
Appeal Decision

Site visit made on 23 January, 2017

by Joanna Reid, BA (Hons) BArch(Hons) RIBA

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

Decision date: 9th February, 2017

Appeal Ref: APP/D3830/W/16/3159450

Highfields, 6 Brighton Road, Warninglid, West Sussex, RH17 5SY

- 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 Meredydd Haynes against the decision of Mid Sussex District Council.
 - The application Ref. DM/16/1291, dated 21 March, 2016 was refused by notice dated 1 August, 2016.
 - The development proposed is erection of an additional detached dwelling with detached garage.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The site is at an angle to the cardinal points. However, as the south west elevation is referred to in the main parties' representations as the south elevation, and so on, I shall do the same.

Main issues

3. The main issues in this appeal are the effect that the proposal would have on:
 - The character and appearance of the surrounding area,
 - Whether the future occupiers would have reasonable access to local shops and services by means other than the private car, and
 - The living conditions of the future occupiers of the dwelling to the south of the site, with regard to privacy, and the living conditions of the future occupiers, with regard to private outdoor space.

Reasons

Planning policy

4. The Development Plan includes the *Mid Sussex Local Plan* (LP), which was adopted in 2004. LP Policy C1 says that outside built-up area boundaries the remainder of the plan area is classified as a Countryside Area of Development Restraint where the countryside will be protected for its own sake. The Council says that it cannot currently demonstrate a 5-year housing land supply for the District, so the supply of housing aspect of LP Policy C1 should not be considered to be up to date. However, insofar as LP Policy C1 aims to recognise the intrinsic character and beauty of the countryside it is consistent

with the *National Planning Policy Framework* (Framework). So, in accordance with Framework paragraph 215, some weight can be afforded to LP Policy C1. The other relevant LP Policies are generally consistent with the Framework.

5. The relevant emerging policies of the *Mid Sussex District Plan 2014-2031* (ELP) and the *Ansty, Staplefield & Brook Street Neighbourhood Plan* (ENP), are broadly in line with the Framework. So, I shall deal with them as material considerations, affording them some weight and significant weight respectively, in line with their stage of preparation.

Character and appearance

6. The appeal site is outside any built-up area boundary defined in the LP, so it is, in policy terms, in the countryside. It is also within the High Weald Area of Outstanding Natural Beauty, which has the highest status of protection in relation to landscape and scenic beauty.
7. There is a loose scatter of dwellings along part of the east side of Brighton Road, and in culs de sac including Thorndean Drive. The good-sized back gardens of adjoining dwellings in Thorndean Drive to the north are largely screened by mature vegetation. A number of dwellings have been permitted to the south of the site, some of which are being built, but the Council says that they were replacements for existing residential structures and consent for the stationing of caravans. Otherwise the area is mainly characterised by a patchwork of open fields, hedgerows and woodland blocks, so it has a rural character. The rural character of these landscape features and the gently sloping topography contribute positively to the landscape and scenic beauty of the Area of Outstanding Natural Beauty.
8. The site includes a replacement dwelling that is sited fairly close to Brighton Road. Its relatively long back garden slopes up towards fields in the open countryside to the east. The proposal includes a new dwelling and garage within a plot at the east end of the garden, which would be reached by a drive near the west and north boundaries of the plot of the replacement dwelling.
9. Due to its siting, the replacement dwelling at Highfields is partly shielded by the rising landform, so it has little visual impact in the rural scene to the east of the site. By contrast, the proposal would be harmfully intrusive due to its scale and siting at the upper end of the garden. As the proposal would also look squeezed-in on its modest plot and its sprawling drive would erode the existing garden, its built-up form would be harmfully at odds with the rural landscape. It would unacceptably erode the important garden that provides an open setting for the replacement dwelling.
10. As the openness in the existing garden respects the open character of the adjoining countryside, there is no need to 'round off' the present sporadic pattern of dwellings. The bund by the back of the site and proposed planting would not overcome the loss of important openness. The development would not be readily seen from the public domain. However, that would not be a good reason to allow this damaging scheme, as that argument could be repeated too often to the detriment of the countryside, and it would be seen from its surroundings in any case. So, the loss of openness in the present garden would harmfully erode the character of the rural area, and the built-up appearance of the proposal, including its drive and turning area, would harm its appearance. Thus, the scheme would harm the intrinsic character and beauty

of the countryside, and it would harmfully fail to conserve or enhance the landscape or the scenic beauty of the Area of Outstanding Natural Beauty.

11. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to LP Policy C1 which seeks to protect the countryside for its own sake, LP Policy C4 which aims to conserve and enhance natural beauty in the Area of Outstanding Natural Beauty, and the Framework which aims to recognise the intrinsic character and beauty of the countryside, as well as ELP Policies DP1, DP14 and DP24, and ENP Policies AS1 and AS3.

Access to shops and services

12. The Framework explains that new isolated homes in the countryside should be avoided unless there are special circumstances. Here, 'isolated' can be taken to mean remote from local shops and services. Due to its rural location, the site is more than a couple of miles from convenience shops and services at, say, Handcross and Cuckfield, and further still from the town centre of Haywards Heath. The sole access to the site would be from Brighton Road, which runs close by and roughly parallel to the busy A23 dual carriageway. Most connecting roads to nearby settlements lack street lighting and footpaths in part. So, for a family with children, walking or cycling would not be a safe or attractive prospect, especially during inclement weather or after dark.
13. The developing nearby cycle way offers little travel choice, and the infrequent daytime bus services to some towns, with fewer evening and Sunday services, would be inconvenient for most day to day needs. So, whilst the dwelling would be close to existing dwellings, and there are a few sustainable travel options, the likelihood is that the future occupiers would be reliant on travel by private car to meet their reasonable travel needs.
14. The Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, but the proposal would not be for any of the exceptions in Framework paragraph 55. It would not be a replacement dwelling, there is no suggestion that the dwelling would be needed to meet an identified local need, and insufficient other reasons have been put to me, so the special circumstances needed to justify a new isolated home in the countryside have not been demonstrated.
15. Therefore, I consider that the future occupiers of the proposal would not have reasonable access to local shops and services by means other than the private car. It would be contrary to LP Policy C1, LP Policy T4 which seeks to minimise the increase in private car trips, LP policy H11 which seeks to permit necessary rural workers' dwellings, and the Framework which aims to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, as well as ELP Policies DP1 and DP13, and ENP Policy AS1.

Living conditions

16. There would be almost no space at the sides of the dwelling, and most land to the north would be taken up by the garage, parking and turning area, so most of the private outdoor space would be to the south. Whilst the space would be modest for a good-sized family home, there would be some room for garden furniture, play equipment, a washing line and planting. Occupiers reasonably

seeking a larger garden could choose not to occupy the dwelling, and the space would not be so small that it would harm the future occupiers' living conditions.

17. However, due to the shallow depth of the back garden and the lie of the land, future occupiers of the first floor bedrooms in the dwelling would be able to overlook the private garden of the dwelling to the south, including the area close to that home, which is often the most well-used. This is presently partly screened by planting by the common boundary, but those plants could not be relied upon to screen the proposal in future. Without that planting, overlooking of the adjoining garden by occupiers of the appeal dwelling would significantly harm the living conditions of the future occupiers of the dwelling to the south.
18. So, whilst the private garden of the dwelling would not be so small that it would harm the future occupiers' living conditions, I consider that the proposal would harm the living conditions of the occupiers of the dwelling to the south, with regard to overlooking and loss of privacy. It would be contrary to LP Policy B1 which seeks a high standard of design, LP Policy B3 which aims to prevent significant harm to residents' amenities, and the Framework which aims to always seek to secure high quality design and a good standard of amenity for all future occupants of land and buildings, as well as ELP Policy DP24.

Other matters

19. As the Council cannot demonstrate a 5-year housing land supply for the District, the dwelling would make a small contribution that weighs in favour of the scheme. However, the Framework explains that the 3 mutually dependent dimensions of sustainable development, its economic, social and environmental roles, should not be undertaken in isolation. So, whilst the economic gains would include jobs during construction, New Homes Bonus and future occupiers' local spending, and the social gain would include the new dwelling, these gains would be significantly and demonstrably outweighed by the environmental harm that the proposal would cause to the character and appearance of the surrounding area that is within the Area of Outstanding Natural Beauty, the poor accessibility to local shops and services, and the harm to the living conditions of adjoining future occupiers due to loss of privacy. Thus, the proposal would not amount to sustainable development. It would be contrary to the Framework, as well as ELP Policy DP1, which reflects the thrust of the presumption in favour of sustainable development.

Conclusion

20. For the reasons given above and having regard to all other matters raised, including the support of some nearby occupiers, the appeal fails.

Joanna Reid

INSPECTOR