
Appeal Decision

Site visit made on 16 October 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 2nd November 2017

Appeal Ref: APP/D3830/W/17/3179266

4a Oak Vale Cottages, Henfield Road, Albourne BN6 9DP

- 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 Glyn against the decision of Mid Sussex District Council.
 - The application Ref DM/17/1500, dated 3 April 2017, was refused by notice dated 30 June 2017.
 - The development is described as the 'use of end terrace building granted under 04/00111/FUL as an independent unit of residential accommodation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is referred to as 4a Oak Vale Cottages on the application form but as No 4 on the appeal form and Council's decision notice. I saw during my site visit that the development has been completed and is being occupied as an independent residential unit, which I shall refer to as No 4a. The unit comprises an extension to No 4 Oak Vale Cottages, which has been converted into a self-contained 3-bedroom dwelling, with its own front door. However, the front parking area and rear garden are not physically subdivided.
3. In 2004 the Council granted planning permission¹ for a two-storey side extension to No 4, which it advises included additional kitchen and bathroom provision on the basis it was to be used for fostering children. The Council also advises that No 4a broadly matches the scale of that permission but differs in design, and the Council considers that permission to have lapsed. An application in 2015 for a certificate of lawfulness for the development was refused by the Council, and subsequently dismissed on appeal².
4. The Council is preparing its emerging Mid Sussex District Plan, which is currently at examination stage with hearings having taken place and additional work being undertaken. However, the Council has not relied on any emerging policies in its reasons for refusal in this appeal. Saved policies of the adopted Mid Sussex Local Plan 2004 (MSLP) pre-date the National Planning Policy Framework (the Framework). Having regard to paragraph 215 of the Framework, I will ascribe weight to relevant policies in my reasoning for the main issues.

¹ Council Ref 04/00111/FUL

² Council Ref DM/15/1398 and PINS Ref APP/D3830/X/15/3138867

Main Issues

5. The main issues are:

- Whether the development constitutes an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services;
- The effect of the development on the character and appearance of the area, and
- The effect of the development on the living conditions of future occupiers, with particular regard to internal layout and space.

Reasons

Settlement strategy and accessibility to services

6. No 4a currently forms a self-contained end of terrace dwelling in a cluster of mixed dwellings situated approximately 1km outside the built up area boundary of Albourne. Areas of the district outside the built up area boundaries are defined by saved Policy C1 of the MSLP as countryside area of development restraint, and this is reinforced for the appeal site by Policy ALC1 of the made Albourne Parish Council Neighbourhood Plan 2014-2031 (ANP). The principal aim of these policies is to conserve and enhance countryside character by restricting development to various forms that generally require a countryside location. There is no significant evidence before me that No 4a meets any of the exceptional circumstances criteria of Policy C1 or Policy ALC1 in this regard.
7. The site lies about 1km from the village of Albourne, where I saw a primary school and there are other limited services including a local shop and bus stops. I note that there is a greater range of services at the larger villages of Henfield and Hurstpierpoint, albeit these are further away. The appellant suggests that facilities in Albourne are about a 15 minute walk away. However, I saw that there is no footway along Henfield Road, which is a main rural B-road. Between the site and the village, there are several significant bends, where visibility is limited. Furthermore, I saw during my visit that traffic generally travelled at significant speeds along this stretch of road, where the national speed limit applies.
8. In my view, the distance and nature of the road is such that it would not provide an attractive route for walking or cycling and so residents of No 4a would be more likely to make the majority of journeys to access services in Albourne or further afield by private car than by other modes. While the site is not physically isolated from other built development, being set among a cluster of dwellings, it is nonetheless functionally isolated from services and facilities, with such provisions nearby being limited. Moreover, there is no significant evidence before me that the development meets any of the special circumstances set out in paragraph 55 of the Framework.
9. In light of the above, I conclude that the development does not constitute an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. It would therefore conflict with saved Policy C1 of the MSLP and Policy ALC1 of the made ANP, the relevant requirements of which are set out above, and the relevant requirements of the Framework. These policies are generally consistent with the aims of the

Framework and I therefore give them significant weight for the purposes of this appeal.

10. In forming this view, I note that the development has not resulted in an incursion into the countryside, and that it does not result in coalescence or sporadic development. However, this does not diminish my findings above.

Character and appearance

11. No 4a has the form and scale of a modestly subservient extension to No 4. However, it has the overall appearance of a separate dwelling, mainly because of the front porch and front door, which are visible in the street scene. While immediate residential built form is fairly tight-knit, No 4a has a relatively cramped layout and appearance, exacerbated by the shared front parking area. Together with its modest scale, No 4a appears out of keeping when compared to the adjacent terraced properties, which are generally larger and have their own, marked-out front and rear garden areas.
12. I note the appellant indicates separate garden provision could be made. However, this would not overcome the concerns in relation to the generally incongruous scale and nature of the extension to No 4 having been converted to a separate dwelling. I also note the appellant's view that blocking up the front door would be more detrimental to appearance. However, there are no details before me of how the building might look were it altered to become part of No 4, and so this can have no significant bearing on my considerations.
13. For these reasons, I consider that the proposal would harm the character and appearance of the area. It would therefore conflict with saved Policy B1 of the MSLP, which among other things seeks a high standard of design and layout in new buildings and extensions. It would also conflict Policy ALC1 of the ANP, which among other things seeks to ensure that development maintains, or where possible enhances, the quality of the rural and landscape character of the parish area. These policies are generally consistent with the aims of the Framework and I therefore give them significant weight for the purposes of this appeal.

Living conditions

14. The internal accommodation provided, at just less than 60m² overall taking the appellant's figure, is generally small for a three-bedroom dwelling, particularly in relation to the small living room which also serves as the route through from the front door to the rest of the dwelling. Access to the first and second floors is by means of a double flight spiral staircase only, as there is insufficient space within the building for standard stairs. Furthermore, the bedroom on the second floor is dominated by a sloping ceiling, with little full-height useable area. Coupled with limited circulation space and the excessively cramped effect of the required spiral staircases, the development does not provide a generally good standard of living accommodation for a three bedroom dwelling, which could reasonably be expected to accommodate at least three people. This conflicts with the core planning principles of paragraph 17 of the Framework, specifically to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

15. The Council considers that No 4a does not meet the minimum residential space standards of the government's Nationally Described Space Standard. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current development plan policy. In this case, while an emerging policy has been referred to, there is no current policy and consequently this is not a matter which carries any significant weight against the proposal.
16. Notwithstanding this, I conclude that the development does not provide a good standard of accommodation, to the significant detriment of the living conditions of future occupiers, with particular regard to internal layout and space. Consequently, it conflicts with paragraph 17 of the Framework. The Council has also referred to saved Policy B1 of the MSLP in relation to this main issue. However, while it relates to general design and layout, it does not specifically address internal accommodation requirements or the effects of this on the living conditions of occupiers, or future occupiers, of the development. This policy has therefore not been determinative in my conclusion on this main issue.
17. In forming this view, I have considered that storage could be provided in the rear garden, that No 4a is not in disrepair, and that there is no significant evidence that its size would lead its appearance to deteriorate. However, these factors do not outweigh my concerns in relation to the provision of appropriate internal living space.

Other Matters

18. I have considered the various benefits of the development, including the provision of an additional home, support for local services, and additional council tax receipts. However, these benefits are very limited in relation to development of the type and scale before me.
19. The submissions in this case show that the Council believes it can demonstrate a five year supply of deliverable land for housing, although it accepts that, as it has not received the Final Report of the Inspector examining its emerging plan, it cannot yet rely upon it. The appellant disputes that the Council has a five year supply and considers that the presumption in paragraph 14 of the Framework applies. There is insufficient evidence before me to conclude whether the Council has a five year supply and, if not, the extent of any shortfall is not clear. This lack of certainty calls into question whether development plan policies for the supply of housing are out-of-date in the context of Paragraph 49 of the Framework.
20. The Supreme Court handed down judgement on the *Suffolk Coastal District Council v Hopkins Homes Ltd and SSLG, Richborough Estates Partnership LLP and SSLG v Cheshire East Borough Council* case on 10 May 2017. The judgment makes it clear that the primary purpose of paragraph 49 NPPF is to trigger the operation of the fourth bullet point of paragraph 14 of the NPPF where a local authority cannot demonstrate a five year supply of deliverable housing sites. The important issue is not the categorisation of development plan policies as "policies for the supply of housing" but whether the application of these policies is achieving a five year supply of deliverable housing in accordance with the objectives of paragraph 47. The judgement also found that it is unnecessary to label policies as "out-of-date" to determine the weight to be attributed to them under paragraph 14, confirming that the weight to be

given to relevant development plan policies is a matter of planning judgement for the decision-maker.

21. This supports the 'narrow' view of what forms a policy for the supply of housing, and that the particular purpose of the policy could influence the weight to be attributed to it. Notwithstanding my conclusions on the main issues above, I have had regard to paragraph 14 of the Framework. In the circumstances, my decision would not be altered, even if relevant policies were out-of-date, because of the harms I have identified above.

Conclusion

22. For the reasons given above, and having regard to all matters raised, I conclude that the harms arising from the development significantly and demonstrably outweigh the limited benefits. The appeal is therefore dismissed.

Catherine Jack

INSPECTOR