



Appeal Decision

Site visit made on 1 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/D3830/W/21/3278830

Land Adjacent to Meadow Wood, Brook Street, Cuckfield RH17 5JJ

- 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 and Mrs J Hampshire against the decision of Mid Sussex District Council.
 - The application Ref DM/21/0005, dated 22 December 2020, was refused by notice dated 21 April 2021.
 - The development proposed is Demolition of stables. Construction of detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that the proposal would have on the character and appearance of the surrounding area, which is within the High Weald Area of Outstanding Natural Beauty.

Reasons

3. The Development Plan includes the Mid Sussex District Plan 2014-2031 (LP) and the Ansty, Staplefield & Brook Street Neighbourhood Plan 2015-2031 (NP). LP Policy DP6 sets out the settlement hierarchy for the District. The appeal site is outside the built-up area boundary of any settlement designated in the LP and the NP, so it is, in policy terms, in the countryside. The site is also within the Area of Outstanding Natural Beauty, which has the highest status of protection in relation to landscape and scenic beauty.
4. The site includes a narrow gated access and track on the roughly west side of Brook Street, and a larger roughly rectangular area of land that is partly screened by vegetation behind the intermittent row of loose knit dwellings along Brook Street. It includes a former stable block, single storey store and hard standing near part of its roughly east boundary, which are at a lower level than the grassy meadow that, close by, gently slopes up to roughly north west. So, much of the site is partly screened by the landform and nearby vegetation. The proposed 2 storey 4 bedroom pitched roofed dwelling would be a little beyond and above the hard standing and reached by steps. The attached flat roofed garage would be at a lower level partly overlapping the hard standing.
5. The surrounding area has a semi-rural character and appearance. The site, including the part of the wider field and former low-key stables, is largely in keeping with the intrinsic character and beauty of the countryside and the landscape and scenic beauty of the Area of Outstanding Natural Beauty.

6. LP Policy DP12 aims to permit development in the countryside provided it maintains or enhances the quality of the rural and landscape character of the District, and is necessary for agriculture, or is supported by a specific Development Plan policy. LP Policy DP15 aims to permit new homes in the countryside where special justification exists in accordance with one of several criteria defined in the Policy. None are applicable to the appeal dwelling.
7. LP Policy DP6, which aims to support the growth of settlements where this meets identified local housing, employment, and community needs, designates Brook Street as a Category 5 settlement. It states that outside defined built-up area boundaries, the expansion of settlements will be supported where the site is allocated in the Development Plan or where the development is for fewer than 10 dwellings, and the site is contiguous with an existing built up area of the settlement, and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy. Whilst the proposal would be within walking distance of local shops and services in Cuckfield, and thus reasonably accessible, all criteria of LP Policy DP6 should be met. As the site is not contiguous with the existing built-up area boundary of Cuckfield, which lies some way to roughly south, the proposal would be contrary to LP Policy DP6.
8. As the proposal would be in the countryside and outside the development boundary, it could be acceptable under NP Policy AS1 if, amongst other things, it complies with countryside policies set out within the LP. LP Policy DP12 aims to protect the countryside in recognition of its intrinsic character and beauty. Its supporting text explains that the primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. So, whilst the National Planning Policy Framework (Framework) seeks to avoid isolated homes in the countryside, the LP aims to avoid dwellings that do not need to be in the countryside, whether isolated or not.
9. Due to the location of the main part of the site, the proposal would be at odds with the intermittent line of dwellings by Brook Street close by, and it would harmfully encroach into the countryside and Area of Outstanding Natural Beauty. Thus, the form and siting of the development and its surrounding spaces would be insensitive to the countryside, and unsympathetic to the local character of its landscape setting, contrary to Framework paragraph 130.
10. As there is no special justification for the dwelling to be in the countryside, due to the scale, bulk and siting of its built form, and the potential for associated domestic paraphernalia within the site, the proposal would harmfully erode the rural character of the field that contributes positively to the semi-rural character of the area close by. It would not be readily visible to the public, but that would not outweigh the harm that its damaging presence would cause, and, as planting could not reasonably be controlled by condition for more than a few years, planting in and by the site could not be relied upon to screen the proposal in the long term. Furthermore, due to the land take of its built form and use, the proposal would not conserve or enhance the natural beauty of the landscape.
11. Therefore, I consider that the proposal would harm the character of the surrounding area and that it would fail to conserve and enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty. It would be contrary to LP Policies DP6, DP12 and DP15, LP Policy DP16 and NP Policy AS3

which aim to only permit development in the Area of Outstanding Natural Beauty where it conserves or enhances natural beauty, NP Policy AS1, and the Framework.

Other matters

12. The Council's reason for refusal 3 raises concern that the proposal would not be sustainable in its design and construction. The garage would have a green roof, and the dwelling would include measures including thermal performance 20% above Building Regulations requirements, low energy lighting, water conserving taps and shower heads, dual flush cisterns, rainwater harvesting, and A rated white goods, or similar. Moreover, there should be ample scope to include measures to use on-site renewable energy, and for the scheme to contribute positively to a low carbon future and to reduce greenhouse gases, which could reasonably be secured by condition. Thus, subject to the imposition of a suitable planning condition if the proposal were to be otherwise acceptable, the development could satisfy LP Policy DP39 which aims to improve the sustainability of development, guidance in the Mid Sussex Design Guide SPD which supports that thrust, and the Framework, which aims to support the transition to a low carbon future in a changing climate.
13. Regard has been had to the planning history, but as the previous time limited personal permissions have ceased and the land restored to its former use, they do not weigh in favour of the proposed dwelling, and, in accordance with the Framework Glossary definition, the area including hard surfaces and stables is not considered to be previously developed land. The permissions granted by the Council at High Point and Ashbourne were for replacement dwellings, so they provide little support for the proposal. I have also had regard to my colleague's appeal decision ref APP/D3830/W/17/3180609, but as the scheme before him was for 3 dwellings, it differs from the proposal before me. So, I have dealt with the appeal scheme on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance.
14. The proposal would provide a welcome new dwelling, and amongst other things, jobs during construction, and its future occupiers' potential support for local shops and services. The support of some local people for the scheme has also been considered. However, these matters do not outweigh the harm identified in the main issue.

Conclusion

15. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
16. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR