



Appeal Decision

Site visit made on 4 April 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/D3830/W/22/3302665

Home Wood, Slugwash Lane, Haywards Heath RH17 7TD

- 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 M Cockram against the decision of Mid Sussex District Council.
 - The application Ref DM/21/4058, dated 23 November 2021, was refused by notice dated 27 January 2022.
 - The development proposed is described as "Part retrospective planning application for the continuation and completion of a new build barn of the same design as that approved under Class Q permission DM/19/4993".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council granted Prior Approval for the change of use of an existing barn to a residential dwelling under Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). During construction works to implement the conversion at least part of the original building was removed.
3. The appellants' state that parts of the original frame were removed, whereas the Council Officer's report states the barn has been demolished. This has resulted in a disagreement over the description of development between the main parties.
4. Nonetheless, the main parties agree that the change of use and conversion of the building to a dwellinghouse, as approved under Class Q of the GPDO, cannot be completed as a permitted development. The Class Q Prior Approval has therefore lapsed and is not a fallback position. On the evidence before me I have no reason to find differently. Whichever description of development is preferred the proposal before me is for a new dwellinghouse. However, I have used the description from the application form.
5. At the time of my site visit, a building substantially similar in siting, scale and form to that shown on the drawings before me in this appeal was under construction. The main parties agree that the building under construction does not match the submitted drawings in respect of the roof eaves height. For the avoidance of doubt, I have determined the appeal based on the submitted plans.

Main Issues

6. The main issue is whether the proposed dwelling would be in an appropriate location for new housing, with particular regard to accessibility to local facilities and services, and the effect on local character.

Reasons

Policy context

7. Policy DP6 of the Mid Sussex District Plan 2014-2031 (Adopted 2018) (the MSDP), sets the settlement hierarchy for the Council's area and seeks to focus development to within the built-up areas of existing settlements and support the growth of settlements beyond built-up areas where it would meet specific identified needs. Outside built-up areas the expansion of settlements will be supported where demonstrably sustainable, including on sites that are contiguous with an existing built-up area of a settlement, and where fewer than 10 dwellings are proposed.
8. Policy 1 of the Lindfield & Lindfield Rural Neighbourhood Plan 2014-2032 ('Made' version) (the NP), requires development to be located within the built up areas of Lindfield and Scaynes Hill, except where it meets the objectives of other relevant policies in the development plan.
9. Policy DP12 of the MSDP seeks to protect and enhance the countryside. It permits development in the countryside provided the quality of the rural and landscape character of the District is maintained or enhanced where possible, and where necessary for specific purposes.
10. Provided new homes would not be in conflict with Policy DP12 of the MSDP, Policy DP15 of the MSDP permits new homes in the countryside where special justification exists, including essential accommodation for rural workers and housing that meets Policy DP6 of the MSDP.
11. Policy DP21 of the MSDP seeks to ensure that development is sustainably located to minimise the need for travel and promote increased use of alternative transport to the car, such as walking, cycling and public transport.

Whether an appropriate location for new housing

12. The appeal site fronts on to Slugwash Lane, which is a relatively narrow road that gently winds its way towards the junction with the A272. The A272 continues in the directions of Scaynes Hill and Haywards Heath where an extensive range of services and facilities are available.
13. Although the appeal site is located some 500 or so metres from the built-up area of Haywards Heath, the pattern of development in the locality of the appeal site consists of a small number of buildings. These buildings are sparsely distributed in a scattered pattern amongst generally open grass fields of an irregular shape that are bordered by hedgerows and trees, and set amongst a patchwork of dense woodlands.
14. In views from the appeal site, the built-up area of Haywards Heath is not visibly discernible in the landscape. Therefore, on the basis of the characteristics of the appeal site and its surroundings, the appeal site is located within the countryside, and it does not relate physically or visually to the built-up area of Haywards Heath, or any other settlement. Consequently, I find that

the appeal site and the proposed dwelling would not be contiguous to the built-up area of Haywards Heath. As such, it would be contrary to this element of Policy DP6 of the MSDP.

15. The proposed dwelling would not be located within the built-up areas of Lindfield or Scaynes Hill, contrary to Policy 1 of the NP. While the supporting text to this policy may suggest there is no complete prohibition against development outside the built-up area, it is clear that the policy is not supportive of development outside these settlements. The supporting text also states that any development in the countryside will be subject to the policies of the MSDP and the National Planning Policy Framework (2021) (the Framework). The proposal would not be demonstrably necessary for agricultural purposes, contrary to that element of Policy DP12 of the MSDP. As the proposal would be contrary to the locational requirements of Policies DP6 and DP12 of the MSDP, it would also be contrary to Policy DP15.
16. The application site covers a large area of a land. The part between the proposed dwelling and Slugwash Lane is relatively open grassland. It contributes positively to the rural character and appearance of the area. The accumulation of everyday domestic paraphernalia would cause some localised harm the character and appearance of the area if located close to the frontage of the appeal site. The rows of trees and planting along the site frontage to the Lane would not effectively screen paraphernalia, and the spread of paraphernalia would be largely unknowable and can change over time. As such, it would be contrary to the element of Policy DP12 of the MSDP, that seeks to maintain the quality of the rural and landscape.
17. It would also be contrary to Paragraphs 130 and 174 of the Framework, which state that planning decisions should ensure that developments are sympathetic to local character, including the character and beauty of the countryside, amongst other objectives.
18. In the event that I was to find conflict with Policies DP6, DP12 and DP15 of the MSDP and Policy 1 of the NP, the appellants contend that the appeal proposal is nonetheless compliant with the strategic objectives of those policies, particularly those underpinning Policy DP6, and would be an accessible and sustainable location for new housing.
19. At a distance of some 1.4km, equivalent to an 18 minute walk or a 5 minute cycle, the facilities and services at Northlands Wood within eastern Haywards Heath, including a Tesco Express store, Pharmacy, Medical Practice and a Primary School, are the closest to the appeal site. The town centre of Haywards Heath is some 3km away and could be reached in 10-12 minutes by cycle. The village of Scaynes Hill, which has a convenience shop and other facilities is some 1.5km away. There is an hourly bus service between Haywards Heath and Uckfield via Northlands Wood and Scaynes Hill.
20. However, walking or cycling journeys to Haywards Heath or Scaynes Hill, or to the closest bus stop at Bedales Hill, would be along the A272 for some distance, via the relatively narrow and unlit Slugwash Lane, which has no footpaths. The A272 was a busy route for traffic during my visit and is a strategic east west route connecting Uckfield and Petersfield.
21. Whilst footpaths extend out from Haywards Heath along the A272, they terminate some distance short of the junction with Slugwash Lane. There are

no footpaths alongside the A272 to Scaynes Hill. Whilst there is evidence of a trodden path in the grass roadside verge alongside the A272 towards both settlements, pedestrians or cyclists travelling along the verge would be in close proximity to passing traffic travelling at speed. The grass or bare earth surface could become slippery when wet. Furthermore, there are no pedestrian crossings or cycle lanes along the section of the A272 between the junction with Slugwash Lane and Snowdrop Lane, which leads to the Northlands Wood.

22. Based on my observations, the nature and conditions of the route towards Haywards Heath and Scaynes Hill from the appeal site, would make such journeys particularly unattractive for pedestrians and most cyclists, as well as more vulnerable groups such as children (particularly in pushchairs), persons with restricted mobility and wheelchair users. This would be especially so during the hours of darkness and during inclement weather.
23. Accordingly, I find that future occupiers of the proposed dwelling would be heavily reliant upon private vehicles to meet most, if not all, every day travel needs. The absence of an objection from the Local Highways Authority does not alter my conclusion on the attractiveness of the location for making journeys by walking and cycling.
24. I acknowledge that Paragraph 105 of the Framework recognises that opportunities to maximise sustainable travel between urban and rural areas vary. Residents in rural areas are comparably more reliant on car journeys than those in more built-up areas to access every day services and facilities. The appeal site also may well be closer to services and facilities than many other developments in more rural parts of the District.
25. However, none of these considerations provide a justification for new development in locations where occupiers would be heavily reliant on travel by car, with few opportunities for sustainable travel. Such development would conflict with the development plan policies referred to above, which collectively seek to focus housing growth in the most sustainable locations that minimise the need for travel and promote alternative transport to the car.
26. The appellants have submitted examples of recent housing developments in the countryside that are further away from services than the appeal proposal. However, these examples are for the change of use of existing buildings to dwellings and subject to different considerations than those before me in this appeal. Whilst they have some relevance to my considerations in this appeal, they are materially different and do not weigh significantly in favour of the proposal.
27. I acknowledge that Paragraph 79 of the Framework states that development in one village may support services in a village nearby. However, the appeal site is not within a village. Rather this is an example of sporadically located development in the countryside, which is not supported in the Framework.
28. The heavy reliance on journeys by private car for future occupiers of the proposed dwelling would be contrary to the element of Policy DP21 of the MSDP that seeks to minimise the need for travel and increase use of alternative means of transport to the private car. Electric vehicle charging points could be secured by planning condition but would not override these policy objectives.

29. There would be conflict with the strategic objectives underpinning the Council's settlement strategy in Policy DP6 of the MSDP, particularly to promote well located development that provides opportunities for people to live and work within their communities; reducing the need for commuting; and supporting sustainable communities which are safe, healthy and inclusive. It would also conflict with the strategic objective underpinning Policy DP12 of the MSDP of encouraging healthy lifestyles and the opportunity to walk or cycle to common destinations.
30. Paragraph 80 of the Framework states that isolated homes in the countryside should be avoided unless one of the exceptions listed are met. The Framework does not define what is meant by isolated. I have therefore had regard to the Braintree¹ and Bramshill² Judgements cited by the appellants, which relate to this issue. The judgement in Braintree sets out that an isolated home in the countryside means a dwelling that is physically separate or remote from a settlement.
31. The appeal site is situated within relatively close proximity to the dwelling on the opposite side of Slugwash Lane. Other dwellings are visible in the distance amongst generally open grass fields bordered by hedgerows and planting. The built-up area of Haywards Heath is around 500m from the site.
32. However, the appeal site is not physically connected to the built-up area of Haywards Heath. In the context of my findings on the functional accessibility of the appeal site to Haywards Heath and my assessment of the locational characteristics of the area, I find that the appeal site and the proposed dwelling would be physically separate and remote from Haywards Heath. On this basis it would constitute an isolated dwelling in the countryside. It would not meet any of the exceptions under Paragraph 80 of the Framework, including criterion c). While this allows for the re-use of redundant or disused buildings, it also requires development to enhance its immediate setting. As I have set out above, the proposed development, which is for a new building, would fail to achieve this requirement.
33. I therefore conclude that the proposed dwelling would not be in an appropriate location for new housing, with particular regard to accessibility to local facilities and the effect on local character. It would therefore conflict with the local and national policies set out above.

Other matters and planning balance

34. I have found that the proposed dwelling would conflict with the settlement strategy for the district and would result in an isolated home in the countryside. Future occupiers would be heavily reliant on the private car for nearly all journeys. Harm to the character and appearance of the area would be caused through the accumulation of domestic paraphernalia. In the context of the development plan, the proposal would conflict with Policies DP6, DP12, DP15 and DP21 of the MSDP, and Policy 1 of the NP.
35. Although these policies pre-date the current version of the Framework they are consistent with the Framework's locational objectives for new housing set out across Chapter 5, particularly promoting sustainable communities (Paragraph 73); promoting walking and cycling (Paragraphs 110); avoiding isolated homes

¹ Braintree District Council v SSCLG Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

² City and Country Bramshill Ltd v SSHCLG [2021] EWCA Civ 320

- in the countryside that are separate from services and facilities (Paragraph 80); ensuring that developments are sympathetic to local character, including the character and beauty of the countryside (Paragraphs 130 and 174).
36. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
37. The appeal proposal would make a small contribution to housing supply. It would generate short term employment opportunities during construction and longer term benefits through the new resident household supporting the economy and services. However, even if I were to include payment of Council Tax by future occupiers and the Government's New Homes Bonus payment as benefits, the cumulative social and economic benefits attributed to the proposed dwelling would be small. They attract limited weight in its favour.
38. The proposed dwelling would exceed the environmental performance required by the building regulations. A variety of renewable energy features would be provided, thus complying with Policy DP39 of the MSDP. However, given the scale of the proposed scheme such environmental benefits are small and attract limited weight in its favour.
39. The proposal would have no harmful effects on highway safety, ecology (including protected habitats sites), flood risk or trees. Notwithstanding domestic paraphernalia, the proposed building itself would not be visually harmful. Established interior space standards would be met to provide appropriate living conditions for occupiers. Any land contamination could be dealt with through a planning condition. However, an absence of harm in these respects is neutral and weighs neither for nor against the development.
40. There is no fallback position under Class Q against which the effects of the proposed dwelling could reasonably be judged. As such, the Class Q development rights that were lost have relatively limited relevance to my considerations in this appeal and refusing planning permission would not frustrate the aims of Class Q. Policies supporting replacement dwellings have limited relevance as the proposal is not a replacement dwelling.
41. Notwithstanding the situation regarding the Class Q scheme, the appellants make the point that depriving them of a dwelling near identical to that approved under Class Q, would be unfair. The effects of the proposed dwelling and the Class Q dwelling would be the same, including the need for occupiers to travel to nearby settlements, most likely by private car.
42. However, there is relatively little information before me regarding the circumstances that have prevented lawful completion of the Class Q scheme. Whilst the effects of the proposed dwelling and the Class Q dwelling would be similar, the planning considerations are not. The GPDO's light touch Prior Approval regime for conversions of buildings were confined to a narrow range of issues to strike a balance between permitting conversions of buildings as opposed to rebuilding, which would otherwise conflict with the aims of local policy and the Framework.
43. In this case, the appeal proposal requires an assessment against the development plan and other material considerations, and a decision made in

accordance with the development plan unless material considerations indicate otherwise.

44. The evidence of the appellant's personal circumstances are not sufficient to outweigh the appeal proposal's conflict with the development plan as a whole and the harms that I have identified, including to the Council's development strategy for sustainable growth. Although the harms from a single dwelling are modest, the benefits are small and of limited weight.
45. The Council can currently demonstrate a 5 year supply of deliverable housing sites. The appellant considers the Council has failed the Housing Delivery Test. Even if I were to conclude that the presumption in favour of sustainable development under Paragraph 11.d)ii. of the Framework applies, the adverse impacts would significantly and demonstrably outweigh the benefits in any event. Accordingly, the proposed development does not benefit from the Framework's presumption in favour of sustainable development.

Conclusion

46. The appeal proposal conflicts with the development plan as a whole. There are no material considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR