
Appeal Decision

Site visit made on 21 June 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/D3830/W/19/3223435

Crawley Down Nurseries, Turners Hill Road, Crawley Down, West Sussex RH10 4HG

- 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 the Crawley Down Group Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/15/0348, dated 2 January 2015, was refused by notice dated 6 September 2018.
 - The development proposed is 6 new dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all matters reserved. I have considered the appeal on the same basis and assessed the drawings as merely indicative insofar as they refer to the reserved matters.

Main Issues

3. Accordingly, the main issues are:
 - whether the proposed development would be in an appropriate location; and,
 - its effect on the character of the surrounding area.

Location of the proposed development

4. The site lies outside the built-up area boundaries, in the countryside, which policy DP12 of the Mid Sussex District Plan 2014-2031 (LP) adopted in 2018 protects for its intrinsic character and beauty. It permits development here, provided it maintains or enhances the quality of the rural and landscape character of the District, and where either it is necessary for agriculture, or it is supported by another policy in the development plan.
 5. LP policy DP15, to which the Council refers, defines the special justification that is required for new homes in the countryside, so long as it does not conflict with LP policy DP12, which includes development that meets the requirements of LP policy DP6. Outside the defined built-up area boundaries, LP policy DP6 supports the growth of settlements where the proposal is for fewer than 10
-

dwelling and the site is contiguous with a built-up area of the settlement and is sustainable.

6. The site is only 78m from the defined settlement boundary of Crawley Down, and separated only by 2 pairs of semi-detached dwellings. Moreover, the site shares a border in common with other development on 3 of its 4 aspects. I note that the Council has granted planning permission on this site for 2 dwellings, which is extant. Further, the Council does not dispute that the development would be well placed to access services and facilities by means other than the car. In these circumstances, whilst the site may not meet the location test of the policy, it falls only marginally short.
7. Policy CDNP05 of the Crawley Down Neighbourhood Plan 2014-2031 (NP) which was made in 2016, is a permissive policy and does not constrain the location of housing development. I conclude that the location of the proposed development would conflict, albeit marginally, with LP policy DP6. I shall return to this in the planning balance. I turn now to the other part of LP policy DP12, and hence LP policy DP15; whether the proposal would maintain or enhance the quality of the rural and landscape character of the District.

Character of the surrounding area

8. Save for the recently built housing allowed on appeal¹, Wychwood Place, on the opposite side of Turners Hill Road, the pattern of development in this section and outside the defined settlement, is distinctive for its generally linear, street-facing arrangement of large, well-spaced houses set back from the road, or of smaller houses set closer to the road. This pattern provides a gentle transition from the character of more concentrated development within the settlement of Crawley Down to the more open and rural landscape character of the countryside of the District surrounding it.
9. A backland development of 6 houses set behind the established line of street-facing houses would have virtually no presence in the street scene. The development of a more concentrated housing layout behind the wider-grained arrangement of housing along this side of Turners Hill Road would conflict with the spatial order which characterises this section. The lack of legibility, the concentration of development in the hinterland, and the piggy-back form of its layout, would undermine the distinctiveness of the surrounding pattern of development.
10. I appreciate that the layout of Wychwood Place includes houses behind those fronting Turners Hill Road. This has a bearing on the character of the area. However, the edge to Turners Hill Road includes street-facing houses set relatively close to the road, and the cul-de-sac leading off it has houses fronting directly on to it. The activity and legibility of that street arrangement diminishes the effect of the houses behind on the surrounding pattern of development. I have taken into account that there is permission for 2 dwellings on the site, however the effect on the pattern of development, particularly at the access by Turners Hill Road, would be proportionately less than this proposal.
11. I conclude that the proposed development would not maintain the quality of the rural and landscape character of the District, placing it in conflict with LP

¹ Appeal Refs: APP/D3830/V/16/3149579 APP/D3830/W/16/3145499

policies DP12 and DP15, as well as NP policy CDNP05 i) which requires development to be arranged to integrate with the village. It would be at odds too with the National Planning Policy Framework which indicates in paragraph 127 that decisions should ensure that developments are sympathetic to local character including the surrounding built environment and landscape setting, and that they maintain a strong sense of place using the arrangement of streets and spaces.

Other Matters

12. I have considered the representations of neighbours concerning Article 1 and Article 8 of the Human Rights Act 1998 and the effect of the development on their living conditions. The right to peaceful enjoyment of possessions and the right to respect for a private and family life are qualified rather than absolute rights and the consideration of a proposal will inevitably result in a balance between competing individual rights. The application was made in outline with all matters reserved. There is no substantive evidence that the layout of the site, the houses, and the boundaries, could not, at the reserved matters stage, be designed to reduce any impact on the living conditions of neighbours to a satisfactory degree.
13. The appellant has submitted a section 106 agreement with the appeal, to mitigate the effects of the development, as identified by the Council. As I am dismissing the appeal on the main issue, and whilst an agreement has been submitted, there is no need for me to evaluate the agreement against the relevant legal and policy tests, given that the proposal is unacceptable for other reasons. I have therefore not pursued this matter further.

Planning Balance

14. The proposed development would run against LP policy DP6 which supports development outside the defined built-up area boundaries, however for the reasons already given, I can give this conflict only limited weight. Notwithstanding this, the development would not maintain the quality of the rural and landscape character of the District, placing it in clear conflict with the development plan as a whole, to which I attribute very significant weight. The development would bring social and economic benefits from additional housing, new homes bonuses, and from the spending of future occupiers in the local economy. However, these benefits would be modest. They would not outweigh the landscape harm identified above.

Conclusion

15. For these reasons and taking into account all other matters raised, the appeal is dismissed.

Patrick Whelan

INSPECTOR