



Appeal Decision

Site visit made on 27 June 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 26th July 2017

Appeal Ref: APP/D3830/W/17/3172449

Land south of 1 Cobbs Croft, Chalkers Lane, Hurstpierpoint, Hassocks

- 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 and Mrs R Rigg against the decision of Mid Sussex District Council.
 - The application Ref DM/16/0794, dated 2 February 2016, was refused by notice dated 17 February 2017.
 - The development proposed is 2 detached cottages.
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Decision

1. The appeal is allowed and planning permission is granted for 2 detached cottages on land south of 1 Cobbs Croft, Chalkers Lane, Hurstpierpoint, Hassocks in accordance with the terms of the application, Ref DM/16/0794, dated 2 February 2016, subject to the eleven conditions in the attached schedule of conditions.

Preliminary Matters

2. The Council has confirmed that the second reason for refusal, which related to flood risk, has been resolved following the submission of additional information. I have therefore focused my decision on the first reason for refusal.
3. The description of the development was amended to exclude the garages. Accordingly I have used the amended description and the plan titled "Proposed 2No. detached cottages" dated August 2016 in determining the appeal.
4. The address of the application was amended during the application process. I have used the amended address.
5. The Council's decision notice referred to two plans. The parties have confirmed that the correct plan is the plan titled "Proposed 2 No. detached cottages"; dated August 2016. Accordingly I have referred to that plan.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is some 0.13 hectares of land, immediately to the south of 1 Cobbs Croft. The southern boundary of the site is defined by a stream, on

the south of which is a public right of way. Historically there was then a large gap between the appeal site and the residential properties on Cuckfield Road. However, in 2012 a scheme for 38 dwellings was granted permission on land between Chalkers Lane and Cuckfield Road. In 2014 a scheme for 57 dwellings was granted permission on land south of Chalkers Lane. As a result, Hurstpierpoint has expanded towards the appeal site, with development almost up to its boundary, and the appeal site itself is now viewed as being in a semi-rural location.

8. Accordingly the site is seen in the context of the more urban design and layout of these larger schemes, as well as Cobbs Croft Cottages. Cobbs Croft Cottages face directly onto Chalkers Lane, they have modest front gardens and are relatively exposed to the Lane. Plot 1 of the proposal would follow this pattern, and planting to the front of the site would provide screening. Plot 2 would sit behind Plot 1, and therefore views of it within the street scene would be extremely limited. The access way may provide glimpses of Plot 2, however, I consider that any views would not be unduly significant in respect of the built form on the site.
9. There would be a considerable level of screening along the southern boundary, any limited views of the proposal from the public right of way would be in the context of the larger developments on Chalkers Lane. These developments provide a significant number of dwellings, located at various angles to each other, and to Chalkers Lane. It is clear that the built pattern of the village has evolved over time, and therefore the previous grain of street facing front elevations is no longer a precedent, particularly in the vicinity of the appeal site. Accordingly, when considered within the context of the surrounding development, the layout of the plot would not appear alien or contrived. The proposal would sit comfortably within the wider area, and would be seen as the semi-rural part of the village.
10. The necessary landscaping and maintenance of the site required to deliver the proposal would improve the appearance of the site, which is currently overgrown, and would contribute positively to this part of the Lane. I note the concerns of the Council in respect of the effect of artificial boundary treatments; I consider that this could be addressed by way of condition.
11. The dwellings would have simple pitched slate tiled roofs and rendered elevations. Both would have timber framed windows and doors, with a central canopied porch to the front and a chimney to the side. The scale and mass of both dwellings would respect the houses at Cobbs Croft, and would respond positively to the modern developments on Chalkers Lane.
12. Taking the above into account, I find that the proposal would comply with Policies B1 and B2 of the Mid Sussex Local Plan 2004 with regards to the design and layout respecting the character of the locality. The proposal would comply with Policies HurstC1 and HurstH5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan in respect of enhancing and responding to the character of the village, and HurstH6 in respect of its environmental provisions. The proposal would also comply with emerging Policy DP24 of the Mid Sussex District Plan with regards to the design principles of that policy.

Other Matters

13. In 2015 permission was allowed at appeal for the erection of a pair of semi-detached dwellings (outline) on the appeal site¹. I have considered the Inspector's reasoning in determining that appeal and attach weight to that decision. However, I have determined this appeal on its own merits.
14. I have had regard to all other matters raised, including the concerns relating to the undeveloped nature of the site and flood risk. The principle of development has been established through the previous appeal and the flood risk issue was resolved between the parties following the submission of additional information. None of the other matters affects the conclusion that I have reached in respect of the proposal.

Conditions

15. The Council has suggested a number of conditions which I have considered in accordance with the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for clarity.
16. In addition to the implementation condition, it is necessary to include a condition requiring the development to be carried out in accordance with the plans as this provides certainty. Conditions relating to materials, boundary treatment and landscaping are necessary to protect the character and appearance of the area.
17. Conditions securing surface and foul water drainage are necessary to protect the dwellings against flooding, and secure safe living conditions for the occupiers of the dwellings.
18. In the interests of the living conditions of neighbours and highway safety I consider it necessary to impose conditions relating to a construction method statement and specify acceptable hours of working.
19. I have imposed conditions relating to cycle parking, and sustainability and energy efficiency measures to ensure that the development is sustainable.
20. Conditions 3, 4, 5, 7 and 9 are pre-commencement conditions which are justified in this case as they cover matters that are essential to be agreed before the development starts.

Conclusion

21. For the reasons above, and taking into all other matters raised, the appeal is allowed.

J Ayres

INSPECTOR

¹ APP/D3830/W/14/3001112

SCHEDULE OF ELEVEN CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed 2 No. detached cottages; dated August 2016.
- 3) No development shall commence until samples of materials and finishes to be used for the external walls, fenestration and roofs of the proposed buildings have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.
- 4) No development shall commence until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the local planning authority and no dwelling hereby permitted shall be occupied until such boundary screen walls/fences/hedges associated with them have been erected or planted in accordance with the approved details. The boundary treatments approved shall remain in place in perpetuity.
- 5) No development shall commence 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.
- 6) 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.
- 7) 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. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.
- 8) The dwellings hereby permitted shall not be occupied until secure and covered cycle parking spaces have been provided in accordance with a detailed construction plan / details to be submitted to and approved in writing by the local planning authority. These facilities shall thereafter be retained for their designated use.

- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10) The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. The dwellings hereby permitted shall not be occupied until an independent final report, demonstrating that the proposals in the Statement have been implemented, has been submitted to and approved in writing by the local planning authority.
- 11) Demolition or construction works shall take place only between 0800 hours to 1800 hours Mondays to Friday and 0900 hours to 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

END OF SCHEDULE