
Appeal Decision

Site visit made on 22 October 2019

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/D3830/W/19/3232944

**Land south of Grange Park Cottage, Sandhill Lane, Crawley Down,
West Sussex RH10 4LB**

- 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 Sandhill Lane LLP against the decision of Mid Sussex District Council.
 - The application Ref DM/18/2924, dated 13 July 2018, was refused by notice dated 15 January 2019.
 - The development proposed is the erection of 1 No. detached dwelling house and detached car port.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No. detached dwelling house and detached car port at land south of Grange Park Cottage, Sandhill Lane, Crawley Down, West Sussex RH10 4LB in accordance with the terms of the application, Ref DM/18/2924, dated 13 July 2018, subject to the conditions in the Schedule below.

Procedural Matter

2. A planning obligation dated 9 October 2019 pursuant to S106 of the Act¹ by way of unilateral undertaking (the S106) was submitted by the appellant during the course of the appeal. I address this in Other Matters below.

Main Issue

3. The main issue is the effect of the proposed dwelling on the setting of the nearby Grade II listed building (LB) known as The Grange.

Reasons

4. The roughly rectangular appeal site is 0.14ha (1.39 acres) of overgrown land on the southern edge of Crawley Down. To the north and east is adjacent residential development. To the south is the parkland within which sits The Grange, a large red brick three-storey Georgian house comprised of two parallel ranges, which was listed in 1957. The site is about 250m north of the LB itself.
5. The site certainly seems, from the 1873 map of the estate in the appellant's October 2018 heritage statement, to have been a constituent part of the LB's parkland estate. The land immediately to the south of Grange Road, which now

¹ Town and Country Planning Act 1990

comprises the 1970s cul-de-sac development of Grange Crescent, and the recently completed Redrow development accessed from Field Drive to its west, were also part of the historic estate.

6. The curving drive to The Grange is accessed off Sandhill Lane adjacent to the south-eastern corner of the appeal site. It affords good views of the parkland of the estate to the north of the LB. There are glimpsed views between trees of the appeal site from the drive but at this time of year, when most of the leaves are still on the trees, it is largely screened from the house itself. These trees are: on the southern boundary of the site within the site itself; within a separately fenced-off corridor of early mature trees in The Grange's ownership parallel to it; and a few big mature oaks within the parkland of the LB immediately to the south. This aspect of the site would be more open in winter when these deciduous trees would have shed their leaves.
7. Nonetheless the site, though originally part of the estate, is overgrown and would be partly screened from the house and drive even in winter. It bears little relationship to the open parkland in the ownership of The Grange now and is very much perceived as a separate piece of land largely screened by trees, as is the Redrow development. The appeal site and the Redrow site were part of the original estate and hence form part of the LB's setting. But they are both physically and visually divorced from the listed house, its drive and its parkland setting.
8. The appellant admits that there would be an urbanising effect from the proposed development because there would be a minor loss of open green landscaped land within the wider setting. But the appeal site is not landscaped, it is overgrown unused land that contributes little to the parkland setting of the LB and it looks as though it has been so for many years. The site is generally slightly lower than the parkland to the south and certainly than the ground level of the LB itself. The appellant also intends, as set out in the submitted landscape statement, to plant a hedge and strengthen the tree screen as shown on the landscape plan and this could be required by a condition (see below).
9. There would, due to the height and size of the proposed dwelling, be some glimpses of it from The Grange's drive in the first few years after its construction and this would have a marginal urbanising effect of the LB's setting. But it would be very marginal and would barely impact upon the parkland, let alone the LB itself. Thereafter it would be completely screened, as the Redrow development is now. As such I disagree with both the Council and appellant that there would be 'less than substantial harm' in terms of paragraph 196 of the National Planning Policy Framework (NPPF) and conclude that the setting of the LB, and thus its overall significance, would not be harmed and would be preserved.
10. Statute requires special regard to the desirability of preserving the building or its setting.² Chapter 16 of the NPPF explains how this should be done. Similarly, this requirement is set out in Policy DP34 of the Mid Sussex District Plan (2018). For the reasons explained above these statutory and policy requirements would be met.

² S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

Other Matters

11. The S106 provides for the payment of a contribution of £3,140 towards strategic access management and monitoring (SAMM) of the nearby Ashdown Forest Special Protection Area (SPA) as set out in the Council's adopted interim Strategy of 22 August 2013.
12. As explained in the Council's delegated report, the Council's standard procedure is to fund the SPA's SAMM in this way whilst dealing with the provision of the necessary suitable alternative natural greenspace (SANG) by condition. Although this is unnecessary now, because the former pooling restrictions on infrastructure contributions have been lifted as a result of recent amendments to the Community Infrastructure Levy (CIL) Regulations, the Council's suggested condition (Condition 9 below) remains an acceptable way in which to deal with the SANG issue given Natural England has raised no objection to it.
13. For these reasons I agree with the Council that the appellant has successfully overcome the second refusal reason.

Conditions and Conclusion

14. The Council has suggested 11 conditions. There is no need for conditions controlling the use of the detached garage and storage provision for bicycles; the nature of the development means that it would only ever be likely to be used for domestic purposes and it includes sufficient cycle storage. I have amended the condition relating to tree protection to cross-refer to the submitted arboricultural implications assessment and method statement.
15. Prior approval of materials is necessary in the interests of the character and appearance of the area. A landscaping scheme in accordance with the landscape assessment and mitigation is necessary to protect the setting of the LB as explained above. Implementation of the ecology mitigation strategy is necessary to enhance ecology on the site. Details of foul and surface water drainage are required to prevent flooding.
16. For the reasons given above I conclude that the appeal should be allowed, subject to the 9 conditions in the Schedule below.

Nick Fagan

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls, cladding, window frames and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

3. No development shall commence until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority, including any such boundaries to the public right of way, and no dwelling hereby permitted shall be occupied until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.
4. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved. These works shall follow and be in accordance with the scheme set out in the landscape statement and mitigation submitted at appeal.
5. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
6. Trees to be retained on site shall be adequately protected during construction work as set out in the Arboricultural Implications Assessment by Broad Oak Tree Consultants dated 14 June 2018 (including its attached Arboricultural Method Statement).
7. The development hereby approved shall be carried out in full accordance with the Ecology Mitigation Strategy & Management Plan, by Bakerwell Ltd, dated November 2018.
8. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.
9. No part of the development hereby permitted shall be occupied until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.