



Appeal Decision

Site Visit made on 21 September 2021

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 NOVEMBER 2021

Appeal Ref: APP/D3830/W/21/3268734

Hampstead Gravelly Lane, Lindfield, Haywards Heath, RH16 2SL

- 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 & Mrs K Markham against the decision of Mid Sussex District Council.
 - The application Ref DM/20/1234, dated 27 March 2020, was refused by notice dated 25 September 2020.
 - The development proposed is described in the application form as 'new 3 bedroom bungalow with associated vehicle access on land at Hampstead'.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a three bedroom, two storey, dwelling with associated vehicle access at Hampstead, Gravelly Lane, Lindfield, Haywards Heath, RH16 2SL in accordance with the terms of the application, Ref DM/20/1234, dated 27 March 2020, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Notwithstanding the description set out in the banner headings above which is taken from the planning application form, I have used a slightly different description in my decision. This mirrors the description used in the Council's decision notice and the appeal form, and most accurately reflects the details of the proposed development.

Main Issues

3. The main issues are (i) whether the proposed development would accord with the Council's strategy for residential development, (ii) the effect upon the character and appearance of the area and (iii) the effect upon the setting of the Grade II listed building at Criplands House.

Reasons

Development strategy

4. The proposal would be located outside of the current built-up area boundary and its main boundaries would not adjoin or share the built-up area boundary. Therefore, whilst located near to the existing built-up area boundary, it would not be contiguous with it. Therefore, the proposal would be contrary to the settlement hierarchy criteria of Policy DP6 of the Mid Sussex District Plan 2014-2031 ('the District Plan'). It would also not accord with the special justification set out in Policy DP15 where new homes might be permitted in the countryside.

5. The Council's Draft Site Allocation Development Plan Document ('DPD') is currently being examined. It proposes that the built-up area boundary should be revised in this area with the result that the appeal site would be located within, rather than outside, the boundary. There are currently unresolved objections to the DPD (although I have not been provided with specific details of these) and the Inspector's report is still to be issued.
6. Nevertheless, there has been a substantial amount of recently approved new residential development located in the vicinity of the site and also outside of the current built-up area boundary. Judging by the location of such development there is undoubtably a reasonable possibility that the boundary will soon be changed along the lines of the emerging DPD. Consequently, whilst the examining Inspector's report has not yet been issued, taking account of both the amount and location of recently approved development in the locality, I have given considerable weight to the emerging DPD in so far as it relates to the appeal site. I return to consider this further in my planning balance below.

Character and appearance

7. The proposed dwelling would be located to the rear of existing dwellings fronting on to Gravelye Lane and within the existing rear garden of Hampstead. The dwelling would be modestly sized and its overall bulk and massing would be limited due to its low eaves level with the limited first floor accommodation being provided within the roof space.
8. Whilst the rear garden would be of limited depth, it would be of a considerable width, providing both a reasonable amount of outdoor amenity space and providing potential for a landscaped garden setting at the rear of the dwelling. Although Hampstead and the neighbouring Coach House have long gardens, their retention as such is not necessarily required in order to preserve the overall character and appearance of the area. Indeed the plot size of the proposed dwelling would be similar to that of the existing nearby dwelling at Cripland Court Cottage.
9. A good separation distance would be retained to the rear elevations of the adjacent dwellings. Backing on to the rear garden of the adjacent dwelling, the proposed garden and overall plot size would not result in significant harm to the surrounding character. Furthermore, the proposed parking layout and access would not be of such a size to dominate the site and its layout could be softened by sensitive landscaping treatment, details of which can be secured by condition.
10. Beyond the appeal site, the land immediately to the east is open and currently provides for a pleasant semi-rural setting, albeit on a localised basis. Nevertheless, the substantial amount of recent residential development in the locality of the site has eroded much of the more general rural characteristics of the surrounding area.
11. Although parts of the proposed dwelling would be located close to the north and east site boundaries there are no buildings located adjacent to these boundaries and the modest massing of the proposal would mean that it would not appear as being unacceptably cramped in this location. Indeed, the part of the dwelling located closest to the east boundary would be a lower single storey element. Substantial open space would remain around the proposed building and those existing trees of significant amenity value adjacent to the

site would be able to be satisfactorily retained, helping to assimilate the proposal into its setting. When viewed from the open land to the east the proposal would also be seen in the context and backdrop of the existing two storey development on Gravelly Lane.

12. Consequently, the proposal would safeguard the character and appearance of the area and would satisfactorily accord with the relevant design and landscape protection aims of Policy DP26 of the District Plan.
13. In respect of Policy DP12, whilst it would protect the countryside, the proposal would not accord with this Policy as it would not be supported by another specific Development Plan policy reference.

Setting of listed building

14. Criplands House is a Grade II listed 17th century residential dwelling set within substantial gardens, located to the east of the appeal site. A field and part of an area of woodland is located between its garden and the appeal site. Its significance predominantly arises from its historic and architectural interest within what would have previously been a rural setting. The open land surrounding the site contributes to its overall historic and visual setting, including the land between the listed building and the appeal site.
15. There would be a substantial degree of spatial separation between the site and the listed building, including its garden, along with the visual separation created by the intervening woodland. Whilst the setting of the listed building clearly includes its surrounding garden and also the open land beyond this, the appeal site only makes, at most, a minimal contribution to its setting.
16. As set out above, the proposed development would be on an unobtrusive design including a modest height and massing. In the views from the land around the listed building including the Public Right of Way, the proposed dwelling would also be seen in the context of the existing residential development on Gravelly Lane rather than as part of adjoining open land.
17. Therefore, the proposed development would not lead to any harm to the setting and consequently the significance of Criplands House. It would accord with the heritage aims of Policy DP34 of the District Plan and paragraph 196 of the National Planning Policy Framework.

Other Matters

18. The rooflights proposed in the south elevation of the proposed dwellings would only give opportunity for limited views of the neighbouring garden at The Coach House. With appropriate boundary screening, the ground floor windows would not be directly overlooking and the proposed first floor east facing window would serve a bathroom and therefore is unlikely to lead to any significant overlooking. Taking account of the substantial distance to the rear elevation of this property, the proposal would not result in an unreasonable loss of privacy to this neighbouring property.
19. Taking account of the existing 30mph speed limit on Gravelly Road, the increased use of the existing vehicle access would not be of such a magnitude to lead to the likelihood of any significant highway safety impacts. Whilst there is a record of a previous accident, the Highway Authority have confirmed that this was not a result of the existing access or road layout.

20. Matters regarding surface and foul water drainage appear able to be dealt with through a condition requiring the submission of detailed drainage proposals for the approval of the Council.
21. The proposal would be outside of the 7km zone of influence around the Ashdown Forest Special Protection Area and therefore no likely significant effects would result from recreational disturbance. With regard to trip generation, the Council concludes that the proposal is not likely to generate travel to work journeys across the Ashdown Forest and also notes that as a windfall development, and taking account of the Mid Sussex Transport Study, it would not result in any impacts on the Ashdown Forest. Consequently, I am satisfied that the proposal would not result in likely significant effects upon the Ashdown Forest Special Area of Conservation. Further assessment under the Habitats Regulations is therefore not required.

Planning Balance

22. The proposal would be contrary to Policies DP6, DP12 and DP15 of the District Plan due to its location outside of the existing built-up area settlement boundary. It would not, however, result in harm to the character and appearance of the area or the setting of the Grade II listed Criplands House. The approval of a substantial amount of recent residential development in the vicinity of the site outside of the built-up boundary has had a significant effect on the overall character and appearance of the wider area. In tandem, the emerging DPD proposes a revision to the built up area boundary so that the appeal site and a wider swathe of land around it would be included within the built-up area. Furthermore, the Council accepts that the proposal would be in a sustainable location for residential development and I note that it would be located within a reasonable distance of Lindfield village which acts as a local service centre.
23. Consequently, whilst the proposal would be located just outside of the settlement boundary (though not contiguous with it) no significant harm would result from this in environmental terms. The approval of other development in the vicinity and the emerging DPD also leads me to the view that, as a proposal for a single dwelling, there would also be very little, if any, harm in terms of the Council's overall strategy for residential development. Whilst acknowledging that the Council is able to demonstrate a five year supply of housing, these factors considerably reduce the weight that I have given in this instance to the conflict with the above reference policies.
24. Due to its location outside of the settlement boundary the proposal also would not accord with Policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan (2016) although the Council has not included this policy within its reasons for refusal, citing its inconsistency with the more recent District Plan. In any case, the weight to be given to conflict with this policy is also considerably reduced for the reasons set out above.
25. The lack of any significant harm in this case, coupled with the emerging DPD and the existence of a substantial amount of newly approved development in the locality of the site and outside of the existing settlement boundary are significant material considerations in this case that weigh in favour of the proposal. These factors coupled with the, albeit modest contribution from one new dwelling towards boosting the supply of housing, would outweigh the limited harm arising from the conflict with the development plan in this case.

Conditions

26. I have considered the conditions suggested by the Council. An approved plans condition is necessary for certainty as to what has been approved. A condition requiring approval of drainage details is required to ensure that satisfactory surface and foul drainage provision is made. Landscaping details require approval in the interests of the character and appearance of the area and to provide for good quality residential environment. A condition regarding materials and finishes is necessary in order to provide for a good standard of design.
27. Car parking needs to be secured in order to provide for appropriate on-site car parking, thereby minimising any adverse effects that could otherwise result from off-site parking. A condition making provision for the electric charging of vehicle is necessary to promote a reduction in carbon dioxide emissions. Finally, details of boundary treatments require approval in order to provide privacy for future and neighbouring residents.
28. Conditions 3 and 4 both require pre-commencement approval of details as they involve matters (drainage and landscaping), the design of which, might be affected by early ground and foundation works. A condition restricting construction working hours is not necessary given the limited magnitude of impacts likely to result from the construction of a single dwelling and the existence of other relevant environmental legislation.

Conclusion

29. Despite the conflict with the development plan, there are material considerations in this case that indicate that permission should be granted. For all the reasons given above, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 20.HA.SITE Rev D, 20.HA.P01 Rev C and 20.HA.P02 Rev C.
3. The development hereby permitted shall not commence until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the approved details.
4. Prior to the commencement of construction of the dwelling hereby approved, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the local planning authority. These details shall include indications of all existing trees and hedgerows on the land, details of those to be retained, together with measures for their protection during the course of development. These works shall be carried out as approved prior to the occupation of the development or in accordance with the programme agreed by the local planning authority. Any trees or plants 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 similar size and species, unless the local planning authority gives written consent to any variation.
5. No development above slab level shall be carried out until samples and/or a schedule of materials and finishes to be used for external walls, roofs and fenestration of the proposed building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. The development shall not be occupied until car parking has been laid out within the site in accordance with drawing no.20.HA.SITE Rev D. The spaces shall thereafter be retained for the parking of vehicles.
7. The development shall not be occupied until one of the parking spaces referred to in condition 5 has been provided with an electric vehicle charging facility. This facility shall subsequently be retained for the electric charging of vehicles.
8. The dwelling hereby permitted shall not be occupied until boundary enclosures and/or hedges have been erected or planted in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The boundary treatments shall thereafter be retained.