

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/18/3211667

Land to rear of North Cottages, Cuckfield Road, Ansty, W Sussex RH17 5AG

- 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 Copperwood Developments Limited against the decision of Mid Sussex District Council.
 - The application Ref DM/18/2135, dated 22 May 2018, was refused by notice dated 27 July 2018.
 - The development proposed is described as '*Erection of 9 dwellings (30% affordable) and associated access.*'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's third reason for refusal related to the then absence of a s106 agreement to provide a mechanism for the delivery of the identified affordable housing units and infrastructure associated with the proposed development. During the appeal process, on 4 June 2019, a signed legal agreement to this end was produced, and the Council has since confirmed in writing that, in its view, the reason for refusal in this regard has been overcome.

Main Issues

3. The main issues in this appeal are:
 - 1) whether the quantum of development would represent an inefficient use of land, and whether the proposed mix of dwelling sizes would meet that required in the locality; and
 - 2) the proposal's effect on the character and appearance of the area.

Reasons

Development quantum and mix of dwelling sizes

4. The explanatory text to policy DP30 of the Mid Sussex District Plan (DP), which was adopted in March 2018, says that there will be a significant need for smaller dwellings over the plan period (2014-2031) and that the majority of household growth is expected to result from increasing single person households within the Mid Sussex District area. The policy itself, arising from the strategic objective to provide the amount and type of dwellings to meet the
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needs of all sections of the community, seeks to deliver this by requiring new development to provide a mix of dwelling types and sizes, including affordable housing.

5. More locally, the Anstey, Staplefield & Brook Street Neighbourhood Plan 2015-2031 (NP) also forms part of the development plan. Its objectives are, amongst other things, to contribute to meeting local housing need, including affordable homes, and to provide a mix of house types. These are reflected in the requirements of NP policy AS1. The NP document, adopted in 2017, says that the plan area has a very high proportion of detached properties, with a significantly above average proportion of dwellings of at least four bedrooms. By contrast, the proportion of smaller dwellings is very low with just 21% of the housing stock being 1 or 2 bed properties compared to 34% across the district.
6. The North West Sussex Strategic Housing Market Assessment, part of the plan's evidence base, suggests a significant future demand for smaller properties. In essence, the evidence indicates that a greater number of smaller dwellings at an affordable price is required for first time buyers and also older residents looking to downsize. Accordingly, NP policy AS4 requires for a mix of dwelling sizes, both market and affordable, that takes account of the above evidence and indicates that in the early part of the plan period developments should provide a mix of dwellings to reflect the local housing need. There is therefore a recognised need for small dwellings.
7. In this particular instance the proposal would provide six large market dwellings comprising 2 x 4-bed and 4 x 5-bed units whereas the three affordable homes would comprise 2 x 3-bed and 1 x 2-bed units. Despite the context of the policy background and its objectives the appellant comments that the proposal would deliver 3 or 33% small dwellings. However, this would not be the case as only one of the dwellings, an affordable unit, could be described as 'small.' Relative to the family-sized market housing, of which the 5-bed type would be the majority, the 3-bed unit could only be termed comparatively small. Given this, the proposal does not meet the policy requirement.
8. The appellant, in referring to NP policy AS4, says that, whilst seeking the provision of smaller units, it does not prescribe the required percentage. However, I do not see the necessity for such prescription as, instead, it would seem clear that individual schemes should themselves demonstrate an appropriate mix. In this regard reference should also be made to DP policies DP26 and DP6 which are inter-linked. The former requires that applicants should demonstrate that developments would optimise the potential of the site whilst the latter policy requires that the proposal would not represent an underdevelopment of the site.
9. The Council considers that the quantum of development has been deliberately kept low to meet the DP6 policy requirement that residential schemes on sites outside, but contiguous with, a built-up area, such as is the case here in relation to Ansty village, should be for fewer than 10 dwellings. The appellant, instead, indicates that the low density reflects the character of Ansty, which is categorised as a small village in the development plan's settlement hierarchy, and has also been brought about by the desire to retain an existing substantial

