



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: 20 July 2023

Appeal Ref: APP/D3830/D/22/3306569

Buttinghill, Hook Lane, West Hoathly RH19 4PT

- 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 M Slatter against the decision of Mid Sussex District Council.
 - The application Ref DM/22/0402, dated 4 August 2021, was refused by notice dated 16 June 2022.
 - The development proposed is a new 3-bay garage with ground floor workshop and Games Room / Music Room / Home Office above, all incidental to the enjoyment of the dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the Council Officer's Report identified conflict between the appeal proposal and Principles DG46 and DG49 of the Mid Sussex Design Guide 2020, the reasons for refusal on the Decision Notice make no reference to the Design Guide and a copy is not before me in this appeal. As such, I have not taken it into account in determining this appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the location within the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located within the High Weald Area of Outstanding Natural Beauty (AONB) on land that includes a detached two storey dwellinghouse with attached garage (known as Buttinghill), that stands within spacious grounds to the west of Hook Lane.
5. To the north of the appeal site are the dwellings of Philpots Lodge and Barn Cottage. Together with Buttinghill, these dwellings form a scattered group of buildings along the west side of Hook Lane. Although well screened in public views from Hook Lane by rows of trees and willow hurdle style panels, these 3 dwellings and the appeal site are visible in views from Philpots Lane Bridleway to the west, through gaps in the rows of trees and vegetation that run alongside it.
6. In views from the bridleway, Philpots Lodge and Barn Cottage are modestly sized and closely spaced dwellings that have a limited visual presence in the

landscape. They are separated from the markedly larger dwelling of Buttinghill by a considerable distance with open fields in-between. Viewed against the backdrop of trees, this scattered pattern of buildings set within expansive open fields gives the area around the appeal site a generally open and green rural character and appearance.

7. Furthermore, the appeal site can be appreciated as part of the generally open rural landscape to the west and south west of the appeal site, in views from the Bridleway. The Bridleway is a public space from which recreation can be enjoyed and the surrounding landscape experienced as one travels along it. This landscape consists of a pattern of open and undulating fields, which allow long distance views of the area around the appeal site. The appeal site and the area around it, including the scattered pattern of existing buildings on the edge of Hook Lane, relate more to the surrounding countryside than to the built-up parts of the village in these views.
8. In these respects, the area of the appeal site is physically and visually experienced as part of the wider rural landscape in views from the Bridleway. The open and rural nature of the appeal site currently contributes positively to the character and appearance of the surrounding area and to the landscape and scenic beauty of the AONB.
9. The pattern of fields, rows of trees and hedgerow, undulating topography and dispersed pattern of buildings in the area of the appeal site is generally reflective of a number of key characteristics of the Mid Sussex Landscape Character Assessment.
10. Although the proposed building would be lower in height than Buttinghill, it would nonetheless be a substantial building. The design of the proposed building with partial asymmetrical roof form and expansive glazed window openings in the west facing elevation, would be markedly different and at odds with the cohesive architectural style of Buttinghill. The scale and appearance of the building would lead to it appearing as an unrelated and disparate building to either Buttinghill or Philpots Lodge. The matching materials would not overcome this marked difference in styles.
11. Set on relatively open land between Buttinghill and Philpots Lodge, the scale, bulk and massing of the proposed building would significantly increase the spread of built development across the land. Viewed from the Bridleway and through several gaps in the tree coverage alongside it, including from viewpoint B.6 in the appellant's Landscape and Visual Matters document, the proposed building would consolidate built form on the appeal site. Although the proposed building would be viewed with the existing buildings on this side of Hook Lane, its built form would nonetheless lead to the erosion of the generally open and green rural character and appearance of the area, and it would cause the wider rural landscape to become more urbanised. In this position the presence of the proposed building would be visually jarring and intrusive.
12. The planting of the proposed hedgerow along the boundary with Philpots Lodge would not have any meaningful effect in mitigating the visual effects of the proposal and would not outweigh the harm that I have found.
13. For these reasons, the proposed building would be at odds with the appeal site's current open and green rural landscape character, and its positive contribution to the AONB. It would have a harmful visual effect on the existing

site to the detriment of the character and appearance of the area and the AONB.

14. The effects on the AONB would be relatively localised. However, the entirety of the AONB, which washes over the village of West Hoathly is afforded protection by this national designation. I am required by paragraph 176 of the National Planning Policy Framework (2021) (the Framework) to give great weight to conserving and enhancing landscape and scenic beauty in the AONB.
15. The proposed building would have a limited visual effect in glimpsed views from Hook Lane and the recreation ground opposite, owing particularly to the screening effect of the dense planting alongside the road frontage of the appeal site. As such, its presence in these views would cause a limited degree of localised harm.
16. The relative inability to see the building from other viewpoints, including from within the core of the village, does not negate the visual harm that I have found, and it does not weigh in favour of the proposal.
17. The fact that no further removal of mature vegetation would be necessary is a neutral matter.
18. For these reasons, I find that the proposed development would harm the character and appearance of the appeal site, the surrounding area and the landscape and scenic beauty of the AONB. As such it would conflict with Policies DP12, DP16 and DP26 of the Mid Sussex District Plan 2014-2031 (Adopted 2018), which seeks development that is, amongst other objectives, well designed and respects the character and scale of the surrounding building and the countryside, maintains or enhances the quality of the rural and landscape character, and conserves or enhances the natural beauty of the AONB.
19. The appeal proposal would also conflict with paragraph 130 of the Framework, which states that planning decisions should ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment. It would also conflict with paragraph 174 of the Framework, which states that decisions should contribute to and enhance the natural and local environment by, amongst others, protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside.

Other Matters

20. The significance of the Conservation Area (CA) is generally derived from the arrangement of the historic buildings within the core of the village and their relationship with the road. The recreation ground opposite, which marks the CA boundary, provides a relatively open setting to the historic core of the village. The position of the proposed building set back behind the planting along Hook Lane, would preserve the character and appearance of the adjacent CA, as a designated heritage asset. However, this does not weigh positively in favour of the development.
21. I note the presence of the Solar farm on nearby land, however the considerations that led to it being granted planning permission, including the benefits arising from it, are not comparable to the appeal proposal and it has limited relevance to my considerations in this appeal.

22. The various planning permissions and related approvals for developments, including replacement dwellings and extensions to existing dwellings, are noted. However, full details of those developments are not before me, and I am not bound by the decisions of the Council. Some of these permissions would appear to have expired. In any case, I have determined this appeal on its individual merits.
23. I note the appellant is seeking space for home working and to enjoy hobbies and provide storage and workshop space. However, this does not outweigh the harm to the character and appearance of the area or the conflict with the policies referred to above.
24. The main parties agree that the principle of an outbuilding to serve the dwelling is acceptable. No request was made for a planning obligation and matters of land ownership were not in question. I acknowledge that there would be no harmful effects on the living conditions of the existing occupiers of nearby properties, highway safety, ecology or trees. However, even if I were to agree that there is an absence of harm in these respects, an absence of harm is neutral and weighs neither in favour nor against the development.
25. The absence of objections from interested parties, including the Parish Council, does not outweigh the harm I have found to the character and appearance of the area.

Conclusion

26. For the reasons given above and having considered all matters raised, I conclude that the proposed development conflicts with the policies of the development plan. Although it may comply with other policies, this results in conflict with the development plan as a whole. It also conflicts with the policies of the Framework. There are no material considerations of sufficient weight to outweigh this finding. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR