



Appeal Decision

Site visit made on 12 July 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 4th August 2017

Appeal Ref: APP/D3830/W/17/3169782

The Nursery, Church Lane, Albourne BN6 9BZ

- 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 Wheeler against the decision of Mid Sussex District Council.
 - The application Ref DM/16/2993, dated 28 June 2016, was refused by notice dated 18 November 2016.
 - The development proposed is demolition of an existing commercial building and erection of a replacement dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reason for refusal refers to conflict with the submission version of the Mid Sussex District Plan (emerging Local Plan). However, the Council has submitted that the examination of the emerging Local Plan is ongoing and that limited weight should be afforded to its policies. I am similarly of the view that limited weight should be attached to the emerging Local Plan and I shall make no further reference to it.

Main Issues

3. The main issues are:
 - whether the development's location would provide acceptable access to everyday local facilities for its occupiers by a range of modes of transport and, if not, would any dependency on private motor vehicle usage, in particular, be harmful to the environment; and
 - the effect of the development on the character and appearance of the area.

Reasons

4. The development would involve the demolition of a former agricultural barn, which was last in light industrial use, and the construction of a four bedroom house.

Approach to this decision

5. For the purposes of saved Policy C1 of the Mid Sussex Local Plan of May 2004 (the Local Plan) and Policy ALC1 of the Albourne Parish Council Neighbourhood Plan 2014 – 2031 made in September 2016 (the Neighbourhood Plan) the site is within the countryside and is therefore in a location where development is discouraged. However, the Council has submitted that the supply of deliverable housing sites (HLS) is currently less than three years. Given the absence of an HLS, and having regard to the Supreme Court's recent judgement¹ concerning paragraphs 14 and 49 of the National Planning Policy Framework (the Framework), whether Policy C1 of the Local Plan should/should not be considered as a policy for the supply of housing is of little consequence. That is because the Supreme Court's judgement makes it clear that it is the absence of an HLS that engages the fourth bullet of paragraph 14 of the Framework.
6. Paragraph 14 of the Framework states 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 this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.
7. While the Neighbourhood Plan was recently made, because the Council has confirmed the HLS is less than three years I consider Policies ALC1 and ALH1 of this plan should be considered as being out of date, given the provisions of the Written Ministerial Statement on Neighbourhood Planning of 12 December 2016.
8. I have therefore applied the previously mentioned provisions of the fourth bullet point of paragraph 14 in considering this appeal.

Whether the location of the development would be acceptable

9. As part of the Government's promotion of sustainable development paragraph 55 of the Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, with development in one village in some instances having the potential to support services in others nearby. Paragraph 55 further advises that isolated homes in the countryside should be avoided unless special circumstances apply, such as providing accommodation for rural workers, making use of heritage assets, re-using redundant or disused buildings or a scheme would be of an exceptional or innovative design. The provisions of paragraph 55 are underpinned by the social role of sustainability referred to in paragraph 7 of the Framework. Paragraph 7 states, amongst other things, that new housing should be provided so as to be accessible to local services that reflect the community's needs and supports its health, social and cultural well-being.
10. With the possible exception of the house being of an exceptional or innovative design, a matter that I shall return to later in my reasoning, no evidence has been submitted suggesting that this development would come within any of the other special circumstances listed in paragraph 55 of the Framework. Policy C1 of the Local Plan exhibits some consistency with paragraph 55 in

¹ Suffolk Coastal District Council v Hopkins Homes Limited and the Secretary of State for Communities and Local Government and Richborough Estates Partnership LLP and the Secretary of State for Communities and Local Government v Cheshire East Borough Council

terms of its acceptance of development that is needed for agriculture or forestry and the reuse of rural buildings. However, the development would not fall within those provisions of Policy C1.

11. Albourne is a village with a relatively small centre. The village for the most part comprises housing, although there is a primary school, a church, a village hall and recreation ground and some employment premises. There are some bus stops to the east of the village's centre on the B2118 and those bus stops together with the previously mentioned services and facilities are located around 800 metres from the appeal site². There are however, no shops within the village and the nearest settlements offering a fuller or full range of everyday facilities are Hurstpierpoint, Burgess Hill and Brighton.
12. The new house would be located at some distance from Albourne's centre. The house would be located off a track that also provides rear access to 1 to 10 Wellcroft Cottages, a row of houses fronting directly onto Church Lane. Church Lane at this point is a comparatively narrow, no through road, providing access to Wellcroft Cottages as well as six other dwellings. Church Lane has no footways or street lighting and it runs into The Street, and there are no footways on The Street for much of its length.
13. I accept that the new house would not be a physically isolated home in the countryside, given the proximity of the sixteen other dwellings. However, given the restricted range of everyday local facilities available in Albourne the occupiers of the house would not have access to a full range of readily at hand services and facilities. I therefore consider that the limited accessibility to a full range of everyday local facilities would mean that the occupiers of this house would be likely to have a high dependency on private motor vehicle usage. I consider that dependency would be accentuated by the fact that Church Lane would not be a particularly inviting route for pedestrians making trips to or from the centre of the village or the bus stops after dark and/or at times of poor weather. While Church Lane and The Street are subject to relatively low speed limits that does not persuade me that they are particularly well suited to pedestrian use. I also consider that the routes to and from the house would not be particularly attractive to cyclists and the use of bicycles would therefore offer a limited alternative to private motor vehicle use.
14. Accordingly in accessibility terms I find that this house would be in an isolated location. A consequence of this being an isolated location for a house would be the making of unduly long and frequent motor vehicle trips to and from it. The making of those trips would be inconsistent with protecting the environment by minimising the need to travel by motor vehicle.
15. I am also of the opinion that the provision of a single house would do little to enhance or maintain the vitality of Albourne or any of the other smaller settlements in the area, in terms of supporting local services and businesses.
16. I recognise that the occupation of a single house would be likely to generate less traffic than the site's re-use for commercial purposes. However, were the site to be re-occupied by a commercial use then there would potentially be some economic benefits for the wider area. Those economic benefits could go

² As identified in the appellants' statement of case

some way to off-setting the environmental dis-benefits associated with the vehicular activity associated with the site's commercial occupation.

17. I accept that because the site is previously developed land (PDL), this proposal gains some support under the provisions of the eighth core planning principle (paragraph 17 of the Framework). However, I consider that the support for redeveloping PDL would be tempered by the provisions of the seventh and eleventh core planning principles which promote the reduction of pollution and the fullest possible use of modes of travel other than private motor vehicles.
18. For the reasons given above I conclude that the location of the development would provide unacceptable access for its occupiers to everyday local facilities by a range of modes of transport and that the resulting dependency on private motor vehicle usage would be harmful to the environment. As the development would involve the provision of a home in the countryside, with poor accessibility to every day local facilities, resulting in an undue reliance on private motor vehicle usage, there would be conflict with paragraphs 7, 17 (the seventh and eleventh core planning principles), 30 (facilitating the use of sustainable modes of transport) and 55 of the Framework.
19. There would also be some conflict with Policy C1 of the Local Plan and Policy ALC1 of the Neighbourhood Plan because the need for the house has not be justified on the basis of there being a functional requirement for it to be located in the countryside.

Character and Appearance

20. The existing former agricultural building possesses no architectural merit and its removal would result in some enhancement in the site's appearance. While the area that surrounds the site is predominantly agricultural in character, I consider that the siting and scale of the house would mean that it would not detract from the area's wider character. That is because the site could be lawfully used for non-agricultural purposes that would not necessarily be wholly consistent with this countryside location. In my opinion the siting of one house would cause no more harm to the area's character than would be the case if the site was to be re-occupied by a non-agricultural commercial enterprise.
21. The site benefits from mature hedgerow planting along its boundaries and I therefore consider that any domestication associated with the occupation of a house would have limited visual impact on the area's character.
22. The house has been designed to mimic the appearance of a more traditional farmyard building when compared with the existing building. While I consider there would be nothing objectionable about the appearance of the house per se, its design would not fall into the category of being of 'exceptional quality' or of an 'innovative nature'. In this respect I consider that this development gains no special support under paragraph 55 of the Framework.
23. I therefore conclude that the development would not be harmful to the character and appearance of the area. There would therefore be no conflict with saved Policy B1 of the Local Plan, Policy ALH1 of the Neighbourhood Plan and section 7 (Requiring good design) of the Framework because the development's design and scale would be respectful of its surroundings.

Other Matters

24. I accept that the development would have no adverse effect on the ecology of the area, with there being scope to include some biodiversity enhancements as part of the development. I also recognise that the house would be energy efficient and that surface and foul water disposal could be addressed in an appropriate manner. I am also mindful of the fact that the highway authority has raised no capacity or safety concerns. While those matters count in favour of the development I consider them to be outweighed by the harm that I have referred to above.

Planning Balance

25. I have found that the development would not be harmful to the character and appearance of the area and I accept that there would potentially be some limited environmental benefit in removing the existing building.
26. The provision of one house would make a very modest contribution to the supply of housing in the Council's area. Consequently this development would give rise to some limited economic and social benefits. However, the economic benefits arising from the construction and occupation of a single dwelling would not necessarily be significantly greater than would be the case if a commercial use was to be reintroduced. I therefore consider that the economic benefits of this development only weigh to a very limited degree in its favour. However, I have found that this would be an unsuitable location for a house because it would provide its occupiers with poor accessibility to everyday local facilities. I consider that dis-benefit weighs significantly against the development's various benefits.
27. I have found that the proposal does not comply with the development plan taken as a whole, albeit that that conflict must be tempered by the current absence of an HLS. I have, however, also found that there would be clear conflict with the Framework, when it is read in the round. I consider that the adverse impacts of the development would significantly and demonstrably outweigh its benefits and could not be overcome by the imposition of reasonable planning conditions. I therefore consider this would be an unsustainable form of development.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR