
Appeal Decision

Site visit made on 17 September 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/D3830/W/18/3218738

Maltings Farm, Malthouse Lane, Hurstpierpoint BN6 9JZ

- 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 E Bance of Asprey Homes Southern Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/18/2037, dated 17 May 2018, was refused by notice dated 21 September 2018.
 - The development proposed is described as the demolition of outbuildings. Erection of 5 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. Since the application was determined and the appeal lodged, a planning obligation has been agreed by the main parties. Therefore, the Council has withdrawn the reason for refusal in relation to the absence of a signed legal agreement which secures financial contributions towards infrastructure and, consequently the third reason for refusal given by the Council no longer applies to this appeal.
3. The main issues are;
 - The effect of the proposed development on the character and appearance of the surrounding area; and,
 - Whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and facilities and to the reliance on motor vehicles.

Reasons

Character and Appearance

4. The appeal site is located on a narrow lane which is accessed from, and situated east of, Malthouse Lane, outside of any settlement. The narrow roads and lanes, high hedges, woodland and agricultural fields which are located close to the site, give the site an intrinsically rural feel such that the site can be properly described as being located within the countryside. Whilst there are some dwellings which form a short ribbon of development west of the appeal site, the wider surrounding area predominately comprises sporadic dwellings interspersed between agricultural land and wooded areas.

5. The appeal site comprises a sand school and a group of buildings of varying scale and height which, the evidence before me, indicates is predominately used for the stabling of horses. To the south of the appeal site is Maltings Farm which comprises a main dwelling house, associated outbuildings and a tennis court. To the northeast of the site is the A273, a ring road which is separated from the appeal site by an area of vegetation and trees which provides a ring of green space around the built up residential and commercial areas of Burgess Hill.
6. Policy DP12 of the Mid Sussex District Plan 2014 – 2031 (2018) (the Local Plan) concerns development within the countryside and states that the countryside will be protected in recognition of its intrinsic character and beauty. This policy confirms that support may be given for development outside of built up areas provided that they maintain or, where possible, enhance the quality of the rural and landscape character of the district.
7. The proposal seeks to demolish the outbuildings and stable blocks which are, for the most part single storey in height, and construct five detached two storey dwellings arranged in a cluster around, and accessed from, a new T shaped road at the site. Whilst some of the outbuildings are somewhat run down or in need of some repair, the design, materials and scale of these structures are typical of modern agricultural buildings which are part and parcel of a working farmed landscape and do not appear out of place within the site or within the surrounding landscape.
8. However, the overall height of the proposed dwellings would be a significant increase on the height of any of the existing structures at the site and, in combination with the increased level of glazing that the proposal would introduce, would be in sharp contrast to the existing outbuildings.
9. Furthermore, whilst I recognise that the proposal would substantially reduce the overall footprint of built form and amount of hardstanding at the site, this would be at the expense of changing the character and appearance of the site from agricultural to residential, with the lighting, activity and domestic paraphernalia that would entail. Inevitably, the site would take on a more urban character, with landscaped garden areas contrasting with the less formal mixture of hard surfacing and grass surrounding the existing outbuildings. The proposal would extend the built form into the countryside and therefore would be detrimental to local distinctiveness and the character and appearance of the surrounding rural landscape.
10. I acknowledge that the materials to be used in the construction of the proposed dwellings would be consistent with other development within the wider surrounding rural area. However, the appeal scheme would provide housing which would be arranged in a cluster with separation distances between the proposed dwellings being significantly less than that experienced by other existing residential development within the wider surrounding rural area. Consequently, the proposal would result in a form of development which would appear to not reflect or respect local distinctiveness with regards to the density of housing.
11. The appeal proposal would alter the agricultural appearance of the site to that of a domestic residential one and, as such, would have an urbanising effect on this rural countryside location. This would be harmful to the character and appearance of the surrounding area and detrimental to the quality of the rural

landscape. Whilst I acknowledge that the site is, to some degree, screened from views from the nearby road and public footpath that runs adjacent to the north and northeast boundaries of the site by vegetation, part of the public footpath network would continue to run through the site and, therefore, the development of this cluster of dwellings which would look out of place in the surrounding rural context, would be visible and would draw the eye.

12. For the above reasons, I conclude that the appeal proposal would not maintain the quality of the rural and landscape character of the District and would therefore conflict with Policies DP12 and DP26 of the Local Plan which, amongst other things, seeks to protect the countryside from inappropriate development. Furthermore, the scheme would not accord with Policies HurstC1 and HurstH5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan (2015) which requires that development within the parish be consistent in terms of density and maintains or, where possible, enhances the quality of the rural landscape.

Location of Development

13. Policy DP21 of the Local Plan requires that development takes account of whether it is sustainably located, in order to minimise the need for travel. The appeal site is located close to the settlement boundary and built up area of Burgess Hill, which provides access to a wide range of services, facilities and employment opportunities, with the distance between the site and the built up area being such that it would not be unreasonable to walk or cycle.
14. As noted above, a public footpath runs through the appeal site, connecting the site to a network of footpaths and bridleways which run parallel to the A273 ring road. Part of this network of footpaths crosses the A273 close to the appeal site, with access to the crossing point being made via a squeeze stile. However, the footpath also continues for some distance parallel to the main road, with a further crossing point being located close to a roundabout which provides access to a large supermarket.
15. It has been put to me by the appellant that the appeal scheme would result in a lower number of vehicle trips, to and from the site, when compared to its current use. Furthermore, it is maintained by the appellant that by reason of the short distance between the site and the built up area of Burgess Hill, the site is suitably and sustainably located and would provide future residents with access to a wide range of transport modes.
16. However, whilst a walk or cycle along the abovementioned footpaths to the nearest services and facilities may be practical for some able bodied individuals in good light and good weather, in my view it would unlikely be so for the elderly, less able bodied or even perhaps during darker and more inclement autumn and winter months by reason of the uneven surface, presence of a squeeze stile, enclosing vegetation and lack of any lighting. Furthermore, access to the built up area would require crossing a busy main road which would be likely to be unattractive for those with young children. I acknowledge that the main road has lighting and that there are traffic islands on this section of the A273. However, these traffic islands are not located near to any of the used crossing points and therefore offer limited assistance to pedestrians.
17. Whilst I note that the Highways Officer had no objection to the location of the scheme given its proximity to the built up area of Burgess Hill, in essence, access to and from the appeal site by sustainable means such as walking or

cycling, would not be desirable for many to the point that I could consider it to be relied upon. Consequently, it seems to me that the main source of transport to and from the development would likely to be by private motor vehicle via the narrow trackway and via Malthouse Lane which then connects with the A273.

18. The National Planning Policy Framework recognises that dependence on private vehicles may be expected in countryside locations. However, given that access via the network of public footpaths would be undesirable for many and for significant periods of the year, the proposal would only exacerbate this level of reliance.
19. For the above reasons, accessibility to services and facilities in relation to the appeal scheme would not be adequate because occupiers would be likely to make extensive use of a private motor vehicle to access day to day services, facilities and employment opportunities. Accordingly, the proposal would conflict Policy DP21 of the Local Plan.

Planning Balance and Conclusions

20. In summary of the above, I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area and would not be sustainably located with regards to minimising the need to travel by private motor vehicle. The appeal scheme would not therefore accord with the development plan when taken as a whole, and I attach significant weight to the harm identified above.
21. The appeal scheme would provide some economic benefits in terms of New Homes Bonus, financial contributions towards infrastructure secured by a planning obligation, employment opportunities during the construction phase and from the potential contribution made by residents to the viability of nearby settlements. Furthermore, the proposal would redevelop a brownfield site and would provide housing with high standards of accommodation.
22. However, having regard to all of the above matters, and given the modest scale of the proposed development, the benefits of the proposed scheme would be limited and accordingly I attach only moderate weight to these considerations in the determination of this appeal. Such benefits either individually or in combination do not outweigh the identified harm and the associated development plan conflict.
23. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR