
Appeal Decision

Site visit made on 16 September 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025.

Appeal Ref: APP/D3830/W/25/3361729

Land off Mill Lane, Sayers Common BN6 9JA

- 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 Chris and Anthony Harris against the decision of Mid Sussex District Council.
 - The application Ref is DM/25/0045.
 - The development proposed is “planning in principle to develop an area of land to five residential dwellings”.
-

Decision

1. The appeal is allowed and permission in principle is granted for the “planning in principle to develop an area of land to five residential dwellings” at Land off Mill Lane, Sayers Common BN6 9JA in accordance with the terms of the application, Ref DM/25/0045 dated 28 November 2024.

Preliminary Matters

2. I have used the address stated on the decision notice and appeal form since this accurately reflects the location and provides a postcode for the appeal site. I have used the description of development as contained on the application form but omitted the word ‘greybelt’ for accuracy since the land is not categorised as grey belt under the definition contained in the National Planning Policy Framework (the Framework).
3. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
4. The PPG advises that the scope of permission in principle applications is limited to location, land use and amount of development. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly. A drawing has been submitted showing a possible site layout, this is considered as indicative only.
5. The amount of residential development must be expressed as a range, indicating the minimum and maximum number of new dwellings. Although a minimum number was not expressed on the application form, the documents submitted indicate that the range would be between 1 and 5 dwellings.

Main Issues

6. The main issues are:

- i) whether the appeal scheme would be suitably located with regard to the Council's strategy for the location of development; and,
- ii) whether the proposed residential land use would be acceptable with particular regard to noise.

Reasons

Location

- 7. The appeal site comprises a parcel of land located between Mill Lane and the A23. There is an existing vehicular access off Mill Lane at the northern end of the site. There is a small area of hardstanding to the north end of the field, with the remaining land being overgrown scrub with scattered trees. The site boundaries are lined with trees and vegetation. The A23 runs close to the eastern boundary of the site, separated by a tree lined embankment.
- 8. Policy DP4 of the Mid Sussex District Plan adopted 2018 (District Plan) sets out the Council's housing delivery targets for the plan period. It categorises Sayers Common as a 'category 3' settlement, which has some, albeit limited, facilities. The appeal site is located outside the built-up area boundary for Sayers Common. It therefore falls to be considered as being within the countryside for the purposes of Policy DP6 of the District Plan which states that development will be permitted within towns and villages with defined built-up area boundaries. Outside the defined built-up area boundaries, the policy sets out that the expansion of settlements will be supported in very limited circumstances, none of which apply here.
- 9. Policy DP12 of the District Plan sets out that the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted within the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the district and it is either necessary for the purposes of agriculture or supported by a specific policy reference either elsewhere in the District Plan, a Development Plan Document or relevant Neighbourhood Plan. Similarly, Policy DP15 states that new homes within the countryside will be permitted where special justification exists, setting out specific criteria which again are not applicable to the appeal site.
- 10. The intrinsic rural character of the appeal site is fettered somewhat by its location between the built area of the village and the A23. Nevertheless, the field contributes to a moderate degree to the rural setting of Sayers Common, and also acts as a visual buffer between the village and the A23. Although located outside of the built-up area boundary, given its location relative to the village, the proposed development would not unacceptably harm the linear character of the village or pattern of development within it.
- 11. Whilst not referred to in the Council's reason for refusal, I have also been directed to Policies HurstH1 and HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan made in 2015. Policy HurstH1 supports new housing in areas which enhance the existing settlement pattern of the village and enhance flood and drainage management in Sayers Common. Policy HurstC1 seeks to maintain or where possible, enhance, the quality of the rural landscape character. Given my

findings regarding the pattern of development within the settlement, and quality of the rural landscape character, I do not consider that the proposal would conflict with the aims of these Neighbourhood Plan policies.

12. Nevertheless, when applying District Plan Policies DP4, DP6, DP12 and DP15, the appeal site would not be in a suitable location for the type of development proposed insofar as these policies set out very limited circumstances in which development outside the built-up area boundaries would be acceptable. This would harm the public interest of having a genuinely plan-led system that provides consistency and direction.

Land Use

13. Due to the proximity of the site to the A23, the Council consider that the site would be subject to high levels of road noise to a degree that there would be a risk that the site would not be suitable for residential development.
14. District Plan Policy DP26 seeks to protect the living conditions of future occupants of new dwellings, including taking account of noise. District Plan Policy DP29 states that development should be designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area. It goes on to state that residential development will not be permitted in close proximity to existing or proposed development generating high levels of noise, unless adequate sound insulation measures are incorporated. This approach is endorsed by the Framework.
15. The appellant has proposed an acoustic bund as mitigation, but there is no quantitative assessment of the effectiveness of the bund as a means of achieving acceptable noise levels for a residential environment.
16. Nevertheless, as an application for Permission in Principle, assessment of the proposal at this stage is limited to a high-level assessment of location, land use and the amount of development proposed. As stated in the PPG, other matters should be considered at TDC stage and local planning authorities cannot require information for Permission in Principle applications in the same way they can for applications for planning permission.
17. Therefore, whether the proposal can be designed to provide adequate mitigation against noise, as required by the District Plan policies identified above, is not a matter for this stage. It would instead be open to the Council to require detailed noise information at TDC stage and to refuse such an application at that stage if adequate living conditions for future occupiers cannot be demonstrated.
18. For this reason, I conclude that the effect of noise insofar as it relates to the principle of residential land use is not a relevant consideration at this stage. As such, I cannot conclude that there would be conflict with District Plan Policies DP26 and DP29 insofar as they require an appropriate noise environment to be achieved for new residential uses.

Other Considerations

19. The Council acknowledge that the site is located near to a street-lit pavement along Mill Road and London Road leading directly into the village centre. There are bus stops along London Road, within proximity of the appeal site, which provide access to alternative sustainable transport modes. Notwithstanding this, the Council

consider there would still be an overreliance on private vehicle use given the limited facilities within the village. However, as the village contains a shop, community centre, play area and public house, along with bus services stopping close to the appeal site, I have no reason to conclude that the appeal proposal would not be within a sustainable location with regard to access to everyday services and facilities.

20. The Council considers that it is reasonable to assume that up to five dwellings could be accommodated on site, subject to approval of the scale, design and relationship with neighbouring properties at technical details stage. From the evidence before me and my observations on site, I can find no reason to disagree.
21. I acknowledge the objections of interested parties with regard to matters including noise, biodiversity and highway safety. These matters would be considered at TDC stage and as such they do not form part of the considerations relating to permission in principle. I have not been provided with any detail regarding the refused housing schemes I have been referred to, but I note from the planning history that these were many years ago and in any event pre-date the permission in principle procedure.
22. The Council has confirmed that the appeal site is outside the zone of influence of the Ashdown Forest Special Area of Conservation. As such, an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) would not be required.

Planning Balance

23. The harm I have identified arises from the conflict between the appeal proposal and the Council's strategy for the location of development set out in District Plan Policies DP4, DP6, DP12 and DP15. Amongst other things, these policies focus new development within defined settlement boundaries, allowing new housing in the countryside in very limited circumstances and protecting the intrinsic value of the countryside.
24. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework aims to achieve sustainable travel and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Framework does not contain any policies which specifically prohibit development outside towns and villages. District Plan Policies DP4, DP6, and DP15, insofar as they relate to the location of development, take a more prohibitive approach than that contained in the Framework. As such, the conflict between the proposal and these policies should be given limited weight.
25. Whilst the Framework identifies that planning decisions should recognise the intrinsic character and beauty of the countryside, I have already identified that the appeal site in itself makes a moderate contribution to the rural character of the area given its location. I attach moderate weight to the conflict with District Plan Policies DP12 and DP15 insofar as they relate to protecting the intrinsic character and beauty of the countryside.
26. The Council acknowledges that it cannot demonstrate a 5-year supply of deliverable housing sites. The reported supply is equivalent to 3.38 years. In these

circumstances, paragraph 11d)ii of the Framework is applicable. Footnote 8 of the Framework is clear that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

27. The need for housing is well-established. The benefits associated with up to 5 additional dwellings would be significant given the Framework's objective of boosting significantly the supply of housing, and the Council's housing land supply position. There would also be some modest socio-economic benefits through construction employment and new residents using local services.
28. When assessed against the policies in the Framework as a whole, the weight I have attributed to the conflict with the development plan, as described above, would not significantly and demonstrably outweigh the benefits of up to 5 additional homes in a suitable location. The presumption in favour of sustainable development applies and this indicates that permission should be granted.

Conditions

29. The PPG explains that it is not possible for conditions to be attached to a grant of permission in principle. Where permission in principle is granted by application, the default duration of that permission is 3 years. If the TDC is not determined during this period, then the permission in principle would lapse.

Conclusion

30. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above, the appeal should be allowed.

L Francis

INSPECTOR