



Appeal Decision

Site visit made on 2 August 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/D3830/D/19/3230636

113 Watney Cottages, Hammingden Lane, Ardingly RH17 6SS

- 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 James Mitchell against the decision of Mid Sussex District Council.
 - The application Ref DM/19/0297, dated 21 January 2019 was refused by notice dated 28 March 2019.
 - The development proposed is described as 'to construct a shingle driveway with a brick border on our front garden, we will need to remove a hedge but there is no footpath or kerbs.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been used by the Council on their Decision Notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issues of this appeal are the effect of the proposal on the Historic Lane, High Weald Area of Outstanding Natural Beauty (the AONB), Highbrook Conservation Area (the CA) and the setting of Grade II Listed Buildings.

Reasons

4. Highbrook Village is a small hamlet and is characterised by its rural character, which focuses on Hammingden Lane, along which the village clusters in a meandering layout and which contributes to its landscape and scenic beauty of the AONB.
5. Hammingden Lane, including that part that passes through the village is rural in character and is identified as a Historic Lane and a

- non-designated heritage asset in the West Hoathly Parish Neighbourhood Plan (the WHPNP).
6. In the village the lane is bordered by properties of varying age, size and architectural qualities, with many set back from the lane by gardens and farmyards, including the Grade II listed buildings at Hammingden Farmhouse and the villa at Highbrook. The Council has recognised the importance of Highbrook Village as a heritage asset through the CA designation, to which the rural character of the lane makes a contribution.
 7. These are heritage assets to which I have a statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must have special regard to preserving the setting of a listed building and pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
 8. The appeal site is an end of a terrace of four cottages located at the centre of the village. It is set back from the lane by a long front garden that is raised up from the lane behind extensive hedging. The proposal would remove the hedging in front of the appeal site, which provides a part of the soft green frontage and rural character of the lane and would introduce a shingle parking area with a brick border and would reduce the size of the garden area.
 9. There are existing driveways and accesses from the Historic Lane, these form part of the village grain and lead to more substantial properties with larger curtilages than the appeal property. Although some of these driveways and accesses are more recent, many are historic and generally also include farm style gates and fences that reinforce the rural character of the lane and that of the village.
 10. The proposal would, through the reduction in garden space and creation of a shingle parking area with brick borders, introduce an urbanising feature that would be incongruous within the countryside setting and would not reflect the cottage appearance of the appeal property. This would cause harm to the character and appearance of the local area, including that of the Historic Lane, and the landscape and scenic beauty of the AONB. This would be contrary to Policy DP16 of the Mid Sussex District Plan (the DP) and Policy WHP2 of the WHPNP, which seek to ensure that development preserves the historic and rural character of identified Historic Lanes and conserves or enhances the beauty of the AONB, including character and local distinctiveness.
 11. Furthermore, the urbanising effect of the proposal would not reflect the rural character of the lane that makes a contribution to the character and appearance of the CA and provides a rural village setting for the Grade II buildings at Hammingden Farmhouse and Highbrook. Despite the relatively small scale of the proposal it would harm the character and appearance of the CA and the setting of these listed buildings contrary to Policies DP34 and DP35 of the DP, which seek to ensure that development has due regard to the importance of preserving or enhancing heritage assets.
 12. Having regard to the National Planning Policy Framework (the Framework), I have given great weight to the requirement for development to conserve and enhance, wildlife, cultural heritage, landscape and scenic beauty in AONB's. Although I find the harm to the listed buildings and the CA would be considered

less than substantial, in accordance with the Framework, great weight should be given to the conservation of those assets. I address the balance against public benefits in my conclusions below.

Other Matters

13. Hammingden Lane is relatively narrow and is without footways, requiring pedestrians to share the carriageway with all other traffic. The lane does however appear to have a low traffic flow and the section of the lane in the village is generally wide enough for two vehicles to pass.
14. The appellant has argued that the proposed off-street parking space would provide more and safer space for pedestrians. However, the proposal does not provide for a footway and the presence of parked vehicles on the carriageway within the village does appear to calm the movement of through traffic, as vehicles negotiate their way in both directions to pass them. The presence of parked vehicles also appears to provide space for pedestrians to wait safely while vehicles pass through the village. As the speed limit on the lane through the village appears to be the 60mph National Speed Limit, these appear to be providing traffic calming and safety functions in the existing use of the lane by both vehicular traffic and pedestrians.
15. There does not appear to be a shortage of safe parking opportunities in the village and there appears to be a communal off-street parking facility. Dangerously parked vehicles, including those that impede traffic flow are therefore a traffic enforcement and not a design matter. The removal of on street parking would, however, provide greater convenience for the parking of the appellants vehicle, and some convenience for the passage of pedestrians and vehicular traffic along the lane.
16. Whilst there may on occasions be a greater than usual number of pedestrians present in the lane at one time, this is true of many countryside as well as urban settings. I therefore see no reason to demur from the conclusion of the Local Highway Authority that current parking on the lane is not anticipated to cause a severe safety concern.
17. The appellant has commented on the council's approach to dealing with the planning application and has made recommendations for future traffic management in the village. However, these are not matter material to my determination of this appeal as other mechanisms exist to resolve such issues. Moreover, I have considered the development on its own merits, which is a fundamental principle that underpins the planning system.

Conclusion

18. Although I have found, for the reasons set out above, that the proposed development would provide greater convenience for the parking of the appellants vehicle, and some convenience for the passage of pedestrians and vehicular traffic along the lane, this would only have little weight in any balance. I must give considerable importance and weight to the conservation of the heritage assets, balance the public benefits with the harm that the proposal would cause to the undesignated heritage asset, and give great weight to the conservation and enhancement of the landscape and scenic beauty of the AONB. Overall, I consider that these benefits do not outweigh the harm I have identified.

19. For the reasons given above, the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Victor Callister

INSPECTOR