The Planning Inspectorate

# Appeal Decision

Site visit made on 11 October 2016

**by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

**Decision date: 3RD November 2016**

**Appeal Ref: APP/D3830/W/16/3154526**
**North Pottersfield Cottage, Henfield Road, Albourne, West Sussex BN6 9DB**

- 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 Mr Peter Dell against the decision of Mid Sussex District Council.
- The application Ref DM/16/0408, dated 22 January 2016, was refused by notice dated 8 April 2016.
- The development proposed is for three detached 2-storey, 3-bed dwellings with detached garages. Electric gates with pedestrian side access off the existing track.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

## Preliminary Matters

3. The Council accepts that it is currently unable to demonstrate a five year supply of deliverable housing sites in the District. Policies in the 2004 adopted Mid Sussex Local Plan (Local Plan) relating to the supply of housing are therefore out-of-date when considered in relation to paragraph 49 of the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 14 of the Framework 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 Framework taken as a whole.

4. Nevertheless, I have had regard to saved policies in the Local Plan insofar as they are consistent with the Framework, as required by paragraph 215. I have therefore attributed them weight as set out in my conclusions on the main issue in relation to this appeal. I am aware that the Council has recently submitted the Mid Sussex District Plan for examination. As the policies within that plan have not been tested, I can give them little weight in my determination of the appeal. At the time the Council determined the application the Albourne Neighbourhood Plan was at examination. I have been informed that this plan has subsequently been approved by the community by way of a referendum and was formally 'made' by the District Council on 22 September 2016. It therefore forms part of the development plan.

## Reasons

5. The appeal site is a rectangular plot within a large flat field. The field as a whole is currently laid to grass and grazed by sheep. The site lies immediately to the north of the Albourne Court business park, beyond which the area is predominantly characterised by open fields and paddocks. Access to the site would be through the car park associated with the business park and along a track on the western side of the site. This track is a public bridleway and also provides access to North and South Pottersfield Cottages. A public footpath runs through the northern end of the field towards stables to the east.

6. The proposal would introduce three large and bulky modern houses of identical, contemporary design onto the site. The repetitive design features, the introduction of straight, artificial boundaries and the minimal space for landscaping would result in an unsatisfactory relationship between the site as a whole and the surrounding area. In my view, the proposal would appear as an alien and unwelcome intrusion into the undeveloped countryside surrounding the village of Albourne, which would be highly visible from the public bridleway and the footpath adjacent to the site.

7. The internal layout, with the shared access and detached garages, would result in a series of restricted plots dominated by buildings and hard surfacing with insufficient space between and around them. The plot sizes would be significantly smaller than those associated with the nearest residential development along the north side of Henfield Road. The layout would therefore be at odds with the established pattern of other houses in the locality which have direct road access and, in the majority of cases, their own driveways. The result would be a cramped and contrived arrangement that would be more suited to an urban area than a rural setting. The proposal would therefore fail to integrate effectively with its surroundings and would appear incongruous and out of place.

8. The design of the houses would mirror that of the buildings in the business park rather than any of the residential development of the village. However, I am not persuaded that contemporary architecture combined with the use of timber cladding and sedum roofs would assist the assimilation of the three buildings into this flat rural landscape. To my mind the proposal would be an urban form of development that would be out of keeping with the locality and would fail to respect the characteristics of existing development in the village.

9. There is a large mature oak tree to the west whose crown extends over the appeal site. Although it is not subject to a tree preservation order, it is in good condition and its size makes it an important and prominent feature in the flat landscape immediately around the appeal site. The proximity of the tree to the proposed development means that mitigation measures would almost certainly be required to protect the tree during construction. Although no details of such measures were provided with the application, I am content that this matter could be addressed through the imposition of appropriate conditions, if the development had been acceptable in all other respects.

10. However, the height and width of the tree, combined with its location to the west of the site, would be likely to cause overshadowing of one or more of the gardens of the proposed dwellings. This could give rise to pressure to prune the trees in the longer term, particularly as the proposed gardens would be small. This would be harmful to the appearance of the tree, which would

reduce its amenity value in this rural setting, resulting in limited conflict with saved Policy B7 of the Local Plan.

11. Taking all these factors into consideration, I conclude that the proposal would result in significant harm to the character and appearance of the area, arising from the site's location in open countryside and isolated from other residential development. It would therefore be contrary to saved Policy B1, which requires all development to respect the character of the locality, including its landscape setting, and saved Policy B7 which seeks to retain trees that contribute to the character of an area. As Policies B1 and B7 deals broadly with the matter of design quality and the conservation of the natural environment, I consider them to be consistent the Framework. Failure to comply with these policies is therefore a matter to which I can attribute significant weight.

12. In addition, the proposal would be contrary to Policies ALH1 and ALC1 of the Neighbourhood Plan, which seek to focus additional residential development within the village or immediately adjoining it. Notwithstanding the lack of housing land supply within the District as a whole, I give conflict with these policies moderate weight. The proposal would also be contrary to Policy C1 of the Local Plan, which seeks to protect the countryside and firmly resist development outside built-up area boundaries. However, as this policy cannot be considered to be up-to-date, I can give this conflict only limited weight in my overall determination of the appeal.

*Other matter*

13. North and South Pottersfield Cottages is an early 17th century farmhouse that has been sub-divided into two cottages. It is a Grade II listed building and I therefore have a statutory duty to have special regard to the desirability of preserving its setting. The building is well screened from the appeal site and set in mature grounds overlooking the open countryside to the north. It appears to be an isolated property set in the wider rural landscape. Whilst the proposal would decrease the separation between the listed building and the remainder of the village I concur with the Council's assessment that its setting would not be harmed by the proposal. There would therefore be no conflict with the Framework's advice to conserve heritage assets in a manner appropriate to their significance.

*Planning balance*

14. The proposal would provide three additional homes which would contribute in a small way to addressing the district's housing needs. It would also create jobs during the construction period, which would be beneficial to the local economy. Future occupants could bring additional expenditure into the area and could make use of local services; this could also benefit the local economy and community. These factors weigh in the scheme's favour.

15. However, paragraph 55 of the Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. In this case no specific evidence was presented about local facilities that are available or that would benefit from the scheme. On the contrary, the Albourne Neighbourhood Plan states that limited infrastructure is a constraint on development. This leads me to conclude that that the economic and social benefits that would arise from the proposal would be limited.

16. On the other hand, even though the proposal would not harm the setting of the nearby listed building, the development would result in significant harm to the character and appearance of the countryside surrounding Albourne. The proposal would also conflict with the advice of the Framework that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This combination of factors demonstrates that environmental dimension of sustainable development would not be achieved.

17. The lack of a five year supply of housing land is a matter to which I attach significant weight, but I have found that the proposal would result in significant harm to the environment. In addition, the proposal would be contrary to the recently made Neighbourhood Plan and paragraph 198 of the Framework advises that where a planning application conflicts with such a plan, permission should not normally be granted. These factors lead me to conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Overall the proposal would not be a sustainable development.

**Conclusion**

18. For the reasons given, I find that there are no material considerations that outweigh the conflict with the development plan. I therefore conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR