



Appeal Decision

Site visit made on 15 April 2025

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 28 April 2025

Appeal Ref: APP/Y9507/W/25/3359592

Land North of Holm Oak, Brighton Road, Hassocks BN6 9PD

- 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 Miss Gianna Crisa against the decision of South Downs National Park Authority.
 - The application Ref SDNP/24/02211/FUL, dated 28 July 2024, was refused by notice dated 10 October 2024.
 - The development proposed is the erection of a residential log cabin.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal should be permitted having regard to the spatial strategy for the area and the effect on its character and appearance.

Reasons

Spatial strategy/character and appearance

3. The proposal is for the siting of a residential log cabin on a strip of undeveloped grassland which runs along the eastern side of the London to Brighton railway line to the north of the A273 Brighton Road near Clayton. The site, still in use as an operational access/service track for the railway, adjoins a public footpath to the east beyond which lie four large detached houses in good sized gardens. The historic Clayton village with its parish church and conservation area lie to south on the other side of the B2112 New Road.
4. Given its overall character as a small linear hamlet scattered along the foot of the downs, Clayton is not classified by Strategic Policy SD25 of the South Downs Local Plan 2019 (the SDLP) as a settlement with a defined settlement boundary. The appeal site, and indeed Clayton as a whole, is thus treated as part of the countryside for planning policy purposes and new housing is only permitted in the exceptional circumstances set out in paragraph 2 of the policy, none of which apply in this case. The appellant argues that the dwelling is needed to ensure compliance with the covenants which apply to the land, namely the need to keep fences, access ways and the ditch maintained and accessible at all times and to allow railway workers access whenever required. However, there is no clear evidence submitted that a continuous 24/7 presence on site is essential for these purposes.

5. In relation to the character and appearance of the area, the proposal is for a timber log cabin about 16.5 m long by 4.5 m wide with a uPVC coated steel 'tile effect' pitched roof and an adjacent 25 sq m area of decking. This would be an uncharacteristic type of built form with nearby buildings in Clayton being of traditional construction in brick, flint, rendering, half-timber and clay tile roofs. With two parking spaces at the front of the site adjacent to Brighton Road and other inevitable features of residential occupation including wheelie bins, formal garden planting, outdoor furniture, outbuildings etc, the overall result would be the urbanisation of the site which currently forms part of a relatively unspoilt rural, countryside location. Even with the scope for landscaping the site, the result would be intrusive and harmful to the existing landscape character.
6. For these reasons the proposal should not be permitted due to the conflict with the spatial strategy for the area and the significant harm that would be caused to its character and appearance. The proposal would conflict with SDLP Policies SD25, SD1, SD4, SD5 and SD6 which restrict development outside defined settlement boundaries, seek to conserve and enhance the natural beauty of the area, ensure proposals are informed by local landscape character, comprise high quality design, contribute to local distinctiveness and safeguard public views. There would however be no material conflict with SDLP Policies SD12, SD13 or SD15 which seek to protect heritage assets as the proposal is located sufficiently far away from the Clayton Conservation Area with its various listed buildings and the Grade II listed Clayton Tunnel north portal to not significantly affect their setting.

Other matter

7. The Authority also refused the application on the basis that insufficient ecological information was submitted to determine that existing habitat and protected species would be adequately safeguarded, also that the necessary biodiversity net gain could be delivered on site. However, given the conclusion in relation to the main issue, it is not necessary to pursue this matter further.

Conclusion

8. The proposal would provide an additional dwelling which would have economic and social benefits for the area and help meet housing need. However, these benefits are outweighed by the lack of compliance with the spatial strategy for the area together with the harm that would result to its character and appearance and the associated conflict with the development plan.
9. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR