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## Appeal Decision

Site visit made on 25 November 2019

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 December 2019**

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**Appeal Ref: APP/D3830/W/19/3234174**

**Jeffreys Farm, Lewes Road, Horsted Keynes RH17 7DY**

- 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 Timothy, Helena, Peter, Marion Griffith and Sarah Bailey against the decision of Mid Sussex District Council.
  - The application Ref DM/19/0957, dated 25 February 2019, was refused by notice dated 31 May 2019.
  - The development proposed is demolition of existing agricultural buildings and replacement with 5 x detached dwellings, new access and associated garages, parking and gardens.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with approval being sought for access, appearance, layout and scale. Matters relating to landscaping have been reserved. I have dealt with the appeal on this basis.
3. A Unilateral Undertaking has been submitted in support of the appeal that seeks to secure financial contributions toward infrastructure, as well as habitat and biodiversity mitigation for the Ashdown Forest Special Protection Area (the SPA).

### Main Issues

4. The main issues in this case are: -
  - (a) Whether the proposal is an appropriate location for new residential development with regard to the spatial strategy of the development plan;
  - (b) The effect upon the character and appearance of the area and the High Weald Area of Outstanding Natural Beauty (the AONB);
  - (c) Whether the proposal makes adequate provision for any additional need for infrastructure arising from the development; and
  - (d) Habitat and biodiversity at the Ashdown Forest SPA.

## Reasons

### *Location*

5. Policy DP12 of the Mid Sussex District Plan March 2018 (the District Plan) indicates that the countryside will be protected in recognition of its intrinsic character and beauty. As the proposal would be located in the countryside it would be contrary to this policy unless it is necessary for the purposes of agriculture or is supported by a specific policy reference in the District Plan or Neighbourhood Plan.
6. The proposal has not been put forward as being necessary for agriculture. The appellant highlights that the appeal site would be allocated as a potential housing site within an emerging Horsted Keynes Neighbourhood Plan (the Neighbourhood Plan). The emerging Neighbourhood Plan appears to me to be at a very early stage. I do not consider any weight should be given to this plan (or any revisions to this early plan endorsed by Parish Councillors) or the housing site allocations within the plan as the plan has yet to be examined. Its content could be subject to change or deletion, even though the early indications may appear favourable toward the allocation of this developed site. The proposal would, therefore, run contrary to Policy DP12.
7. Policy DP15 of the District Plan indicates that new homes in the countryside will be permitted but only where special justification exists and sets out criteria for development that could be defined as having special justification. The proposal has not been put forward as accommodation essential for a rural worker, or as a rural affordable housing exception site. In these respects the proposal would be contrary to Policy DP15.
8. However, the criteria of Policy DP15 allows for new isolated homes in the countryside where the design of the dwelling is of exceptional quality, enhances its immediate setting and is sensitive to the character of the area. In regard to isolation I agree with the appellant that the appeal site would not be isolated in the sense of being remote from a local community and/or services and facilities. However, the proposal would not be contiguous with the existing built up settlement of Horsted Keynes, despite there being a small number of dwellings along the track leading to the existing farm. In my opinion, the appeal site would not represent an expansion of the settlement to which Policy DP6 of the District Plan would apply. The proposal is, therefore, in the countryside where Policy DP15 requires new homes to enhance its immediate setting and be sensitive to the character of the area. I shall deal with this matter below.

### *Character, appearance and the AONB*

9. Paragraph 172 of the National Planning Policy Framework (the Framework) indicates that great weight should be given to conserving and enhancing the landscape and beauty in AONBs which it notes to have the highest status of protection in relation to these issues.
10. I acknowledge that the proposal relates to existing farm buildings, some of which I saw to be in active farm use at my visit. Whilst the site currently hosts built development, the nature of the existing structures is one of farm buildings that one would expect to see in the countryside. Despite the small number of residential properties situated alongside the farm access track, the appeal site

falls within the countryside the landscape is predominantly characterised by farmland.

