



Appeal Decision

Site visit made on 10 December 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2026

Appeal Ref: APP/D3830/W/25/3373346

White Lodge, Ockley Lane, Hassocks, West Sussex RH15 0BP

- 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 B Holding against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/3034.
 - The development proposed is erection of detached dwelling with attached garage, associated parking and new access from Ockley Lane (revision of application DM/23/2741).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was accompanied by a deed of unilateral undertaking under s106 of the Town and Country Planning Act 1990 to secure the dwelling as self build.

Main Issue

3. The main issues are:
 - whether or not the appeal site would be a suitable location for the proposed development having regard to local and national planning policy and guidance;
 - whether or not the proposed dwelling would be located so that occupants could access services and facilities by a range of transport modes; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. Policies DP6, DP12 and DP15 of the Mid Sussex District Plan 2014-2031 Adopted March 2018 (MSDP) together focus growth on the main settlements of Burgess Hill, East Grinstead and Haywards Heath, and local service centres such as Hassocks, in order to protect and enhance the intrinsic character and beauty of the countryside.
5. Policy DP6 of the MSDP supports the expansion of settlements outside defined built-up area boundaries where the proposal is for fewer than 10 dwellings, provided that the site is contiguous with an existing built-up area of the settlement and is demonstrated to be sustainable, including by reference to the settlement hierarchy. As the site is not contiguous with the built-up area of either Burgess Hill

or Hassocks, and is some distance from both settlements, it is not sustainably located. Moreover, the proposal is not for affordable housing or a rural worker, and does not therefore provide the special justification required by policies DP12 or DP15.

6. The appeal site is situated in the Local Gap between Keymer/Hassocks and Burgess Hill, which Policy 1 of the Hassocks Neighbourhood Plan 2014-2031 Made Version July 2020 (HNP) seeks to safeguard. It is common ground between the main parties, and I find no reason to disagree, that the proposal would not result in the coalescence of settlements. However, this matter is neutral in the planning balance.
7. I conclude that the appeal site is not a suitable location for a dwelling having regard to the settlement hierarchy. The proposal would therefore conflict with policies DP6, DP12 and DP15 of the MSDP, the aims of which I have outlined above.

Sustainable transport

8. Burgess Hill is a Category 1 settlement possessing a comprehensive range of services and facilities, whilst Hassocks is a Category 2 settlement providing key services in the rural area. The appellant has calculated that the appeal site is around 700m from the edge of both settlements, whilst the Council has calculated that the appeal site is over one mile from the centre of Burgess Hill and one and a half miles from the centre of Hassocks.
9. Ockley Lane links the appeal site with both settlements. It has a 60mph speed limit and lacks footways or lighting. Given these characteristics and the distances involved, the route would not be conducive to regular use by residents on foot, particularly those of limited mobility. The route would be challenging by bicycle, and would only be a realistic option for experienced cyclists.
10. The appellant has advised that buses between Burgess Hill and Hassocks run along Ockley Lane and stop adjacent to the appeal site. However, I did not observe bus stops near the site, and I have not been advised of the frequency of the service or the times of the first and last buses. I cannot be certain that residents would be able to walk safely to the bus stop or that the bus service represents a feasible option for residents travelling to work or school.
11. Consequently, I do not have detailed or satisfactory evidence to show that future residents would have options beyond being largely reliant on the private car. In coming to this view, I have taken into account that the National Planning Policy Framework (the Framework) explains that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
12. I conclude that the appeal site would not be a suitable location for the proposed development, because occupants would not have access to services and facilities other than predominantly by the private vehicle. The proposal would consequently be in conflict with Policy DP21 of the MSDP, which requires schemes to be sustainably located to minimise the need for travel and to take appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car.

Character and appearance

13. The appeal site forms part of a loose ribbon of houses set within generous, well landscaped plots, interspersed with mature trees and fragments of woodland. The site comprises the side garden of White Lodge which, although partially screened from the house by a conifer hedge, has a domestic character and appearance, including a disused tennis court. The site is screened from the road by a timber fence and a row of trees, and from the open countryside by a hedge and ornamental planting, beyond which there is a belt of trees. The trees which are proposed to be removed have been classified as being of low value, and their removal would not harm the character or appearance of the area.
14. Whilst the proposal would intensify the existing pattern of development, the plot would be of a comparable size to nearby properties – with White Lodge retaining a similarly large plot – and the proposed dwelling would be of an appropriate size and design, and would be sufficiently inset from the site boundaries. As such, the proposal would be reflective of the semi-rural character of the area, and would not harm the appearance of the countryside.
15. I therefore conclude that the proposal would not have a harmful effect on the character or appearance of the area, and would accord with Policy DP26 of the MSDP which requires development to be well designed and sensitive to the countryside. It would accord with Policy 9 of the HNP, which has similar aims.

Other Matters

16. I have been referred to an appeal decision at Ockley Wood¹, on the opposite side of Ockley Lane. In respect of accessibility, that Inspector concluded as I have done that, in the absence of substantive evidence as to the frequency, times and destinations of bus services along Ockley Lane, the site was not accessible by sustainable transport modes. Regarding character and appearance, that site formed part of a large field and was not within a ribbon of houses, and the Inspector concluded that a dwelling would harmfully change the site's undeveloped countryside appearance. However, as the site's characteristics were materially different to the current appeal site, I have placed limited weight on the Inspector's conclusions on this particular matter. Moreover, there was no suggestion that at the time the Council did not have a five year housing land supply, and consequently the presumption in favour of sustainable development did not apply.
17. The appeal site abuts ancient woodland on its south side, in recognition of which the proposal maintains a 15m buffer to the boundary of the woodland. The belt of trees beside the road was added to the ancient woodland designation in 2010 on a provisional basis, and consequently the appellant has designed the proposed access so that no trees need to be removed. Analysis of the area around the trees has indicated that it does not comprise undisturbed woodland soils, having been extensively altered by domestic activities, resulting in the biodiversity value of the land being lost. On the basis of the appellant's proposed arboricultural mitigation measures, which are supported by the Council's ecological consultant, there would be no harm to the ancient woodland.
18. The proposal is for a self-build dwelling, as defined in section 1(A1) of the Self Build and Custom Housebuilding Act 2015, on the basis of which the appellant

¹ PINS reference W/4000123

sought an exemption from the biodiversity net gain condition. A planning condition to secure the dwelling as self-build would not meet the tests set out in the Framework, and the appellant has therefore entered into a deed of unilateral undertaking under s106 of the Town and Country Planning Act 1990 to secure the dwelling as self-build.

19. Having reviewed the obligation, I am satisfied that it meets the three tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework, namely that it is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. The proposal would therefore be secured as self-build, making it exempt from the biodiversity net gain condition, in the event that I was minded to allow the appeal.

Planning Balance

20. The policy conflicts I have identified are such that the proposal would conflict with the development plan when considered as a whole. Although the Council has confirmed that it cannot demonstrate a five year supply of housing land, I have not been advised of the extent of the shortfall. Therefore, I have assumed that the deficit could be substantial, and in these circumstances paragraph 11(d) of the Framework applies. The application of policies in the Framework that protect areas or assets of particular importance, as defined in Footnote 7, does not provide a strong reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development applies as set out in paragraph 11(d)ii and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
21. With the lack of a Framework-compliant housing supply and the need for housing, it is likely that new development will be required in locations beyond the boundaries of settlements. Policy DP6 of the MSDP recognises this by setting out locational criteria, including that housing must be contiguous with an existing built-up area of the settlement and be sustainable by reference to the settlement hierarchy. However, the appeal site is located between Burgess Hill and Hassocks and is some distance from both settlements. As a consequence of its location, and in the absence of detailed information about local bus services, future residents would be reliant on the private vehicle.
22. The scheme would not comply with the locational strategy for new development set out in the development plan, and would not form an extension to, or be near an, existing settlement. In these circumstances, because it is in a location away from such areas without clear evidence of reasonable sustainable transport options, I afford substantial weight to the conflict with the policies of the development plan, which determine the location and accessibility of development, and which are broadly consistent with the approach set out in the Framework.
23. The scheme would provide a number of benefits. The delivery of a house would be a social benefit, whilst economic benefits would accrue from the construction phase and from expenditure on goods and services by future occupiers. A single dwelling is capable of being constructed quickly, which counts in its favour. It would result in the payment of a new homes bonus. The proposal is for a self-build dwelling, which paragraph 73 of the Framework encourages on small sites, and

the dwelling would be sustainably designed. In the event that the housing shortfall against the Framework is substantial, the scheme would contribute a single unit of self-build accommodation. This would be a worthwhile contribution albeit a modest addition to the housing stock. The lack of harm I have identified to the character and appearance of the area is neutral in the planning balance. I therefore attach moderate weight to the cumulative benefits that the scheme would deliver.

24. When undertaking the paragraph 11(d) balance, I judge that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Accordingly, the proposal would not constitute sustainable development within the meaning of the Framework, which weighs heavily against the proposal.

Conclusion

25. For the reasons given above, the proposal would conflict with the development plan when considered as a whole. Material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR