
Appeal Decision

Site visit made on 14 March 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/D3830/W/16/3165875

**Land adjacent to Hickstead Cottage, London Road, Hickstead,
West Sussex RH17 5NU**

- 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 Simon Gould, Sussex Vale Gospel Hall Trust against the decision of Mid Sussex District Council.
 - The application Ref DM/15/4894, dated 9 December 2015, was refused by notice dated 4 July 2016.
 - The development proposed is erection of a single storey Local Meeting Hall (D1 Use Class) and car parking and access improvements from London Road.
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Decision

1. The appeal is allowed and planning permission granted for the erection of a single storey Local Meeting Hall (D1 Use Class) and car parking and access improvements from London Road at Land adjacent to Hickstead Cottage, London Road, Hickstead, West Sussex RH17 5NU in accordance with the terms of the application Ref DM/15/4894, dated 4 July 2016 subject to the conditions in the schedule at the end of the decision.

Main Issues

2. The main issues are:
 - whether the proposed development would provide a suitable site for a local meeting hall, having regard to development plan policies; and
 - whether users of the development proposed would be provided with adequate opportunities to travel by means other than the private car, so contributing to sustainable transport patterns.

Reasons

Suitability of the Site for a Local Meeting Hall

3. The appeal site forms part of the garden of Hickstead Cottage which is located on London Road. At this point London Road is two-way although further to the south it is one way, providing a slip road off the A23.
 4. The proposal is for a single storey building of approximately 12 metres by 8.5 metres with a pitched roof rising to approximately 4.8 metres. Access would be provided from London Road and 10 car parking spaces provided to the north of the building together with a disabled parking space. The building is
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- proposed to be used only on Sundays and Mondays and attendances are expected to be between 35 and 50 people.
5. The site is within the countryside area of development restraint as defined in the Mid Sussex Local Plan, 2004 (the Local Plan). Policy C1 of the Local Plan indicates that within the countryside proposals for development will be resisted and restricted to a number of specific needs. Part e) allows proposals for facilities which are essential to meet the needs of local communities, and which cannot be accommodated satisfactorily within built-up areas.
 6. As a place of worship for the Plymouth Brethren Christian Church the hall would only be available for religious purposes. Nevertheless, although it would not be generally available to the wider community this does not mean that it would not be a community facility within the terms of a Class D1 use. Similarly a place of worship is one of the types of community facilities identified in paragraphs 28 and 70 of the National Planning Policy Framework (the Framework). In the absence of guidance within the Local Plan as to what is meant by local communities I therefore find that proposal would serve a community need.
 7. The Local Plan does not clarify how the term local should be defined but based on the evidence before me, including the type of use and the catchment of the congregation I consider that the proposal would serve a local need. The Brethren already have a recently developed hall in Albourne but because of the way in which the congregation worship a further smaller hall is required to serve the smaller local congregation in addition to the larger district one. As the need cannot be met at the existing facility at Albourne, and premises in Burgess Hill have been lost, the need is being met on a temporary basis in private homes. On this basis I consider the need to be justified.
 8. Part e) of Policy C1 requires consideration of whether the development can be accommodated satisfactorily within the built-up area. In the absence of allocated sites in the adopted Local Plan, emerging District Plan or Twineham Neighbourhood Plan the Brethren would have to compete with other potential uses to purchase sites for development. The evidence which the appellant has provided in terms of their own site search and that of a commercial agent demonstrates that no alternative sites are available within built-up areas. Furthermore, Policy C1 does not indicate that it is necessary to consider alternative locations if the proposal cannot be satisfactorily accommodated in the built-up area.
 9. Policy C1 also seeks to protect the countryside for its own sake. This part of the policy is not in accordance with the advice of the Framework which states that planning should recognise the intrinsic character and beauty of the countryside. Taking account of the Framework I consider that the proposal would be of a scale and design appropriate to its rural surroundings, would not have any visual impact on the locality and appropriate landscaping could be secured by condition softening the impact of the development. Moreover, it would reflect the Framework's comments that places of worship assist in supporting a prosperous rural economy and the delivery of community needs.
 10. I therefore find that the local meeting hall is essential to meet the needs of the local community and would satisfy the requirements of Policy C1 of the Local Plan as an exception to the general policy of restraint that applies to development in the countryside.

Sustainable Transport

11. Policy T4 of the Local Plan sets out a number of sustainable transport requirements for new developments. Of particular relevance in this case are the requirements that development should be within built-up areas unless no suitable sites exist, that the development should be located close to public transport routes and should seek to minimise the increase in private car trips generated by the development.
12. However, I consider that this policy is not entirely consistent with the Framework which acknowledges that different measures will be required in different communities and opportunities to maximise sustainable transport will vary from urban to rural areas. Consequently I attach moderate weight to Policy T4.
13. I have already found that no suitable sites exist within built-up areas and therefore the first requirement of Policy T4 is met. The supporting text to Policy T4 states that for a site to be accessible by bus it should be within 400m of a bus stop. The nearest bus stops to the appeal site are within 400m and the proposal is therefore in accordance with this requirement of Policy T4. Moreover, the local environment for pedestrians walking between the bus stops and the meeting hall would support the use of bus services. Nevertheless, the frequency of bus services is limited and the times when the local meeting hall would be used does not ideally correspond with bus services.
14. I have also taken account of the strong likelihood that members of the congregation would be likely to share vehicles because typically attendance is from household / family groups. In addition I accept that the use of low emission vehicles could be considered as a sustainable form of transport as recognised in the Framework.
15. Moreover, as the need for the hall is currently being met through the use of private houses I consider that there would only be a marginal increase in the number of vehicle movements arising from the proposed development.
16. I therefore find that the proposal would result in minor conflict with Policy T4 of the Local Plan as it would marginally increase private car trips without providing a realistic alternative. For similar reasons I find that the proposal would be contrary to Policy DP19 of the emerging Mid Sussex District Plan to which I also attach moderate weight because of the stage the plan has reached in its preparation. This policy aims to ensure that development is sustainably located to minimise the need for travel and supports the increased use of alternative means of transport to the private car.
17. However, the conflict with the development plan needs to be considered in the context of the limited weight I attach to these policies in accordance with paragraph 216 of the Framework. Consequently, taking account of the approach to sustainable transport in the Framework I find the proposal acceptable on the basis of the limited opportunities to maximise sustainable transport in this location.

Other Matters

18. I have taken into account various concerns which have been raised locally about the effect of the proposal on highway safety including evidence in relation to previous traffic accidents. Suggestions were also made that the

speed of traffic on London Road needed to be controlled. I note that the highways authority have not objected to the proposal, that they confirm that the visibility splays accord with relevant design speeds and that no visibility issues arise with regard to the hidden dip on London Road. Consequently, taking account of the volume of traffic which the scheme is likely to generate, its operating pattern and the use being restricted to a place of worship I do not consider that the proposal would lead to highway safety issues.

19. It has been suggested that 10 parking spaces would be an inadequate provision for the proposed use. However, this is in excess of Council standards and taking account of the appellant's indication about the likelihood of car sharing I consider this provision to be acceptable.
20. It has also been suggested that if planning permission were granted it would undermine the Twineham Neighbourhood Plan, made in 2016 which forms part of the development plan. I have had regard to the policies of the Neighbourhood Plan in reaching my decision and find no conflict with any policies notwithstanding the fact that the site was not allocated for development.

Conditions

21. In addition to the standard implementation condition (Condition 1) I have imposed conditions to ensure that appropriate landscaping is provided, existing trees are protected and to ensure that landscaping works are effective in providing an appropriate setting for the site (2 and 3). A condition to ensure a satisfactory means of managing foul and surface water drainage and prevent an increased risk of flooding is necessary (4) as are conditions to ensure that vehicle parking and turning space is provided (5) together with cycle parking spaces (6).
22. I have also imposed a condition in order to protect the living conditions of neighbouring occupiers during construction (7), from operational noise (8 and 10) and from construction noise (9). A condition to restrict the use and prevent alternatives within the D1 use class is also appropriate in this case to ensure that the building is not used for more intensive activities (11). Finally I have attached a condition specifying the relevant drawings with which the scheme should accord as this provides certainty (12).

Planning Practice Guidance advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In this respect it is necessary for condition 2, 4, 7 and 8 to be conditions precedent as they are so fundamental to the development that it would otherwise be necessary to refuse the application.

Conclusion

23. For the reasons set out above, and taking into account all other matters raised, the appeal is allowed.

Kevin Gleeson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.
3. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.
5. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
6. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
7. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

8. No development shall commence until a scheme for protecting the adjacent residential units from noise generated in the hall, has been submitted to and approved in writing by the Local Planning Authority. All works that form part of the scheme shall be completed before the first use of the hall and retained thereafter.
9. Demolition or construction works including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times for construction works that is audible at the boundaries of the site: Between 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays and shall not take place at any time on Sundays, Bank or Public Holidays.
10. No amplified sound shall be played within the building.
11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 now or as amended in the future or the Town and Country Planning (Use Classes) Order 1987 now or as amended in the future the building hereby approved shall only be used as a place of worship and it shall not be used now or in the future for any other uses that fall with Class D1 of the Town and Country Planning (Use Classes) Order 1987.
12. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plans and Elevations (Plan 2 of 4); Proposed Elevations (Plan 3 of 4) and Site Plan (Plan 4 of 4).