



Appeal Decision

Inquiry held on 11, 13 and 14 October and 10-11 November 2022

Site visit made on 12 October 2022

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 December 2022

Appeal Ref: APP/P1425/W/22/3300691

Land at Nolands Farm, Plumpton Green

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Will Adams of Fairfax Acquisitions Ltd against the decision of Lewes District Council.
 - The application Ref LW/21/0262, dated 6 April 2021, was refused by notice dated 9 December 2021.
 - The development proposed was originally described on the application form as demolition of 2 No. existing dwellings and outbuildings and the erection of up to 89 No. residential dwellings, including 40% affordable housing, village business hub, provision of pedestrian and vehicular access, open space, associated infrastructure and landscaping at Nolands Farm, Plumpton Green, all matters reserved except access.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of 2 No. existing dwellings, erection of up to 86 No. new dwellings including 40% affordable housing, provision of pedestrian and vehicular access, open space, associated infrastructure and landscaping, with all matters reserved except access at Land at Nolands Farm, Plumpton Green, in accordance with the terms of the application Ref LW/21/0262, dated 6 April 2021, subject to the 25 conditions set out in the attached schedule.

Application for costs

2. At the Inquiry, an application for costs was made by Fairfax Acquisitions Ltd against Lewes District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was made in outline with all matters reserved except for access. Approval is only sought at this stage for the access point onto Station Road, the details of which are shown on a specific plan (ref SK21614-10 Rev B). All other matters relating to access, including internal circulation, would be determined at the reserved matters stage. I have had regard to the indicative site layout plan (ref 1924/PL.04 Rev P), the indicative developable areas plan (ref 1924/PL.03) and the indicative density plan (ref 1924/PL.05) but consider that all the details shown are illustrative only, apart from the access point.
4. The description of development was amended during the application process to reduce the number of dwellings from 89 to 86 and to remove reference to the village business hub. I have assessed this appeal on the basis of the amended

description. The description of development in the formal decision above is derived from the Council's decision notice and the appeal form.

5. The original site location plan (ref 1924/PL.01) shows an area of land outlined in blue to the south of the red line appeal site. The blue line area is intended to deliver a significant part of the biodiversity net gain associated with the proposed development. An amended site location plan (ref 1924/BNG.01 Rev H) was submitted during the appeal as the blue line area had been amended in terms of its location but not its overall size. As this amendment did not affect the appeal site itself, I have accepted the amended plan and referred to it in my decision as necessary.
6. A completed and executed Section 106 agreement (S106) dated 11 November 2022 was submitted before the Inquiry closed. This is assessed below. The Inquiry closed in writing on 22 November 2022 following receipt of comments from the appellant and Council regarding affordable housing supply and the completion of the costs application process.

Main Issues

7. The main issues are as follows:
 - a) the effect of the proposed development on the character and appearance of the area including the surrounding countryside; and
 - b) the overall planning balance having regard to the development plan and national planning policy.

Reasons

Character and appearance

The existing context

8. The appeal site is located on the eastern edge of Plumpton Green. In landscape character terms, the site and the village are situated within the Low Weald at both the national and county level. This is a low lying and gently undulating landscape associated with pastoral farming. The East Sussex County Landscape Assessment notes a number of key characteristics in the Western Low Weald Landscape Character Area. These include an unspoilt and distinctive rural character, small and irregular fields with hedgerow boundaries, frequent wide views of the South Downs escarpment, and a pattern of north-south orientated route ways.
9. Plumpton Green is situated on the north-south and principal route of Station Road. There are also a number of east-west orientated side roads including country lanes such as North Barnes Lane and modern residential cul-de-sacs like East View Fields and most recently at Oakfield Lane. Sun Close is a small cul-de-sac to the north of North Barnes Lane immediately next to the site with prominent brick, tile and timber clad properties. The village is surrounded by countryside and a patchwork of fields with trees and hedgerow boundaries. There are clear views south from the village of the escarpment and ridgeline that form a key feature of the South Downs National Park (SDNP).
10. The site contains two properties (Chestnut House and Saxon Gate) on its frontage with Station Road that would be demolished to make way for the proposed access. The remainder of the site comprises three small fields

separated by hedgerows, along with a small area of woodland in the south-west corner and part of a domestic garden to the rear of Saxon Gate. The site is bounded by Station Road to the west and North Barnes Lane to the south, with Oakfield Lane to the north and open countryside to the east. Views of the site from Station Road are limited to the frontage properties.

11. The northern two fields are enclosed by boundary planting which reduces the extent of views of the surrounding area and properties. In contrast, from the southern field adjacent to North Barnes Lane there are views of the South Downs escarpment to the south and properties at Sun Close to the west. The fields to the south and east of the site are larger and more open, allowing wider views across the countryside from North Barnes Lane. Hedgerows along North Barnes Lane restrict views into the site from this public right of way until the south-east corner where there is a gap in the planting. Further east on the lane, in a south-east loop around to the village recreational ground, and from a public footpath to the north-east of the site, views of the site are similarly screened by hedgerows. The upper parts of properties at Sun Close are often apparent in these views.
12. From the South Downs ridge between Ditchling Beacon and Blackcap, there are extensive panoramic views north across the Low Weald. It is possible to see Plumpton Green within these views and to pick out the site next to the white timber boarded properties at Sun Close, although the site is a tiny part of a much larger vista. However, it demonstrates that the village and the site lie within the setting of the SDNP. From Plumpton Racecourse between Plumpton Green and the edge of the SDNP, Sun Close and the hedgerow boundary of the site are visible amongst the rooftops and planting elsewhere in the village.
13. The evidence of the Council's landscape witness defines a local landscape character area (LLCA) that coincides with the zone of theoretical visibility and incorporates all of the above views of the site apart from those from the South Downs ridge. As a consequence, it includes areas of open countryside to either side of North Barnes Lane much larger than the site itself but excludes most of the built-up area of Plumpton Green.
14. Although there is limited intervisibility between the village and the site, it is difficult to separate the two in character and appearance terms. Plumpton Green, the LLCA and the site exhibit the key characteristics of the Western Low Weald outlined above. The north-south linear form of the village is described in the Plumpton Neighbourhood Plan 2017-2020 (NP) as 'the most important historical character of the village'. The linear form remains apparent from Station Road but has been eroded by several east-west developments. It is harder to discern from footpaths to the east of the village. The NP itself acknowledges that the village long ago ceased to develop in a north-south linear fashion.
15. Nevertheless, the fields surrounding the village define the edge of the settlement and provide an attractive rural backdrop. The fields to the east of the village can be appreciated from public locations such as North Barnes Lane and the recreation ground. The site contributes to the backdrop even though it is largely hidden in public views by planting and buildings. As such, it forms part of the transition from the village to the wider countryside.
16. It is common ground that the site does not fall within a designated landscape or is part of a valued landscape for the purposes of paragraph 174(a) of the

National Planning Policy Framework (NPPF). However, given the qualities of the site as a group of undeveloped fields on the edge of the village and within the setting of the SDNP, it has medium landscape value. Medium value can be attributed to the LLCA for the same reasons.

17. It is evident that the LLCA as a whole has a low capacity to change and thus a high landscape susceptibility as it incorporates a large area of open countryside where residential development would have a considerable effect. In contrast, the site is broken up into smaller parcels that are more contained by planting. The northern two fields within the site fall within an area of medium landscape capacity to the east of Station Road as defined in the Council's 2012 Landscape Capacity Study (LCS). This is due to the existence of smaller fields bounded by mature trees and hedgerows. The site's southern field exhibits the many of the same qualities but falls within a much larger area of negligible/low landscape capacity in the LCS that includes the LLCA.
18. The LCS advises that any development within the medium capacity area should stay in line with the existing built form. Sun Close and Oakfield Lane have already extended the built form eastwards since the LCS was produced, but the eastern half of the site goes beyond the line of these developments. The Council's Land Availability Assessment (January 2022) identifies the western part of the site (i.e. the part in line with Sun Close and Oakfield Lane) as potentially developable, while the eastern part beyond the built edge is described as not deliverable or developable. This is broadly consistent with the LCS advice.
19. In summary, the site as a whole has a medium to low capacity to change and thus a medium to high landscape susceptibility. This would result in the site having medium to high landscape sensitivity, comparable to the LLCA overall.

The effect of the proposed development on character and appearance

20. The indicative plans show residential development across all three field parcels, connected by internal roads and footpaths. Short sections of hedgerows could be removed to provide internal road and footpath connections between the parcels. However, it is proposed to strengthen planting including along the northern boundary and around Sun Close and there would be a net gain in vegetation. The gap onto North Barnes Lane in the south-east corner could be filled by planting although this landscape benefit would be offset by the creation of a new pedestrian access onto the lane nearer to Sun Close. The developable area could be set back from the site's eastern boundary and the small area of woodland could remain in the south-west. Densities could decrease from west to east.
21. An agreed planning condition would limit building heights to a maximum of 9m from surrounding ground level. Everything else apart from the access onto Station Road would be left to the reserved matters stage. The proposal itself is for up to 86 dwellings, which means that fewer houses could be delivered.
22. Development across the site would result in the loss of three small fields and the transition space between Plumpton Green and the wider countryside. It would also extend the eastern edge of the settlement beyond Sun Close and Oakfield Lane. Based on the indicative plans, the layout of development across a series of cul-de-sacs would be greater than other east-west developments. There would be increased urbanisation of the village edge as a consequence. As

such, the effect on landscape character would be significant. The linear form of the village would be further eroded, although it would be difficult to appreciate this from any public location and so would only cause moderate harm. Moreover, Station Road would remain the principal north-south route through the village and its linear form would not be altered.

23. Views along this part of Station Road would become more open and suburban with the creation of a bell mouth junction and the net loss of a dwelling. However, other east-west side roads have similar junction arrangements. The increase in traffic movements would not be significant at less than one vehicle per minute in peak hours and so there would only be moderate harm to the character and appearance of Station Road.
24. From North Barnes Lane, housing in the southern part of the site would be very visible from the gap in the south-east corner until planting matured. Any pedestrian access onto the lane would provide views into the site of the development. Further to the east on the lane, housing in the southern and eastern parts of the site would be glimpsed particularly in winter months even with a landscape buffer to the eastern boundary. A similar effect would occur for views towards the site from the footpaths to the north-east and south-east.
25. Due to the lower topography at the recreation ground, it would be possible to see the roofs of properties in the southern part of the site above boundary planting as an extension of development at Sun Close both in the summer and winter. While users of the recreation ground and the footpath along the edge of the recreation ground are unlikely to spend much time looking northwards, the development would be noticeable. From the various locations from the north-east to the south, although the density and height of boundary planting would soften and screen views of the development, it would be apparent that the edge of Plumpton Green had moved further eastwards than Sun Close.
26. From the racecourse, it would be possible to see housing in the field to the east of Sun Close above any boundary planting. However, this would be at a greater distance than the above viewpoints and would be behind existing housing nearer to the train station. Therefore, the sense of eastward expansion would be less apparent and cause no more than minor harm.
27. It is unlikely that views towards the SDNP would be significantly affected as the ridge and escarpment would remain prominent above the tree/hedge line in views such as those from the north-east of the site. From the viewpoints along the ridge itself, it would be possible to spot new housing to the east of Sun Close even if more muted colours were selected for buildings than white timber boarding. Nevertheless, any housing would be a minimal addition within a much larger panorama. The extent of external lighting can be controlled to help maintain dark skies within and surrounding the SDNP. Therefore, the effect of the development on the setting of the SDNP would be negligible.
28. The detailed design of the play area and open space has yet to be fixed. It is possible that they could be more naturalistic in appearance. In any case, these spaces would likely only be visible from within the site due to boundary planting and so their effect on character and appearance of the area is unlikely to be material. The control of external lighting across the site would enable significant negative effects to be avoided at night. Housing at Sun Close could be better screened from the east by additional planting associated with the development, but it would remain prominent in views from the south.

29. Overall in landscape terms, there would be a loss of small fields on the village edge and the encroachment of housing into a transition space between the settlement and the countryside. In visual terms, housing in the southern and eastern parts of the site would be apparent in views from the countryside surrounding the village from the north-east to the south in an area which broadly corresponds with the LLCA. Key characteristics of the Low Weald landscape character area would be affected even though only a very small part of the Low Weald would be developed. The retention and strengthening of vegetation boundaries and the use of landscape buffers would help to mitigate the overall effects by enclosing and screening built form. Nevertheless, there would still be a negative effect on the character and appearance of the area ranging from moderate to significant depending on the extent and location of development across the site.
30. I note that the county landscape architect supports the proposed development having objected to a previous proposal for no more than 45 dwellings across the western part of the site only. The indicative plans for the two proposals are not identical, but it is not entirely clear why support has been forthcoming for the current proposal other than the changing planning policy context. Nevertheless, the support is not without reservation as negative landscape and visual effects are identified. The support is also subject to a robust mitigation strategy regarding landscape and design matters that could be secured by condition and/or at reserved matters stage.
31. In conclusion, the proposed development would conflict with Policy CP10 of the Lewes District Local Plan Part 1 (LP1) and Policy DM25 of the Lewes District Local Plan Part 2 (LP2). Amongst other things, Policy CP10 seeks to maintain and where possible enhance the natural, locally distinctive and heritage landscape qualities and characteristics of the district. Policy DM25 requires development to contribute towards local character and distinctiveness by, amongst other things, responding sympathetically to the characteristics of the site, its relationship with its immediate surroundings and, where appropriate, views into, over and out of the site. The development would also not accord with NPPF paragraph 8(c) which seeks to protect and enhance the natural environment and NPPF paragraph 174(b) which recognises the intrinsic character and beauty of the countryside.

Other Matters

32. The site is Grade 3 agricultural land but it is unclear whether any part is Grade 3a and therefore classified by the NPPF as best and most versatile agricultural land. Even if the site was Grade 3a, the three fields are small compared to the agricultural land in the surrounding countryside. Nevertheless, the loss of such land would carry moderate weight against the proposed development.
33. The Grade II listed Whitehouse Farmhouse is situated a short distance from the north-west boundary of the site. It is a two-storey 18th century property set back from Station Road. Historically it would have been associated with the fields to the east, but it has been separated by a modern house and outbuildings at Nolands Farm. Although the rear elevation faces towards the site, there are no windows in the large catslide roof and the rear garden is screened by boundary planting. Thus, while the site lies within the setting of the listed building, it only makes a moderate contribution to its significance. The proposed housing would be set away from the building and screened by

existing and proposed boundary planting. As a consequence, any harm to the significance of the listed building would be minor and less than substantial. In line with NPPF paragraph 202, such harm should be weighed against the public benefits, which takes place in the planning balance below.

34. The proposed development has been subject to assessment by the local highway authority who raise no objections. The proposed access onto Station Road would include pavement build-outs to narrow the road and address traffic speeds. The access arrangements would result in the loss of on-street parking for existing properties, but it is proposed to provide replacement parking on the internal access road. All northbound traffic would travel past the narrow pavement on the west side of Station Road when current on-street parking requires vehicles to move away from the pavement. While this would present a risk to pedestrians and other vulnerable users, this scenario could occur already as the parked cars are not permanent and can move away at any time. The parked cars provide a noise, vibration and pollution buffer to properties on the west side of Station Road, but again, this buffer is not permanent.
35. The road narrowing could result in a bottleneck during busier periods, but the traffic count data does not indicate that existing two-way flows on Station Road are excessive at around 200 vehicles in the AM and PM peak hours. The development is projected to generate around 50 vehicle trips in the same peak hours. This is less than one vehicle per minute and so it would be unlikely to have a significant impact on Station Road in terms of congestion or highway safety. Events at the village hall or racecourse might increase traffic levels but the evidence before me does not suggest that these are frequent occurrences. Larger vehicles should be able to manoeuvre past the junction as well as access and turn around in the development itself. Headlights from vehicles turning out of the access could affect properties on the opposite side of Station Road, but this already occurs with other side roads in the village.
36. The northbound approach to the site access is partly obscured by rising ground past the village shop, but there is scope for sufficient signage to warn drivers of the access. The rising ground also affects visibility for pedestrians crossing near the shop, but either this development or the already approved scheme at Riddens Lane would be required to deliver highway works to improve crossing points and bus stop provision in this area. The site access would also provide crossing points of Station Road a short distance to the north of the shop.
37. Vehicular traffic associated with the proposed development would only use the access point onto Station Road. It is intended that any access via North Barnes Lane would be for pedestrians and cyclists only and would provide a link to the primary school. As such, the existing public right of way and bridleway route along the lane would not be adversely affected. Concerns regarding construction traffic effects can be addressed via a suitably worded planning condition, including the routing of vehicles from the north to avoid the shop and primary school. The proposal has been subjected to a road safety audit and any concerns raised have been addressed. Therefore, I consider the development would have an acceptable effect on highway safety.
38. I note that the nearest doctors' surgery would require most people to drive there given the nature of the road network. The same applies for retail, employment and other services not provided within the village. However, the same accessibility issues apply to other new development schemes in the

village. Moreover, the village has some facilities including the shop, post office, primary school and train/bus services to reduce the extent of car dependency. I have limited information that the school or doctors' surgery are at capacity.

39. The appellant has undertaken a number of ecology surveys for different species, with updated information provided at the appeal stage as needed. Roosting bats are present within Chestnut House, while hazel dormice nests have been found in boundary vegetation. Great crested newts could also be found due to the proximity of known sites. A licence from Natural England would be needed before these species could be disturbed. The appellant's mitigation strategy for these species would include replacement habitats elsewhere on site and ecologically sensitive lighting. Dormice can use thorny hedgerows and tend to reside above the ground to reduce the risk of cat predation. The mitigation measures can be secured by condition via a management plan, which would maintain the favourable conservation status of these species. Thus, I consider there is a reasonable prospect of Natural England granting a licence for the development.
40. It is possible that protected freshwater shrimp are located within the site's ponds although this has not been confirmed. The ponds are in the woodland to be retained in the south-west corner of the site, so the development is unlikely to have a material effect on this species. Overall, with the retention and enhancement of green spaces and hedgerow boundaries, the provision of mitigation measures for different species including badgers and breeding birds, and the requirement to achieve biodiversity net gain, the development would have an acceptable effect on ecology.
41. The woodland in the south-west corner of the site is due to be retained based on the indicative plans. Subject to the continued permission of the landowner, there is no reason why the local Scout group could not continue to use this space for its activities as access from their meeting hall can be maintained.
42. Effects on outlook and privacy for occupants of properties on Sun Close can be addressed at the reserved matters stage and through proposed boundary planting. I note there have been subsidence issues for at least one property on Sun Close, but I have insufficient detail as to the cause. Site levels can be agreed and maintained via condition.
43. Southern Water has modelled the effect of the development and is content that there is adequate capacity for sewage flows. This is based on an additional flow rate of 0.9 litres per second and a water consumption rate of no more than 110 litres per person per day. Although Building Regulations specifies a much higher flow rate of 5.8 litres per second, the above water consumption rate can be secured via a condition on sustainability measures.
44. 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. Further detailed design work would take place before any housing is connected to the sewer network. Therefore, it has not been demonstrated that the development would increase the risk of sewer flooding on site or elsewhere. Various measures are proposed to manage surface water runoff and so the development would not increase the risk of surface water flooding in the surrounding area either.

45. I note comments that the village experiences power cuts due to insufficient grid capacity and that as a consequence air source heat pumps would not be possible. Reliance on propane tanks for heating would not accord with climate change objectives. However, I have little detailed evidence to show that there is insufficient electricity supply. Moreover, sustainability measures would be required and secured by condition. The development would be eligible for fibre broadband due to its size. The absence of such provision elsewhere in the village is ultimately a matter for the statutory undertaker to address. While local rivers might be experiencing over-abstraction, it has not been shown that the development would adversely affect water supplies.
46. I am aware that there are proposals for much larger housing development to the east of the village. However, these proposals would need to be assessed separately irrespective of the outcome of this appeal. I note there are recent appeal decisions in Lewes where permission for housing has been refused, but each case must be assessed on its own merits. While brownfield sites in nearby towns can provide a valuable and sustainable source of new housing, it does not mean that greenfield sites cannot be considered for such development.

Planning balance

Policy context and housing land supply

47. The reason for refusal only refers to LP1 Policy CP10 and LP2 Policy DM25. I have found conflict with both policies. However, there are a number of other relevant policies to consider.
48. LP2 Policy DM1 defines planning boundaries around the district's settlements and states that outside such boundaries, the distinctive character and quality of the countryside will be protected and new development only permitted where it is consistent with a specific development plan policy or where the need for a new countryside location can be demonstrated. Apart from the two properties on Station Road, the site lies beyond the Plumpton Green planning boundary. The appellant and the Council concur that the development would conflict with LP2 Policy DM1 as a result.
49. NP Policy 1 states that development outside the planning boundary will not be supported if certain scenarios apply. The proposed development would not individually or cumulatively result in coalescence or the loss of the separation between and distinct identities of neighbouring settlements. However, it would alter the spatial character and views of the landscape, if not notably from the SDNP. Therefore, the development would conflict with NP Policy 1.
50. NP Policy 5 supports new housing on allocations in the NP and on suitable windfall sites within Plumpton Green, subject to meeting a number of criteria. It is apparent that while the development would comply with several criteria, it is of a scale greater than the NP envisages, with criterion 3 specifying that developments should form small to medium size clusters of no more than 20 dwellings and be located around the village centre. Therefore, the development would also conflict with NP Policy 5.
51. The NP allocates land for around 68 new dwellings excluding the appeal site. The proposed development if allowed and built in full would result in over 150 new dwellings. This is considerably more than the 50 additional dwellings specified for Plumpton Green across the plan period in LP1 Policy SP2.

However, the housing numbers specified in this policy are minimums and so the development would not conflict with this policy.

52. It is common ground between the parties that the Council cannot demonstrate a five year housing land supply. As a consequence, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date due to the lack of a five year supply. NPPF paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The Presumption in favour of Sustainable Development policy on page 40 of LP1 sets out a similar approach.
53. The parties disagree on the extent of the shortfall and the weight it should be afforded. The Council says the five year supply stands at 2.73 years as set out in its 2022 housing land supply annual position statement (APS). The appellant considers it to be 2.4 years based on doubts regarding the deliverability of certain sites in the supply. The evidence before me from the parties is limited, but the difference between them is small.
54. The shortfall has arisen due to LP1 being more than 5 years old and in need of review. The housing requirement in LP1 is 345 dwellings per year, based on the objectively assessed need and taking into account environmental constraints that limit development options. The current housing requirement is based on the government's standard method, which results in 783 dwellings per year for the district as a whole, or 603 dwellings per year (plus 5% buffer) for land outside the SDNP.
55. I accept that the current housing requirement has not been subjected to the same environmental constraints as the requirement in LP1. However, this is a matter for any review of the Local Plan to establish whether such constraints are still necessary and appropriate, rather than a matter for a planning appeal. Furthermore, the Council's APS is based on the current housing requirement and its Interim Policy Statement for Housing Delivery (IPS) seeks to address the implications of this requirement. I also note that LP1 anticipated the delivery of over 500 units a year by 2021/22 which is not dissimilar to the standard method requirement. In addition, the Council was unable to demonstrate a five year housing land supply against LP1 requirements in a Secretary of State decision¹ in February 2021. Thus, I have no reason to lessen any weight to the shortfall on the basis of the standard method approach.

Benefits of the development

56. Regarding the benefits, up to 86 dwellings would be delivered. Based on either the appellant's or the Council's position, the shortfall in housing land supply is significant at over 1,000 homes across the five year period. It is likely to continue for another two to three years until the adoption of a new Local Plan which has yet to reach publication stage let alone examination. Therefore, while the number of dwellings proposed against the total shortfall is not substantial, significant weight can be attributed to the provision of up to 86 dwellings.
57. Up to 34 dwellings would be affordable units based on a 40% requirement in LP1 Policy CP1 along with a commuted sum for any percentage of a whole unit.

¹ APP/P1425/W/15/311/9171

The parties disagree on the amount of affordable housing that would be delivered in the five year housing land supply, with the appellant contending that it would only represent 15-17% of the supply and the Council contending it would be around 31%. However, it is not disputed that the affordability ratio has worsened over the past five years with housing in Plumpton Green costing nearly 18 times the average salary. Therefore, even based on the Council's position, significant weight can be afforded to the provision of affordable housing. Evidence submitted by the appellant indicates that there is interest from housebuilders to deliver the development in a prompt manner, which reinforces the significant weight I have given to boosting the supply of housing.

58. The development would result in economic benefits from the construction of housing and local expenditure by new occupants. While the amount of housing is not as extensive as a strategic site, NPPF paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity. Moreover, the Inspector examining LP1 noted that the plan's housing requirement of 345 dwellings per year was only equivalent to zero employment growth across the district. Thus, significant weight can be given to the economic benefits.
59. There would be a biodiversity net gain of around 10% for habitats and 40% for hedgerows. In light of no current development plan or legal target for biodiversity net gain (although there is an emerging legal requirement and local ambition to provide at least 10%), this benefit should be afforded moderate weight. The provision of open space and play space would be accessible to all and help to address a local shortfall. While there is a risk that it might compete with existing provision elsewhere in the village, it can be afforded moderate weight.
60. Financial contributions secured via the Council's Community Infrastructure Levy (CIL) fund would be divided between the district and parish council and can be spent on various projects. However, I have limited information on which projects might benefit, while the intention of CIL is to provide infrastructure to support development in the local area. Therefore, I only afford this benefit limited weight. Overall, the benefits of the development can be afforded significant weight and can also be regarded as public benefits.

Adverse impacts of the development

61. Turning to the adverse impacts, the development would have a negative effect on the character and appearance of the area including the surrounding countryside, contrary to LP1 Policy CP10 and LP2 Policy DM25. The level of harm would range from moderate to significant across the site, and so the conflict with the two policies carries moderate to significant weight.
62. There would be conflict with LP2 Policy DM1 due to the location of development beyond the planning boundary, but the weight I afford to that conflict is reduced by the lack of a five year housing land supply. It is also reduced by that fact that the planning boundaries were based on LP1 that is in need of review and that the IPS recognises that development will have to be permitted outside of these boundaries in order to meet local housing needs. The conflict with NP Policies 1 and 5 should also be seen in that context, and so the weight I afford to the conflict with these three policies is no greater than moderate for the purposes of this appeal.

63. I acknowledge that public confidence in the plan-led process can be affected by the approval of development that is contrary to local and/or neighbourhood plans, particularly where local residents have been proactive in seeking to accommodate some housing on other sites within their settlement. However, it is also important to have regard to other material considerations such as national policy approaches to housing supply which may indicate that decisions should be made contrary to the development plan. While it is possible that national policy may change in due course, I have to make my decision based on the policy context before me. Nevertheless, I afford the loss of public confidence moderate weight against the proposed development.
64. As noted above, there would be moderate harm from the loss of agricultural land. The harm to the significance of the listed Whitehouse Farmhouse would be less than substantial and only minor in nature. Although great weight should be given to the conservation of designated heritage assets, the public benefits would outweigh the harm on this occasion. There would be no conflict with NPPF paragraph 202 and the clear and convincing justification required by NPPF paragraph 200 would be demonstrated. Therefore, the development would have an acceptable effect on the significance and setting of the listed building.

Conclusion

65. Concluding on the planning balance, the adverse impacts of the development carry up to significant weight with regard to character and appearance effects. However, significant weight can also be afforded to the benefits overall, particularly in terms of housing provision but also the economic effects. In the context of NPPF paragraph 11(d), the adverse impacts would not significantly and demonstrably outweigh the benefits. As a consequence, the presumption in favour of sustainable development would apply in line with NPPF paragraph 11(d) and the policy on page 40 of LP1. The negative effects of the development and the conflict with the development plan are outweighed by other considerations sufficient to indicate that planning permission should be granted in this instance.

Planning Obligations

66. The Affordable Housing obligation would ensure that 40% of the residential units are affordable with a commuted sum to address any fraction of an affordable housing unit. This would accord with LP1 Policy CP1 on affordable housing. The Recycling Contribution obligation would assist with kerbside recycling in accordance with LP2 Policy DM26 on refuse and recycling.
67. The Travel Plan obligation would secure the production, implementation and auditing of a travel plan, while the School Transport Contribution obligation would make provision towards existing school bus transport services. The Traffic Regulation Order obligation would enable any necessary orders relating to parking restrictions on Station Road. All three obligations would be in accordance with LP1 Policies CP7, CP9 and CP13 on infrastructure, air quality and sustainable travel.
68. The S106 would secure a number of highway works comprising the site access, parking areas, cycleway/footway link to North Barnes Lane, gateway features at either end of the village, bus stop improvements, and crossing points for Riddens Lane. These works would accord with LP1 Policies CP7, CP9 and CP13 as above, and LP2 Policy DM35 on footpath, cycle and bridleway networks. I

am satisfied that the S106 ensures that any highway works also included in the highways works for the Riddens Lane development would not need to be provided if the Riddens Lane development has already secured them.

69. The S106 would secure the provision of open space, biodiversity net gain land, and the locally equipped area of play. The S106 would also provide for the management and transfer of these areas. These obligations would accord with LP1 Policies CP7, CP8 and CP10 and LP2 Policies DM14, DM15 and DM27 relating to infrastructure, green infrastructure, outdoor play space, the natural environment, and landscape design.
70. Given the policy requirements, I am satisfied that all of the above obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the CIL Regulations 2010 (as amended) and NPPF paragraph 57. Therefore, I can take all of the obligations into account as part of my decision.

Conditions

71. Conditions 1 and 2 are necessary to clarify the reserved matters still to be approved as well as set out the timeframe for applications to be submitted and the development implemented. The timeframe in Condition 1 is shorter than the standard amount to encourage the earlier delivery of housing. Condition 3 is necessary to specify the plans to which this decision relates.
72. Conditions 4 to 13 are pre-commencement as they concern matters that need to be agreed and/or provided before works begin on site. Condition 4 is necessary to ensure that details of internal access and circulation routes are established, as the plans specified in Condition 3 only relate to the access point onto Station Road. Conditions 5 and 6 are necessary in the interests of highway safety and the living conditions of neighbouring occupiers as the works take place. Conditions 7 and 12 are necessary to ensure a satisfactory effect on character and appearance and living conditions.
73. Condition 8, 9 and 10 are necessary to ensure that biodiversity features are preserved and enhanced. Condition 9 does not replicate the S106 as it provides greater clarity on the content of the ecological design strategy. Conditions 11, 15 and 16 are necessary to ensure that surface water is managed effectively. Conditions 13 and 17 are necessary to enable the recording of any features of archaeological or historic interest within the site. Conditions 18 to 23 are necessary to address matters relating to access, highway safety, parking and sustainable travel. Condition 24 regarding external lighting is necessary to safeguard the character and appearance of the area as well as nocturnal species. Condition 25 is necessary in the interests of character and appearance.

Conclusion

74. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Appearances

For the Appellant:

Dr Ashley Bowes of Counsel, instructed by Parker Dann Town Planning Consultants.

He called:

Andrew Smith BSc (Hons) MSc CMLI
Joint Managing Director, Fabrik Ltd

Tondra Thom BSc (Hons) MSc MRTPI
Senior Planning Consultant, Parker Dann

Daniel Bennett BSc (Hons) MCIEEM
Principal Ecologist, The Ecology Co-op

Michael Kitching BSc (Hons) MSc CMCILT
Director, SK Transport Planning Ltd

Paul Bond PhD MSc BSc CEnv CSci MEnvSc MCIEEM
Associate Sustainability Consultant, Hilson Moran

Matt de Bruxelles
Fairfax Acquisitions Ltd

For the Local Planning Authority:

Jack Parker of Counsel, instructed by Helen Monaghan of Lewes District Council.

He called:

Nick Harper BA (Hons) DipLA (Hons) CMLI
Partner, Harper Landscape Architecture LLP

Peter Rainer BSc (Hons) BTP MRTPI
Principal Director of Planning, DMH Stallard

James Smith
Specialist Adviser (Planning), Lewes District Council

Helen Monaghan
Solicitor, Lewes District Council

Interested Parties who spoke during Inquiry:

Cllr Rob Banks	District Councillor, Lewes District Council
Niki Shefras	Local resident
David Phillips	Secretary, Plumpton and East Chilmington Wildlife Group
Janet Downes	Don't Urbanise the Downs
Nick Beaumont	Chair, Plumpton Parish Council
Barney Holbeche	Local resident
Dr John Kay	CPRE Sussex

Sue Coote	Mid Sussex Area Bridleways Group
Anna Hardy	Local resident
Mary Parker	Local resident
Graham Whittaker	Local resident
Ian Airey	Local resident
Gina Hawthorne	Local resident
Paul Edmunds	Local resident
Dominic Williams	Local resident
Paul Stevens	Vice Chair, Plumpton Parish Council

Documents submitted during the Inquiry

ID1: Draft conditions

ID2: Letter dated 26 January 2018 from East Sussex County Council's Landscape Architect regarding the previous application for 45 dwellings (ref LW/17/0885)

ID3: Appellant's opening statement

ID4: Council's opening statement

ID5: Statement from Cllr Rob Banks

ID6: Statement from David Phillips

ID7: Statement from Janet Downes

ID8: Statement from Nick Beaumont

ID9: Statement from Dr John Kay

ID10: Draft Section 106 agreement

ID11: Statement from Sue Coote

ID12: Stage 1 Road Safety Audit and Response Report

ID13: Local highway authority's response to Inspector's questions on conditions and S106 agreement

ID14: Statement from Niki Shefras

ID15: Statement from Barney Holbeche

ID16: Statement from Paul Edmunds

ID17: Information relating to sewer flow rates

ID18: Final draft Section 106 agreement

ID19: Latest draft list of conditions

- ID20: Lewes District Council Infrastructure Funding Statement 2019/20
- ID21: Nolands Farm Estimated Community Infrastructure Levy
- ID22: Supplementary statement from Barney Holbeche
- ID23: Appellant's initial response to ID22
- ID24: Council's position on affordable housing supply in the five year supply period from 1 April 2022
- ID25: Local highway authority's response to Barney Holbeche
- ID26: Response from appellant's drainage and highways consultants to ID22
- ID27: Council's closing submissions
- ID28: Appellant's closing submissions including appeal decision ref 3194926
- ID29: Appellant's response to ID24
- ID30: Council's rebuttal of ID29
- ID31: Completed and executed Section 106 agreement

Schedule of Conditions (25)

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences. Application for the approval of the reserved matters shall be made to the local planning authority within 2 years of the date of this permission. The development shall accord with the approved details.
- 2) The development hereby permitted shall commence either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 3) The decision relates solely to the following plans:
 - 1924/BNG.01 Rev H Location Plan
 - SK21614-10 Rev B Proposed Vehicular Access with Shuttle Working Carriageway Buildout
 - SK21614_RSARR01 Stage 1 Road Safety Audit

Approved details relate to access arrangements only and do not pertain to any of the details that are reserved matters.

- 4) No development shall commence until plans and particulars of the accessibility within the site, including circulation routes and how these fit into the surrounding access network, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence, including demolition, unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided to and approved in writing by the local planning authority. Such facility shall be retained in working order and utilised throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.
- 6) Notwithstanding the details submitted in the Transport Assessment, no development shall commence, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the construction period. The plan shall provide details as appropriate but not be restricted to the following matters:
 - a) The anticipated number, frequency and types of vehicles used during construction;
 - b) The method of access and egress and routeing of vehicles during construction;
 - c) The parking of vehicles by site operatives and visitors;
 - d) The loading and unloading of plant, materials and waste;
 - e) The storage of plant and materials used in construction of the development;
 - f) The erection and maintenance of security hoarding;

- g) Other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - h) Details of public engagement both prior to and during construction works;
 - i) Details of measures to prevent surface water flooding during construction works;
 - j) Hours of working;
 - k) Demonstration that the best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
 - l) Details of the use of protective fences, exclusion barriers and warning signs;
 - m) Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel; and
 - n) Details of any external lighting.
- 7) No development shall commence until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.
- 8) No development shall commence (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) A risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
 - h) The use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period.

- 9) No development shall commence until an ecological design strategy (EDS) addressing enhancement of the site to provide a minimum 10% biodiversity net gain in broad accordance with the details set out in the Biodiversity Impact Calculation report (The Ecology Co-op, 14/09/22), has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works;
 - b) Review of site potential and constraints;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans;
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) Timetable for implementation demonstrating that the works are aligned with the proposed phasing of development;
 - g) Persons responsible for implementing the works;
 - h) Details of initial aftercare and long-term maintenance;
 - i) Details for monitoring and remedial measures; and
 - j) Details for disposal of any waste arising from the works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 10) No development shall commence until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan; and
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The plan shall be implemented in accordance with the approved details.

- 11) No development shall commence until a detailed drainage strategy has been submitted to and approved in writing by the local planning authority in conjunction with the Lead Local Flood Authority and the County Ecologist. The strategy shall address the following:
- a) The principles set out in the outline surface water drainage strategy should be carried forward to detailed design. Surface water runoff from the proposed development should be limited to greenfield runoff rates for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - b) The details of the outfall of the proposed attenuation ponds and how they connect into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
 - c) The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.
 - d) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - e) The detailed design of the attenuation ponds and permeable pavement should be informed by findings of groundwater monitoring between autumn and spring. If a 1m unsaturated zone between the base of the SuDS features and the highest recorded groundwater level cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

The development shall thereafter be carried out in accordance with the approved details and adhere to them throughout its lifetime.

- 12) No development shall commence until details of the protection of the trees to be retained have been submitted to and approved in writing by the local planning authority. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection Zones.
- 13) No development shall commence until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

- 14) No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to and approved in writing by the local planning authority that includes full details of all renewable/carbon saving/energy measures (including vehicle charging points) and water efficiency measures (to limit consumption to 110 litres per person per day) to be incorporated into the scheme. All measures approved shall thereafter be provided prior to the occupation of any individual dwelling and maintained in place thereafter throughout the lifetime of the development.
- 15) Prior to the first occupation of any individual dwelling, a maintenance and management plan for the entire drainage system should be submitted to and approved in writing by the local planning authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
 - a) The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details; and
 - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the local planning authority.
- 16) Prior to the first occupation of any individual dwelling within the development, evidence (including photographs) should be submitted to the local planning authority showing that the drainage system to serve that dwelling has been constructed as per the final agreed detailed drainage designs.
- 17) No individual dwelling shall be occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that part of the development where the dwelling is located has been completed and approved in writing by the local planning authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 13.
- 18) No part of the development shall be occupied until visibility splays including forward visibility at the access are provided in accordance with details which have been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The visibility splays shall thereafter be maintained in accordance with those approved details.

The access shall have maximum gradients of 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter
- 19) No individual dwelling shall be occupied until the relevant parking areas to serve that dwelling have been provided in accordance with details which have been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

- 20) The vehicle parking spaces shall measure 2.5m by 5m with an extra 0.5m to either or both dimensions where spaces abut a wall, fence or hedge.
- 21) No individual dwelling shall be occupied until covered and secure cycle parking spaces have been provided for the occupants of that dwelling in accordance with plans and details submitted to and approved in writing by the local planning authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
- 22) No part of the development shall be occupied until the roads, footways, parking, circulation and turning areas serving that part of the development have been constructed, surfaced and drained in accordance with plans and details submitted to and approved in writing by the local planning authority in consultation with the local highway authority.
- 23) The new estate roads shall be designed and constructed to a standard approved by the local planning authority in accordance with the local highway authority's standards with a view to their subsequent adoption as a publicly maintained highway.
- 24) No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority and/or in accordance with an external lighting strategy to be submitted to and approved by the local planning authority.
- 25) No buildings or structures within the development shall exceed 9m high from surrounding ground level.