



Appeal Decision

Site visit made on 17 May 2023

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

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/D3830/W/23/3316817

Graftons, Brighton Road, Warninglid, West Sussex RH17 5SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Romney Gould against the decision of Mid Sussex District Council.
 - The application Ref DM/22/2204, dated 12 July 2022, was refused by notice dated 1 September 2022.
 - The development proposed is an outline application for the proposed erection of 1 No self-build dwelling, retention of existing vehicular access. All matters to be reserved apart from access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline form with all matters to be reserved apart from access. I have determined the appeal on this basis, treating the submitted plans and details provided as indicative and show what may, not necessarily what will be constructed.

Main Issues

3. The main issues in this case are:
 - whether the proposal for a self-build dwelling in the High Weald Area of Outstanding Natural Beauty (AONB) has been justified, and;
 - whether the proposal would be in a suitable location.

Reasons

AONB

4. The appeal site is a parcel of established garden land with mature trees and hedged boundaries that is found to the right-hand side of the dwelling known as 'Graftons'. The host property is located adjacent to loose-knit linear development that runs along this section of Brighton Road behind a footway which is served by a bus-stop.
5. 'Graftons' is set back behind a sloped driveway which faces onto the A23 highway and is approximately 1.5km from the settlement of Warninglid and 5km from Cuckfield. The wider area is typified by fields, hedges and scattered woodland.

6. The proposal is to erect a self-build dwelling on the appeal site. The proposed development would be in the AONB and for planning purposes located in the countryside. Therefore, notwithstanding that only access to the site falls to be determined at this stage, the development should conserve and enhance the landscape and scenic beauty of the AONB as required by Paragraph 176 of the Framework, to which I attach great weight. Moreover, the development must comply with the relevant Mid Sussex District Council development plan policies to be permitted.
7. In this case, the appellant contends that as the proposal is for a self-build plot it attracts substantial planning weight that outweighs the countryside and locational policies set out in the Mid Sussex District Plan 2018 (MSDP), including Policies DP6, DP12 and DP15.
8. However, I find to the contrary. While the national Planning Policy Guidance (PPG) requires that Councils must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area, it does not necessarily follow that all proposals will be suitable for development permission. Indeed, while Policy DP6 of the MSDP under certain circumstances permits development in towns and villages, and notwithstanding the enclosed nature of the site and other development nearby, the main parties agree that for planning purposes the proposal would be located in the countryside and be outside a recognised town or village development boundary.
9. Therefore, as the proposal would not be necessary for the purposes of agriculture or be supported by a specific policy reference elsewhere in the plan, a development plan document or a relevant Neighbourhood Plan it cannot by definition meet the aims of Policy 12 and subsequently, the requirements of Policy 15 of the MDSP to be permitted.
10. Nevertheless, the appellant suggests that the Council has a shortfall of self-build housebuilding plots which weighs in favour of the proposal. However, from the evidence before me, even if the emerging Mid Sussex District Plan 2021-2039, which supports the provision of suitable self-build plots, is yet to be adopted, the Council has permitted¹ numerous 'suitable' self-build plots over a sustained period of time to meet the level of local demand. Therefore, on the balance of probabilities, I am persuaded that the provision of suitable self-build plots will be ongoing.
11. My attention has been drawn to similar schemes² on self-build plots. However, I have limited details of those schemes before me which are in different locations altogether, some of which have been determined by other Council's, including those that cannot demonstrate a 5 Year Housing Land Supply (HLS). Therefore, I afford this little weight.
12. Overall, and in the planning judgement, the proposal for a self-build home in the countryside has not been justified. Therefore, I conclude that the proposal would harm the AONB and be contrary to the MDSP when read as a whole, and for similar reasons Paragraph 176 of the Framework.

¹ DM15/1876, DM/15/3579, 14/04697/FUL, DM15/4140, DM15/3896, DM15/4359, DM15/4993, DM16/0029 and DM16/1255

² APP/D3830/W/20/3264243, DM/19/2938, APP/R1845/W/21/3284761 and DM/20/4586.

Suitable location

13. The main parties agree that the development would be located in the countryside. Therefore, the suitability of the location for a residential dwelling should be considered in respect of access to local services and facilities.
14. As such, while there is a limited number of services and facilities in Warninglid and Cuckfield relatively nearby, including a convenience store/petrol station and a farm shop available to the future occupiers of the proposal, there is a more attractive range of day-to-day services, such as larger shops, schools, restaurants, public-houses and leisure facilities, as well as a train station and greater employment opportunities in Burgess Hill, which is somewhat further afield. However, without linking or predominantly lit pavements and lit cycle routes, or a regular bus service, these services are likely to be accessed using a private motor vehicle, particularly at times of the year when the weather is less clement.
15. I conclude therefore, that the proposal is likely to generate additional journeys to Warninglid, Cuckfield, and the wider area, and because the specific features of the rural-type lane it would inevitably result on a dependency on a private motor vehicle in respect of access to the day-to-day services offered in those and other locations. Provision of electric vehicle points would not be adequate mitigation.
16. The appellant has brought to my attention a scheme at Tanyards Lane³ in support of his case. The scheme may well have a similar proximity to local services. However, I have limited details of that development or its specific connection to services and transport links. I afford this minimal weight.
17. It follows then, that the proposal would be contrary to Policy DP21 of the MSDP, and for similar reasons the proposal does not meet the aims of Paragraph 130 (f) of the Framework which says development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Planning Balance

18. The proposal would provide one new self-build home to the Council's self-build register. However, and in the planning balance, given my findings above and the fact that the Council can demonstrate a 5-year HLS, I attribute this limited weight.
19. Economic benefits would include employment opportunities connected to the construction of the home and the patronage of local services by the new occupiers. I afford these benefits moderate weight even though the employment opportunities are likely to be short-term.
20. I acknowledge the familial connection to the proposal and the social and personal benefits that it would bring to the appellant and his family. However, as this does not include any wider public benefit this attracts very limited weight.
21. I conclude therefore, even when considered in combination, that the benefits of the proposal do not substantially outweigh the harm to the AONB.

³ APP/D3830/W/16/3143112

Other Matters

22. I note the signed 'Unilateral Undertaking' (UU) provided by the appellant that includes reference to occupancy of the self-build home. However, in its current form the UU is unacceptable to the Council. Moreover, while the PPG states that in exceptional circumstances, a negatively worded condition requiring a planning obligation to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk, given my findings on the main issues above, there is no need for me to give this further consideration at this time.

Conclusions

23. The proposed development would conflict with the adopted development plan, and as there are no material considerations indicating a decision otherwise than in accordance with it, for the reasons given above the appeal should be dismissed.

J E JOLLY

INSPECTOR