



Appeal Decision

Site visit made on 11 February 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/D3830/W/19/3242233

The Old Barn, Southbrooks Farm, Danworth Lane, Hurstpierpoint, Hassocks BN6 9LW

- 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 Nyk Ellis-Lawson against the decision of Mid Sussex District Council.
 - The application Ref 19/2236, dated 5 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed has been described as the "demolition of existing buildings and erection of a replacement dwelling house."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal represents an acceptable form of development in this location, having particular regard to the effect on the character and appearance of the site and the surrounding area.

Reasons

3. The appeal site is located within a rural setting and is deemed to be within the countryside in planning terms. The surrounding area is characterised by featuring rolling fields that are bordered by trees and hedgerows. The local area has a distinctly rural character in which dwellings, stables and agricultural buildings are intermittent and dispersed.
4. The appeal site features 3 buildings that are of limited scale and are constructed from a mixture of materials, giving them an appearance that sits comfortably within the rural setting. Although the main part of the site is distant from Danworth Lane and views from the road are partially restricted by raised land and vegetation, the site can be seen from some parts of the road and surrounding land, including from a public footpath. From where the existing buildings are visible, due to their positioning at the edge of the application site and their proximity to an adjacent tree belt, the buildings are viewed against a wooded backdrop and have a discreet appearance in the rural setting.
5. The proposal would involve the demolition of the existing buildings and their replacement with a dwelling. Although it would be single storey, as the dwelling would be in the form of a single building, it would be of greater overall scale, bulk and mass than the group of buildings it would replace. The

positioning of the dwelling on the site would result in it being closer to Danworth Lane than the existing buildings and, as a result of this and the topography of the locality, the building would be of greater prominence in views from the public domain. The location of the built form away from the wooded surroundings would also cause the building to be less discrete in its setting than the existing buildings. For these reasons, the proposed development would have a substantially greater visual effect on the countryside than the existing built form. Moreover, the residential form and appearance of the building would cause the domestication of the site in a manner that would erode the rural character of the area.

6. The use of timber cladding and dark render to reflect other buildings within the locality would do little to reduce the effect of the dwelling on the character and appearance of the countryside and neither would a green roof system. Furthermore, the use of conditions to require additional planting at the site and restrict the use of permitted development rights would not be sufficient to address the harm identified above.
7. Policy DP15 of the Mid Sussex District Plan 2014-2031 (MSDP) enables residential development to occur in the countryside where special justification exists. That policy also requires development to accord with policy DP12 of the MSDP, which aims to protect the countryside in recognition of its intrinsic character and beauty. No case has been made that the proposal would meet the special justification criteria that are defined by policy DP15 and, for the reasons set out above, the proposal would not maintain or enhance the rural character of the countryside. The development does not, therefore, represent a form of development within the countryside that is supported by the development plan.
8. The conversion of 2 of the existing buildings at the site to dwellings has been granted prior approval and the implementation of these developments would cause some domestication of the site and the existing buildings. However, the evidence before me indicates that the proposed dwelling would have an entirely different visual effect as a result of its size, position and design. Therefore, as the effect of the developments granted prior approval would not be comparable to the development proposed, they do not lead me to alter my assessment in relation to the effect of the proposed development or the acceptability of erecting a new-build dwelling in this location. Furthermore, as the proposal would involve the erection of a new building, the qualified support for the re-use of existing buildings that is set out at paragraph 79 of the National Planning Policy Framework (The Framework) is not applicable to the proposal.
9. For the reasons given above, the proposal would not represent an acceptable form of development in this location having particular regard to the effect on the character and appearance of the site and the surrounding area. The development would, therefore, be contrary to policies DP12 and DP15 of the MSDP which aim to ensure that the quality of the District's rural and landscape character is maintained or enhanced and that the countryside is protected in recognition of its intrinsic character and beauty.
10. The proposal would also conflict with policy Hurst C1 of the Sayers Common Neighbourhood Plan (SCNP) which requires the maintenance or enhancement of the area's rural and landscape character. Furthermore, the development would not accord with paragraphs 127 and 170 of The Framework which

require that development is sympathetic to local character and its landscape setting and contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside.

11. The location of the site and the scale of the development means that the effect on the gap between settlements would be minimal and would not cause coalescence. I therefore do not find conflict with that aspect of policy Hurst C3 of the SCNP, but this does not alter my conclusion in respect of the main issue.

Other Matters

12. In terms of accessibility, the location of the site relative to nearby settlements and the absence of public transport connections and convenient footpaths means that, at most times, future occupiers would inevitably be reliant on the private car to access services and facilities. However, the proposed dwelling would be no less accessible than the dwellings that would be able to be created at the site under the terms of the developments that benefit from prior approval. For this reason and noting that paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I find that the location of the proposed development is acceptable in this respect.
13. The development would represent a boost to housing supply and a form of investment. It would also be likely to bring about some economic benefits in terms of local spending and council tax income. Furthermore, the appellant has identified that the proposal involves the re-use of a site that contains existing built form and could help to strengthen the local community. However, as the proposal relates to a single dwelling, the benefits of the development in these respects would be limited.
14. Whilst policy DP39 of the MSDP encourages the maximisation of recycling and the re-use of materials, the policy does not indicate that it is a compulsory requirement. The appeal submissions indicate that the development would include energy generation and efficiency features and could include a green roof system. The appellant has suggested that these features would represent an enhancement in comparison to the conversion of the existing buildings at the site. In this regard, it appears that the development would be able to comply with the requirement of policy DP39 for development to be of sustainable design and construction. However, as limited evidence has been provided to clarify the extent of energy generation and efficiency that would be achieved, I do not find that this represents a benefit of the proposal that should be afforded more than limited weight.
15. Appeal decisions within the areas of Mid Sussex District Council¹ and Waverley Borough Council² have been brought to my attention on the grounds that, in those cases, weight was applied to the fallback positions that existed as a result of other approvals being in place. The identified cases have subsequently been supported by a commentary of other applicable cases within the appellant's final comments. In this instance, I have had regard to the opportunities that exist to the appellant and note the intention to implement those developments. Accordingly, I have had regard to and afforded weight to the fallback position where appropriate. However, for the reasons set out

¹ APP/D3830/W/16/3156030

² APP/R3650/W/15/3133244

above and as the effect of the proposed development would be substantially different, the ability to undertake other developments at the site does not lead me to conclude that the proposal should be granted planning permission.

16. Furthermore, whilst I have been made aware of an appeal decision³ in the Wealden District where residential development was allowed, the evidence before me does not demonstrate that the circumstances of the sites or the spatial strategy of the respective Councils are the same. That appeal decision does not, therefore, alter my assessment of the effect of the proposed development.
17. The appellant has identified that no objection has been raised by the Council in terms of the effect of the development on the living conditions of neighbouring residents, the adequacy of the living conditions for future occupiers, ecology, flood risk, drainage, traffic generation and parking provision. I have no reason to reach a different conclusion in these respects.

Conclusion.

18. Overall, whilst the proposal would be acceptable in some respects and would bring about some benefits in others, these aspects of the proposal would not outweigh the harm caused in respect of the main issue and the conflict with the development plan. Furthermore, the proposal would not accord with The Framework when taken as a whole, including its presumption in favour of sustainable development.
19. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR

³ APP/C1435/W/16/3150981