



Appeal Decision

Site visit made on 10 July 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/D3830/W/23/3332587

Land to the East of Oldfield, Haywards Heath, West Sussex RH17 7TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Whibley against the decision of Mid Sussex District Council.
 - The application Ref is DM/23/0583.
 - The development proposed is the erection of a dwellinghouse, a double garage and landscaping with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwellinghouse, a double garage and landscaping with associated works at Land to the East of Oldfield, Haywards Heath, West Sussex RH17 7TA in accordance with the terms of the application, Ref DM/23/0583, and subject to the conditions set out in the schedule below.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The main parties have had the opportunity to comment on the implications of the consultation and I have taken into account the responses received.
3. The Council submitted its District Plan 2021-2039 for independent examination on 8 July 2024, which is a review of the currently adopted District Plan. The Council acknowledge that there are unresolved objections to the policies relevant to this appeal and as such it states that only limited weight should be given to the emerging District Plan.

Main Issues

4. The main issues are:
 - The effect of the proposal on designated heritage assets, in particular on the character and appearance of the Lewes Road Conservation Area and the setting of the listed buildings of Oldfield and Colwell House, and;
 - Whether the development would benefit from an adequate water supply.

Reasons

Lewes Road Conservation Area

5. The site is within the built up area of Haywards Heath. It is located to the eastern side of the settlement at a point of transition between the more dense patterns of development to the west, and more sporadic development within the countryside to the east. This particular part of Lewes Road is characterised by predominantly detached houses set within generous plots, which provide gaps of varying size between the properties and which accommodate mature landscaping and which contribute positively to a spacious and verdant character. A modern cul-de-sac of large houses wraps around the appeal site to the east and north known as Oldfield Drive. These houses are set on smaller plots and the gaps between are then often infilled with garages, giving a less spacious character to that road.
6. The majority of the site lies within the Lewes Road Conservation Area. The Council set out attributes which contribute to its character and appearance, which include: the variety of age and style of the buildings, most of which are large properties set well back from the road within spacious grounds; presence of trees and hedges around and between buildings; presence of grass verges, hedges and 'fingers' of agricultural land between dwellings which contribute to the rural character of the area, and; low density development which creates a gradual transition from countryside to the urban area.
7. The appeal site itself is a large rectangular plot bound by dense hedgerows and close boarded fencing. While the site is free from development and entirely open, this is not readily perceivable from the road given its enclosure by boundary treatments which limit visibility into the site.
8. The proposed house would be set on a generous sized plot, similar to the prevailing plot sizes on Lewes Road, and its design and form would respect those of other properties nearby. Some visibility of the development would be possible from the access point, and possibly above the tree line at certain times of year. However, in those views the development would appear similar to those others in the surrounding area, and it would respect those attributes which the Council report contribute to the character and appearance of the conservation area as a whole.
9. The contribution of the site to the gentle transition to the countryside would be maintained by the retention of its dense verdant boundaries and through the generous plot size, which would give a feeling of space around the building. I observed that the access from Lewes Road already exists and there is already a gap in the hedgerow at this point. There is not substantive evidence to suggest this would need to be significantly altered to facilitate the proposal.
10. For the reasons given, the proposal would preserve the character and appearance of the Lewes Road Conservation Area, and the surrounding area more generally.

Oldfield

11. Oldfield is a Grade II listed house dating from the late 18th Century and its significance is derived from its historic and architectural interest. At the time it was constructed it had a rural setting due to its position beyond Haywards Heath. Historical maps demonstrate the appeal site to have formed part of the grounds of Oldfield albeit separated in part by landscaping. The gradual development of the surrounding area is also apparent in historic maps, including the introduction of sporadic housing along Lewes Road and Snowdrop

Lane from the early 20th Century. The most notable change to the building's setting occurred with the development of Oldfield Drive in the mid 2010s which was on part of the grounds of Oldfield. Those houses and their gardens are now readily visible from Oldfield and give a staggered boundary of modern timber fencing to the eastern side of its garden.

12. The setting of Oldfield, and the surroundings in which it is experienced, has therefore been subject to substantive change over time as the area has evolved. Today its significance is appreciated in limited views from Lewes Road, as well as within its own grounds and the gardens and windows of the surrounding properties. The site has been substantially divided from Oldfield by domestic landscaping, fencing, gates and an area of retaining wall. As a result any visual connection with Oldfield has been substantially severed. There is not any substantive evidence of any views from where the appeal site and Oldfield would be appreciated together, or how the site contributes to its appreciation. Therefore the appeal site forms a part of its setting by virtue of its proximity and functional connection, however I find the degree to which it contributes positively to the setting and the significance of Oldfield and its appreciation to be very limited.
13. The proposed development would respect the current and established residential setting of Oldfield and its positioning and appearance would respect those surrounding buildings on Oldfield Drive. As such I am content that the proposal would sustain and preserve the experience of the asset within its setting.

Colwell House

14. Colwell House is located to the south west of the site, on the opposite side of Lewes Road. It is a two storey stuccoed villa of Neo-Classical style from the 1840s. Its historic significance is derived from its illustrative value and how it evidences social, domestic and economic practices of that time. The Council note that surviving rural elements of its setting will make a positive contribution to the building's special interest and how it is appreciated. However that rural character exists predominantly to the south of Colwell House, rather than to the north of Lewes Road which has a residential character as described above. Colwell House is well screened from the road and there is very limited appreciation of its significance from Lewes Road. There is also very little, if any, intervisibility between Colwell House and the appeal site given the distance between them and intervening structures and landscaping. For these reasons I am not convinced that the appeal site forms a part of its setting or contributes to the significance of that asset or how it is appreciated.

Heritage Assets- Conclusion

15. For the reasons given, and being mindful of the duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would preserve the character and appearance of the Lewes Road Conservation Area, and would preserve the setting of the Grade II listed building of Oldfield. For the reasons given, the proposal would not form a part of the setting of the Grade II listed building of Colwell House.
16. The proposal would comply with Policy DP26 of the Mid Sussex District Plan adopted 2018 (the DLP) which requires high quality design which respects its context, DP34 which requires protection of the setting of listed buildings, and

DP35 which requires development to conserve or enhance the special character, appearance and range of activities which contribute to a conservation area. It would also comply with policies E9 and H8 of the Haywards Heath Neighbourhood Plan, insofar as they relate to the preservation or enhancement of heritage assets and respect for local character. The proposal would also comply with the objectives of the Framework insofar as it relates to the historic environment.

Water Supply

17. The appellant has submitted a letter from the water provider which contains a summary of the proposed development and its water connections, and a breakdown of the associated costs. While there is not confirmation that an application to connect to the water supply has been made, I am satisfied that the information adequately demonstrates that a connection to the existing water mains could reasonably be achieved. Based on the evidence I have no reason to conclude that there is not an adequate water supply to serve the development. The proposal would be acceptable in terms of its water supply and would comply with Policy DP42 of the DLP which relates to provisions for water infrastructure.

Other Matters

18. The appeal site is close to the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) which are afforded protection by the Conservation of Habitats and Species Regulations 2017. The qualifying features of the SAC include its North Atlantic wet heaths and European dry heaths and those of the SPA include species of Dartford Warbler and nightjar. The Council have identified likely significant effects on the Ashdown Forest from recreational disturbance and atmospheric pollution arising from new residential development and related population growth.
19. In terms of recreational disturbance, the appeal site is beyond the 7km zone of influence indicated by the Council as the area in which new residents may use the Ashdown Forest for recreation. Based on the evidence, this approach has been agreed with Natural England and as such, given the distances involved, a likely significant effect through recreational disturbance can be ruled out.
20. Increased traffic emissions may also result in atmospheric pollution causing effect on the qualifying features of the Ashdown Forest SPA and SAC. The Council report that the proposal was modelled as a windfall development in the Mid Sussex Transport Study, which indicated that there would not be an overall impact on the Ashdown Forest. In addition, based on Census data, the proposal is not likely to generate travel to work journeys across the Ashdown Forest. As such there is not a likely significant effect arising from the proposal, either alone or in combination with other plans and projects. As the relevant competent authority, and in the absence of evidence to the contrary, I am satisfied that there would not be likely significant effects, either alone or in combination, on the specific qualifying features of the Ashdown Forest SPA or SAC.

Conditions

21. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice

Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.

22. In addition to the standard time limit condition, it is necessary to condition the approved drawings to provide certainty. To protect the living conditions of nearby occupants it is necessary to control construction hours and for visual reasons, details of facing materials and landscaping should be provided. For environmental reasons details of foul and surface water drainage are necessary in further detail. For highway safety, details of construction management are necessary and visibility splays at the access should be conditioned to be provided and maintained and, to ensure the protection of the retained trees, tree protection measures should be installed accordingly. Those conditions relating to drainage and tree protection are pre-commencement as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used.
23. Given the scale of the development and proximity to Lewes Road, and in the absence of evidence to the contrary, a construction management plan for traffic would not be necessary to make the development acceptable. Neither would it be necessary to secure delivery of the access, parking areas and cycle parking, given they are an integral part of the site layout and given the size of the site. In light of the existing prevailing ground levels neither do I find details of floor levels to be necessary. Details of an electric vehicle charging point similarly do not meet the test of necessity, as they fall under building regulations and given the absence of evidence of a planning reason for such a condition.

Conclusion

24. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos BDS-OF-P01, BDS-OF-P02, BDS-OF-P03/C, BDS-OF-P04, BDS-OF-P05.
- 3) No development shall commence until tree protection measures have been installed in accordance with the details shown on plan 21-1304-TPP and Section 5 of the Arboricultural Impact Assessment and Method Statement Rev.A reference 21-1304-Report-A. Those measures shall be maintained until the construction phase is complete.
- 4) No development shall commence until details of foul and surface water drainage and their disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Construction works shall take place only between 0800 hours and 1800 hours on Monday to Friday and between 0900 hours and 1300 hours on Saturdays, and not at any time on Sundays or Bank or Public Holidays.
- 6) Development shall not commence above the ground floor slab level until details of materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with those approved details.
- 7) Development shall not commence above the ground floor slab level until details of a scheme of hard and soft landscaping, and boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. This shall include two replacement native trees suitable to the site conditions. The development shall be carried out in full accordance with the approved details not later than the first planting season following occupation of the development. Any trees or shrubs which, within a period of five years from their planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species.
- 8) Prior to the first occupation of the development, visibility splays of 2.4m by 120m shall be provided at the site access onto Lewes Road in accordance with the approved drawings. Those splays shall be maintained thereafter and kept free of obstruction over a height of 0.6m above the adjoining carriageway.

End of Schedule