

Appeal Decisions

Site visit made on 27 June 2016

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2016

Appeal A: APP/D3830/W/16/3142384

Land to the south of Crawley Down Road, Felbridge, West Sussex RH19 2PS

- 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 Devine Homes PLC against the decision of Mid Sussex District Council.
 - The application Ref 14/03966/OUT, dated 29 October 2014, was refused by notice dated 14 July 2015.
 - The development proposed is the erection of 5 detached and semi-detached dwellings with associated parking, garaging, access and landscaping.
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Appeal B: APP/M3645/W/16/3146634

Land to the south of Crawley Down Road, Felbridge, West Sussex RH19 2PS

- 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 Devine Homes PLC against the decision of Tandridge District Council.
 - The application Ref TA/2014/1794, dated 29 October 2014, was refused by notice dated 8 January 2016.
 - The development proposed is the erection of 5 detached and semi-detached dwellings with associated parking, garaging, access and landscaping.
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Decisions

Appeal A

1. The appeal is allowed and outline planning permission is granted for the erection of 5 detached and semi-detached dwellings with associated parking, garaging, access and landscaping at Land to the south of Crawley Down Road, Felbridge, West Sussex RH19 2PS in accordance with the terms of the application, Ref 14/03966/OUT, dated 29 October 2014, subject to the conditions in Schedule A of this decision.

Appeal B

2. The appeal is allowed and outline planning permission is granted for the erection of 5 detached and semi-detached dwellings with associated parking, garaging, access and landscaping at Land to the south of Crawley Down Road, Felbridge, West Sussex RH19 2PS in accordance with the terms of the application, Ref TA/2014/1794, dated 29 October 2014, subject to the conditions set out in Schedule B of this decision.
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Preliminary Matters

3. The appeals relate to the same proposal for the same site which is bisected by the boundary between the 2 different local planning authorities. The scheme is an outline proposal with access and layout to be determined at this stage. The Council's have each determined the proposal as it relates to their own respective areas only and I shall determine the appeals on that basis.

Main Issues

4. *Appeal A*: The main issue is the effect of the proposal on the character of the area. *Appeal B*: The main issue is the effects of the proposal on the Green Belt. Tandridge Council has also objected to the proposal due to the effects of the proposal on the Ashdown Forest SPA.

Reasons

Appeal A

5. The appeal relates to this roughly square site located to the south of Crawley Down Road. The front section of the site lies within Tandridge District Council and the larger rear section within Mid Sussex District Council (*Appeal A*). All of the buildings proposed by the scheme would be within this rear part of the site.
6. The site has recently been cleared of all trees and most vegetation. It sits with houses to the east and west on Crawley Down Road and generally open land to the north and south, although there are some buildings. The boundary to the west is densely wooded and contains a narrow tracked access before the adjacent houses. The Council indicates that the site is within the Strategic Gap which is intended to separate East Grinstead and Crawley; however, in this specific case they consider that the nature of the surroundings is such that there would be no significant effect on the coalescence of the settlements.
7. The proposed houses would be sited at an angle to the road, parallel to the District boundary. This would mean that the house on plot 1 to the east would be about half way back from the road and the semi-detached houses on plots 4 and 5 would be significantly further back. The garage of plot 1 would be sited forward of the house, immediately adjacent to the District boundary. The proposed layout would result in a substantial landscaped area along the site frontage, punctuated by the proposed single point of access.
8. I noted at my site visit that there is no consistency in the distance that houses are sited from the road here. In fact, there is a considerable variation wherein some are very close and others are set well back behind extensive frontages. The proposed house on Plot 1 would be similarly sited to the existing house at No 151 Crawley Down Road and the others would be further away. I find no harm from the proposed siting as the proposal would not be inconsistent with the considerable variation found in the area. The fact that their collective building line would be angled in comparison with the road would not disrupt the character of the area and is a feature that is likely to be less obvious due to the proposed landscaping. The proposed garage at Plot 1 would be forward of the neighbouring house at No 151; however, it would be similar to the siting of a number of other houses in the area. Its probable blank walls facing the highway could either be screened by vegetation or designed in a way that adds interest and I envisage no harm arising from this and I find no conflict with Policy B1 of the Mid Sussex Local Plan (LP).

9. Policy C1 of the LP seeks to restrict development in the countryside (which is applicable to the appeal site) to categories of development, none of which apply to the appeal scheme. However, the Council recognises that as a result of its inability to demonstrate a 5 years' supply of housing land, this policy is out of date. I consider that reduced weight may be attached to this policy as a result. Even when applying that reduced weight, I find that the context within which the appeal site sits, as set out above, means that its effects on the countryside would be minimal. In relation to Policy DP24 of the Mid Sussex District Plan 2014-2031 Pre-Submission Draft, I consider that its early stage towards adoption means that only limited weight can be given to it. However, in the wider context of consideration of the quality of the built environment, subject to consideration of the detailed matters not before me, I consider that the proposal would be acceptable.
10. As a result of the above considerations, I have balanced the benefits of the proposal in relation to the provision of additional homes and the agreed, albeit modest, economic contribution that would arise from it against the minimal harm to the countryside. In my judgement the slight adverse effect are not sufficient to outweigh the benefits.

Appeal B

11. The front section of the appeal site is within the Green Belt. The Council considers that the proposal (within Tandridge District Council) to provide an access and landscaping to the remainder of the site amounts to a change of use. The Council goes on to identify that the National Planning Policy Framework (the Framework) does not include changes of use as an exception to inappropriate development. However, in my judgement, the proposal for the provision of an access and landscaping can more accurately be seen as an engineering operation. Within paragraph 90 of the Framework it is stated that engineering operations are not inappropriate development provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt.
12. The development within this appeal does not propose any built development in the Green Belt. The proposal is for an access and driveways, along with landscaping. As a result of the fact that no buildings are proposed and the nature of the road and driveways, I find that there would be no negative effects on openness, which would therefore be preserved. I have also considered the effects of the proposal in relation to the purposes of including land within the Green Belt and I find that, in relation to Appeal B specifically, the purposes are not compromised.
13. As a result, I consider that the proposal represents development which is not inappropriate and does not conflict with the purposes of including land within the Green Belt. Therefore, the proposal is consistent with the Framework in this respect and is not in conflict with Policy DP10 of the Tandridge Local Plan Part 2, Detailed Policies (TLP).

Ashdown Forest SPA

14. The site is located within 7km of the Ashdown Forest Special Protection Area (SPA). Under the Conservation of Habitats and Species Regulations 2010, the competent authority (in this case Mid-Sussex Council in whose area the SPA falls) has a duty to ensure that proposals will have no adverse effects on the

integrity of the SPA. The Council has produced an interim Strategic Access Management and Monitoring (SAMM) Strategy that sets out measures to protect the SPA from new recreational pressures. The projects that form the mitigation have been agreed with, amongst others, Natural England. The provision of Suitable Alternative Natural Green Spaces (SANGS) would provide recreational opportunities to relieve any additional pressure on the SPA. The Council has agreed a SANG at East Court and Ashplats Wood. The appellants have entered into Obligations to contribute towards the interim SAMM strategy and the SANG. Mid-Sussex Council are content that this means that the proposal would not have any unacceptable effects, either by itself or in combination with other projects.

15. However, Tandridge Council state that the SANGS are not provided and that they may not be in place before the additional recreational pressure arising from the scheme would be felt; thus potentially adversely affecting the SPA. The two Councils and the appellants have been specifically invited to make additional comments on this important matter, in the light of their contrasting views. Notwithstanding the view expressed by Tandridge Council, Mid-Sussex Council (in whose area the SPA falls) confirm that the contributions that would arise from the Obligations would satisfy their policy on this matter and that the SANG at East Court and Ashplats Wood is available now for use. From what the appellants state, it appears that some work is on-going at the SANG, but it is available. I do not intend to rehearse the detail of all 3 cases but on the basis of the comments made by the competent authority in this case (Mid Sussex) and the fact that the appeals referred to by Tandridge Council were determined prior to the adoption of the SANG and SAMM strategy by Mid – Sussex on 1 January 2016, I am satisfied that the proposal, either by itself or in combination with other projects, would have no unacceptable effects on the SPA.

Other Matters

16. I have taken into account the likely effects of the scheme on neighbours of the appeal site. Whilst some neighbours may experience clear views of the houses once built, I do not consider that they would be so close or intrusive that either privacy or outlook would be unacceptably affected.

Conditions

17. I have considered the need for conditions and judged these on the basis of the advice in the national Planning Practice Guidance.

Appeal A

18. I have included the standard conditions relating to the submission of reserved matters and the commencement of development. The Council has asked that conditions relating to walls/fences/hedges, landscaping and materials be included. I consider that these are matters that are included within the outstanding reserved matters of Landscaping, Appearance and Scale and so I shall not include these in this outline permission.
19. So that the site is drained adequately, it is necessary to include conditions relating to the provision of surface and foul drainage, to an agreed specification. In order to ensure that satisfactory parking is included in a timely manner, a condition requiring its provision prior to the occupation of the

dwelling is justified. I shall include a condition which requires the implementation of an agreed Construction Method Statement, which will cover concerns relating to working hours, dust emissions and other matters. I shall also include a condition which requires implementation in accordance with the approved drawings, so far as is relevant to this outline scheme.

20. The Council has asked that a condition relating to contamination should be included. This request arises from the comments made by the Council's Environmental Health section. The only justification for the request is that the previous use of the site is unknown. In my judgement, this is insufficient justification and does not give rise to a realistic likelihood that contamination may be present. In these circumstances, I shall not include this condition.

Appeal B

21. As set out above, I shall include conditions relating to the timing of implementation, a Construction Method Statement and the provision of parking and turning areas prior to occupation of the houses. In addition, conditions relating to visibility splays at the proposed junction, and the provision of a footway in its proximity are necessary and reasonable.
22. Although not requested by Tandridge Council, part of the land within their part of the site would be landscaped as part of the scheme, therefore I shall require the submission of landscaping as a reserved matter to Tandridge Council.

Conclusions

23. I have taken account of all other matters that have been raised in this appeal. I am satisfied that the proposal would not prejudice the character of the area and would not represent inappropriate development in the Green Belt. The effects on the SPA would be appropriately mitigated. As a consequence, both appeals are allowed.

S T Wood

INSPECTOR

SCHEDULE A; CONDITIONS FOR APPEAL A

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No dwelling shall be occupied until space has been laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. These areas/facilities shall thereafter be retained for parking/manoeuvring.
- 5) None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 067.0004.001/P1; JBA14/79-TS01A; JBA14/79-TS02B; 14065/C02; 14065/S101/C; 14065/S102/C; 14065/S103/C; 14064/P102/C; 14065/P105/D.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) hours of construction works
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) the prevention of fires on the site

SCHEDULE B; CONDITIONS FOR APPEAL B

- 1) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No dwelling shall be occupied until space has been laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. These areas/facilities shall thereafter be retained for parking/manoeuvring.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 067.0004.001/P1; JBA14/79-TS01A; JBA14/79-TS02B; 14065/C02; 14065/S101/C; 14065/S102/C; 14065/S103/C; 14064/P102/C; 14065/P105/D.
- 6) The development hereby approved shall not commence until the access to Crawley Down Road has been constructed and provided with visibility zones of 2.4m by 120m in both directions in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 7) The development hereby approved shall not be first occupied unless and until the proposed 1.5m wide footway across the site access has been constructed in accordance with the approved plans; the footway shall thereafter be retained permanently in its approved form.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) hours of construction works
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) the prevention of fires on the site.