
Appeal Decision

Site visit made on 14 March 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 25th April 2017

Appeal Ref: APP/D3830/W/16/3166242

Barn Cottage, Ockley Lane, Hassocks, West Sussex, BN6 8NX

- 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 Philip Pain against the decision of Mid Sussex District Council.
 - The application Ref DM/16/0347, dated 22 January 2016, was refused by notice dated 18 August 2016.
 - The development proposed is conversion and extension of existing garage to form a 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Mid Sussex District Plan 2014 – 20131 was submitted for examination in August 2016 and examination hearings have been held. However, the Inspector's final report has not been published, and so it is possible that some policies may yet change. This therefore reduces the weight which can be attached to these policies. I have, accordingly, determined the appeal in the light of the policies in the Mid Sussex Local Plan 2004 (the LP) and the National Planning Policy Framework (the Framework).
3. The Written Ministerial Statement (WMS) of December 2016 sets out government policy concerning the circumstances under which relevant policies for the supply of housing within neighbourhood plans would be deemed out of date. As the Council is not able to demonstrate a three year supply of deliverable housing land, the proposals relating to housing supply within the Hassocks Neighbourhood Plan do not comply with the circumstances set out in the WMS and are therefore out-of-date. As a result I have accorded them limited weight in reaching my decision.

Main Issues

4. The main issues in this case are the effect on the character and appearance of the area, the effect on highway safety, and whether, in the light of national and development plan policy, the appeal proposal represents sustainable development.
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Reasons

Character and Appearance

5. Barn Cottage is a modern house in a vernacular design, with an adjacent timber-clad double garage and storage loft. It sits outside the developed boundary of Hassocks, facing a complex of converted agricultural buildings forming a group of dwellings at Ockley Manor Farm.
6. Apart from the former farm buildings, the character of the area is one of small groups of generally modest houses set sporadically along Ockley Lane and backing onto open countryside. They are largely set in generous plots and behind front gardens, often fronted by hedgerows, which reinforce their rural character.
7. The appeal proposal is to extend the garage to form a three bedroom house.
8. The proposed extension would have a larger footprint than the existing garage to which it would be attached. It would present a long flank elevation to Ockley Lane, albeit with some articulation created by a narrow glazed link between the original building and extension. The effect of the proposal would also be to create a large area of hardstanding and to bring about the loss of the long, partly naturalised hedgerow fronting the site, which would be replaced by vehicular access and a wall.
9. Although care has been taken with the design of the proposed dwelling to reflect local vernacular building traditions and plot sizes seen in the vicinity, nonetheless, the changes identified above would add up to an urbanising effect on the area, which is otherwise characterised by the rural appearance of its housing.
10. While the converted buildings opposite the appeal site present a long elevation to the road, their agricultural origins are evident. They do not therefore appear out of place in the countryside and, being set behind a wide grassed verge, they therefore retain some form of green setting to Ockley Lane.
11. While the appeal dwelling would be inserted into the garden of the host building, and would not have a significant effect through coalescing development along the road, the effect I have identified above would, nonetheless, cause significant harm to the character and appearance of the area.
12. For the above reasons I conclude that the character and appearance of the area would be significantly harmed. This would conflict with the provisions of Policy B1 of the LP in regard to the need of development proposals to demonstrate a sensitive approach to urban design by respecting the character of the locality in which they take place, especially to neighbouring buildings and their landscape or townscape setting. It would also conflict with Policy C6 of the LP, which seeks to resist the loss of hedgerows.

Highway Safety

13. The Council has expressed concern that the proposal does not make provision for adequate visibility at the junction of the access with the highway, and that the speed of traffic coming from the north, before the 30mph zone was

reached, would be likely to be higher than the proposed visibility splays would safely accommodate.

14. At the time of my site visit on a weekday morning, the traffic on Ockley Lane was moderately frequent and fast-moving. I noted however, that the road rises to the north, and that as a result traffic can be observed approaching at some distance from that direction. There was also a relatively long view of traffic approaching from the south.
15. I can see no reason therefore to doubt the evidence put before me by the appellant, in the form of a highway safety assessment by Stilwell Partnership, that the proposal would not give rise to a risk to highway safety.
16. I note the concerns that the visibility splays pass over third party land, but as the submitted drawings show that this comprises a narrow strip of mown grass verge adjoining the host dwelling, and the footway beyond that, I conclude that it is unlikely to give rise to a harmful effect on visibility from the access to Ockley Lane.
17. For the above reasons, I conclude therefore that the proposal would not have an unacceptable effect on highway safety. In that respect it would conform with Policy T4 of the LP.

Sustainable Development

18. Policy C1 of the LP seeks to protect the countryside by focusing new development within the boundaries of built-up areas, while Policy C2 seeks to protect identified strategic gaps between settlements. It is not disputed that the site lies outside the built-up boundary of Hassocks and in an area of countryside, and the proposal would not meet the underlying aims of these policies.
19. However, it is common ground that the Council is not able to demonstrate a five year housing land supply. Paragraph 49 of the Framework is clear that relevant policies for the supply of housing should not be considered up to date in these circumstances. Paragraph 14 of the Framework states that where relevant policies are out of date, the presumption in favour of sustainable development means that 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 as a whole.
20. The Framework defines the three dimensions to sustainable development, social, economic and environmental. It makes it clear that sustainability should not be interpreted narrowly, and that the dimensions of sustainable development are mutually dependent and should be sought jointly and simultaneously through the planning system.
21. The proposed dwelling would contribute to the housing stock of the District, which is an important consideration in the absence of an identified five year housing land supply, although the contribution of a single dwelling would be a small one. There would be some economic benefit during the construction phase of any development, albeit limited and temporary, and in the longer term through support to local businesses. Given that the Framework generally encourages the supply of new housing, and as these benefits contribute towards the aim of achieving sustainable development, I give them moderate weight.

22. The Framework also, in paragraph 55, in seeking to promote sustainable development in rural areas, states that housing should be located where it will enhance or maintain the vitality of rural communities, and that except under special circumstances, local planning authorities should avoid new isolated homes in the countryside.
23. The proposed dwelling would sit within a small group and would not therefore be isolated from other dwellings. It would be outside the built-up boundary of Hassocks, but close enough to the range of services and facilities in the settlement to be likely to make some use of them, and would not therefore be functionally isolated from them. Accordingly, by contributing to enhancing or maintaining the vitality of this rural community through supporting these services and facilities, the development of this site for residential purposes would not conflict with the aims of paragraph 55 of the Framework. The contribution would be a modest one, however, to which I attach moderate weight.
24. Paragraph 17 of the Framework states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. While the services and facilities in Hassocks include a railway station, and could be reached on foot or by bicycle, they are over a mile away from the appeal site, and the made footpath from the settlement runs along the busy road, stopping just short of the appeal site, which would make it unappealing for families with small children. These factors mean that occupiers of the appeal property would be less likely to access local services on foot or bicycle than by private car. While the number of car movements generated by a single dwelling would be small, there would still be an undue reliance on the private car, contrary to LP policy T4.
25. Notwithstanding my conclusion that the proposal would not cause an unacceptable effect on highway safety, I consider that the significant environmental harm identified above in relation to the effect of the development on the character and appearance of the area, and harm through the unsustainable travel patterns it would generate, would together significantly and demonstrably outweigh the moderate benefits of providing a new dwelling and of its modest contribution to the vitality of this rural community. I therefore conclude that the proposed development would not amount to sustainable development in terms of the Framework.

Other Matters

26. While the desire of the appellant to downsize to a smaller home is understandable, this does not alter my conclusion on the planning merits of the case.

Conclusion

27. For the reasons given above, therefore, and taking into account all matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR