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## Appeal Decision

Hearing held on 26 – 27 April 2016

Site visit made on 26 April 2016

by **Stephen Roscoe BEng MSc CEng MICE**

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

Decision date: 27 July 2016

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**Appeal Ref: APP/D3830/W/16/3142489**

**Land off Turners Hill Road, Crawley Down, West Sussex RH10 4HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by London Regeneration Limited against Mid-Sussex District Council.
  - The application Ref DM/15/3975, is dated 2 October 2015.
  - The development proposed is for the demolition of existing buildings, a residential development of up to 167 units, a community hub including spaces for a local shop and community space together with improvement and alterations to an existing commercial business park to achieve a redevelopment of up to 6,000m<sup>2</sup> of commercial space with green infrastructure and two accesses off Turners Hill Road (one an upgrade to existing) and one access off Cophorne Common Road (all other matters reserved apart from access), and works associated with the development including: landscaping; works to ponds; informal and formal open space; selective tree removal; pedestrian, cyclist and public transport infrastructure; utilities and sustainable drainage infrastructure; and car and cycle parking.
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. Prior to the Hearing, an application for costs was made by the appellant against the Council. This application was withdrawn during the Hearing.

### Main Issues

3. I consider the main issues in this case to be:
  - i) whether the proposal would provide satisfactory pedestrian and cycle links to Cophorne and Crawley Down;
  - ii) whether the proposal would represent sustainable development in terms of transportation;
  - iii) the effect of the proposal on highway safety and network performance;
  - iv) the effect of the proposal on the character and appearance of the surrounding area; and

- v) whether the proposal would include satisfactory provisions in relation to affordable housing, education services, leisure and community facilities, libraries and fire and rescue services.

## Reasons

### *Introduction*

4. The application was submitted in outline, with all matters reserved apart from means of access. Had the Council done so, it would have refused the application for the following reasons:
- (1) *The development is considered to be in an unsustainable location in transport terms, being remote from the nearest villages and having poor walking, cycling and public transport accessibility to local shops, services and employment opportunities. The development would therefore result in a high dependence on the private car. The harm caused by the development of this site is not outweighed by the benefits of the proposal, and therefore the development is not deemed to constitute sustainable development for the purposes of the National Planning Policy Framework (NPPF). The proposal conflicts with Policies G2 and T4 of the Mid Sussex Local Plan<sup>1</sup>, Policy CDNP10 of the Crawley Down Neighbourhood Plan<sup>2</sup> and paragraph 30 of the NPPF.*
  - (2) *The pedestrian and cycle links from the development to Copthorne village and Crawley Down village are considered to be sub-standard, and their increased use as a result of the development would be to the detriment of pedestrian and cyclist safety. The proposal would therefore result in a severe impact on highway safety and is not deemed to constitute sustainable development for the purposes of the NPPF. The proposal conflicts with Policy T4 of the Local Plan, Policies CDNP06 and CDNP13 of the Neighbourhood Plan and paragraph 32 of the NPPF.*
  - (3) *The proposed access points serving the development are considered to be sub-standard in terms of junction layout and visibility to the detriment of highway safety. The proposal would therefore result in a severe impact on highway safety and is not deemed to constitute sustainable development for the purposes of the NPPF. The proposal conflicts with Policy T4 of the Local Plan, Policies CDNP06 and CDNP13 of the Neighbourhood Plan and paragraph 32 of the NPPF.*
  - (4) *On the basis of the information provided, the Council is not satisfied that adequate junction improvement measures have been identified to mitigate the impact of the development on the A264 Dukes Head roundabout and the A264 Copthorne Way/A220 Copthorne Road roundabout which are both operating in excess of capacity. The impact of the proposed development on these junctions would therefore be severe leading to excess queuing and delays on part of the strategic road network. Therefore, the proposal is not deemed to constitute sustainable development for the purposes of the NPPF. The proposal conflicts with Policy T4 of the Local Plan, Policies CDNP05*

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<sup>1</sup> Mid Sussex Local Plan: May 2004

<sup>2</sup> Crawley Down Neighbourhood Plan: October 2015

*and CDNP10 of the Neighbourhood Plan and paragraph 32 of the NPPF.*

- (5) *By reason of its scale and density, the proposed development would result in a significant urbanisation of the site resulting in a detrimental impact on the character and appearance of the area. Therefore, the proposal is not deemed to constitute sustainable development for the purposes of the NPPF. The proposal conflicts with Policies C1 and E7 of the Local Plan and paragraph 17 of the NPPF.*
- (6) *In the absence of a completed section 106 agreement, the proposal fails to meet Policies G3 and H4 of the Local Plan in respect of the infrastructure and affordable housing requirements to serve the development.*
5. At the close of the Hearing, the appellant and the Council were unable to provide me with an executed s106 agreement in relation to the intended Refusal Reason (6). The appellant was also unable to provide me with a unilateral undertaking, mainly concerning the establishment of a community trust and a community hub in relation to the proposal. In view of the seemingly productive discussions that had taken place during the Hearing, I agreed to give an opportunity for these documents to be submitted following closure of the Hearing. In reaching my decision, I have therefore taken into account all submissions received by me up to and including 18 May 2016.
6. The Council accepts that it cannot currently demonstrate a five-year housing land supply, and that the supply of housing element of Local Plan (LP) Policy C1 cannot be considered up to date. I can see no reason to disagree. In this decision, I take the supply of housing element to be the classification of the Countryside Area of Development Restraint, the restriction on housing development outside of built up area boundaries and the protection of the countryside for its own sake. In my view, these comprise the policy as a whole. This is on the basis that the policy itself does not refer to the beauty of the countryside, but to its protection for its own sake. Having regard to the absence of a five-year housing land supply and the scope of LP Policy C1, I give the policy limited weight in this decision.

#### *Pedestrian and Cycle Links*

7. The appeal site is situated to the east of the village of Copthorne. Pedestrian access between them is available on footways to either side of the A264 Copthorne Common Road carriageway, and I walked this route on my unaccompanied site visit. There is some vegetation encroachment onto the footways, but I consider that this could be resolved by maintenance.
8. The footway to the north of the A264 is separated from the carriageway by a grass verge in places. The carriageway itself, in terms of the distance between kerbs, appears to be wide for a two-lane single carriageway. Carriageway edge markings are set in from the kerbs, and these effectively increase the actual and sense of separation between the footways and traffic on the north and south side of this busy road.
9. The footway route between these two places also requires pedestrians to cross the A264. Assistance with such crossings is currently provided for by island refuges in the centre of the single carriageway road. At my site visit, during the evening peak period, I did not find these crossings easy to negotiate. The appellant has however suggested that two signal controlled pedestrian

crossings could be provided to assist with crossing the A264. These could be provided directly to the north of the site and at the Copthorne end of the footway routes alongside the A264.

10. What appears to be the southern boundary of the highway along this section of the A264 is set back from the rear edge of the footway. The appellant has suggested that this set back, together with the existing footway, could be used to accommodate a shared footway and cycle path. The highway authority has suggested that a 2.5m wide shared cycle track would be required, separated from the carriageway by a 1.5m wide verge. The appellant has suggested that 2.5 to 3m is generally available, and I can see no reason to disagree with this availability. Given the characteristics of the carriageway that I have already identified, I cannot see sufficient justification for a 1.5m wide verge here. This is on the basis that sufficient separation could be provided within the existing visible highway limits.
11. I am therefore satisfied that a shared footway and cycle path within the width available could provide satisfactory pedestrian and cycle access alongside the A264. Furthermore, the parties have accepted that the suggested signal controlled crossings of the A264 could be pedestrian and cycle crossings.
12. At the Hearing, the Council, the highway authority and the appellant agreed the form of appropriate conditions to prevent occupation of the proposed dwellings prior to the implementation of previously approved crossings and a shared footway and cycle path. The parties could see no impediment to this course of action, and I can see no reason to disagree. The highway authority also advised that the cost of this work would be subject to a Highways Act 1980 section 278 agreement that would be necessary for this work in the highway.
13. As a consequence of the above points, I am satisfied that the proposal, subject to the imposition of appropriate conditions, could provide convenient, suitable and safe pedestrian and cycle links to Copthorne village.
14. In coming to my view, I have taken into account appeal decision APP/D3830/W/15/3138211, which relates to a site on the north side of the A264. Whilst I have come to a different view on access to Copthorne, I have walked the entire footway route and opportunities to widen the footway do exist on the south side of the A264. I am also satisfied that improvements, as described to me and including pedestrian and cycle signal controlled crossings, could be implemented in an appropriate manner. These could result in a satisfactory means of pedestrian and cycle access.
15. I now turn to consider links to the village of Crawley Down. A pedestrian footway exists on the east side of Turners Hill Road between the southernmost proposed access to the residential development and the village. I walked the route on my unaccompanied site visit during the evening peak time, during which the road was busy. Again, vegetation restricts the width of this footway somewhat, but this is a maintenance issue for the statutory body concerned.
16. Even with maintenance however, it would be necessary to walk in close proximity to traffic. This would be intimidating for many, particularly at night, notwithstanding the 40mph speed limit, and no mechanism to secure improvements relating to this footway have been proposed as part of the proposal. The appellant's point that this pedestrian route would be lightly used

does not add weight to its acceptability, particularly bearing in mind that it would be the only such route to Crawley Down. In view of my experience, I do not consider that this footway would be satisfactory, or indeed safe, for pedestrians travelling between the proposed development and Crawley Down. The proposal would therefore conflict with LP Policy T4 and the NPPF in this regard.

17. The route between the site and Crawley Down would also require the crossing of Turners Hill Road, and the proposal includes the provision of an uncontrolled pedestrian crossing as part of the highway access works. In crossings from the proposed development, visibility would be good in either direction. In crossings to the proposal, visibility to the north would be good. To the south however, the inside of a bend in the road would limit visibility to less than 90m to approaching vehicles on the opposite side of the carriageway.
18. In the Hearing, the highway authority and the appellant agreed the form of an appropriate condition where the detailed layout of the proposed access would be subject to further approval. This would appear to give an opportunity to relocate the crossing further from the bend in the road to improve visibility in this direction. It is also of note that the provision of a crossing in this area to the north of the access was a recommendation in an independent Stage 1 Road Safety Audit.
19. Whilst I am satisfied that an appropriate crossing point could be identified, the existing footway would still not provide a suitable and sustainable pedestrian link to Crawley Down village.
20. Cyclists wishing to travel from the proposed development to Crawley Down would have to use the carriageway of Turners Hill Road. This would not be attractive, particularly due to the bend in the road. The route therefore would not facilitate the use of cycling as a sustainable mode of transport, as set out in the NPPF. Again, no mechanism to secure the improvement of this cycling route has been proposed.
21. In terms of the Neighbourhood Plan (NP) policies identified in the Council's intended Refusal Reasons (2) and (3), Policy CDNP06 relates to sustainable drainage systems. The Council also advises that the references in the intended refusal reasons to NP Policy CDNP13 should refer to Policy CDNP10. I have therefore considered these refusal reasons in the context of NP Policy CDNP10 which relates to the adequacy of sustainable transport links to the principal facilities in Crawley Down.
22. I therefore conclude that the proposal could provide satisfactory pedestrian and cycle links to Copthorne, but that this would not be the case in respect of Crawley Down. The proposal would therefore conflict with Local Plan Policy T4, Neighbourhood Plan Policy CDNP10 and the NPPF in this regard.

*Sustainable Development in Terms of Transportation*

23. Various facilities and services are available in the local area, and the locations of these appear to be split between Copthorne and Crawley Down. They are very generally at the highway authority's suggested maximum walking distances and within its cycling distances. In terms of these distances therefore, the appeal site is not remote from these villages. Those facilities and services at Copthorne could be accessible using the pedestrian and cycle routes that I have already found to be acceptable. Those at Crawley Down however would not, for the reasons already set out. In the absence of these

routes for sustainable modes of transport, the proposal would not seek to minimise reliance on private car trips and would conflict with LP Policies G2 and T4 and the NPPF in this regard. The proposal would also fail to provide for adequate sustainable transport links to the principal facilities in Crawley Down and would thus conflict with NP Policy CDNP10.

24. The appeal site is situated within easy walking distance of a neighbourhood shop on the same side of the A264, and I used this facility at my site visit. Furthermore, employment opportunities may be available at the redeveloped business park on the site.
25. The A264 and Turners Hill Road are also served by bus routes to various settlements in the area. A westbound, towards Cophorne and Three Bridges and Crawley with their rail links and employment opportunities, bus stop and layby is situated near to the location of the proposed northern site access. An eastbound, towards Crawley Down and East Grinstead, bus stop and layby has been suggested in the application on the opposite side of the A264 to the appeal site. This could be accessed by the pedestrian and cycle signal controlled crossing which I have previously found to be acceptable and capable of being secured within the application.
26. At the Hearing, the Council, the highway authority and the appellant agreed the form of an appropriate condition to prevent occupation of the proposed dwellings prior to the relocation of an existing bus stop and layby to the above location which would be served by the crossing. The parties could see no impediment to this course of action, and I can see no reason to disagree. The highway authority also advised that the cost of this work would be subject to a Highways Act 1980 section 278 agreement that would be necessary for the work in the highway. All of these circumstances would not however outweigh the reliance on the private car for trips to Crawley Down.
27. In view of all of the above points, the proposal would be likely to result in a high dependence on the private car for trips to Crawley Down. I am therefore not satisfied that the proposal, even with the use of appropriate conditions, would be situated in a sustainable location in transport terms. I thus conclude that it would not represent sustainable development in terms of transportation. I further conclude that it would conflict with Local Plan Policies G2 and T4, Neighbourhood Plan Policy CDNP10 and the NPPF in this regard.

