yes on both</td> </tr> <tr> <td>Costs Awarded</td> <td>Partial Yes on (1) and No on (2)</td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	Yes on both	Costs Awarded	Partial Yes on (1) and No on (2)	Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	Yes on both																
Costs Awarded	Partial Yes on (1) and No on (2)																
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector's Reasoning

- Issues – character and appearance and impact on neighbouring conservation area (East Blatchington) and The Star House a grade II listed building. The site/host property is the substantial detached Easemore House (Edwardian villa), set in spacious grounds, which can be seen from Homefield Road.

(1) LW/21/0278

- The Inspector found the proposed extension near Homefield Road, would be, "a disproportionate addition relative to the host dwelling and its scale and bulk would be unduly dominant in the street scene of Homefield Road....excessive scale and would not be subservient to the host building", contrary to SEA2 Seaford NP and LP Part 2 DM25 and 28

- The Inspector supported the proposed boundary wall, but did not support the proposed garage, which he concluded would harm the setting of the neighbouring listed building, (“The Star House”), contrary to DM33.
- Application for Costs: supported by the Inspector because an element of the planning and design assessment was incorrect, (incorrect understanding of height of a boundary wall). LDC paid £1000.

(2) LW/21/0712

- The Inspector continued to find the proposed extension near Homefield Road unacceptable, including additionally proposed “turrets”. The Inspector concluded the turrets were “excessive in scale and overly assertive” and would impact on neighbour amenity/living conditions. Overall, would harm the streetscene.
- Application for Costs: not supported.

22/23 – 03 Planning Application No	Site	Description of Development	Decision														
LW/14/0703 APP/P1425/C/21/ 3277579	128 and 130 Court Farm Road, Newhaven	Appeal against an Enforcement Notice...” without planning permission, erection of a fence and gate” and “these should be removed”	DISMISSED 27 April 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector’s Reasoning

- Inspector supported the enforcement notice.
- On Ground (e) – The Inspector found the enforcement notice had been correctly serviced
- On Ground (f) – The Inspector found it reasonable for the LPA to require fence and gate to be removed. (Inspector advised appellant that he should have appealed on Ground (a), then he could argue that the “fence and gate should be granted permission”)
- On Ground (g) – The Inspector did not agree with the appellant that “compliance time should be extended to 2 years, which would be the equivalent to a temporary permission”.

22/23 – 04 Planning Application No	Site	Description of Development	Decision														
LW/21/0515 APP/P1425/D/21/ 32866080	14 The Green Newick BN8 4LB	Conversion of outbuilding to ancillary accommodation	DISMISSED 29 April 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector’s Reasoning

- Issues – impact on character and appearance of the conservation area setting (The Green CA) and neighbour listed buildings.
- The proposal would be as follows...” The footprint of the outbuilding and its ridge and eaves heights would not change. The proposal would include a windowless tile hung gabled dormer in the south - east roof slope and 2 gabled dormer windows in the north - west roof slope, which would be as tall as its ridge and nearly as deep as its eaves, as well as a tall flue, and a tall first floor glazed opening and Juliette balcony in its gable end”.
- The Inspector found the proposal would “not be subservient to the existing outbuilding...look built up and cluttered...harm character and appearance of setting of neighbour listed buildings”. Inspector felt there would be harm contrary to LP Part 1 CP11. Part 2 DM25 and 29 and New NP EN1.

22/23 – 05 Planning Application No	Site	Description of Development	Decision														
LW/20/0567 APP/P1425/W/22/ 3291162	90 Brighton Road, Newhaven BN9 9NS	New single storey detached dwelling, (with rooms in the roof), on land to the rear of the site, (backland garden site).	DISMISSED 29 April 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector’s Reasoning

- Issues – impact on character and appearance of the area. The proposal is for an additional chalet type dwelling in a long back garden with parking for the new dwelling on to Evelyn Ave and parking for the host homes (90 Brighton Road) on the front, removing its front garden.
- LP Part 2 DM30 Backland development has 3 tests:
 - a) Safe access and parking, causing no unacceptable disturbance, (noise, light or other)
 - b) Not overbearing in design and no loss of privacy to neighbour homes/gardens
 - c) No loss of landscaping, (trees and shrubs) which contribute to the character and appearance of the locality or biodiversity
- The Inspector considered that the scheme met all 3 tests in DM30, but did not meet good design polices of LP Part 2 DM25 and Newhaven NP D1, which both sought...“no harm to character and appearance to surrounding area”. The Inspector identified that the scheme would be “incongruous”, because of its bulk compared to other neighbour end of garden sheds and because the prevailing neighbour home design was “2 storey”, not chalet style. Dismissed.

22/23 – 06 Planning Application No	Site	Description of Development	Decision														
LW/19/0656 APP/P1425/W/22/ 3290196	6 Steyne Road, Seaford BN25 1HA	Development of block of 14 flats. Ground floor car parking. 1 st to 3 rd floors residential. (Amended to 13 flats – no 4 th floor)	APPEAL DISMISSED APPLICATION FOR COSTS NOT SUPPORTED 29 April 2022 Committee Decision (overturn)														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>Yes</td> </tr> <tr> <td>Costs Awarded</td> <td>No</td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	Yes	Costs Awarded	No	Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td>Yes</td> </tr> <tr> <td>Deleg Refusal</td> <td></td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn	Yes	Deleg Refusal		Non Determ.	
Costs Sought	Yes																
Costs Awarded	No																
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn	Yes																
Deleg Refusal																	
Non Determ.																	

Inspector's Reasoning

- Issue – impact on the character and appearance of surrounding area, and on nearby Seaford TC Conservation Area and listed buildings.
- The Inspector agreed with the Committee overturn to refuse and considered the scheme to be “unacceptably overbearing and bulky”. No garden spaces. The scheme would “intrude into” streetscene views, and be unacceptably dominant and obtrusive in the sinuous Steyne Road setting...and would detract from nerby listed buildings”. So contrary to LP Part 2 DM25, (design) and DM33 (impact on heritage assets), and Seaford NP SEA3 and Design Guideline SF01. The Inspector recognised Lewes’s lack of a 5yls, but design matters more important. (The appellant, whilst accepting the need for a Traffic Order and legal agreement for affordable housing, should the appeal be allowed – nevertheless did not provide these to the Inspector).
- Application for Costs – The applicant applied since the officer originally recommended the scheme to Planning Committee. But the Inspector noted the “decision making” Cttee, carefully considered the officer’s report, the scheme, and representations, came to a different view and justified this view with sound reasons for refusal. Costs not supported.

22/23 - 07 Planning Application No	Site	Description of Development	Decision														
LW/21/0097 APP/P145/D/21/ 3280058	89 Ambleside Ave Peacehaven BN10 7LE	35.47-meter length fence around part of garden at height of 6 ft, of a bungalow.	DISMISSED 21 June 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector’s Reasoning

- Issues – impact on street scene, Ambleside Ave.
- The property and its neighbours sit in an open, green, and generous street scene, with incidental public and decorative open space. The proposed fence/wall would compromise the street and appear incongruous and intrusive. Dismissed, contrary to LP Part 2 DM25 (design) and NPPF which aims to “achieve well designed places...sympathetic to the local character”.

22/23 - 08 Planning Application No	Site	Description of Development	Decision
LW/21/0703 APP/P145/D/21/ 3289715	53D Sutton Drove Seaford BN25 3NQ	Wooden shed/outbuilding to use as home office to the front of the property, (in a secluded location). Tree Survey on nearby TPO advises “screw pile foundations” which will not harm trees.	DISMISSED 21 June 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non-Determination.

Inspector's Reasoning

- Issues – impact on character and appearance of local area
- Lewes Council did not raise concerns about trees/TPO, (subject to conditions), however, the Inspector concluded the scheme would harm the openness of the front garden to the detriment of the “sense of place”. Such a building would be more typical in a rear garden. Inspector found the proposal contrary to LP Part 2 DM 25 and DM29 and Seaford NP SE2.

22/23 - 09 Planning Application No	Site	Description of Development	Decision														
LW/21/0344 APP/P145/W/21/ 3282572	11A Nutley Ave Saltdean BN2 8ED	Demolition of garage and development of a new 2 storey, 2 bed detached house	DISMISSED 27 June 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector’s Reasoning

- Issues – impact on character and appearance of local area.
- The scheme site is narrow and whilst the proposal would meet space standards, it would appear to the Inspector, “small and cramped...and quirky” which would “jar with the street scene”. Dismissed, contrary to LP Part 2 DM25 and NPPF S12 on “well designed places”.

22/23 - 10 Planning Application No	Site	Description of Development	Decision
ENFORCEMENT NOTICE APP/P145/C/21/ 3276829	3 Sherwood Road Seaford BN25 3EH	Enforcement Notice alleging development with permission. Erection of outbuilding. Notice requires removal along with all debris. Compliance to be within 3 months	ALLOWED 13 July 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on character and appearance of the area and living conditions of current and future occupiers of 3 Sherwood, particularly with regard to adequacy of external amenity space.
- The local area comprises a mixture of one and two storey homes, detached and semi-detached on relatively generous plots. The appeal site has had permission for redevelopment into 3 flats and has been let accordingly. LP Part 2 DM 29 allows, subject to good design, outbuildings to be developed ancillary to the host building. The unapproved outbuilding covers 50.4% of the garden. It is considered domestic in appearance by the Inspector, who finds the building acceptable in terms of character and appearance. Inspector quashes the Enforcement Notice and grants permission.

22/23 - 11 Planning Application No	Site	Description of Development	Decision														
LW/21/0966 APP/P145/D/22/ 3296294	25 Marine Drive Bishopstone BN25 2RT	Remodelling of dwelling. Rear extension over 2 floors, under an extended roof with enclosed balcony in a rear gable at 1 st floor and dormer windows. Changes to the windows and doors in all elevations	ALLOWED 24 August 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector's Reasoning

- Issues – character and appearance and living conditions of neighbours. Appeal property is a chalet bungalow in a residential area, surrounded by a mix of bungalows and chalet bungalows. Dormer windows are common in the area.
- Character and appearance - Inspector did not agree with Town Council, which argued the proposal “would change a chalet bungalow into a 2-storey house”. Inspector thought the proposal would respect pattern of development in the area, in terms of height, scale, massing and proportions, all supported by DM25 and DM28 as well as Seaford NP Section 12.
- Living conditions – LDC reason for refusal indicates “harm to neighbour amenity”, but not addressed in officer’s report. In any case Inspector could see not harm to neighbour amenity and allowed the appeal and granted permission with conditions

22/23 - 12 Planning Application No	Site	Description of Development	Decision														
LW/21/0774 APP/P145/D/22/ 3295941	83 Strafford Road BN25 1UA	Balcony with privacy screen above existing rear extension, with access from upstairs kitchen	DISMISSED 24 August 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector's Reasoning

- Issues – living conditions of neighbours, in particular privacy and effect on outlook.
- Semi-detached property in residential area. Site is steeply sloping affording good long views at the rear. The main living accommodation at upper level and bedrooms on the lower level. The appellant wanted to make the most of good views from the living room. However, the Inspector concluded:

“that the balcony with the proposed privacy screens as submitted would result in material harm to the living conditions of the immediate neighbours, with particular regard to overlooking and loss of privacy. This would conflict with Policy DM25 of the Lewes District Local Plan and the National Planning Policy Framework, and in particular paragraph 103 f) which seeks to protect the amenities of existing and future occupants.”
- Character and appearance – notwithstanding the Inspector's dismissal, the design and impact of “privacy screens” on balconies was discussed. The Inspector found that they would not be oppressive – an interesting comment and design issue for Lewes DC to consider.

