



Appeal Decision

Site Visit made on 28 July 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH September 2021

Appeal Ref: APP/D3830/W/21/3268646

Land 150 metres to the South of Parson's Withes wood, to the East of Pangdean Lane

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Neil Bell against the decision of Mid Sussex District Council.
 - The application Ref DM/20/2287, dated 22 June 2020, was refused by notice dated 10 August 2020.
 - The development proposed is 8 units of Key Worker Housing, Multi-Generational and Professional Accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. For clarity, the address in the banner heading above has been taken from the appellant's application form and the location of the appeal site was made clear to me at my site visit. The land subject to TPOs at Parson Withes Wood and Jackson's Pit is outside the appeal site red line boundary.
5. During the consideration of this appeal the revised National Planning Policy Framework July 2021 (the Framework) has been published. I have invited both main parties to submit comments on the relevance of the Framework to this case.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location and Land Use

7. The appeal site is outside the built-up area boundary and is therefore in the countryside for the purposes of the development plan. Together Policies DP6, DP12 and DP15 of the Mid Sussex District Plan 2014-2031 Adopted March 2018 (the District Plan) and Hurst C1 of the Hurstpierpoint and Sayers Common Parish 2031 Neighbourhood Plan February 2015 (the NP) seek to concentrate development within existing settlements and set criteria which must be satisfied for development, including housing development, to be permitted in the countryside. These include that the development must maintain or enhance the quality of the rural and landscape character and prevent coalescence between settlements amongst other things.
8. The appeal site is a privately owned undeveloped area of open land covered in trees and undergrowth with an attractive natural verdant character. Although the land was previously in agricultural use, it is now woodland. On one side of the site is Parsons Withes Wood, which is covered by a TPO and includes an area of ancient woodland. This screens the site from Gatehouse Lane. Pangdean Lane, a public bridleway, runs adjacent to the site and forms part of a 'Green Circle' walk. Representations make clear that this is a popular route for walking in nature. There are also open fields in the immediate surroundings and the residential property and garden of Downsvew. I note that utilities are available to the site. Considering all the above, the green open character of this rural land makes a positive contribution to the intrinsic character and beauty of the surrounding countryside and the character of the area, and the experience of these qualities from the public route along Pangdean Lane.
9. The appeal site is close to the Priory Hospital on Gatehouse Lane, and I appreciate it may be desirable for employees to live close to this place of work. However, I am not presented with specific localised evidence that this amounts to a local housing need. Although the description of development refers to keyworker housing, multi-generational and professional accommodation I am not presented with any mechanism to secure that this development would be for affordable housing in perpetuity. Therefore, this development would not satisfy the criteria for a rural exception site under Policy DP32 of the District Plan. As this matter relates to the principle of the acceptability of residential land use in this location it is relevant to consider as part of this decision. Furthermore, the development would not satisfy the other exceptions set out in Policy DP15 of the District Plan.
10. Whilst there is some development including residential development nearby, the site is not adjacent to a built-up area boundary and is therefore contrary to Policy DP6 of the District Plan in this respect.
11. Residential development at this site would introduce dwellings, hardstanding, car parking and associated domestic paraphernalia to this site resulting in an urban character and appearance. 8 dwellings on this site would be clearly

perceived even with a planted buffer between the bridleway and the appeal site. Whilst the detail of the layout would fall to the technical details consent stage, I am not persuaded that there would be no loss of trees required in the construction of 8 dwellings at this site. The development would therefore unacceptably erode the site's existing attractive green character and would be significantly harmful to the intrinsic character and beauty of this countryside location.

12. Although there are existing accesses from Gatehouse Lane, and I note the consent dated April 1943, the nature of these unmade routes are markedly different to an access that would be required to serve 8 dwellings. Notwithstanding the information required at the technical detail consent stage, the principle of the location of an urban residential access road through an area of ancient woodland and group TPO would be further harmful to the countryside character and appearance described above.
13. The site is of a small scale and therefore would not lead to a loss of identity between Burgess Hill and the nearby settlements. Therefore, it would not be contrary to policy Hurst C3 of the NP.
14. Nevertheless, for the reasons above the proposed development would not provide a suitable site for development with regard to its location and land use. Therefore, it would be contrary to Policies DP6, DP12 and DP15 of the District Plan, set out above, and Policy DP37 which states that the loss of trees or woodland that contributes to the visual amenity value or character of an area will not normally be permitted.

Amount of Development

15. Policy DP26 requires development to reflect the distinctive character of towns and villages while being sensitive to the countryside and addressing the character and scale of the surrounding buildings and landscape amongst other things. Whilst there are parts of this policy which would be likely to be more relevant to the technical details consent stage, given the need to assess the impact of the principle of the proposed amount of development (8 dwellings), this policy is nonetheless relevant to this decision.
16. As detailed above, the surrounding land is mainly rural countryside land. Nevertheless, of the sporadic buildings that do exist, dwellings are generally set in large plots with extensive grounds.
17. The proposed development of 8 dwellings at the appeal site would result in a much more tight knit pattern of development with smaller plot sizes and more limited grounds. This would be at odds with the surrounding character of built development and would be harmful to the character and appearance of the area for this reason.
18. Consequently, the proposed development would not provide a suitable site for development with regards to the amount of development. Therefore, in this respect, it would be contrary to Policy DP26 of the District Plan, the aims of which are set out above.

Other Matters

19. The proposed development would provide the benefits associated with the provision of 8 housing units. The site is somewhat close to shops and

employment opportunities and it is put to me that it would provide an effective use of underutilised land that is available and deliverable. Given the size of the development, these benefits are modest in scale.

20. There is a dispute as to whether the Council can demonstrate a 5-year housing land supply. However, based on the evidence submitted in support of this appeal it appears to me that there is a 5.37 year supply. Nevertheless, in any event, the identified public and permanent harm to the character and appearance of the area and the settlement pattern would significantly and demonstrably outweigh the modest benefits of the proposed development as discussed above. Consequently, the appeal scheme is not sustainable development in the terms of the Framework.

Conclusion

21. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons set out above, this appeal is dismissed.

H Miles

INSPECTOR