



Appeal Decision

Site visit made on 19 June 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/D3830/W/19/3224816

Five Acres, Cuckfield Lane, Warninglid, RH17 5SN

- 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 Ms Olivia Martin-Woodbridge against the decision of Mid Sussex District Council.
 - The application Ref DM/18/3815, dated 14 September 2018, was refused by notice dated 31 January 2019.
 - The development proposed is erection of four new build houses (C3) and creation of new access drive from Cuckfield Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) Whether the location of the site is acceptable for housing, with regard to its relationship with existing settlements and opportunities for sustainable modes of travel; and
 - b) Whether the effect of the proposal on the character and appearance of the area and the High Weald Area of Outstanding Natural Beauty would be acceptable.

Reasons

The location of the site

3. The appeal site comprises an area of land adjacent to Five Acres, which is a detached two storey dwelling on Cuckfield Lane. It is outside of a defined built up area, within the countryside. The Council's policies direct new housing away from such locations, apart from in specific circumstances.
4. The Appellant contends that those circumstances are met in this case, in part, because they say that the site is contiguous with the built-up area of the settlement of Warninglid. I do not agree with that assessment. Whilst the Council's policies do not define 'contiguous', the site is some distance from the main built up area of that settlement, with large areas of open land on both sides of the road between them.

5. Whilst there are buildings outside of the main settlement, including that at the appeal site, I do not consider that it should be regarded as the outer limit of the built-up area in this case.
6. In any event, a further requirement for new housing located outside of settlements, and within the countryside is that the development is demonstrated to be sustainable.
7. There are bus stops located on the A23 within fairly close proximity of the site. There is dispute between the parties as to how regular and expansive services from those stops are but, in any event, there is no formal foot or cycle path from the site to those bus stops. I saw on my visit that Cuckfield Lane was a fairly well trafficked road with a 60mph speed limit. Whilst there are some references before me to introducing a footpath as a result of the appeal proposal, there is inadequate detail for me to be satisfied that such a link would be provided. The Council says that the land required to deliver a new footpath would fall outside of the Appellant's control, which casts a degree of doubt as to deliverability.
8. Overall, I am not satisfied that future residents would feel safe and comfortable walking, or indeed perhaps cycling (noting the access to the local cycling network is near to the site) from the site and I consider that it is likely that there would be a heavy reliance on the private motor car for day to day trips.
9. The Appellant has directed me towards a report prepared by the Council relating to a commercial development within reasonably close proximity of the site, which they say demonstrates that employment would be available within walking distance. I am not convinced that future occupiers of the houses would necessarily work at that site and in any event, this does not override my concerns as to unsuitable environment for walking and cycling from the appeal site.
10. I am also mindful of the status of the settlement as 'Category 4', which denotes a small village with limited services, adding further concern that dependency on the private car would be high.
11. For these reasons, I do not consider that the location of the site for the proposal would be acceptable and it would be in conflict with policies DP6, DP12, DP15 and DP21 of the Mid Sussex District Plan 2018 (MSDP), which seek, amongst other requirements, to direct new development to suitable and sustainable locations.

Character and appearance and the AONB

12. The pattern of development between the main built up area of Warninglid and the A23 is of loose knit, sporadic buildings with large areas of open space between plots. The appeal development would introduce four new dwellings, built near to one another (and the existing building at the site) and with a fairly consistent front building line. The houses would be uniform in appearance. The result would be a form of development quite different to the established character of the area. The site would have a far more urban appearance than others around it. That would be compounded by the new access road and the loss of existing greenery required to provide necessary visibility splays.
13. I note that views into the site would not be very extensive, given existing tree coverage, but the site would be visible from the public domain. Whilst, planning

conditions could control materials and boundary treatment, I do not consider that the effect of the proposal on the character and appearance of the area would be acceptable.

14. The site is located within the High Weald Area of Outstanding Natural Beauty. A requirement of the relevant development plan policy is that new development respects local character, settlement patterns and the sense of place in the area. For the reasons I have described, I do not consider that the appeal proposal would meet those requirements, and there would be a conflict with policy DP16 of the MSDP. Policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan mirrors some of the requirements of the MSDP.

Other Matters

15. The Council has raised a concern that there is not enough capacity within the local highways network to accommodate the traffic generated by the appeal scheme. They say that this would cause harm to the Ashdown Forest Special Area of Conservation, although limited evidence has been provided to substantiate this position. Given the overall conclusions that I have reached on the Key Issues, I have not considered this additional concern further.
16. I am mindful that the appeal proposal would make a contribution, albeit a small one, towards local housing supply and that it would represent a 'windfall' site and that there would be economic benefits associated with building the development and to the local economy. These factors do not outweigh the concerns that I have as to the suitability of the proposal for the reasons that I have described.

Conclusions

17. For the reasons that I have described, the appeal should be dismissed.

N Smith

INSPECTOR