



Appeal Decision

Site visit made on 17 May 2023

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

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/D3830/W/22/3301869

Land South of Old Rocky Lane, Haywards Heath RH16 4XL

- 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 Robin Cross (Cross Homes (Sussex) Ltd) against the decision of Mid Sussex District Council.
 - The application Ref DM/21/3763, dated 21 October 2021, was refused by notice dated 11 February 2022.
 - The development proposed is to erect 9 apartments within a single, three-storey building, along with access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For certainty, the appellant has confirmed that the full address of the appeal site, including the postcode, is that given above.
3. The appellant has submitted a signed Section 106 Agreement, dated 15 August 2022, in relation to affordable housing and other infrastructure which the Council has found acceptable. As such, the Council no longer wishes to contest its second reason for refusal. I have proceeded accordingly.

Main Issue

- The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

The appeal site is a raised parcel of land to the west of the development known as 'Kilnwood Apartments'. The site is adjacent to Rocky Lane (A272) and faces onto contemporary development which is set down from the highway on the other side of the road. The fields and hills of the South Downs can be seen from the appeal site and along the A272 as it slopes towards the roundabout with Highbank. To the rear of the appeal site there is a tree and hedge lined lane called Old Rocky Lane which is flanked by older-style dwellings. The lane leads to a railway bridge and footways which provide links to the newer housing area beyond.

4. The development would be located in an established residential area. As such, the general principle of development on the appeal site is not at odds with the surrounding area.

5. I also acknowledge that the proposal would be of some architectural merit and of a similar style to the 'Kilnwood Apartments'. However, even though the development would be set back further on the plot than an earlier proposal for the site¹, it would nonetheless be a building of some scale and mass that would be set forward from the existing buildings and be relatively close to the A272. As such, whereas the dwellings on the other side of the A272 are set down from the road, due to the rising topography along the highway from the roundabout at Highbank towards the appeal site, the proposal would appear overly prominent in this specific location to those passing by, whether by car, train or foot, and to those living on the other side of Rocky Lane. Moreover, whether the immediate surrounding area can be described as semi-rural or not, the maturing landscaped site provides a soft transition to the built environment found to the rear of Old Rocky Lane. Indeed, the erosion of this verdant space which was provided as part of the 'Kilnwood Apartments' development, and relative proximity of the neighbouring buildings, would result in a cramped and urban type development in comparison to the existing built form, which I noticed at my site visit sits comfortably on its plot behind proportionate landscaped areas.
6. Furthermore, whether it is viable to relocate the landscaping or not, I am persuaded by the Council's Tree Officer who has stated, amongst other things, that there is 'insufficient space to provide adequate screening/softening' for the proposed landscaping scheme. Therefore, in my view, revised and relocated landscaping would not provide adequate mitigation.
7. Turning to the views to the South Downs from the appeal site. I acknowledge that there would only be glimpses of the proposed development from wider viewpoints. However, in spite of a number of landscape 'detracting items' such as the well-used highway, railway cutting, fencing and bridge, I noticed at my site visit that large sections of the surrounding South Downs can be seen not only directly from the appeal site but also when travelling along the A272. Indeed, notwithstanding the benefits of natural surveillance along the footpaths and railway bridge on Old Rocky Lane, in this specific and elevated location next to the highway, the proposed building would serve to hinder wide-reaching views to the South Downs from both the appeal site and the A272.
8. Therefore, I conclude that the proposal would be incongruous with the surrounding area and harm the character and appearance of the area.
9. As such, the proposal would be contrary to Policies DP26 and DP37 of the Mid Sussex District Plan 2018, and Policies E9 and H8 of the Haywards Heath Neighbourhood Plan 2016 (HHNP), as supported by the Mid Sussex Design Guide Supplementary Planning Document, which aims include, that all development and surrounding spaces will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside.
10. For similar reasons, the proposal does not meet the aims of Paragraph 130 (c) of the Framework which says that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

¹ DM/20/3456

Planning Balance

11. Although the Council can demonstrate a 5-year housing land supply, the provision of 9 new 'windfall' dwellings would nonetheless help to meet local housing requirements and the likely housing shortfall identified by the appellant in the HHNP area. It is also likely that local services and facilities would be supported in nearby Haywards Heath. Moreover, there would be economic benefits during construction and other associated financial benefits related to new homes. Indeed, the proposal would deliver housing on a small site, bearing in mind Paragraph 68 of the Framework regarding delivery of small and medium-sized sites and Paragraph 122 of the Framework about effective use of land. Nevertheless, I attribute very modest weight to the combined economic, social and environmental benefits to be provided by the proposed development. As such, this would be insufficient to outweigh the harm I have identified above.

Other Matters

12. The Council has indicated that the proposal would not be likely to adversely impact the Ashdown Forest Special Protection Area and SAC. Therefore, given my overall decision, I have not carried out a Habitats Regulations assessment related to the protection of European Sites.

Conclusions

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

J E JOLLY

INSPECTOR