- oak tree in the middle of the site which would complement the scheme. Further, the appellant adds that low density would be appropriate being that the site is located close to the settlement's edge, is surrounded by other housing, and would provide a soft transition, representing an attractive well designed scheme which would contribute to the overall quality of the area. However, the design of the dwellings themselves is not at issue here, but instead their size and number given the site's potential.
10. On this very point paragraph 117 of the Planning Policy Framework (the Framework) says that planning decisions should promote an effective use of land in meeting the need for homes. Moreover, paragraph 123 advises that where there is an existing shortage of land for meeting identified housing needs it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of a site's potential, refusing applications which fail to make efficient use of land.
 11. In relation to the above the NP, in acknowledging that the plan area is subject to significant environmental constraints such as the High Weald Area of Outstanding Natural Beauty which covers much of the area, anticipates that the focus of new residential development will be in Ansty whilst preserving its role as a rural settlement and which does not encroach unduly on the surrounding open countryside.
 12. In light of this and the make-up of the proposed scheme, I consider that the Framework's advice is of direct local relevance here. Further, given the circumstances, and the size of the plot involved, despite the appellant's views otherwise, I do not see any compelling reason why a well designed residential scheme showing a different mix of dwelling units to reflect local housing needs and also policy compliant would not be achievable.
 13. On this main issue I thereby conclude that the quantum of development proposed would represent an inefficient use of land and that the proposed mix of dwelling sizes would not meet that required in the locality. The proposal is therefore in material conflict with the requirements of DP policies DP6, DP26 and DP30, NP policy AS4 and relevant advice within paragraphs 117 and 123 of the Framework.

Character and appearance

14. Policy DP12 says that development will be permitted outside the built-up area boundaries, provided it maintains or where possible enhances the quality of the rural and landscape character. In an attempt to show that the proposed scheme, would meet this requirement a Landscape Visual Impact Assessment (LVIA) was submitted along with the application. Given the situation on the ground the study concludes that although there would be a slight adverse effect due to the development of the existing pasture there would be a largely neutral effect on those elements which define local landscape character as a consequence of the proposal.
15. The Council, in response to the LVIA's findings merely comments that the proposal would have 'some adverse impact' and that the replacement of this green field would neither maintain nor enhance the quality of the rural and landscape character. I have not been presented with any clear analysis to substantiate this assertion and there is no mention of mitigation measures that

might be employed. Indeed, from the Council's representations it would seem that the proposed low density has predicated its position on the character issue.

16. I note that the assessment indicates that the relatively low density would assist in that large areas of the land would remain open. That may be the case but from my site visit observations, and given the contextual setting with housing directly to the north and the extant permission on the adjacent site (land south of Bolney Road), I see no reason why an appropriately landscaped residential development could not be accommodated on the land which would not harm the existing rural and landscape character.
17. On this main issue, notwithstanding my findings on the first main issue, I conclude that the proposal would not be harmful to the character and appearance of the area, and there would be no conflict with the objectives of DP policy DP12.

Other considerations

18. Given that I am dismissing this appeal on a different substantive issue it is not necessary for me to examine the appropriateness of the various elements of the s106 agreement. Neither is it necessary for me, in the circumstances, to assess the extent of any demonstrable effects on Ashdown Forest Special Area of Conservation.
19. 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.
20. I acknowledge that the proposed dwellings would help towards Anstey's identified requirement for new housing units over the DP's plan period, but this would be at the expense of meeting the particular current local housing need, contrary to national advice and strategic objectives in the development plan, namely those of policies DP6, DP26 and DP30. Accordingly, the implications of allowing the appeal and granting planning permission for the proposal would significantly and demonstrably outweigh the recognised benefits of providing additional residential units.
21. The appellant has drawn my attention to a recently approved low density housing scheme (ref DM/19/0206) within the District. Other examples of approved residential schemes have been similarly cited to support the appeal proposal, and I have had regard to these and the various factors involved. 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 and I afford this matter of precedence only limited weight.
22. 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, with which it materially conflicts.

Conclusion

23. Although I have found that the proposal would not be harmful to the area's rural and landscape area this is outweighed by my findings that the low density development would represent an inefficient use of the land which, notwithstanding the local policy objection and the associated reasons for such, would be contrary to contemporary national guidance on such matters.
24. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR