



Appeal Decision

Site visit made on 6 March 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/P1425/W/23/3321646

Seaford Head Lower School, Steyne Road, Seaford, East Sussex BN25 1AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Seaford Head School Academy Trust against the decision of Lewes District Council.
 - The application Ref LW/22/0275, dated 19 April 2022, was refused by notice dated 20 February 2023.
 - The development proposed is replacement of poor condition existing boundaries to the school to improve safeguarding measures.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework ('the Framework') was published in December 2023. I have not considered it necessary to invite observations from the main parties because the changes to the Framework were not relevant to the main issues for the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of neighbouring properties with particular regard to outlook; and
 - The character and appearance of the area including the setting of the adjacent Grade II Listed Corsica Hall building.

Reasons

Living Conditions

4. The appeal site comprises various school buildings and large areas of associated open space including school playing fields. Along the perimeter of the school is boundary treatment including low boundary walls and chain link and timber fencing. These provide a clear boundary for the site and separation from adjacent development including residential properties. The boundary treatments are in varying states of repair, with the front low boundary wall to Steyne Road in particularly poor condition.
5. The proposal seeks permission to replace all sections of walls and fencing, except the top part of the eastern boundary, with a new perimeter fence to

improve safeguarding measures at the school. The new fence would be around 2.1m in height on the northern and southern boundaries and around 1.8m in height on the western boundary along the section adjacent to the rear gardens of Cricketfield Road. The fence would be wire mesh and green in colour.

6. Whilst I note the appellant amended the proposal to reduce the height of the section adjacent to Cricketfield Road to around 1.8m, this would still be a substantial increase in height when compared with the existing situation where most properties have low timber fences. Moreover, the rear gardens along Cricketfield Road are small and only a few metres in length. This results in an existing situation where rear amenity areas of these properties are very close to the boundary with the school.
7. The fence by its very nature as a security feature would appear institutional in its design, and at 1.8m in height would unacceptably increase the sense of enclosure to those residents. The overall effect would be a development that would appear as unduly prominent and overbearing, which would harm the outlook from the rear gardens of properties along Cricketfield Road. That it would be coloured green and be meshed to allow some visibility through it would not mitigate the harm to outlook I have identified.
8. I note that the appellant has made reference to the section along Cricketfield Road, at 1.8m high, potentially falling within permitted development levels. Whilst that might be the case in isolation, the development before me when considered as a whole would not, as other sections would exceed the height limits for fences set out under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
9. Moreover, no evidence has been presented that confirms that these permitted development rights remain intact at the site, and that they provide a realistic and practical fall back that the school would implement. As such, I am unable to give any significant weight to whether any part of the development could be constructed through permitted development rights and must judge the proposal before me on its individual planning merits. As I have set out, the proposed location of the fence very close to the boundary would create an uncomfortable relationship with the rear gardens of the properties along Cricketfield Road that would unacceptably harm the living conditions of the occupiers of those properties.
10. In contrast, however, there would be no such harm to the living conditions of neighbouring properties along any of the other boundaries. This is because the separation distances to nearby properties are sufficiently large to ensure that the height and overall design would not be perceptibly harmful with regard to their outlook.
11. In conclusion and for the foregoing reasons, the proposal does not comply with Core Policy 11 (Built and Historic Environment and High Quality Design) of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 (LPP1) and Policy DM25 (Design) of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies (2020) (LPP2) due to the harm to living conditions of properties along Cricketfield Road. The proposal also conflicts with Paragraph 135 of the National Planning Policy Framework (the Framework), which seeks to ensure developments create places that are safe, inclusive and

accessible and which promote health and well-being, with a high standard of amenity. Whilst I acknowledge there might be potential for permitted development rights to be used for some of the sections, the information before me is not conclusive as to whether this is an option and that it would justify the harm I have identified.

Character and Appearance and impact on the setting of Corsica Hall

12. The character of the area surrounding the appeal site is mainly low density residential development of varying styles and types interspersed with areas of open space. The appeal site has its school buildings, entrance and car parking contained within the front and central parts of the site and large areas of open playing fields beyond that extend to the site boundaries and adjacent residential development. The site layout, therefore, creates an open and spacious feel that contributes positively to the character and appearance of the area.
13. The school is adjacent to the Grade II Listed Corsica Hall, which is an impressive building set within its own spacious grounds. The Corsica Hall site is also designated as an Area of Established Character in the Seaford Neighbourhood Plan 2017-2030.
14. I have had regard to the duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special regard be paid to the desirability of preserving listed buildings, their settings, and any features of special architectural or historic interest that they possess. The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
15. The appeal site forms part of Corsica Hall's setting by its open school playing fields helping to frame and enhance the prominence of the listed building and public views to it. The contribution of the site to the Listed Building's setting is, therefore, its open character along the boundary with Corsica Hall.
16. However, and as set out above, there is existing boundary treatment on all the site's boundaries. This is an important feature of the existing character of the area. Therefore, whilst the proposed fence would be marginally higher than the existing one along the boundary with Corsica Hall, it would be broadly the same colour and a similar meshed design. There is also substantial open land on either side of where the proposed new fence would be constructed. Taking these factors together, there would not be a perceptible change in character or appearance of the fencing in this part of the site and consequently no harm would arise to the setting of the adjacent Grade II Listed Corsica Hall. Consequently, I find that there is also no harm to Corsica Hall's status as an Area of Established Character.
17. With regard to the impact on the wider character and appearance of the area, the fence has been designed appropriately for its function as a school. Whilst views of the school would change and appear as less open than the existing situation from certain public vantage points, this would not be materially harmful nor out of character for what could be expected for a school complex such as the appeal site and in recognition that there is already boundary treatment of varying height present.

18. In conclusion, I do not find there would be harm to the character or appearance of the area including the setting of the Grade II Listed Corsica Hall. The proposal in this regard, therefore, accords with Core Policy 10 (Natural Environment and Landscape Character) and Core Policy 11 (Built and Historic Environment and High Quality Design) of LPP1, Policy DM28 (Design) and Policy DM33 (Heritage Assets) of LPP2 and SEA5 (Areas of Established Character) of the Seaford Neighbourhood Plan 2017-2030.

Other Matters

19. I have reviewed the representations to the application, which raise a series of other concerns. From the information before me, I accept the Council's conclusions on these issues as the concerns raised were either not relevant planning matters or could be addressed by the design of the proposal in conjunction with the imposition of conditions for matters such as biodiversity.

Planning Balance and Conclusion

20. I am aware that the proposal has been made in order to improve safeguarding measures at the school after a number of safety issues have been reported, as set out in the information before me. I have also had regard to Government guidance for schools provided by the appellant. It is clearly important for schools to be safe and secure and provide suitable safeguarding measures for pupils.
21. I have reviewed the reported safety incidents provided, which I note are a number of years old. Whilst I acknowledge that the appellant states that similar incidents have continued since, there is no evidence before me that confirms this. Notwithstanding this, the information demonstrates that there is clearly a need to replace the dilapidated low boundary walls along Steyne Road, which are clearly in need of repair and not high enough to provide sufficient security along this boundary.
22. However, the information is not as compelling in respect of the approach to the boundary with Cricketfield Road, where numerous residential properties stand to be directly affected by the proposed 1.8m high fence. The information provided refers only to certain and limited sections of the existing boundary along Cricketfield Road as being deficient, as opposed to confirming all of it is a demonstrable safeguarding issue that necessitates the appeal proposal to proceed over and above the harm, I have identified to living conditions. In short, it has not been demonstrated that the section along Cricketfield Road is the only option available to the school to address their safeguarding requirements, and which has been designed as far as possible to reduce the impact on the neighbouring properties.
23. Therefore, whilst school safeguarding is a very important issue that I give considerable weight, I am not persuaded, based on the evidence before me, that it is sufficiently material to outweigh the harm I have identified to the many properties along Cricketfield Road that would be impacted.
24. To conclude, the appeal scheme would conflict with the development plan taken as a whole with respect to the harm to living conditions of residents along Cricketfield Road. There are no material considerations that indicate that the proposal should be determined other than in accordance with the

development plan. For the reasons given above I conclude that the appeal should be dismissed.

N Perrins

INSPECTOR