



Appeal Decision

Site visit made on 9 August 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/D3830/W/23/3315459

Lantern Cottage, Spring Lane, Lindfield, West Sussex RH16 2RF

- 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 David Coleman against the decision of Mid Sussex District Council.
 - The application Ref DM/22/1998, dated 20 June 2022, was refused by notice dated 2 November 2022.
 - The development proposed is detached 4 bedroom dwelling with access drive, off street parking and turning area, with rear terrace, the ground floor will have an entrance hall, ambulant disabled WC, lounge, study, utility and family kitchen diner, with a principle bedroom with en-suite, the second double bedroom with en-suite and two further double bedrooms and family bath room with galleried landing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is an appropriate location for the proposed development having regard to the development plan; and
 - the effect of the proposed development on the character and appearance of the area, in particular the Lindfield Conservation Area; and
 - whether sufficient information has been provided to demonstrate that the development is safe across its lifetime and would not increase the risk of flooding elsewhere.

Reasons

Appropriate location

3. Policy DP4 of the Mid Sussex District Plan 2014 – 2031 (DP), March 2018, identifies that the minimum district housing requirement is 16,390 between 2014 and 2031. The policy provides a breakdown of how this requirement will be met, including the provision of 450 dwellings through windfall development.
4. The site is outside of the built up area boundary and is therefore in the countryside. DP Policy DP12 indicates that development will be permitted in the countryside where it is necessary for the purposes of agriculture, or it is supported by another policy in the development plan. The appeal proposal is not necessary for the purposes of agriculture. Further to this Policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan 2014 – 2031 (NP) only supports development within the built up area boundary.

5. DP Policy DP6 supports the growth of settlements where it meets identified local housing, employment or community needs. Outside of the built up area, the expansion of settlements would be supported where it is contiguous with an existing built up area of the settlement, amongst other factors.
6. It is the appellant's contention that the appeal proposal meets an identified local housing need as it would be part of the 450 dwellings that would constitute windfall development to help meet the minimum district housing requirement between 2014 and 2031. The Council has designated built up area boundaries which identify where the principle of development is generally accepted. NP Policy 2 concerns housing windfall sites and explains development proposals of 10 or fewer net new homes will be supported within the built up area boundary, only.
7. There is no substantive evidence before me to indicate that windfall development would be required in the countryside to meet the minimum district housing requirement. Without further evidence I cannot conclude that the appeal proposal meets an identified housing need. Therefore, even if, the appeal site is contiguous with the existing built up area of the settlement, the appeal proposal does not comply with DP Policy D6.
8. DP Policy DP15 identifies specific circumstances when new homes would be permitted in the countryside. The proposed development does not conform with any of the identified circumstances where housing in the countryside would be permitted. Moreover, the appellant seeks to demonstrate compliance with this policy, through compliance with DP Policy DP6 only, and for the reasons given above the proposal conflicts with that policy.
9. The appeal scheme is therefore not an appropriate location for the proposed development having regard to the development plan. The appeal proposal would be contrary to DP Policies DP6, DP12 and DP15 as well as NP Policies 1 and 2 for the reasons given above.

Character and appearance

10. The appeal site is located within the large garden of Lantern Cottage. Spring Lane extends beyond the appeal site, through woodland, toward Fullingmill Farm and open fields as well as two farm cottages. Although Lantern Cottage is a terraced property, the pattern of development in this area of Lindfield is much looser and open compared to the development around the village centre along High Street. The properties in this area benefit from large gardens, often with formalised landscaping. Given the plot sizes and large gardens, as well as the looser pattern of development and a transition toward open fields, the appeal site is semi-rural in nature and has a verdant character.
11. There is a farmhouse and two farm cottages further along Spring Lane, which are remote from one another and surrounded by open fields and agricultural development. As such, they are a brief disruption to the wider rural character of that area and have little influence on the character of the area surrounding the appeal site.
12. The boundary for the Lindfield Conservation Area is adjacent to the site boundary, as such the appeal site is within the setting of the Conservation Area. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

13. Lindfield Conservation Area is centred around High Street which accommodates several historical buildings of traditional architecture. Toward the outskirts of the Conservation Area, including Spring Lane, there is a more spacious, looser pattern of development. The significance of the conservation area, insofar as relevant to this appeal, is centred around the historic development of Lindfield as a rural Sussex village. This is in part related to the traditional architecture as well as the historical pattern of development of the village. The semi-rural nature of the site conforms with the prevailing character in this part of Lindfield.
14. The proposed detached four bedroom dwelling would be sited back from the established building line of the neighbouring terraced properties and partially screened from Spring Lane by the existing vegetation. Given the surrounding topography it would also be downhill from Lantern Cottage.
15. Although the proposed dwelling is smaller than the proposal which was previously dismissed at appeal¹, it would still introduce a significant amount of built development into the open, spacious garden area. Whilst the existing garden could be used for residential purposes, the proposed development would lead to an increase in domestic paraphernalia and residential activity, due to an increase in population, in addition to the new built development. These factors would have a suburbanising effect on the character of the area.
16. The materials proposed for the external surfaces of the proposed dwelling reflect neighbouring properties. Nevertheless, the proposed dwelling would be larger than the nearest properties and would therefore not reflect their size and scale. The development of a large dwelling in an open space would not respect the prevailing pattern of development of this section of Spring Lane.
17. As the appeal proposal does not respect the prevailing historical pattern of development, it would have a harmful effect on the significance of the Lindfield Conservation Area. Given the modest scale of development, it would lead to less than substantial harm to the Conservation Area. Notwithstanding, as per paragraph 199 of the Framework, great weight is given to the failure to conserve the assets significance.
18. Overall, the proposed development would have a harmful effect on the character and appearance of the area, including Lindfield Conservation Area, and would be contrary to DP Policies DP12, DP26 and DP35. These policies indicate that the countryside will be protected in recognition of its intrinsic character and beauty; all development will reflect the distinctive character of the towns and villages while being sensitive to the countryside; and development will protect the setting of conservation areas. It would also not be in accordance with the Mid Sussex Design Guide Supplementary Planning Document as the proposed development would not reflect the character of the surrounding area.

¹ APP/D3830/W/19/3224564

Flood risk

19. The "ROFSW Overland flow site overlay" drawing², indicates that during a 1 in 1000 year risk of flooding from surface water event, water would flow between the proposed dwelling and Lantern Cottage. The proposed finished floor level of the proposed dwelling would also be 150mm above the existing ground level. This would safeguard the proposed dwelling in such an event. Nevertheless, the drawing shows that most of the proposed access would be covered by flood water. Whilst the proposed dwelling would be safeguarded in a 1 in 1000 year event, it may make the proposed dwelling inaccessible, which could lead to safety concerns in such an event.
20. Despite the pond appearing to have sufficient capacity to accommodate additional surface water run-off and there being no development on the other side of the pond, there is no substantive evidence that the proposed development would not lead to increased flood risk elsewhere.
21. DP Policy DP41 outlines a preferred hierarchy for managing surface water discharge from any development. The preference outlined in this policy is for surface water to be managed via infiltration measures. I acknowledge that the Drainage Officer indicated that the infiltration potential in this area is low and the use of soakaways to manage drainage for the property is unlikely to be possible. Nevertheless, I have little evidence to indicate that infiltration measures were considered for this proposal. The proposal therefore fails to conform with the hierarchy outlined in DP Policy DP41.
22. Sufficient information has not been provided to demonstrate that the development is safe across its lifetime and would not increase the risk of flooding elsewhere. The appeal scheme is therefore contrary to DP Policy DP41 as it has not been sufficiently demonstrated that the proposed development would be safe for its lifetime and would not increase flood risk elsewhere.

Other Matters

23. The boundary of the Grade II listed Clock House adjoins the boundary with Lantern Cottage, the appeal proposal would therefore be within the setting of a listed building. The special interest and significance of the listed building is largely derived from its surviving late 16th/early 17th Century architecture. The large, enclosed, and landscaped grounds of Clock House have a visual and functional connection with the heritage asset and are clearly defined by tall boundary features.
24. The separate relationship between the appeal site and the listed building would be maintained and the historic and architectural interest of the asset would be unaffected by the proposed development. The distance between the appeal site and the listed building, as well as the significant amount of intervening development would reinforce this. Therefore, the proposed development would not compromise the setting of the listed building, rather it would have a neutral effect. Consequently, the proposed development would accord with the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² Ref. MC0205-CIV01

Planning Balance

25. Paragraph 202 of the Framework indicates where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. As above the appeal proposal would lead to less than substantial harm to the significance of the Lindfield Conservation Area.
26. The proposed development could generate environmental benefits through the provision of an air source heat pump, underfloor heating, triple glazed windows, thermally efficient insulation, rainwater harvesting features and measures to restrict water usage to less than 110l per person per day. The use of locally sourced materials and a dwelling which would exceed the requirements of approved document L³ are also considered to be environmental benefits. The loss of a single tree, a lack of an effect on the pond, and the improvement of habitats for bats, invertebrates, mammals, and insects also provides a net environmental benefit.
27. The proposed development being in full accordance with national space standards and being easily adaptable for full disabled accessibility, alongside no effect on neighbouring residents' living conditions are all neutral factors.
28. The provision of a large dwelling could lead to people vacating a smaller property which may be more affordable. This would provide a negligible social benefit, as this effect could not be guaranteed as it is dependant on future purchasers of the property.
29. Combined these benefits, do not outweigh the harm to the Conservation Area, which is ascribed great weight, as per paragraph 199 of the Framework.

Conclusion

30. Consequently, the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
31. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR

³ The Building Regulations 2010, Conservation of fuel and power Approved Document L, 2023