
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: 22nd May 2017

Appeal Ref: APP/D3830/W/16/3161706

The Baskings Parva, Selsfield Road, West Hoathly, RH19 4LP

- 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 Quantum Land and Planning Ltd. against the decision of Mid Sussex District Council.
 - The application Ref DM/16/3594, dated 12 August 2016, was refused by notice dated 10 October 2016.
 - The development proposed is erection of 2 detached chalet dwellings with garages.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mid Sussex District Council against Quantum Land and Planning Ltd.. This application is the subject of a separate Decision.

Preliminary Matters

3. The Mid-Sussex District Plan 2014 – 2031 Submission Version is currently undergoing examination, and its policies may to be subject to change. I have therefore determined this appeal in the light of the saved policies of the Mid Sussex District Local Plan 2004 (the LP).
4. A signed and dated Unilateral Undertaking was submitted during the appeal process. I come to consider it below.

Main Issues

5. The main issues in this case are whether the proposal adequately mitigates the potential impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), and whether, in terms of national policy and development plan policies, the appeal proposal would constitute sustainable development.

Reasons

Whether the proposal adequately mitigates the potential effect on the SPA and SAC

6. The appeal site is within 7 km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The Council's Strategic Access
-

Management and Monitoring (SAMM) Interim Mitigation Strategy and Suitable Alternative Natural Green Space (SANG) set out measures for the mitigation of the effects of residential development in accordance with an assessment under the Conservation of Habitats and Species Regulations 2010. Both documents set out tariffs for financial contributions based on the number of bedrooms created by a development.

7. The appellant has not contested the need for these contributions, and has submitted a Unilateral Undertaking (UU) to pay the SAMM contribution, which has been accepted by the Council. The Council has also indicated that the use of a negatively worded condition would be an appropriate approach to securing the necessary mitigation in relation to SANG, and has withdrawn their objection to the development on these grounds.
8. The Framework is clear at Paragraph 203 that the use of planning conditions and obligations is to make otherwise unacceptable developments acceptable. These mechanisms would not therefore count as a benefit in the planning balance, and as I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter in any further detail.

Whether the proposal would constitute sustainable development

9. The appeal site is located outside any defined settlement boundary and in an area identified as countryside in the development plan. Policy C1 of the LP seeks to prevent development in the countryside outside the settlement boundaries in the interests of protecting the countryside for its own sake, setting out a number of exceptions, which this proposal does not meet. It would therefore be contrary to this policy.
10. However, there is no dispute that the Council does not have a deliverable five year housing land supply and I am mindful of the implications of paragraphs 14 and 47 – 49 of the Framework in this respect. The Inspector's letter of 20 February 2017 regarding the Housing Requirement in relation to the Mid Sussex District Plan Examination does not present any change in circumstances which would alter the approach to be taken.
11. The appeal site is over a mile outside West Hoathly, and further from Sharpthorne, a slightly large settlement beyond that. It sits within a small group of dwellings in the open countryside. Other development in the vicinity consists largely of scattered dwellings or small groups of dwellings in the countryside. While some of these small groups of buildings are located along Selsfield Road, their infrequency is such that I do not consider it to have a relatively built-up character.
12. Although the appellant has set out information about the small range of services and facilities in West Hoathly and Sharpthorne, as they are at some distance from the appeal site they do not appear to me to be particularly local or easily accessible from it. I conclude therefore that that the proposed dwellings would be isolated houses in the countryside which would not meet any of the special circumstances set out in Paragraph 55 of the Framework, and would not thereby promote sustainable development.
13. Evidence put before me relating to bus routes in the area indicates that the No 272 passes through the wider area, while the No 84 uses the stop close to the site, and runs along Selsfield Road to either East Grinstead or Three Bridges

and Crawley. However, the infrequency of this service appears to me to be unlikely to encourage regular use to access services and facilities. Selsfield Road is relatively busy, unlit and has no footpaths, which appears to me likely seriously to discourage walking or cycling.

14. Future occupiers of the site would therefore be likely to depend heavily on private car use for access to shops, schools, services and employment opportunities, and the development would, as a result, promote unsustainable patterns of transport, which would be at odds with the provisions of the National Planning Policy Framework (the Framework) and with Policy T4 of the LP.

Planning Balance

15. The Framework generally encourages the supply of new housing, and states that housing applications should be considered in the context of the presumption in favour of sustainable development. The appeal proposal would provide two new dwellings, which would make a contribution to the supply of housing in the District, albeit a minor one. However, in the light of the lack of an identified five year supply of housing land, I accord this moderate weight.
16. There would be some short term economic benefits arising from the scheme during construction, and there would be some contribution to the viability of local services and facilities, although they would both be minor.
17. It is not disputed that the proposed dwellings could be built without harm to the character and appearance of the area, nor that they could be self-built and would use sustainable construction methods. While desirable in their own right, I consider these factors to be neutral in the planning balance.
18. As I have, however, identified that the site would be in an unsustainable location, and would give rise to unsustainable transport patterns arising from an increase in private car movements to and from the site, I conclude that the harm arising from the proposal would significantly and demonstrably outweigh the benefits. The proposal would not, therefore, be a sustainable form of development and would not benefit from the presumption set out in Paragraphs 14 and 49 of the Framework.

Other matters

19. The appellant has drawn my attention to the appeal decision relating to a development at 63 Horsham Road, Pease Pottage¹; however the Inspector in that case was clear that the appeal site was not isolated, and the facts of the case are not therefore comparable with this one. Referring to a further decision put before me, relating to the site at Laurelhurst, Cross in Hand, this benefited from a more regular bus service and a footpath leading into the settlement, which, according to the Inspector, enjoyed a full range of services and facilities. I conclude therefore that the circumstances of that appeal² too were different from the one in front of me.

¹ Ref. APP/D3838/A/12/2183817

² APP/C1435/W/16/3154596

20. Other planning and appeal decisions have also been drawn to my attention. On the basis of the limited information I have seen regarding the proposed developments, the relevant development plans and their local context it appears that they are not directly comparable with the proposal currently before me. As such, therefore, they do not cause me to alter my findings in respect of this appeal.
21. Notwithstanding refinements to the definition of previously developed land (PDL), and the encouragement in the Framework for its seeking its efficient re-use, the appellant's statement that the appeal site constitutes PDL, this does not alter the fact that the site as a whole is within the open countryside, and does not therefore appear to me to outweigh the otherwise unsustainable nature of the development I have identified.
22. Notwithstanding the existence of the expired planning permission granted in 1993 for the erection of a new bungalow on the site, as this substantially predates Framework and was for a replacement for an existing semi-detached house rather than an additional dwelling or two dwellings, I accord it only limited weight, and it does not cause me to alter my conclusions on the merits of this case.
23. The appellant has drawn my attention to the West Hoathley Neighbourhood Plan where it refers to existing sheltered housing at Ducktyls Farm, but there is nothing in this plan to indicate that development in the wider area around the appeal site is anything other than very sporadic. I do not therefore concur with the assertion that the appeal site is not isolated.

Conclusion

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

S J Buckingham

INSPECTOR