
Appeal Decision

Site visit made on 4 July 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 19 July 2017

Appeal Ref: APP/D3830/W/17/3173082

Firsland Farm, Henfield Road, Albourne, West Sussex BN6 9JJ

- 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 Jonathan Underwood against the decision of Mid Sussex District Council.
 - The application Ref DM/16/3782, dated 2 September 2016, was refused by notice dated 16 December 2016.
 - The development proposed is demolition of buildings. Construction of single storey dwelling with attached garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that the draft Mid Sussex District Plan (DP) has been submitted for examination and I understand that examination hearings have taken place, although the interim conclusions suggest the housing requirements will need to be adjusted. In addition, the extent of outstanding objections or whether the policies concerned will be considered as consistent with the National Planning Policy Framework (the Framework) is not clear. Consequently, I am only able to give it limited weight in my decision.

Main Issue

3. Whether the proposal would be considered sustainable development, with particular reference to the reliance on motor vehicles to access services and facilities.

Reasons

4. Firsland Farm is located at the end of a long track through buildings in a mix of residential and commercial uses, surrounded by open countryside. The proposed development would comprise the demolition of a number of redundant farm buildings and their replacement with a single dwelling, with the retention of a single barn on the site. As the buildings were last in use for agriculture, the site does not comprise previously developed land as defined in the Framework.
5. Despite this mix of uses along the access drive, the site is situated some distance from the nearest settlement providing any services and facilities, such

that it is isolated. The closest villages with a range of services are located some 2 miles from the site. Although that would be within cycling distance, the private car would be a preferable form of transport for most journeys. I note that the site can be accessed without adverse effects on highway safety, noise or disturbance. Whilst provision of an electric car has been suggested, no legal agreement under Section 106 of the Town and Country Planning Act 1990 has been submitted and a condition relating to this is unlikely to be enforceable, so I have given little weight to this suggestion.

6. Paragraph 55 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities and that isolated homes in the countryside should be avoided unless there are special circumstances. No information has been provided to suggest that the proposed development would be essential to its countryside location and nor would it fall within the special circumstances listed in paragraph 55 of the Framework, including the re-use of redundant or disused buildings where this would lead to the enhancement of their immediate setting.
7. In this case, the development would provide a spacious dwelling that would be energy efficient, but be considerably smaller than the buildings to be demolished. Whilst it would introduce a residential use into the countryside to replace the existing agricultural buildings that have a more rural appearance, the substantial reduction in built development would result in a more open site that would better reflect this countryside location. Consequently, the proposed development would lead to the enhancement of the setting of the site and would not harm the intrinsic character and beauty of the countryside.
8. The Council's decision notice suggests that the proposed development would be contrary to Policy DP24 of the DP that seeks well designed development that is sensitive to the countryside, but given the effect of the development on the character and beauty of the countryside I conclude that the proposed development would comply with this draft policy.
9. Although the proposed dwelling would not harm the intrinsic character and beauty of the countryside, it would be isolated and would not be located in an appropriate location for development. As such, it would be contrary to paragraph 55 of the Framework and Policy TNP1.1 of the Twineham Neighbourhood Plan (NP) that supports provision for around twenty new homes in appropriate locations in this rural parish with limited small settlements, services and facilities. It would not comply with Policy T4 of the Mid Sussex District Local Plan (LP) that seeks to minimise the increase in private car trips generated by development, nor draft Policy DP19 of the DP that requires development to be located such as to minimise the need for travel.
10. I have found that the proposed development would conflict with a number of policies but comply with others. However, due to that conflict, I conclude that the proposed development is in conflict with the development plan as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted, notwithstanding this conflict.
11. The Council have confirmed that there is not a five year supply of deliverable housing sites within the district and relevant policies for the supply of housing, such as Policy TNP1.1 of the NP, should not be considered up to date in accordance with paragraph 49 of the Framework. Consequently, I attach limited weight to the conflict with that policy and have considered the appeal in

the light of the presumption in favour of sustainable development set out in paragraph 14 of the Framework that confirms planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies within the Framework when taken as a whole.

12. Sustainable development has three dimensions that must be considered together, being economic, social and environmental. The proposed single dwelling, although contributing in a small way to the need for homes in the area, would be in an isolated location contrary to paragraph 55 of the Framework with poor accessibility to shops and facilities leading to harm under the social strand of sustainable development. There would be limited economic benefits during the construction of the dwelling, residents would support services in the closest settlements once it is occupied and there would be additional New Homes Bonus Funding and additional Council Tax receipts from the proposed development. The proposed development would benefit the intrinsic character and beauty of the countryside given the removal of dilapidated buildings.
13. Taking all these matters into account, I do not consider that sufficient special circumstances have been demonstrated to outweigh the isolated location of the development in accordance with paragraph 55 of the Framework. On balance, I conclude that the social harm identified would significantly and demonstrably outweigh the minor positive economic and environmental benefits of the proposed development, such that the proposal would not comprise sustainable development and would be contrary to policies within the Framework when taken as a whole.
14. My attention has been drawn to other appeal decisions in other districts¹. However, these relate to sites where those Inspectors concluded that the sites were not isolated. Similarly, a planning application on land adjoining Tanglewood, Lodge Lane, Bolney (reference DM/16/4096) has been referred to, but the Council did not consider that to be an isolated location. For the reasons given above, I have concluded that Firsland Farm is an isolated site, such that I do not consider those cases to be directly comparable. I note that the Parish Council have not objected to the proposed development, but this does not affect my conclusion on the main issue.
15. An appeal decision at Fox Farm, Broxmead Lane, Bolney² has also been referred to, which related to an isolated site and for development that was contrary to a recently made Neighbourhood Plan, and an appeal at Highfields, 6 Brighton Road, Warninglid³. I accept that the appeal scheme differs from those given the advantages of the proposed development in terms of the intrinsic character and beauty of the countryside. However, I need to consider the proposed development on its own merits.
16. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen INSPECTOR

¹ Appeal references: APP/P3040/A/13/2191142 and APP/A0665/A/13/2210627

² Appeal reference: APP/D3830/W/16/3156593

³ Appeal reference: APP/D3830/W/16/3159450