



Appeal Decision

Site visit made on 25 October 2021

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

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/D3830/W/21/3271035

Land East of Haycorn, Street Lane, Ardingly RH17 6UJ

- 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 White against the decision of Mid Sussex District Council.
 - The application Ref DM/20/1011, dated 9 March 2020, was refused by notice dated 18 September 2020.
 - The development proposed is for the construction of a terrace of three houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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. I note however, in this case, that the main parties have made no further comments in respect of these changes.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - the Ashdown Forest Special Protection Area (SPA).

Reasons

Character and appearance

4. The appeal site is a tree and hedge lined plot of land located in an Area of Outstanding Natural Beauty (AONB) on Street Lane that is found near to the junction with 'Holmans' outside the settlement boundary of Ardingly. The immediate built environment is typified by small clusters of varied residential development, including pairs of two-storey houses such as the neighbouring dwelling of 'Haycorn.' The site is accessed over a rough stone strip which rises up from the highway and accommodates a tree to one side and a electricity sub-station in the south-west corner. Beyond the rear boundary there are fields which appear to form part of the surrounding countryside.

5. The proposal is to construct a terrace of three brick and tile weather-boarded houses on the site with parking. The existing access way would be retained.
6. The main parties agree for planning purposes that the proposal would be located in the countryside. As such, I acknowledge the lapsed permission¹ and a further application² for two dwellings on the site. However, the scheme before me is for three new dwellings. Therefore, in my view, the scale and mass of the proposal with its bulky asymmetric roof and forward gable arrangement, in combination with the constraints of the relatively confined site which include trees and the associated root protection areas and a sub-station, would result in a cramped development in comparison to the earlier proposals, and would be incongruous with the modest and simple roof lines of the immediate neighbouring dwellings.
7. Moreover, the relatively tight plots would be further enclosed by the provision of parking spaces, pathways and bike and bins stores to the front and side of the development. Additional landscaping and existing hedging would not provide a satisfactory solution to this urban style arrangement. The appellant has brought to my attention the parking arrangements to other dwellings, for example those seen at 'Haycorn'. However, I cannot be certain if these dwellings were permitted under the same development plan to the proposal before me or not. Consequently, while no recorded objection to the development has been raised by the Parish Council, when considered on its own planning merits, for the reasons given above the proposal would harm the character and appearance of the area.
8. I conclude therefore, that the proposal would be contrary to Policy DP26 of the Mid Sussex District Plan 2018, and Policy ARD5 of the Ardingly Neighbourhood Plan 2014 which say, amongst other things, that development should protect valued characteristics of the built environment. For similar reasons the proposal does not meet the aims of Paragraph 130 (c) of the Framework which requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

SPA

9. 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 including the appellants submitted Unilateral Undertaking. However, as I have found against the Appellant on the first main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Conclusions

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

J E JOLLY

INSPECTOR

¹ DM/17/3659

² DM/20/3382