



Appeal Decision

Site visit made on 18 October 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal Ref: APP/D3830/W/21/3272298

Land at Muddleswood Farm, Brighton Road, Newtimber, Hassocks BN6 9BP

- 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 Andrew Clay against the decision of Mid Sussex District Council.
 - The application Ref DM/20/2649, dated 24 September 2020, was refused by notice dated 19 November 2020.
 - The development proposed is for the demolition of an existing open fronted building and the erection of a semi-detached pair of 2-bedroomed cottages for rental purposes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For certainty, in addition to the postcode given on the appellants' application form I have used the address of the appeal site provided on the Council's Decision Notice
3. The *National Planning Policy Framework* (the Framework) represents the Government's up-to-date planning policies for England and how they should be applied. The Government published a revised Framework on 20 July 2021 and is a material consideration for development proposals. Accordingly, I have given consideration to the comments provided by the main parties in respect of these changes as part of my determination.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - whether the proposal is in a suitable location for new residential development.

Reasons

Character and appearance

5. The appeal site is found near to the junction of the B2218 and B2771 highways which run towards the settlements of Albourne and Hurstpierpoint, while the larger town of Burgess Hill is approximately 5 miles away. The appeal plot is located in the countryside beyond a recognised settlement boundary, and is set back from the road between Muddleswood Farm House and the white rendered dwellings known as Nos 1-3 Muddleswood Cottages.

6. The immediate area surrounding the appeal site is predominantly typified by loose-knit rural type dwellings of a modest design facing the road which are sited on long garden plots and are surrounded by hedge and tree-lined fields, including the corner plots of Nos 1 & 2 'Tollgates'.
7. Muddleswood Farm House has a gated access to the hedged frontage and a long landscaped and cultivated garden to the rear which lies adjacent to a dwelling formerly known as 'The Stable' which faces onto an open-fronted barn and an unmade access track and other storage type buildings.
8. The track turns left across the rear boundary of Muddleswood Farm House where there is access to a paddock type field which has a gate that opens onto the footway running along the B2218. On the other side of the track the generous gardens of Nos 1-3 can be seen which have a number of garage/store type buildings including a corrugated sloped-roofed building to the side No 3.
9. The proposal is to demolish the existing open-fronted barn type building and to construct a pair of 2-bedroom semi-detached cottages in traditional type materials with gardens, parking, and cycle and bin storage. Plot 1 would face towards the side elevation of No 3 Muddleswood Cottage when viewed from the road and Plot 2 would face onto the main highway and have a conservatory to the rear that would be directly adjacent to the rear elevation of Plot 1. The proposal would share a new access road with 'The Stable' which I noticed was still under construction at the time of my site visit following a prior approval permission¹.
10. I acknowledge that the appeal site and the land surrounding it is likely to have had previous uses or been used for residential development, including that on which 'Tollgates' is sited. However, whether the appeal site offers a 'windfall' opportunity or not, I have limited details of those schemes before me, and moreover, I cannot be certain if previous uses or the construction of 'Tollgates'² was permitted under the same development plan as the proposal or not. Therefore, I have considered the proposed development on its own planning merits.
11. The submitted drawings show that the proposal would be possible on the space available. However, the new properties as a consequence of its co-joined design would be a substantial two-storey development of some bulk that would be in close proximity to Muddleswood Farm House, 'The Stable' and the boundary and outbuildings of No 3. Furthermore, the proposed dwellings would have relatively small gardens in comparison to the surrounding properties which have generous gardens that help to retain a sense of spaciousness in the built environment in this rural type area.
12. Therefore, if the proposed development were to be constructed it would erode the space between the existing dwellings and create a cramped sense of enclosure in this specific location on Brighton Road. What is more, the reduction of the hedged gap between the dwellings as a result of the scale, height and mass of the proposal would compromise glimpses from the highway and nearby fields to the verdant countryside beyond.

¹ DM/19/3085.

² APP/D3830/A/14/2219676

13. Moreover, while the proposal would be constructed in similar materials to some of the dwellings such as those found at 'Tollgates', the development would nevertheless have a protruding gable end, hipped roofs, a number of dormer windows and a wide range of fenestration that would be incongruous with the immediate neighbouring buildings of Nos 1-3 which have unassuming rendered elevations and simple porches or doorways.
14. Additionally, although I note that the dwellings would share a two-way access with 'The Stable' and have parking spaces to the rear, the residential use of the properties would nevertheless be likely to proliferate a range of domestic paraphernalia to both the front and rear of the dwellings that could include, for example, seating, barbeques, washing lines, leisure equipment and sheds in addition to the proposed urban style fencing that could not, in my view, be reasonably mitigated or guaranteed in perpetuity by a conditioned landscaping scheme, and hence harm the rural character and appearance of the area.
15. I conclude therefore, in respect of the character and appearance of the area, that the proposal would be contrary to Policy DP26 of the Mid Sussex District Plan 2018 (MSDP), as supported by the Mid Sussex District Council Design Guide Supplementary Planning Document 2020 (SPD), and Paragraph 130 (c) of the Framework which aims include that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Suitable location

16. The proposed development would be located beyond a defined settlement boundary approximately 1 mile from Albourne, which I note has a limited range of services and a primary school, and while Albourne can be reached by means of a footway I noticed at my site visit that the pathways are narrow and unlit. As such, these footways are unlikely to be attractive to pedestrians at certain times of the day or during colder, wetter or darker times of the year as a means to access these services.
17. Therefore, the larger range of day to day services found in Hurstpierpoint and Burgess Hill, such as shops, secondary schools, restaurants, public-houses and leisure facilities, as well as train stations and greater employment opportunities, are likely to be more appealing and useful to the occupiers of the new dwellings than those found in Albourne. Moreover, notwithstanding the bus services that I noticed run past the appeal site, given the distance involved and the close proximity of the A23 highway, it is likely that those services would be accessed by a private motor vehicle. It follows then that the proposal would be likely to lead to reliance on a private motor vehicle by the occupiers of the proposed development.
18. Therefore, I conclude that, in respect of a suitable location, that the proposal is contrary to Policies DP6, DP12, DP15 and DP21 of the MSDP which say, amongst other things, that development should provide opportunities for people to live and work within their communities, reducing the need for commuting, and the Framework when read as a whole.

Other Matters

19. The appeal site is located in the Ashdown Forest Special Protection Area (SPA) and is therefore, subject to the Habitat Regulations which protect the SPA. If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and give further consideration to the likely effectiveness of any mitigation measures. However, as I have found against the Appellant on the main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this case.
20. I note the appellants desire to market the properties for rental in order to use the income to maintain and improve a Grade 1 listed building. However, this is a matter of personal choice and planning determinations cannot rest on the owners' decision alone; rather adherence to the adopted Development Plan policies, and even if it were possible to find otherwise this does not outweigh the harm I have found above, including the provision of 2 new dwellings against the Council's housing land supply.

Conclusions

21. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR