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## 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: 08 January 2020**

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**Appeal Ref: APP/D3830/W/19/3224564**

**Lantern Cottage, Spring Lane, Lindfield, RH16 2RF**

- 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 Coleman against the decision of Mid Sussex District Council.
  - The application Ref DM/18/2639, dated 27 June 2018, was refused by notice dated 07 December 2018.
  - The development proposed is 5 bedroom two-storey house on existing land forming part garden to Lantern Cottage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is whether the effect of the proposal on the character and appearance of the area and the setting of the Lindfield Conservation Area would be acceptable.

### Reasons

3. The appeal site comprises land adjacent to Lantern Cottage, which is an end of terraced property. The proposal is to erect a detached dwelling on this site, which is outside of a defined settlement and within the countryside.
4. Spring Lane is a narrow, single track road which becomes unmade beyond the appeal site. The openness, and greenness of the site plays an important role in marking the transition between the cottages and the open countryside beyond them. Whilst there are a small number of additional buildings to the north, these are sporadically arranged and are not visible from the end of the footpath because of the layout of the lane and tree coverage.
5. The introduction of the appeal scheme, which would have a relatively substantial scale would result in the loss of that important openness and would undermine the rural character of the area. Whilst I acknowledge that the levels at the site would assist to some extent, and that there would be a degree of tree screening, that would not sufficiently mitigate the visual impact of the introduction of a building of the scale proposed in this location.
6. The Appellant describes that the design of the building has been based on a building on the opposite side of the road. Be that as it may, that site is, in my

- view, less important in marking the transition into the open countryside than the appeal site.
7. I do not consider that the appeal proposal would not relate well in terms of its scale and design to the cottages that would be adjacent to it. The layout and appearance of the building would conflict with the established pattern of development on this side of the lane, which is of fairly modest cottages, when viewed from the road. The sensitive use of materials and a landscaping scheme would not overcome these concerns.
  8. The Conservation Area boundary runs along the edge of the site and so it forms part of its setting. I consider that the openness of the appeal site is an important feature of the setting of the heritage asset and that the introduction of a large building in its place, would fail to preserve its special character and appearance.
  9. The statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a heritage asset is a matter of considerable importance and weight. Accordingly, I attach considerable weight to this matter.
  10. I accept that the location of the site means that it would not be viewed from a significant number of viewpoints, but I do consider that it is important from the locations that it can be seen from. Reference is made to planning permission being granted for a garage at the site that the Appellant says would have had a greater impact on the character and appearance of the area than the appeal proposal, but it does not appear to have been built and I have assessed these proposals on the evidence before me.
  11. The Council has referenced policies DP6, DP12 and DP15 of the Mid Sussex District Plan (MSDP). In general terms, these are interrelated policies that seek to protect the countryside from inappropriate development and that define when development proposals outside of settlements will be acceptable. Policy DP12 requires that a proposal is supported by another development policy and the parties disagree as to whether policy DP6 provides the necessary support for this scheme. I am mindful, however, that an initial requirement of DP12 is that a proposal maintains the quality of the rural and landscape character, which for the reasons I have described would not be the case here. It is not therefore necessary in this case to determine whether Policy DP6 is supportive of the proposal.
  12. For the reasons that I have described, I consider that the effect of the proposal on the character and appearance of the area and on the setting of the Lindfield Conservation Area would not be acceptable and that the proposal would be in conflict with policies DP12, DP15, DP26 and DP35 of the MSDP, which seek to protect the character and appearance the area and the countryside and heritage assets, including their settings.

### **Other Matters**

13. I have carefully considered the various benefits advocated by the Appellant in support of the proposal, including that it would make a contribution towards local housing provision on a windfall site, that the quality of the accommodation for future occupiers would be high, that there would be

economic benefits, that sustainable construction methods would be used and wildlife enhancements could be secured. I have not, however, found that together they would outweigh the harm that I have identified.

14. The Appellant has brought a number of other cases to my attention, the purpose being to demonstrate that the Council has apparently granted planning permission for what they see are comparable cases at other sites. The particular circumstances of this case include that in my view, this site plays a particularly important role in contributing to the character of the area and the setting of the Conservation Area because of its appearance and location. Accordingly, the examples cited do not persuade me that I should reach a different conclusion in this case.

### **Conclusions**

15. Accordingly, and for the reasons that I have described, the appeal is dismissed.

*N Smith*

INSPECTOR