



Appeal Decision

Site visit made on 24 February 2026

by **S F Murphy BSc (Hons) MSc MRTPI MISEP CEnv.**

an Inspector appointed by the Secretary of State

Decision date: 16th March 2026

Appeal Ref: APP/P3800/W/25/3376452

Land to the north of 24 Oak Hall Park, Burgess Hill, West Sussex, RH15 0BX

- 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 G Baxter against the decision of Mid Sussex District Council.
 - The application Ref DM/25/1354.
 - The development proposed is construction of a new 1 bed, two-person dwelling (semi-detached).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted into the appeal an amended plan DRG No 1B (Floor plans) intended to address the third reason for refusal regarding inadequate internal space standards for the proposed dwelling. The Council has been given the opportunity to comment on this plan. Although the appeals process should not be used to evolve a scheme, I am satisfied that the amended plan has not materially altered the proposal being a relatively minor change to the internal layout and that no interested party has been prejudiced by my approach. I have therefore considered the amended plan as part of my decision.

Background and Main Issues

3. The second reason for refusal on the Decision Notice indicated that insufficient information was provided to satisfy the Sequential Test and Exception Test in relation to surface water flood risk alongside insufficient evidence regarding the availability of alternative sites of a lower flood risk. Since the determination of the planning application, Planning Practice Guidance (PPG) has been revised materially changing how the Sequential Test is applied in relation to surface water flood risk at the application stage. Whilst continuing to adopt a risk based approach with regards to development in areas at risk of flooding, PPG outlines¹ that where a site specific flood risk assessment (FRA) demonstrates that, through the use of mitigation measures, layout and design, occupiers and users of a proposed development would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, the Sequential Test need not be applied.
4. Having reviewed the FRA submitted at the planning application stage following the changes to PPG, the Council considers the FRA meets the criteria detailed within PPG and a Sequential Test is no longer required in respect of surface water flood

¹ Reference ID: 7-027-20220825

risk for the proposed development. As such, the Council confirmed that it would not seek to defend this reason for refusal. Moreover, interested parties have not raised concerns with the effect of the proposed development on surface water flood risk during the determination of the planning application. Accordingly, this is no longer a matter in dispute.

5. Therefore, I consider the main issues to be:

- the effect of the proposed development on the character and appearance of the surrounding area; and
- whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to the internal standard of accommodation.

Reasons

Character and appearance

6. The appeal site lies within the residential area of Oak Hill Park. The character of the surrounding area is a mixture of bungalows, chalet style dwellings and two storey dwellings at times linked by garages. Dwellings are detached, set in modest sized plots with their gable ends facing towards the street and are typically set back on their plots with parking areas and gardens to the front. Although the dwellings present an appearance of continuous terraces when viewed from the top of the street, travelling along the street reveals that they are in fact individual, detached dwellings. These characteristics combine to give the street scene a strong rhythm and rather spacious feel. The housing stock have concrete roof tiles, dark brown tile hanging or white painted wood to the first floor and light brown brick to the ground floor with white uPVC windows. The land within the residential area slopes gently from east to west.
7. The appeal site is a corner plot, located within part of the garden to the side of number (No) 24A Oak Hill Park. Whilst Nos 24 and 24A are a pair of semi-detached dwellings which are atypical for the surrounding area, No 24A presents as an extension to No 24 in appearance with its gable end facing away from the street. A public footpath forms the northern and western boundary of the appeal site. Whilst the public highway ceases at No 24 Oak Hill Park with a turning point, vehicles can continue to gain access to carparking to the rear of Wynnstay, a block of flats.
8. The proposed new dwelling would adjoin No 24A Oak Hill Park. This would create a row of terraced housing in combination with Nos 24 and 24A. As the gable would remain facing away from the street, the proposed development would elongate the width of the property facing Oak Hill Park. The combination of the creation of a terrace and the further extension of a non-gabled elevation facing Oak Hill Park would introduce a discordant style of dwelling within the immediate and wider residential area disrupting the marked balance and rhythm of the surrounding pattern of development.
9. The proposed development would be set further back from the street and, due to the topography, would be lower than No 24A. This would assist in concealing it when viewed from the top end of the street. However, the proposed development would still be visible within the street scene when viewed from nearby, with the eye being unacceptably drawn to its variance.

10. Although the appeal site is a corner plot, due to its limited size, the addition of a further dwelling would appear squeezed in, creating a cramped appearance in the plot.
11. I acknowledge the appellant has proposed to move the northern fenceline slightly into the appeal site to provide landscaping to soften the outlook for users of the footpath. However, this would move the fenceline closer to the proposed dwelling, thereby reducing its rear garden. Whilst landscaping can contribute to softening built form, in this particular case I remain unsatisfied that such landscaping could adequately mitigate the incongruity of the proposed development in combination with Nos 24 and 24A creating a terrace row and increasing overall bulk, which would be visible to users of those accessing the public footpath.
12. Whilst the proposal would be constructed of materials that would be in keeping with the surrounding area, for the reasons above I conclude that the proposed development would be significantly harmful to the character and appearance of the surrounding area. Consequently, in this regard, it would conflict with Policy DP26 of the Mid Sussex District Plan adopted March 2018 (the Local Plan) and the Mid Sussex Design Guide Supplementary Planning Document adopted November 2020 which collectively require development proposals to create a sense of place with new buildings relating to their context, addressing the character and scale of the surrounding buildings.

Living conditions

13. As set out in Policy DP27 of the Local Plan, new dwellings must meet the Technical Housing Standards – nationally described space standards, published by the Department for Communities and Local Government in March 2015 (Technical Housing Standards). The Technical Housing Standards set out requirements for the gross internal floor area of new dwellings depending on the level of occupancy, alongside floor areas and dimensions for key parts of the home, notably bedrooms and storage areas.
14. The revised floorplan shows the floor area of the study reduced to 7.3 square metres. This falls below the threshold of 7.5 square metres as the minimum floor area of a single bedroom within the Technical Housing Standard. As such, the proposed dwelling's overall floor area of 61 square metres meets the Technical Housing Standards requirement of a minimum gross internal floor area and storage of 58 square metres for a one bedroom, two storeys dwelling for two people. I am cognisant of the Council's comments regarding enforcement of internal layout changes that may occur. However, I am satisfied that the overall size of the first floor, after allowing for circulation and bathroom space, is insufficient to successfully accommodate two bedrooms and that the proposal is for a one bedroom dwelling.
15. For these reasons, I conclude that the proposed development provides the minimum nationally described space standard for a one bedroom, two persons dwelling, and therefore would provide satisfactory living conditions for future occupiers with regard to the internal standard of accommodation. It therefore complies with Policy DP27 of the Local Plan which seeks accordance with the Technical Housing Standards for all new residential development.

Planning Balance

16. The proposed development would make a small contribution to housing supply and there would be short term and longer-term economic benefits arising during the construction and occupation stages of the development. This would provide limited benefit given the proposal is for one additional dwelling. I further note the appeal is within a sustainable location with access to public transport and some services and amenities and there are no objections from the Highway Authority. I acknowledge that the proposed dwelling is to be provided with high standards for insulation, opportunities to utilise green energy and control water usage to comply with Building Regulations. I recognise that small and medium sized sites can make an important contribution to meeting housing requirements in the area, and that the proposal would enhance housing choice. I attach limited weight to these benefits given the small scale of the proposal for one dwelling.
17. The appeal site would support the effective use of existing land. However, as set out above, the proposed massing and cumulative bulk of the proposed development with Nos 24 and 24A would appear overbearing. As such, I do not consider the proposal meets paragraph 124 of the National Planning Policy Framework (the Framework) promoting an effective use of land in meeting the need for homes as it would not safeguard the environment. I therefore attach neutral weight to this matter.
18. I have concluded that the proposal would cause significant harm to the character and appearance of the area. Given the limited benefits of the proposal, it is in conflict with the development plan when taken as a whole. There are no material considerations, including the Framework, that indicate the development should be determined otherwise than in accordance with the development plan.

Conclusion

19. For the reasons given above the appeal should be dismissed.

S F Murphy

INSPECTOR