22/23 - 13 Planning Application No	Site	Description of Development	Decision														
LW/21/0969 APP/P145/Z/22/ 3299964	East Brighton Masonic Centre, Seaview Road, Peacehaven BN10 8PX	Advertisement – internally illuminated	DISMISSED 24 August 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector's Reasoning

- Issues – visual amenity of the local area
- The Inspector found that an illuminated sign was not appropriate in a mainly residential area and disagreed with the Appellant the illuminated sign would be like streetlights

22/23 -14 Planning Application No	Site	Description of Development	Decision														
LW/21/0705 APP/P145/W/22/ 3290795	3 Homefield Road, Seaford BN25 3DG	Householder permission granted, but with a restriction on any further permitted development	ALLOWED 25 August 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector's Reasoning

- Issues – whether as part of granting a householder permission, (works to lower ground and ground floor, and 1st floor extension and alterations), it was reasonable for the LPA to restrict further permitted development. Impact on character and appearance of the local area.
- The Inspector noted that “planning conditions should be kept to a minimum”. Conditions should be “necessary; relevant; enforceable; precise and reasonable”, and in general should not be used to restrict national permitted development rights, without very good planning reasons.
- Having reviewed the existing site and buildings, the Inspector saw no reason to restrict further permitted development, which itself only allows limited additions and improvements.

22/23 -15 Planning Application No	Site	Description of Development	Decision														
LW/22/0051 APP/P145/W/22/ 3296233	Widmore, Chyngton Lane North, Seaford BN25 3UU	Demolish existing dwelling and build 2 detached 3bed chalet bungalows with parking	ALLOWED 1 September 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn																	
Deleg Refusal	Yes																
Non Determ.																	

Inspector's Reasoning

- Issues – character and appearance and living conditions of neighbours, and in particular outlook and loss of privacy.
- Existing property is a detached bungalow in a residential area, with mix plot sizes. The LPA was concerned about the narrowness of the plots.
- The Inspector explained that the proposed 2 new homes would not be out of place and would not “clutter” the street scene. The Inspector also found not substantial adverse amenity impact on neighbours, despite the new proposal bring development closer. Appeal allowed, supported by NPPF Section 12, DM25 and Seaford NP SEA2.

22/23 -16 Planning Application No	Site	Description of Development	Decision														
LW/21/0754 APP/P145/W/22/ 3299370	Land at South Road, Wivelsfield Green RH17 7QR	Outline application for 45 homes (40% affordable), open space, new woodland, and new means of access	ALLOWED COSTS NOT SUPPORTED 22 September 2022 Delegated decision														
PI		<table border="0"> <tr> <td>Costs Sought</td> <td>Yes</td> </tr> <tr> <td>Costs Awarded</td> <td>No</td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	Yes	Costs Awarded	No	Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td>Yes</td> </tr> <tr> <td>Deleg Refusal</td> <td></td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn	Yes	Deleg Refusal		Non Determ.	
Costs Sought	Yes																
Costs Awarded	No																
Council Spend	Normal staff costs																
Cttee Refusal																	
Cttee Overturn	Yes																
Deleg Refusal																	
Non Determ.																	

Inspector's Reasoning

- Issues – spatial strategy of the Lewes development plan; the landscape character and appearance of the area and housing land supply.
- The appeal site, (at the southern edge of Wivelsfield Green settlement) is outside the settlement boundary but considered contiguous. It is not allocated for development. The NP allocates sites for some 34 dwellings inside the boundary.
- The Inspector recognised the quality countryside character of the site, (Low Weald valued landscape – grassland, field hedges, hedgerow trees and blocks of woodland). Inspector concluded that the “development would cause harm to the landscape character”, with only some amelioration due to containment of the scheme and scheme landscaping.
- On housing land supply, the Inspector found the 2.73 years supply very significant. The Inspector noted that the Planning Cttee overturned an officer recommendation to approve and that the officer carried out a scheme assessment against the “Lewes Interim Housing Policy Statement” and had found compliance – but still the Planning Cttee refused the scheme. The Inspector supported the officer’s positive assessment, but only gave the “Statement little weight” because it was not formal policy.
- In the planning balance, despite being concerned about landscape harm and the scheme’s conflict with the spatial strategy - the Inspector noted the benefits of the scheme, (affordable housing; economic development; BNG; new open space) and fundamentally found for the need for new homes, because of Lewes’s lack of housing land supply.
- Costs application not supported. Inspector felt Planning Cttee argued for refusal in a reasonable way.

22/23 -17 Planning Application No	Site	Description of Development	Decision
LW/21/0912 APP/P145/D/22/ 3301115	86 Fort Road. Newhaven, BN9 9EJ	Erection of garage with storage above	ALLOWED 29 September 2022 Delegated decision
WR		Costs Sought No Costs Awarded 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 living conditions of neighbours.
- Site is a semi-detached home in a residential street, with an established character of a variety of houses. Despite the proposal “stepping forward” to some extent of the front building line, the Inspector found it did not compete with the host home and could not be considered an intrusion into the street scene. “The planned scheme would not jar with the eye”. Reference to DM25 and DM29. Appeal allowed.

22/23 -18 Planning Application No	Site	Description of Development	Decision														
LW/22/0068 APP/P145/D/22/ 3302855	65 Bevendean Avenue, Salt Dean BN2 8PF	Two gable end side extensions, with raised pitch height, front and rear dormers, garage conversion and widening of the driveway	DISMISSED 12 October 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
Costs Sought	No																
Costs Awarded																	
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 property is detached bungalow, hipped roof, small front dormer, and integral garage. Street contains primarily, (but not exclusively) single storey homes.
- The Inspector's main concern was the raising of the height of the roof, (ridge height) and introduction of gables. This all amounted to "excessive bulky appearance". Also, of concern was the new front dormer, (but not the proposed rear dormer). Overall – "incongruous in appearance", in conflict with DM25 and DM28. (Conversion of garage, not an issue for the Inspector).

22/23 -19 Planning Application No	Site	Description of Development	Decision
LW/21/0996 APP/P145/W/22/ 3296130	Site Adj to Bernisdale, Haywards Heath Road, North Chailey BN8 4DP	New 2 storey detached 4 bed dwelling, separate garage, with one bed annexe over the garage	DISMISSED 18 th November 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – suitable location for new homes in terms of access to local facilities and the character and appearance of the local area and impact on the rural landscape.
- Site is located very close to Chailey Common Site of Special Scientific Interest (SSSI) and a local nature reserve. (A screening direction by SoS directed that an EIA was not required). Site is outside North Chailey village, within a loose knit ribbon of housing extending along A272, west of the village. Site sits between two detached cottages.
- The Inspector refers to DM1 planning boundaries policy. Inspector found services and facilities far away, buses infrequent, pavement for walking narrow and not convenient and cycling would not be easy. Note this test by the Inspector rather than a simple noting that the proposal was “outside village boundary”. Inspector found that whilst the proposal itself would not be isolated, it would be detached from nearest settlement
- Inspector found the scheme would conflict with NPPF para 79, (failure to support vitality of rural communities) and LP Part 2 DM1. Inspector also found the scheme would conflict with important “landscape gaps” along A272, contrary to LP Part 1 CP2, CP10, CP11 and LP Part 2 DM1 and DM25

22/23 -20 Planning Application No	Site	Description of Development	Decision
LW/21/0937 APP/P145/W/22/ 3298993	Land at Broyle Gate Farm, Lewes Road, Ringmer BN8 5NA	100 new homes (40% affordable), community and sports facilities and public open space. Outline application with only access in detail,	ALLOWED 21 November 2022 Delegated decision
PI		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Non Determ. Yes

Inspector's Reasoning

- Issues – spatial strategy (correct location); impact on character, landscape and appearance of local area, (in particular the landscape gap between Ringmer and Broyle) and the South Down National Park (SDNP); impact on Grade II listed buildings and acceptability of sports facilities in this location.
- **Spatial Strategy:** Site located outside planning boundary but “immediately adjacent”. Ringmer defined as a “Rural Service Centre”, quite high up in settlement ranking – implying its allocation for more than minimal growth
- **Landscape, character, and appearance:** Site is open landscape/countryside gap between Ringmer and Broyle. Inspector notes “no specific gap policy in the development plan”. Scheme in Inspector’s opinion likely to result in “moderate adverse landscape impact”, and lead to an “erosion of sense of separation” between Ringmer and Broyle.
- **Heritage and Sports:** Inspector found only “modest harm” to heritage assets. In terms of “sports, the Inspector found significant positive weight.

- **Highways/access:** Inspector found that Parish Council suggestion that the scheme would generate an additional 200 cars unrealistic. Inspector found that Earwig Roundabout and local network would not be adversely affected.
- **Flood risk, drainage and sewerage:** Inspector found that the scheme could ensure built development only in Flood Zone 1 (low flood risk) and that flood management (deculverting works; SUDs and greenfield runoff rates), were possible and agreed with the Local Lead Flood Authority. Whilst the Inquiry agreed there was “currently inadequate foul sewerage capacity”, the Inspector agreed Southern Water had “a duty to provide capacity within 24 months of a permission”, and saw no reason why this could not be done. The Inspector noted Ringmer PC evidence of “untreated sewerage released from WWTW into Glynde Reach – not disputed by appellant”, but indicated SW responsibility for managing this stood, (supported by normal planning conditions)
- **Education and biodiversity:** Neutral impact.
- **Planning balance:** Interim Policy Statement for Housing Delivery – little weight. Benefits of the scheme – housing and 40% affordable, (5yrs short fall considered “substantial” by Inspector); sports facilities; job creation and economic development; biodiversity net gain (BNG), but community landscaping limited weight.

Inspector concluded that DM1 “planning boundaries” was “acting as a barrier against housing provision” in a situation where the District needed many more homes – so the scheme conflict with DW1 given little weight.

Inspector acknowledged harm to local landscape, (the gap) and “minor harm to setting o views of SDNP and he concluded that overall, the proposal would conflict with Lewes development plan “taken as a whole”. But despite this, when weighed against the benefits and the substantial need for more homes in locations in/close, (contiguous) to existing settlements and the substantial failure of Lewes to provide a 5yrs – the appeal was allowed, and planning permission granted.

22/23 -21 Planning Application No	Site	Description of Development	Decision
LW/21/0262 APP/P145/W/22/ 3300691	Land at Nolands Farm, Plumpton Green	Development of up to 86 dwellings (40% affordable), access, infrastructure, open space, biodiversity net gain and landscaping	ALLOWED APPLICATION FOR COSTS PARTIALLY SUPPORTED 2 nd December 2022 Committee decision
PI		Costs Sought Yes Costs Awarded Council Spend Normal staff costs	Cttee Refusal Yes Cttee Overturn Deleg Refusal Non Determ.

Inspector's Reasoning

- Issues – character and appearance of area and surrounding countryside; suitable location for development and overall planning balance
- Character and Appearance: Site located on eastern edge of settlement, Plumpton Green. Outside planning boundary. Sits in valued Low Weald landscape, though not designated. Clear views of SDNP. Site has low/medium capacity to change in landscape terms. Proposal would mean a loss of typical small fields on village edge. (County landscape officer supports, with reservations, scheme for 86, having objected to scheme of 45 – Inspector finds this not consistent). Inspector finds scheme in conflict with CP10 and DM25.
- Housing Land Supply: Common ground that Lewes cannot demonstrate 5yrs, meaning, effectively LP out of date and a strong presumption in favour of sustainable development.
- Other Important Matters: Inspector note accessibility not good for GP, employment, and retail, probably requiring access by car, but that this would also be the case for other parts of village, inside the settlement boundary. The Inspector notes that “There are

localised flooding issues relating to foul water. However, these appear to be the result of blockages in the existing sewer system from poor quality pipe materials. Southern Water is aware and is aiming to replace the pipes as part of a separate process”

- Conclusion: Overall, adverse impacts of the development carry up to significant weight in terms of impact on character and landscape. However, the benefits of the scheme, and particularly new housing, (given Lewes’s lack of supply), outweigh the negative impacts and the appeal is allowed and granted permission
- Application for Costs: Because of the late submission of evidence on “affordable housing supply” by the Council, the Inspector agreed a “partial award of costs”. LDC paid £2,875.

22/23 -22 + 23 Planning Application No	Site	Description of Development	Decision
(22) LW/21/0660 3288519 (23) LW/21/0967 3299056	83-89 (Odds) Sutton Road, Seaford BN25 4QH	(22) redevelopment for 37 retirement homes, communal facilities, access, and parking. (23) redevelopment for 36 retirement homes communal facilities, access, and parking.	(22) DISMISSED (23) ALLOWED 12 th December 2022 Non-Determination – Delegated Statement
H		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Non Determ. Yes

Inspector's Reasoning

- Issues – character and appearance of the local area; living conditions of neighbours, particularly 81 Sutton Road and adequate refuse collection.
- Site has 4 Edwardian villas and generous front and back gardens, with a mixture of garage and front parking. Proposal is to demolish all 4 homes and build a single residential 2/3 storey (including roof) block, with a 3-storey projection into the joined rear gardens. (22) for 37 flats and a more severe design at the front and (23) for 36 flats and a more articulated design at the front with setbacks and more dormers and small gables. Inspector felt (23) “appeared as a 2-storey scheme”. Both schemes would have open car parking at the front. Inspector found both schemes would be in conflict with CP11, DM25 and SEA2 Seaford NP, but that the harm of (23) would be....” limited and localised”.
- Inspector found no harm to amenity of No 81 or to surrounding residents. On refuse collection Inspector found no design and access problems.
- Planning Balance: The Inspector found significant concern in Lewes's lack of a 5yrs and therefore supported scheme (23) that had limited design harm.

22/23 -24 Planning Application No	Site	Description of Development	Decision
LW/21/0700 APP/P145/W/22/ 3300813	Land at The Telephone Exchange, Goldbridge Road, Newick BN8 4QP	Development of 36 dwellings, (40% affordable), access, landscaping, and infrastructure,	ALLOWED 14 December 2022 Delegated decision
H		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Yes Deleg Refusal Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area and effect on integrity of European site of significance
- Site is inside designated planning boundary of Newick settlement within the Lewes Local Plan and is also designated for housing development in Newick Neighbourhood Plan. Before the appeal scheme, the site had outline permission for 30 homes. The site sits within the 7km zone of influence of the Ashdown Forest SPA and SAC.
- The 36 homes appeal scheme was recommended for approval by an officer report but overturned to a refusal by Planning Committee who felt a lower density would be more appropriate in what was considered to be a transition zone between the village and countryside. The appeal scheme density is 30.9 dwellings per hectare, slightly above LP Part 1 CP2 guidance for villages of 20-30 d/ha.
- The Inspector however concludes that notwithstanding the above Planning Committee thinking, the site to the east (Woods Fruit Farm) is in any case allocated for some housing which would make the Telephone Exchange site not on the edge of the village

and therefore suitable for a higher density – supported by Lewes policies CP2 and CP11 (LP Part 1), DM25 (LP Part 2) and Newick NP.

- The Inspector agrees that the scheme's support and funding for a Suitable Alternative Natural Greenspace (SANG) would be appropriate mitigation for the development of homes within the Ashdown Forest zone, supported by policies CP10 and DM24. Appeal allowed and permission granted.