

Appeal Decision

Site visit made on 30 May 2019

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/D3830/W/18/3205338

Warren House, Staplefield Road, Cuckfield, Haywards Heath RH17 5JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Donna Miller against the decision of Mid Sussex District Council.
 - The application Ref DM/17/0930, dated 26 February 2017, was refused by notice dated 8 February 2018.
 - The development proposed is the construction of a pair of semi detached 4 bedroom cottages on the land adjacent to Warren House.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline form with matters of layout, appearance and landscaping reserved. As such, for the purposes of this appeal, along with the principle of the development in the first instance, only access and scale would fall to be determined.
3. In March 2018, following the the Council issuing its decision notice, the Mid Sussex District Plan 2014-2031 (DP) was adopted. In the circumstances the previous policy references have changed. Draft policy DP13 is now DP15 'New Homes in the Countryside', draft policy DP10 is now numbered DP12 'Protection and Enhancement of the Countryside', draft policy DP14 concerned with the High Weald Area of Outstanding Natural Beauty, now reads as DP16 and draft policy DP19 is now numbered DP21 'Transport'.

Main Issues

4. The main issues in this appeal are:
 - 1) Whether the proposal would result in in residential development in an unsustainable location;
 - 2) The effect of the proposal on the character and appearance of the area, with particular regard to its location within an Area of Outstanding Natural Beauty; and
 - 3) The proposal's effect on highway safety.
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Reasons

Location

5. The site is located outside of the Council's defined 'built-up' boundaries, and therefore falls within the Countryside Area of Development Restraint. In terms of its Settlement Hierarchy, and in the interests of accessibility and sustainable development, the Council's primary objective through its recently adopted development plan is to secure the countryside's protection by minimising the the amount of land taken for development.
6. DP policy DP6 indicates that outside of the built-up area boundaries the expansion of settlements will only be supported in limited circumstances such as, amongst other things, where the site is contiguous with an existing built up area. This is not the case here where the site, although one of a cluster of dwellings located close to the junction of Staplefield Road (B2114) and Slough Green Lane, lies over 1 mile from Cuckfield/Whitemans Green.
7. Although there is a bus stop close to the site it is more than likely that the occupiers of the proposed two 4-bed dwellings would be largely reliant on the private motor vehicle for such trips as those related to shopping, education, work and entertainment. Although I do not have before me a list of all the facilities and services that Cuckfield can provide it is less than likely that the village would be able to satisfy many of the needs of modern living. The parking provision for both dwellings would facilitate the likely demand for, and use of, the car.
8. On this main issue I conclude that the proposal would constitute the introduction of additional residential development in an unsustainable location. The proposal would thereby be in material conflict with DP policies DP12 and DP15 which together aim to protect the countryside and only to permit new homes within where defined special justification exists, and also DP policy DP21 which seeks a resilient transport network that complements the built and natural environment and aims to minimise the need to utilise the private car. The proposal is also contrary to the sustainability objectives of policy AS1 of the Anstey, Staplefield and Brook Street Neighbourhood Plan (NP).

Character and appearance

9. The site falls within the High Weald AONB within which development proposals, by way of the requirements of DP policy DP16, should conserve or enhance by contributing to its setting. Further, paragraph 172 of the National Planning Policy Framework (the Framework) says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection.
10. The proposed two-storey dwellings would be located on an area of garden adjacent to the detached double garage which serves the existing two-storey dwelling, Warren House. The site looks out to the north and east over the AONB with far reaching views of an expansive landscape comprising gently undulating semi-wooded land.
11. Although Warren House is set back from Staplefield Road and screened therefrom with a series of oak trees the other nearby dwellings, Council

Cottages, are set just off Staplefield Road. The proposal would involve the removal of only a small number of less than remarkable existing trees on the site, and this could also be mitigated by new planting. Nonetheless, my concerns relate instead to what would effectively involve a significant degree of infill amounting to a visual coalescence between Warren House and Council Cottages.

12. The introduction of these two large, semi-detached, two-storey dwellings would be compounded by the resultant external domestic paraphernalia consistent with residential occupation, amounting to encroachment into the AONB landscape. I thereby find that the proposal would have a significant visual effect, impacting upon the land's pleasant rural character and would therefore not contribute to its setting.
13. Given the circumstances I conclude that the proposal would be harmful to the area's character and appearance, in material conflict with the objectives of DP policy DP16 and NP policy AS3, and also contrary to advice within paragraph 172 of the Framework.

Highway safety

14. The local highway authority's (LHA) concerns in this respect relate to the proposed vehicle access arrangements in terms of vehicle visibility. The use of the existing access to Warren House, sited on a bend in Staplefield Road, would be intensified due to its use by additional private motor vehicles associated with the intended additional 4-bed dwellings.
15. The appellant indicates that the existing access was deemed acceptable when approved in 2006 whereas the LHA says that this was approved on the basis of it representing an improvement to the then situation when Warren House did not have a direct access to the public highway. In the circumstances the LHA says that the normal standard applied was not the only consideration.
16. Staplefield Road is a classified B road which is subject at least in part to the national speed limit of 60 miles per hour. However, to determine actual vehicle speeds along this particular stretch of road a 24/7 Automated Traffic Count (ATC) was commissioned by the appellant. Accordingly, a seven day speed survey was carried out either side of the existing access. The findings showed that the road here is subject to speeds above 40 mph and the advice for such, in accordance with Manual for Streets 2, is that Stopping Site Distance should be assessed with reference to local context.
17. The main point of issue is that the 85th percentile speeds were shown to be in excess of 40 mph. Whereas the appellant considers that this would still allow for the adequacy of the access to be assessed against the Manual for Streets standard the LHA disagrees and asserts that the correct standard in this instance should be the more onerous requirement by way of the Design Manual for Roads and Bridges. Given the proposed intensification of use the latter would require adequate visibility splays of 125m north and 107m south, for which the splay to the south would be 21m below the required standard.
18. The LHA says that to achieve the necessary splays it would involve the removal of certain mature trees positioned on the grass verge further along Staplefield Road, and outside the ownership of the appellant. The appellant takes a

different view and considers that the proposal would not result in any material impact to the local transport network.

19. Paragraph 109 of the Framework says that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. I acknowledge that this element of the proposal is a balanced one but, at my site visit, I did witness vehicles travelling at speed along Staplefield Road. Although I did not see vehicles parked in the layby this side of the bus stop outside the site, as referred to by the LHA, the potential exists for what could be a hazardous situation in terms of vehicles entering and leaving the site. Accordingly, I find the appellant's view that there would be no material impact somewhat sweeping and instead share the LHA's concerns. I am therefore taking a cautionary approach on this issue.
20. I conclude that the proposal would be potentially harmful to highway safety and would be contrary to the aims of policy DP21 and advice within paragraph 109 of the Framework.

Other considerations

21. In terms of local housing need I note that the Council is now able to demonstrate a five year housing land supply. Also, the most recent 2018 Housing Delivery Test measurements published show that the delivery of housing within the Mid Sussex District Council area over the past three years was 110% of its housing requirement for this period. As such, the total number of homes delivered, during this period, has exceeded the amount indicated as being required.
22. In view of the adverse effects that I have identified would result, the potential consequences of allowing the appeal and granting planning permission for the scheme as proposed would significantly and demonstrably outweigh the benefits of providing two additional residential units.
23. The appellant cites examples of other dwellings having been approved in support of her case. However, each proposal should be determined on the basis of its own individual planning merits and impacts that would arise and the particular circumstances involved. Accordingly, direct parallels are not easily drawn.
24. With regards to the Habitats Regulations, there should be no likelihood of significant effects arising, either alone or in combination with other development, on the Ashdown Forest Special Area of Conservation. However, as I am dismissing this appeal on other substantive grounds it is not necessary for me to explore this matter further.
25. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 indicates that an application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, although I have had regard to the appellant's various representations, I have seen nothing sufficiently persuasive to suggest that the proposal should be determined otherwise than in accordance with the development plan, to which it materially conflicts.

Conclusion

26. I have found harm on all three main issues which is compelling. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

Timothy C King

INSPECTOR