

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78

**THE TOWN AND COUNTRY PLANNING APPEALS (DETERMINATION BY
INSPECTORS) (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000 (AS AMENDED)**

Appeal by Taylor Wimpey Strategic Land

**Outline Planning Application for the erection of up to 150 dwellings, with associated works,
parking, landscaping, publicly accessible open space, land for education or community use,
with access from Green Road and Eastern Road**

Land south of Green Road, Wivelsfield Green

Opening Statement on behalf of Lewes District Council

PINS Reference: 6005671

LPA Reference: LW/24/0820

30 June 2026

INTRODUCTION

1. The Appellant in this appeal seeks outline planning permission for up to 150 dwellings (“the Appeal Scheme”) to be built on a large area of agricultural land south of Green Road (“the Site”). Its proposals require an access road to be built through the eastern parcel of land, which is designated as local green space (“LGS”) in the Wivelsfield Neighbourhood Plan (“WNP”), and which therefore attracts protection from inappropriate development under the NPPF. In the LPA’s submission, the Appeal Scheme, by virtue of the access road, constitutes inappropriate development in the LGS. No exception applies, and the Appellant cannot demonstrate the very special circumstances which would justify the grant of planning permission in these circumstances. Further, the Appeal Scheme would generate significant landscape harm to both the LGS and to the other parcels of land within the Site, while also doing harm to public rights of way. This appeal should be dismissed.

THE SITE

2. The Site comprises approximately 21 hectares. Currently, it is made up of agricultural land to the east and grassland to the west. A bridleway, Wivelsfield 30, runs through the Site in a north-south alignment, providing access from Green Road through the Site to an area of ancient woodland south of the Site known as West Wood. The eastern portion of the Site is designated as LGS in the Wivelsfield Neighbourhood Plan (“WNP”). The entirety of the Site is in the countryside and is outside the settlement boundary.
3. The LGS is a parcel of agricultural land sitting adjacent to the Wivelsfield Primary School. Importantly, a War Memorial sits to the northwest of the LGS. Outside of the LGS, to the west, the Site comprises undeveloped grassland positioned to the south and west of the existing dwellings on Green Road and Eastern Road. The LPA’s landscape evidence describes the linear settlement pattern in this area. A public footpath, WSM/1/1, runs north to south and connects Eastern Road to West Wood in the south. WSM/1/1 forms part of a promoted route, the Wivelsfield Green Walk. Further west, the Westmeston 28b bridleway, part of the Sussex Border Path (another promoted route), forms the western boundary of the Site.
4. As to access, the only vehicular access point proposed is via Green Road to the north. That vehicular access would run through the LGS and would connect to the eastern part of the Site. Non-motorised traffic would also have access via Eastern Road.

LEGAL AND POLICY FRAMEWORK

5. The LPA provides only a summary of the applicable legal and policy framework in this opening statement. Decisions must be taken in accordance with the development plan unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004 s.38(6)). The

development plan includes a made neighbourhood plan (PCPA 2004 s.38(3)(c)). Here, the development plan includes:

- i. Lewes District Council Local Plan Part 1: Joint Core Strategy May 2016 (“LPP1”);
 - ii. Lewes District Council Local Plan Part 2: Site Allocations and Development Management Policies (February 2020) (“LPP2”);
 - iii. Wivelsfield Neighbourhood Plan (“WNP”);
 - iv. Ditchling, Streat and Westmeston Neighbourhood Plan (2018) (“DSWNP”).
6. The NPPF is a material consideration and the tilted balance in paragraph 11(d) applies due to the agreed absence of a five-year housing land supply (“5YHLS”).¹ The effect is that permission should be granted unless either NPPF 11(d)(i) or 11(d)(ii) is satisfied.
 7. NPPF 11(d)(i) is satisfied if *“the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed...”* (Footnote omitted). Those policies referred to are stated at NPPF footnote 7. They include policies relating to Local Green Space.
 8. NPPF 11(d)(ii) is satisfied if *“any adverse impacts of [granting permission] would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”* (Footnote omitted). The key policies referred to are stated at NPPF footnote 9.
 9. Once an LGS is designated, decisions for managing development within that LGS should be consistent with national policy for Green Belts set out in chapter 13 of the NPPF. LGSs, to be designated, must meet the criteria in NPPF paragraph 107. The green space must be (a) in reasonably close proximity to the community it serves; (b) demonstrably special to a local community and hold a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; (c) local in character and not an extensive tract of land. The provisions in NPPF chapter 13 relating to grey belt land and previously developed land do not apply to an LGS.
 10. NPPF paragraphs 153 and 154 (read in the context of an LGS) apply in determining whether development within an LGS is inappropriate. Substantial weight should be given to any harm to the LGS, including harm to its openness. Inappropriate development is, by definition, harmful to the

¹ NPPF paragraph 11(d) footnote 8.

LGS and should not be approved except in very special circumstances (“VSC”). VSC will not exist unless the potential harm to the LGS by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11. It is common ground that the access road through the LGS comprises development. Therefore, if that road is not to be considered inappropriate development, it must come within an exception in NPPF paragraph 154. It is the Appellant’s case that the exceptions in NPPF 154(b), h(ii), and h(iii) are engaged on these facts. The LPA does not dispute that an access road, generally, **might** fall within NPPF 154(h)(ii) or h(iii) as an engineering operation or local transport infrastructure. The key point in this appeal, however, is whether the access road preserves the openness of the LGS or conflicts with the purposes of including land within the LGS.²

THE LPA’S CASE IN THIS APPEAL

12. It is the LPA’s case, first, that the Appeal Scheme would comprise inappropriate development in the LGS, and, thus, that it should not be approved save in very special circumstances. Its reasons are twofold. First, the access road through the LGS would compromise the openness of the LGS.
13. In the LPA’s submission, applying the Green Belt concept of openness to LGSs must be done contextually, and should include consideration of why the LGS is regarded as demonstrably special to the local community it serves. While openness may not be relevant to some LGSs, it is clearly highly relevant to **this** LGS, which currently has an existing open character. The openness of the landscape is clear, for example, in views from the War Memorial. Further, one of the reasons for the designation set out in the WNP supporting text at paragraph 5.36³ is that “[t]here are long views from the school and roads over this area giving a unique sense of space and a sense of tranquillity and beauty...”
14. The effect of the access road would be to curtail this openness as perceived from numerous vantage points – most obviously, from the War Memorial, which is in close proximity to that proposed access road. In the context of this site, the visual aspect of openness is clearly an important material consideration, as is the impact of traffic generation. Mr Hird, in paragraph 4.1.2 – 4.1.4 of his PoE,⁴ explains that predicted traffic movements would inevitably erode the openness of the LGS.
15. In relation to views from the War Memorial, Mr Hird also explains at paragraph 3.3.13 that “...any attempt to screen high-sided vehicles from view (such as delivery vans) would be inappropriate.

² The Appellant and LPA are not agreed as to what the purposes of the LGS designation are. The LPA also understands there to be disagreement as to the meaning of the words “...the purposes of including land within it...” in NPPF paragraph 154 insofar as that relates to LGS. In particular, the LPA understands there to be dispute as to the extent that that phrase requires consideration of Green Belt purposes and/or the purposes for which an individual LGS was designated.

³ CD 7.3.

⁴ CD 9.6.

For example, whilst a belt of tall trees within the foreground of the view composition may be successful in screening delivery vans from view, it would also curtail views of the open countryside beyond.”

16. More generally, the extent to which any forthcoming detailed landscape design might be effective in screening movement on the access road from view is not yet known. The LPA’s position is that it is not satisfied, on the evidence as it currently stands, that vehicle movements or light emission would not be visible from various vantage points around the LGS even in the presence of landscape mitigation. Further, the impact of any screening proposed on the visual openness of the LGS should also be considered as part of the overall visual effects of the Appeal Scheme.
17. In any event, putting aside openness, it is necessary to consider whether the proposed development conflicts with the purposes of including land within the LGS. In the LPA’s submission, that requires the decision maker to reach a conclusion about why the LGS was designated, and what purposes its designation served. The two go hand in hand. While the Green Belt purposes *may* be relevant – depending on the context – the appropriate line of enquiry is broader. The LPA relies on the comments in the supporting text of the WNP, and highlights references to the LGS’s acknowledged beauty and tranquillity.⁵
18. In its planning PoE,⁶ the Appellant asserts that the LGS was not designated because of any particular beauty or tranquillity. Instead, this asserts that the LGS was designated because (*inter alia*) it had a rural character, providing “rural values” for the primary school pupils; its landscape character was a “fitting background” to the War Memorial; it afforded long views from the primary school and road across the LGS; and it contributed to a sense of place as a frame for Wivelsfield Green. In the LPA’s submission, these all form part of the purposes for which the LGS was designated, and this Inquiry must determine whether the Appeal Scheme would conflict with those purposes.
19. In his PoE at paragraphs 4.2.1 – 4.2.16, Mr Hird considers the reasons why the LGS was designated. While these conclusions will be discussed more fully in evidence, the LPA highlights Mr Hird’s conclusions that the access road would have negative effects on views from both the War Memorial and the Primary School. The LPA’s position is that there would be fundamental conflict with the purposes of including land within the LGS. This is an additional reason why the Appeal Scheme represents inappropriate development in the LGS and must demonstrate VSC.
20. Further, there is significant additional landscape harm which must also be considered. This is set out in Mr Hird’s PoE. The LPA highlights that the Site, and particularly the western portion, is very well served by an existing PROW network. Two of those PROWs – Westmeston 28b and WSM/1/1

⁵ CD 7.3 at

⁶ CD 9.1 at 3.24.

– form part of promoted routes. The intended built development in that part of the Site would be readily apparent and would cause significant landscape harm, even apart from the landscape harm to the LGS considered above.

21. Additionally, the parties agree that the Appeal Scheme would cause harm and suburbanization to PROWs. They are at odds as to weight. In the LPA's submission, this harm should attract significant weight against the Appeal Scheme. The access road, apart from constituting inappropriate development in the LGS, would also require the felling of a number of mature trees which currently line Wivelsfield 30 as it traverses the Site. It would bisect the path of the bridleway, sever the continuous tree canopy along its route, and introduce perceptible vehicle movements. Instead of the current continuous canopy, users of the bridleway would instead find a junction where the access road crosses from the LGS into the western portion of the Site. Given that harm, and the obvious negative impacts on WSM/1/1 and Westmeston 28b (which form part of promoted routes), significant weight should be afforded to this harm.
22. The LPA recognises, of course, that the Appeal Scheme would bring benefits, including the delivery of market and affordable housing, which should each attract weight at the top of the scale. However, given the inappropriateness of the access road in the LGS, and the other harms identified, no very special circumstances exist to justify granting permission for this development. This is a strong reason to refuse permission and NPPF paragraph 11(d)(i) is satisfied. Alternatively, even if this Inquiry finds that NPPF 11(d)(i) is not satisfied, the LPA's position is that the harms identified significantly and demonstrably outweigh the benefits of the Appeal Scheme, and permission should still be refused.

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