



Appeal Decision

Site visit made on 19 May 2025

by **J E Jolly BA (Hons) MA MSc MCIH MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th May 2025

Appeal Ref: APP/D3830/W/24/3351833

Muddleswood Barn, Brighton Road, Newtimber, Hassocks, BN6 9BP

- 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 A Clay against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/0428.
 - The development proposed is for the demolition of an agricultural building and the erection of a dwelling to include relocation of a log store building and a container unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2024. The parties have had the opportunity to comment on the new document. Consequently, in reaching my decision I have therefore had regard to the new Framework, and any reference to Paragraph numbers are to this version.
3. The Council has updated its District Plan. However, unresolved objections remain that need to be resolved before it can be adopted. Therefore, at this stage only minimal weight can be given to the new plan. As such, the Council has relied upon the extant Mid Sussex District Plan, 2018 (MSDP) on its decision notice. I have dealt with the appeal on the same basis.

Background and Main Issues

4. The appellant submitted information to the Council as part of its Statement of Case relevant to the proposed scheme's use of water, materials and energy efficiency measures. As a result, subject to conditions, the Council no longer wish to contest its third reason for refusal given on its decision notice.
5. Therefore, the main issues in this appeal are:
 - whether the proposal would be in a suitable location; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

6. The appeal site is set back from the B2118 highway near to the junction with Brighton Road which provides transport connections, including a bus route, to the day-to-day services of nearby hamlets and village type settlements as well as the town of Burgess Hill.
7. The proposed development would be located in the countryside beyond any recognised settlement boundary. I acknowledge a previous appeal decision¹ which concluded that the site was an unsuitable location for housing; primarily because day to day services would be accessed by reliance on a private motor vehicle.
8. However, while a scheme is yet to be completed, the appellant has brought to my attention that since that time two housing type schemes², including a prior approval development, have been found to be acceptable on the site.
9. Therefore, as access to local services would be less than ideal on foot or by public transport and the permitted schemes include parking, it can only be concluded that it was agreeable to the Council for those services to be accessed by future occupiers from time to time by using a private motor vehicle. It is also likely that this is the preferred method of transport to access local services chosen by most of the existing occupiers living in the nearby properties on Brighton Road.
10. Consequently, and bearing in mind Paragraph 115 of the Framework says that developments should be of safe and suitable access for all users; for example those with mobility needs, and it is unclear why the Council sought to apply planning policy in a different way to other housing schemes, I see no reason why the proposed scheme for the two-bedroom dwelling before me should be subject to different arrangements, particularly as the number of journeys generated by one new dwelling would be relatively modest.
11. It follows then, in respect of a suitable location, that the proposal meets the aims of Policies DP6, DP12, DP15 and DP21 of the MSDP which say, amongst other things, that development should provide opportunities for people to live and work within their communities.

Character and appearance

12. The proposal is to partially demolish the open-fronted barn and to construct a residential dwelling with a garage and a cycle store. An existing store building and a storage container would be relocated near to an existing hardstanding to the rear of the appeal site.
13. I acknowledge the appellant's reference to a 'fallback position' which relates to the aforementioned prior approval scheme to convert an open fronted barn on the appeal site to a dwelling. The appellant has also cited several other schemes elsewhere in support of his case³. However, given the size constraints of Class Q as it applies to the prior approval scheme, I cannot be certain if it represents a 'real prospect'⁴ for construction.

¹ APP/D3830/W/21/3272298

² DM/23/2149 and DM/24/2457

³ APP/W1525/W/21/3278018, APP/K0235/W/17/3189914 and APP/E2530/W/17/3175132

⁴ Gambone v SSCLG

14. Indeed, whether there is a 'greater than theoretical possibility' to construct the previously approved scheme/s on the site or not, and while mindful that the fallback position allows for repositioning of a building if it provides a clear enhancement, the fact remains that the proposal before me would be notably larger in scale and mass than those schemes and would span across most of the width of the central section of the site. As such, the proposal would be in close proximity to the neighbouring dwelling of Muddleswood Barn, which is sited to one side of a part made access track that looks towards the open fronted barn. Accordingly, the width and depth of the proposed development would result in a cramped and bulky 'T' shaped addition to the site in comparison to the permitted scheme/s, which if completed would be set further apart from Muddleswood Barn.
15. Moreover, the permitted scheme/s would reflect the former use of the open barn as a modest stable type building. Whereas the development would extend further into the countryside than the permitted scheme/s and the existing built form nearby. Hence, the proposal would be an incongruous addition in a setting defined by rural type structures and low-level hardstanding's and access ways, which help to create a feeling of spaciousness between the surrounding built form and the countryside beyond.
16. Nonetheless, the appellant contends that the proposal would be a visual improvement over the Class Q scheme, offer better lay out, parking and turning arrangements that would benefit the existing business on site. Further, that it would not result in any additional harm to the site.
17. However, I find to the contrary. The proposed use of non-traditional materials, including a slate low pitch roofed dwelling with vertical boarded elevations and fenced boundary treatments, would introduce a distinctively modern and urban form of development on the site. This would be out of keeping with the rural character of the area and be in stark contrast to the simple terraced dwellings known as Nos 1-3 Muddleswood Cottages and the traditional type-appearance of Muddleswood Farm, which is set on a more generous plot. Landscaping would not be adequate mitigation.
18. Therefore, I attribute limited weight to the claimed 'fallback' position in this case, which does not outweigh the harm to the character and appearance of the area.
19. Overall, in respect of the character and appearance of the area, I conclude that the development would be contrary to Policy DP26 of the MSDP, as supported by the Mid Sussex Design Guide SPD, which says, amongst other things, that developments are required to create a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Planning Balance

20. Paragraph 11(d) of the Framework indicates that the presumption in favour of sustainable development is engaged where the policies which are most important for determining the application are deemed out-of-date. This includes situations where the Council cannot demonstrate a five-year supply of deliverable housing sites. The Council concedes that it cannot demonstrate a five-year Housing Land Supply (HLS) to meet the requirements of the revised Framework. Therefore, Paragraph 11 (d) is engaged. In such cases, Paragraph 11(d) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

21. Economic benefits would include employment opportunities connected to the construction of the new dwelling and improvements to the facilities and infrastructure related to the log business on site. There would also be patronage of local services by the new occupiers. I afford these benefits moderate weight, even though the construction employment opportunities are likely to be short-term.
22. The provision of an electric car charging point and other sustainability, and energy efficiency measures incorporated into the development, such as solar panels and an air source pump, if secured by condition, would provide a modest environmental benefit. Any measures that simply mitigate the environmental impacts of the development such as use of water, materials and landscaping would be neutral in the planning balance as they are a standard requirement under Council policies including Policy DP39 of the MSDP.
23. Subsequently, even when considered in combination, the adverse impacts of the proposal would thus significantly and demonstrably outweigh the limited benefits. Accordingly, Paragraph 11(d)(ii) of the Framework indicates that the presumption in favour of sustainable development does not apply in this instance.

Conclusion

24. Whilst I have found in favour of the appellant on the first main issue, the proposed development would conflict with the adopted development plan in respect of the second main issue, and having considered all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the substantial and demonstrable harm to the character and appearance of the area that I have identified above. Therefore, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR