
Appeal Decision

Site visit made on 4 January 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/D3830/W/21/3288910

Land to the south of Snow Hill, Crawley Down, Crawley, Sussex

- 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 Sean Reardon of Signature Prime Properties against the decision of Mid Sussex District Council.
 - The application Ref DM/21/1200, dated 23 June 2021, was refused by notice dated 14 September 2021.
 - The development proposed is a 57 bed care home including means of access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the address on the application form is not precise, the submitted site location plan (reference 01/01) clearly shows the location of the appeal site.
3. On the 29 June 2022, post the issuing of the decision notice, the Mid Sussex District Council Site Allocations Development Plan Document (SA) was adopted. This now forms part of the development plan and is weighted accordingly in this decision.

Background and Main Issues

4. A section 106 agreement (s106) has been submitted which would secure Total Access Demand and Library contributions and has been signed by the main parties. I am satisfied that the s106 would directly, fairly, and reasonably relate in scale and kind to the development. Therefore, the s106 would sufficiently contribute to infrastructure requirements if planning permission were to be granted. The Council have confirmed that once the s106 was finalised they would no longer contest the reason for refusal relating to infrastructure requirements.
5. The main issues are, therefore, whether the appeal site is a suitable location for the proposed development having regard to relevant local and national policies relating to the countryside, and accessibility; and the effect of the proposed development on the character and appearance of the area, and on the living conditions of the occupants of Ladymead, with specific regard to noise and disturbance.

Reasons

Relevant policies

6. The main parties agree that the appeal site is beyond the defined built up area boundaries of any settlement and has not been specifically allocated for anything within the Mid Sussex District Plan (DP), the SA, or the Crawley Down Neighbourhood Plan (NP). From the evidence before me and my observations on site, I am satisfied the appeal site is located within the countryside, and although adjacent to a residential dwelling, Ladymead, would not be nearby or directly related to any defined settlement, namely Copthorne or Crawley Down.
7. DP Policy DP25 allows for community facilities and local services to be developed where they contribute to creating sustainable communities and meet local needs, identified through development plan documents or neighbourhood plans. This policy does not specify care homes, and it is apparent the DP is largely silent on such development with limited reference in the supporting text for DP Policy DP30. However, SA Policy SA39 now identifies that there is a local need and that new care homes not located on specifically allocated sites, should be within the built-up area boundaries or contiguous to them.
8. Although the proposed development would provide a care home which would fulfil a local need, it would not be located within a built-up area nor contiguous to one. There is nothing before me justifying this isolated location in the countryside nor is it evidenced how the proposal would contribute to or support the existing communities of Copthorne or Crawley Down. Consequently, the proposal is not supported by DP Policies DP6 and DP25, or SA Policy SA39. It would also not comply with DP Policy DP12 as the proposal is not related to agriculture.

Accessibility

9. The main access to the appeal site is from Snow Hill, a reasonably wide 2-lane road with a posted speed of 50mph and pavements commonly on 1 side or the other. This requires pedestrians to cross the road multiple times whilst walking its length. Although appreciating it is a snapshot in time, I noted during my visit, around midday on a weekday, that the road was busy.
10. There is a convenience store and petrol station approximately 750m away along Snow Hill, and at a similar distance but in the opposite direction, near to the Dukes Head public house, are the nearest bus stops. The main parties confirm that there are 6 bus services that use the bus stops reasonably regularly during the week, but this is reduced at weekends.
11. It is noted that the Care Home Needs Assessment (February 2021) states the proposal would provide a registered setting providing 24 hour care for residents with higher acuity needs and not an Extra Care housing development. It is, therefore, appreciated future residents would be unlikely to leave the development by themselves. As such the day to day accessibility of the site is more relevant for visitors and staff.
12. The appeals site's countryside location and lack of connectivity with a settlement is likely to mean potential visitors and staff would not be immediately local to the proposed development. The local bus services would provide a reasonable service during weekdays but would be less useful for those visiting or working at the weekends or overnight. However, the lack of

defined cycle lanes, the speed and regularity of traffic along Snow Hill and the poor quality of the footpaths would not provide an attractive nor overly safe prospect for those cycling or walking from the bus stops or further afield. I am unconvinced that the appeal site's location would be easily accessible by alternative transport modes instead of the private car and there is nothing before me to show how the proposal would prioritise such alternative options for visitors and staff.

13. The location of the proposed development would not, therefore, be adequately accessible for potential visitors and staff. It would conflict with DP Policy DP21, and NP Policy CDNP10 insofar as they require adequate transport links for new development that facilitate and promote the use of alternative means of transport other than the private car. The proposal would also conflict with the Framework which, amongst other things, seeks to promote walking, cycling and the use of public transport for new development.

Character and appearance

14. The appeal site is a grassed field adjacent to Snow Hill. Although mainly surrounded by further fields, directly adjacent to the site is Ladymead, a single storey detached dwelling. Excepting the boundary with Ladymead, which constitutes a low hedge and fence, the site is surrounded by mature trees and established hedgerows.
15. The character of this part of Snow Hill is one of open countryside with a scattering of individual dwellings interspersed with fields, mature hedging, and trees. It is noted that there are some commercial garages in the area, however notwithstanding that linked to the convenience store, they are set back from the road and well screened. Overall, the area has a verdant appearance where buildings are modestly proportioned compared to their plot size, and reasonably screened from the road.
16. Although the proposal would repeat the 2 storey height prevalent in the area, the new building would cover a considerable amount of the site. It would reduce the existing open and verdant appearance of the appeal site and the proportion of built form to open space would be at odds with the character of the area. This would be further exacerbated by the substantial length of the proposed building facing onto Snow Hill which would dominate the street scene and fail to integrate with the otherwise modest and individual nature of the other visible buildings along this part of the road. The size, bulk, and homogenised design of that proposed would be significant and more akin to a commercial building rather than residential property. The proposal would therefore constitute a form of development which would not be compatible with the loose pattern of buildings and their countryside setting, characteristic of the immediate area.
17. The retention of the boundary hedges and trees is noted. However, when I visited the site in winter most of the trees and hedges had lost their leaves, and so it is unlikely the existing hedgerows would provide anything beyond partial screening throughout the year especially along the boundary with Snow Hill.
18. The appellant's reasoning for the functional design of the proposal and that the need should take precedence over appearance, is noted. This is something I will return to within the planning balance.

19. In conclusion, the proposed development would significantly harm the character and appearance of the area. It would not comply with DP Policies DP12 and DP26, and NP Policy CDNP05 insofar as they seek to ensure high quality, unobtrusive design which protects the intrinsic character and beauty of an area. It would also not accord with design principles DG38 and DG39 of the Mid Sussex Design Guide Supplementary Planning Document (SPD) which requires designs to include architectural integrity and be appropriately scaled to their surroundings.
20. The Council have also referred to the SPD design principle DG37. However, this relates to the environmental impact of a development and not character and appearance. As such this principle is not determinative in my decision.

Living conditions

21. Ladymead is positioned very close to the appeal site boundary and the boundary treatment is significantly lower than the hedgerow surrounding much of the site. Therefore, there is reasonably little physical separation between the site and Ladymead.
22. It is proposed that the parking area cycle and bin stores would be along this part of the boundary. The closest part of the proposed building, at ground floor level, would also include all the service elements of the scheme including the kitchen, laundry, storage, and staff areas. This is the portion of the site which would likely produce the most regular noise in the form of vehicles parking, delivery and refuse vehicle movements, and that from the service areas of the proposed care home.
23. Due to the 24 hour nature of the care provided and that the proposal would be the home for 57 individuals, it is highly likely the noise from vehicles and the functional elements of the scheme could not be restricted to daytime hours, and there is nothing before me to conclude otherwise. Consequently, there is a potential that noise disturbance of this nature could have a detrimental impact on the living conditions of the occupants of Ladymead.
24. There is no specific technical assessment of the potential effect any noise or disturbance from the proposal would have on the occupants of Ladymead. Nor has any mitigation been proposed, over and above the planting of a series of feature trees between the parking area and shared boundary. It is appreciated that the trees may reduce the intervisibility between the appeal site and Ladymead as they mature, but there is nothing to suggest they would be appropriate mitigation to reduce the noise and disturbance created by the proposal.
25. The evidence before me does not, therefore, demonstrate that the effect of the proposed development on the living conditions of the occupants of Ladymead by noise and disturbance would be acceptable or appropriately mitigated against. The proposed development would not therefore comply with DP Policy DP26, and NP Policy CDNP05 (c) insofar as they seek to safeguard the living conditions of existing nearby residents.

Planning Balance and Conclusion

26. It is appreciated the proposal would meet some of the need for care home accommodation within the district, which appears to have been historically undersupplied. Nevertheless, it is clear the Council at a strategic level is

seeking to improve the provision with specific site allocations. It is also noted that the site was considered within the site allocations for the SA but was dismissed due to its location.

27. Therefore, although I consider the proposed provision to carry moderate weight it does not overcome the moderate harm identified in relation to the accessibility of the site, and the significant harm caused to the character and appearance of the area and the living conditions of the occupants of Ladymead.
28. Consequently, the appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight, that would indicate a decision otherwise. The appeal should, therefore, be dismissed

RJ Redford

INSPECTOR