



Appeal Decisions

Site Visit made on 21 October 2021

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Appeal A Ref: APP/D3830/W/21/3279083

The Old Police Station, Job's Lane, Sayers Common BN6 9HE

- 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 Danworth Holdings Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/20/4468, dated 27 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is removal of an existing B1(a) Office building and existing detached garage block, erection of a B1(a) Office Unit, retaining existing access to vehicular car park at the rear of the site, together with associated bin & cycle stores.
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Appeal B Ref: APP/D3830/W/21/3279086

The Old Police Station, Job's Lane, Sayers Common BN6 9HE

- 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 Danworth Holdings Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/21/1060, dated 12 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is removal of an existing B1(a) Office building and existing detached garage block, erection of a Class E Office Unit, retaining existing access to vehicular car park at the rear of the site, together with associated bin & cycle stores.
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Appeal A: Decision

1. The appeal is allowed and planning permission is granted for removal of an existing B1(a) Office building and existing detached garage block, erection of a B1(a) Office Unit, retaining existing access to vehicular car park at the rear of the site, together with associated bin & cycle stores at The Old Police Station, Job's Lane, Sayers Common BN6 9HE in accordance with the terms of the application, Ref DM/20/4468, dated 27 November 2020, subject to the conditions set out in Schedule A at the end of these Decisions.

Appeal B: Decision

2. The appeal is allowed, and planning permission is granted for removal of an existing B1(a) Office building and existing detached garage block, erection of a Class E Office Unit, retaining existing access to vehicular car park at the rear of the site, together with associated bin & cycle stores at The Old Police Station, Job's Lane, Sayers Common BN6 9HE in accordance with the terms of the application, Ref DM/21/1060, dated 12 March 2021, subject to the conditions set out in Schedule B at the end of these Decisions.

Appeals A and B:

Preliminary Matter

3. The description of the proposed developments given on the application forms in Appeals A and B include 'B1(a) Office Unit' and 'Class E Office Unit' respectively, and they have been used in the banner headings and Decisions above. The change to the description in Appeal B reflects the recent amendment to The Town and Country Planning (Use Classes) Order 1987.

Main Issue

4. The main issue is whether the proposals in Appeals A and B would amount to small scale economic development, and if so, whether the future users would have reasonable access to sustainable travel modes.

Reasons

5. The appeal site is, in policy terms, in the countryside. Policy DP1 of the Mid Sussex District Plan 2014-2031 (LP) seeks sustainable economic development and aims to allow new small scale economic development in the countryside, and to permit redevelopment for employment uses providing it is in accordance with other policies in the Plan. LP Policy DP14 aims to permit new small scale economic development within the countryside provided it supports sustainable growth and the vitality of the rural economy and, where possible, utilises previously developed sites. LP Policy DP21 aims for schemes to be sustainably located to minimise the need to travel noting that there might be circumstances where development needs to be located in the countryside, such as rural economic uses. It also seeks appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, and adds that, where practical and viable, developments should incorporate facilities for charging plug-in and other ultra-low emission vehicles.
6. The National Planning Policy Framework (Framework) aims to support a prosperous rural economy, and it recognises that sites to meet local business needs in rural areas may have to be found in locations that are not well served by public transport. Any opportunities to make a location more sustainable should be exploited. It also encourages the use of previously developed land.
7. The appeal site is on the roughly south side of Job's Lane. It includes a flat roofed single storey office building (a former police traffic base) towards the front, a gated access from Job's Lane to one side, and hardstanding at the back, with a block of garages in its south west corner. The site is broadly opposite the semidetached dwellings at Little Gables and Berry House, and it adjoins the terrace of dwellings at Job's Cottages to roughly east, and land presently used for vehicle parking and storage associated with the A2300 road widening works to roughly south and west. Apart from the footpath by the lay-by in front of the site, there are no nearby footpaths in the largely verdant Job's Lane. The surrounding area has a mainly rural character.
8. The proposed building in Appeal A would reflect the front building line of Job's Cottages, and as its 2 storey pitched roofed form with an attic floor in its roof space would be only a little deeper and taller, it would respect the street scene in the rural lane. Its traditional appearance would harmonise with the nearby dwellings. Its footprint would take up about a fifth of the site, so there would be ample openness and room for greenery within the site to sustain its rural

character. As the scale, form and siting of the proposal would be little different to the nearby cottages, it would be readily assimilated into the local scene. Its floor area would be roughly 7 times that of the existing building, but as it would be about 355 m², it would be well below the 1,000 m² major development threshold. Thus, the proposal in this case would be a small scale economic development for the purposes of LP Policies DP1 and DP14.

9. The similarly sited, shallower, narrower 2 storey building in Appeal B would have roughly 4 times the floor area of the existing development, and it would take up roughly one eighth of the site. Whilst the proposal would have a modern commercial appearance, it would be similarly sympathetic to the nearby dwellings, the street scene in Job's Lane, and the rural surroundings. Because it would be smaller than the Appeal A proposal, it would also be a small scale economic development in terms of LP Policies DP1 and DP14. Both proposals would also make more efficient use of the previously developed site.
10. The site is roughly 400 m east of the junction of the A23 with the A2300, which leads to Burgess Hill roughly 1.2 km from the site, so it is well related to the local road network. Both schemes would increase the development and likely activity at the site, but the adaptable spaces in the well-designed offices would enable sustainable growth and enhance the vitality of the rural economy.
11. The site is within a short roughly 300 m walk of the nearest bus stop, with services to Burgess Hill and Horsham, and within a reasonable roughly 600 m walk of bus stops on the A23 with services to Brighton and Crawley. These bus stops include services roughly hourly between roughly 0600 hours and 1900 hours on Mondays to Fridays, so some office users living in the surrounding rural area and nearby villages could travel by public transport. As Hickstead Services, which is roughly 450 m from the site, includes a fuel station and shop, hotel, and food outlets, a return trip on foot to buy a lunch, snack, or beverage provisions, albeit crossing a main road, would be within the mean average walking journey distance of 1 km.
12. The secure, covered, and lit cycle parking for 8 cycles would exceed the highway authority's minimum standards. As the average length for cycling journeys is about 4 km, and as the present upgrading works to the A2300 includes a 3 m wide shared foot/cycle route linking with existing routes to Burgess Hill town centre, some users could choose to cycle to and from work for at least some of the time. Electric vehicle charging points (EVPs) would be provided in about one third of the car parking spaces and the passive provision would enable the remaining spaces to include EVPs in future. So, if cycling would not be attractive in all weathers throughout the year, the proposals would also encourage the use of low-emission and zero-emission vehicles. Thus, the proposals would exploit opportunities to encourage travel by sustainable modes.
13. The appellant's Transport Report for Appeal A explains that the proposal would generate about 40 vehicle movements each day, with 7 vehicle movements in the peak hour, including the movements associated with the present premises. The Transport Report for Appeal B explains that the proposal would generate a net increase of about 15 vehicle movements each day, with 2 vehicle movements in the peak hour, which would be just over 1% of the background traffic in the nearby Stairbridge Lane between Bolney Grange Business Park and the A2300. As the likely increase in vehicle movements in both proposals

would be modest and less than 10%, they would be acceptable, and so there would be no need for measures to improve public transport links.

14. In his appeal decision, ref APP/D3830/W/15/3003137, dismissing a proposal for 3 dwellings at the site my colleague found the nearby cluster of dwellings to be somewhat isolated, and that the likelihood was that occupiers of the dwellings would find themselves reliant on the car for most journeys. Whilst the Council says that the Appeal A proposal would be likely to generate more daily trips than that scheme, which my colleague found to be not sustainable development, the Framework aims to avoid isolated homes in the countryside. By contrast, the proposals before me are in line with the Framework's aim to support the sustainable growth and expansion of all types of business in rural areas, and local policy reflects that thrust.
15. Therefore, I consider that the proposed developments in Appeals A and B would be small scale economic developments, and that the future users would have reasonable access to sustainable travel modes. They would satisfy LP Policies DP1, DP14 and DP21.

Other Matters

16. The Council's site allocations development plan document is emerging, there are few details of the allocated land to the south of the A2300, and there is almost no information about the unlet units at Bolney Grange Business Park, so these matters attract little weight. So, as the proposals would be acceptable, planning permission should be granted subject to suitable conditions.

Conditions

17. The Council's suggested conditions have been considered and amended as necessary in the light of Framework paragraph 56 and Planning Practice Guidance, and 2 have been combined. For both schemes, the condition identifying the approved plans is necessary to give certainty for all parties. Conditions to control external materials and hard and soft landscaping and boundary treatments are reasonable and necessary to protect the rural character of the surrounding countryside. The tailpiece in the landscaping condition is reasonable because specific plant species could be unsuited to conditions at the site.
18. Conditions for the construction method statement and car parking and vehicle turning areas are necessary in the interests of highway safety. The conditions for the construction method statement, external plant or machinery, and to control operating hours are necessary to protect the living conditions of nearby occupiers. The condition for foul and surface water drainage and means of disposal is necessary in the interests of public health and to avoid flooding. The conditions for cycle parking and the electric vehicle charging strategy are reasonable and necessary to promote travel by sustainable modes. The condition to control the use of the premises is necessary in the interests of highway safety, to protect the living conditions of nearby occupiers, and to reasonably and precisely reflect what the appellant applied for.
19. Because the condition for the construction method statement is necessary for highway safety from the start, and because the condition for foul and surface water drainage affects works below ground, these need to be pre-commencement conditions.

Conclusion

20. I have found that the proposals in Appeals A and B would satisfy the Development Plan when taken as a whole. The other considerations in these cases, including the Framework, do not indicate determinations otherwise.

21. For the reasons given, Appeals A and B should be allowed.

J Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1131-20/10b, 1131-20/11b and 1131-20/12c.
- 3) Notwithstanding the details given on the approved plans, no development shall take place until details of the foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building hereby permitted shall not be first occupied until the foul and surface water drainage works have been carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) programme of works (including measures for traffic management);
 - v) vehicle routing;
 - vi) the erection and maintenance of security hoarding;
 - vii) measures to prevent the deposit of materials in the highway;
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - x) delivery, demolition, and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) Notwithstanding the details given on the approved plans, no development above ground floor slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved

- in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 6) Notwithstanding the details given on the approved plans, no development above ground floor slab level shall take place until details of hard and soft landscaping works and boundary treatments have been submitted to and approved in writing by the local planning authority. The approved hard and soft landscaping works and approved boundary treatments shall be carried out prior to the occupation of any part of the building hereby permitted or in accordance with a programme previously submitted to and approved in writing by the local planning authority. Any trees or shrubs which, within a period of five years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species unless the local planning authority gives written approval to any variation.
 - 7) No part of the development hereby approved shall be first occupied until the covered and secure cycle parking spaces shown on plan no. 1131-20/10b have been installed in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The covered and secure cycle parking installation shall be retained as approved solely for that purpose thereafter.
 - 8) No part of the development hereby approved shall be first occupied until the electric vehicle charging strategy shown on plan no. 1131-20/10b has been installed in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The five electric vehicle charging points shall thereafter be retained and maintained in accordance with the manufacturer's instructions and made available to users of the development hereby permitted.
 - 9) The development hereby permitted shall not be first occupied until space has been laid out within the site in accordance with plan no. 1131-20/10b for thirteen cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
 - 10) The use hereby permitted shall take place only between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 hours and 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public holidays.
 - 11) Prior to the use of any exterior mounted plant or machinery in relation to services for the building, a scheme shall be submitted to the local planning authority demonstrating that the noise rating level (L_{Ar},T_r) of the plant shall be at least 5dB below background noise level (L_{A90},T) at the nearest residential façade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures in the scheme shall be implemented before the plant/machinery is brought into use and thereafter be maintained in accordance with the approved details.
 - 12) The premises shall be used for Class E(g)(i) offices and for no other purpose (including any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended) (or

in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of Schedule A

Schedule B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1131-20/10e, 1131-20/11d and 1131-20/12f.
- 3) Notwithstanding the details given on the approved plans, no development shall take place until details of the foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building hereby permitted shall not be first occupied until the foul and surface water drainage works have been carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) programme of works (including measures for traffic management);
 - v) vehicle routing;
 - vi) the erection and maintenance of security hoarding;
 - vii) measures to prevent the deposit of materials in the highway;
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - x) delivery, demolition, and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Notwithstanding the details given on the approved plans, no development above ground floor slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 6) Notwithstanding the details given on the approved plans, no development above ground floor slab level shall take place until details of hard and soft landscaping works and boundary treatments have been submitted to and approved in writing by the local planning authority. The approved hard and soft landscaping works and approved boundary treatments shall be carried out prior to the occupation of any part of the building hereby

permitted or in accordance with a programme previously submitted to and approved in writing by the local planning authority. Any trees or shrubs which, within a period of five years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species unless the local planning authority gives written approval to any variation.

- 7) No part of the development hereby approved shall be first occupied until the covered and secure cycle parking spaces shown on the plan no. 1131-20/10e have been installed in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The covered and secure cycle parking installation shall be retained as approved solely for that purpose thereafter.
- 8) No part of the development hereby approved shall be first occupied until the electric vehicle charging strategy shown on plan no. 1131-20/10e has been installed in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The three electric vehicle charging points shall thereafter be retained and maintained in accordance with the manufacturer's instructions and made available to users of the development hereby permitted.
- 9) The development hereby permitted shall not be first occupied until space has been laid out within the site in accordance with plan no. 1131-20/10e for seven cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 10) The use hereby permitted shall take place only between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 hours and 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public holidays.
- 11) Prior to the use of any exterior mounted plant or machinery in relation to services for the building, a scheme shall be submitted to the local planning authority demonstrating that the noise rating level (L_{Ar},Tr) of the plant shall be at least 5dB below background noise level (L_{A90,T}) at the nearest residential façade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures in the scheme shall be implemented before the plant/machinery is brought into use and thereafter be maintained in accordance with the approved details.
- 12) The premises shall be used for Class E(g)(i) offices and for no other purpose (including any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of Schedule B