11. The proposal would create five two-storey dwellinghouses each with a detached garage. Although the appellant advises that the design of the proposed dwellings has been drawn from the principles of barn conversions, the appearance of the development would be one of substantial houses together with a formalised layout with driveways, parking and domestic landscaping. The development would have a significant urbanising effect upon the site and would substantially change its character having no relation to the existing farmstead. Five dwellings, whether inward looking or not, would convey the impression of an enclave of housing in the countryside. This would result in a diminution of the rural character and appearance of this location and the countryside. The residential development, particularly being a two-storey development, would be visually prominent and intrusive within this rural landscape for these reasons. Therefore, the visual harm of the proposal to the character and appearance of the countryside would be substantial.
12. The site is located in a hollow within the rural landscape. Existing landscaping around the site and in the wider area would assist, to some extent, in screening the site in some views from the surrounding area. It has been put forward that the boundary features would comprise a mix of native hedgerow planting and wooden post and rail fencing. However, I do not consider this would soften the visual impact of a two-storey development within this countryside landscape. It would, therefore, be visible in views from the wider landscape. I note that landscaping is a reserved matter. Although additional planting could strengthen boundary vegetation within the appeal site and augment landscaping within the wider blue lined area, this would take time to establish so there would be initial to medium term harm
13. The new development would incorporate traditional materials within its design and overall it would reflect the siting of the existing structures at the site and the density of neighbouring development. However, whether or not the dwellings are considered to be of acceptable design and appearance taken on their own merit, these matters would not overcome the harm that I have identified above. I note that the proposal would remove some areas of existing hardstanding, along with some of the structures that are in a poor state of repair and would not impact upon historic field boundaries in the area. Whilst these may be benefits of the scheme such benefits do not outweigh the harm or justify the proposed development.
14. In addition to the above, the proposal would incorporate a new access arrangement by creating a road linking the site to Sugar Lane. The road would traverse the fields north and east of the site. I saw that to create the access on to Sugar Lane would require removal of the field boundary hedgerow. The new road, even if narrow and surfaced in grasscrete, would create hardsurfacing in the countryside where none currently exists. Both the creation of the access and new road would be a further visually urbanising impact of the proposed development that would diminish the character and appearance of this rural landscape and erode the rural nature of Sugar Lane. This would be so even if the new access was delineated with chestnut post and rail fencing and landscaped. This visual harm is not outweighed by any improvements to safety and visibility when compared to that of the existing

access and the benefit of retaining the existing access in its current leafy rural form.

15. For the above reasons, the proposed development would have a harmful effect upon the character and appearance of the area and the High Weald AONB. The proposal would, therefore, conflict with Policies DP16 and DP26 of the District Plan. These policies seek, amongst other matters, to conserve or enhance the natural beauty of the AONB and require development to be sensitive to the countryside. The proposal would also conflict with the Framework that affords great weight to the conservation and enhancement of the landscape and beauty in AONBs. Furthermore, the design of these dwellings in the countryside would not represent an enhancement of its immediate setting and it would not be sensitive to the character of the area. Therefore, this also brings the proposal into conflict with Policy DP15 of the District Plan.

#### *Infrastructure provision*

16. The appellant has submitted a Unilateral Undertaking that would secure the infrastructure contributions sought by West Sussex County Council, as well as the District Council. This, therefore, would overcome the conflict with Policy DP20 of the District Plan and the Council's Supplementary Planning Document 'Development Infrastructure and Contributions'.

#### *Ashdown Forest SPA*

17. The site lies within 7 kilometres of the Ashdown Forest SPA where there may be a likely significant impact as a result of increased recreational activity arising from new residential development and related population growth. The appellant does not dispute the need to secure appropriate mitigation. The completed Unilateral Undertaking provides a financial contribution toward mitigation. The Council has not commented upon the undertaking and the acceptability of the financial contribution that it secures. Nonetheless, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail.

#### **Other Matters**

18. The site has not yet been specifically identified in the emerging Site Allocations Local Plan DPD, although the appellant advises that the adopted District Plan identifies Horsted Keynes for housing growth. Notwithstanding this, the Council can currently demonstrate a 5.2 year supply of housing sites; however, the appellant contends that if a couple of larger sites relied upon were to fall away this would affect the Council's housing land supply position and suggests that the Council's position is by no means certain. Although it has been highlighted that the Council's preparation of the Site Allocation DPD has slipped, I am not persuaded, on the evidence before me, that a deficit to the future five year supply would occur or that some sites identified for housing development would not come forward, including future housing within the Parish despite it being within the AONB.
19. I note the appellant's point that the current housing land supply position does not preclude additional housing development that would meet a local housing need for sites fewer than 10 dwellings. Whilst this may be so, this does not justify setting aside of other relevant material planning and policy considerations.

## **Planning Balance and Conclusion**

20. At the heart of the Framework is the presumption in favour of sustainable development. Accordingly, I have considered whether the appeal proposal would be consistent with the social, economic and environmental objectives of sustainable development noting the Council has a five year supply of housing sites. Paragraph 8 of the Framework specifies that these three elements of sustainable development need to be considered interdependently and need to be pursued in mutually supportive ways.
21. The proposed development would not impact upon the living conditions of existing and future occupiers and its impact on wildlife and drainage would be acceptable. The new homes would aid footfall to the village shop and other services within the village, helping to secure their long-term economic viability. Whilst these, along with the small contribution the proposal would make to housing provision by creating five high quality family homes within the District, are benefits of the scheme, they do not outweigh the urbanising harm to the countryside landscape and AONB. This places the proposal in conflict with the environmental objectives of the Framework. The benefits of the scheme do not outweigh the environmental harm that I have identified above. The visual harm arising from the development leads me to conclude that there is conflict with the development plan as a whole and I find the scheme is not sustainable development.
22. Having regard to my findings in respect of the first and second main issues, the appeal should be dismissed.

*Nicola Davies*  
INSPECTOR