



Lewes District Council

Planning Services

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Ian Fitzpatrick - Director of Regeneration and Planning

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LW/25/0442

Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Town and Country Planning General Regulations 1992

Notice of Refusal

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that it **Refuses Outline Permission** for the following development.

Outline Planning Application for Outline planning application for up to 80 dwellings together with provision of open space, flexible community space, formation of a new access and associated works and all other associated infrastructure, with all matters reserved other than access

At Land North Of Green Road Wivelsfield Green Haywards Heath RH17 7QL

Parish: Wivelsfield

as shown on Plan and Application Number LW/25/0442 submitted to the Council on 22 July 2025.

The reasons for the Council's decision to refuse the above works are specified hereunder.

1. The proposed development, by reason of its scale, extent and location within an identified sensitive transition zone, would result in substantial harm to the character and appearance of the landscape, including the erosion of the rural gap between settlement boundaries and harm to the historic parkland setting of Jenners, a Grade II listed building.

The submitted Landscape and Visual Impact Assessment and parameter plans fail to demonstrate that the site can accommodate the quantum of development proposed without unacceptable adverse effects. The proposed developable area extends into landscape parcels identified as unable to accommodate development, resulting in the loss of landscape features that are integral to the local landscape character and settlement pattern.

The proposal therefore conflicts with LLP1 policies DM1 and CP10, WNP policy 6 and National Planning Policy Framework paragraphs 135 and 187, which require development to recognise the intrinsic character and beauty of the countryside and conserve landscape character; and Local Plan policies relating to landscape protection, settlement separation and the countryside.

The identified harm would not be outweighed by the benefits of the proposal.

2. The application site is in an unsustainable location, which would be dependent on the use of the private motor vehicle, is not well located to a range of amenities or existing settlements by safe, convenient and genuine active travel routes, and which has limited access day-to-day services, employment and public transport.

The proposal would result in a development that is highly dependent on private car travel, contrary to the objectives of sustainable development. While improvements are proposed, these rely on future reserved matters or separate agreements and do not overcome the fundamental locational constraints of the site.

The proposal therefore conflicts with NPPF paragraphs 110, 116 and 117, which require development to give priority to walking, cycling and public transport; and policies SP1, CP2 and CP13 of Lewes Local Plan Part 1, which seek to direct growth to sustainable locations.

The harm arising from poor locational sustainability attracts significant weight and this harm is not outweighed by the benefits of the proposal.

3. The proposed development would cause less than substantial harm to the setting of the historic Jenners building, a designated heritage asset, through the introduction of housing, associated infrastructure and urbanising features within its historic parkland context.

At the time of determination, the Local Planning Authority does not have sufficient evidence to conclude that the harm to the significance of the heritage asset has been adequately justified or that the development has been designed to avoid or minimise harm. The outline nature of the proposal, combined with insufficient parameters controlling layout and

landscape buffers, fails to demonstrate that the heritage significance of the asset would be conserved.

Accordingly, the proposal conflicts with NPPF paragraphs 203, 208, 210, 212 and 215 which require harm to heritage assets to be clearly and convincingly justified; and policies CP11 of Lewes Local Plan Part 1 and DM33 of Lewes Local Plan Part 2, which require the conservation of heritage significance and setting.

This decision is based on the following submitted plans/documents:

<u>Plan Type</u>	<u>Date Received</u>	<u>Reference</u>
Other Plan(s)	18 March 2026	ITL19162-GA-008 Rev C
Location Plan	21 July 2025	TOR-XX-ZZ-DR-A-P001 - Site Location Plan



Ian Fitzpatrick
Director of Regeneration and Planning
Lewes District Council and Eastbourne Borough Council

Date: 16 April 2026

Please read the attached notes.

Note

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a minor commercial development, and you want to appeal against your local planning authority's decision, then you must do so within 12 weeks of the date of this notice. For all other types of development you must appeal within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

East Sussex Act 1981

Your attention is drawn to the provisions of Section 35 of this Act concerning access for the Fire Brigade, as follows,

- (1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a District Council in accordance with Building Regulations, the District Council shall

reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

- (a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
 - (b) that the building or, as the case may be, the extension of the building, will not render inadequate any existing means of access for the fire brigade to a neighbouring building.
- (2) no requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 64 (2) and section 65 (2) to (5) of the Act of 1936, (Notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.
- (4) Any person aggrieved by the action of the District Council in rejecting plans under this section may appeal to a Magistrates' Court.
- (5) In this section references to the adequacy of means for the fire brigade shall be construed as references to a means of access adequate, or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.