#### *Highway Safety and Network Performance*

28. The southern part of the proposed residential development would be accessed from Turners Hill Road, and details have been provided within the application. To the north, visibility is shown to be 90m to vehicles approaching on the opposite side of the carriageway. I can see no reason to disagree with this figure, and I am satisfied that this would be sufficient. To the south, visibility is shown as 130m. This eye line however cuts the rear of the opposite footway through an area of vegetation that I am not satisfied lies within the highway. If the eye line is retained within the carriageway however, I am satisfied that the visibility distance would still exceed 100m. This junction has been the subject of an independent Stage 1 Road Safety Audit to review safety in relation to the drawings submitted. The sole recommendation related to the provision of pedestrian crossing point, as set out above. On the basis of the above points, I consider that the junction would not have an unacceptable impact on road safety and would accord with LP Policy T4 and NP Policy CDNP10 in this regard.

29. The highway authority's position is that 120m visibility splays would be necessary on Turners Hill Road, as set out in the Design Manual for Road and Bridgeworks (DMRB). Manual for Streets (MfS) however identifies that its advice should be used as a starting point for any scheme affecting non-trunk roads. MfS also identifies that, for a 40mph speed limit as exists here, its advice on stopping sight distances should be applied subject to local context. Here, I can see no reason to specifically follow the DMRB 120m visibility requirement and consider that the visibility splays accepted in the road safety audit would be satisfactory.
30. The northern part of the proposed residential development would be accessed from the A264. Right turns at the junction would be prevented by a kerbed central median strip. This junction has also been the subject of a Stage 1 Road Safety Audit. The recommendations of this audit comprised: the lengthening of the median strip; the provision of a pedestrian and cyclist crossing point on a median strip of increased width, a crossing point across the access to the proposed development, an off-carriageway cycle facility from the development to the west on the A264 and a bus stop clearway within the nearby bus layby. These recommendations have been incorporated in the application, apart from the bus stop clearway, which could be regulated under the agreed junction condition and a future s278 agreement.
31. It is also of note that the audit did not raise any problems concerning bus use of the layby restricting visibility, a matter raised in the objection by the highway authority. Furthermore, the suggested off-carriageway cycle facility would extend to the length of the median strip, in response to concerns raised by the highway authority. I am also satisfied that the position of the pedestrian and cycle controlled crossing would represent a satisfactory balance between the need for space between the crossing and the site access and routes that pedestrians and cyclists would seek to cross the A264.
32. To the east of the proposed site access onto the A264, visibility would extend to the Dukes Head roundabout. I am satisfied that, bearing in mind reduced circulation speeds on the roundabout, this visibility would be sufficient in relation to safety at the junction.
33. The redeveloped commercial area would be accessed using the existing arrangement from Turners Hill Road, but with improved surfacing and carriageway marking. These improvements were the sole recommendations of a Stage 1 Road Safety Audit. To the south of the access, visibility is shown, in the application, to be 92m. I can see no reason to disagree with this figure, and I am satisfied that this would be sufficient.
34. The proposal would increase floorspace within the commercial area, and this would generate a greater number of vehicle trips. The highway authority has suggested the provision of a right turning lane from Turners Hill Road in the form of a ghost island. I cannot however see sufficient justification for this, bearing in mind the distance between the junction and the Dukes Head roundabout in relation to traffic that may have to wait behind right turning vehicles. I am therefore satisfied that, in this regard, the proposal would provide a safely located vehicular access with adequate visibility in accordance with NP Policy CDNP10. The highway authority has raised other points in relation to all of the proposed accesses. I am however content that these could be addressed at detailed approval stage under appropriate conditions.

35. The proposal would increase traffic flows at the Dukes Head roundabout, and these would exacerbate existing capacity issues at the roundabout during peak periods. Opportunities exist however to improve capacity at the roundabout, and indeed these have been proposed and accepted in conjunction with another development in the area. I am therefore satisfied that capacity could be improved to accommodate the appeal development.
36. At the Hearing, the Council, the highway authority and the appellant agreed the form of an appropriate condition to prevent occupation of the proposed dwellings prior to the implementation of previously approved capacity improvements at the roundabout. The parties could see no impediment to this course of action, and I can see no reason to disagree. Appropriate measures could thus be taken to address transport infrastructure inadequacies in accordance with NP Policy CDNP10. I am therefore satisfied that the proposal could avoid excessive queues or delays at the roundabout in accordance with NP Policy CDNP05.
37. A similar situation exists at the A264/A220 roundabout in terms of capacity issues. Here, I am also satisfied that an appropriate condition could overcome harm from the proposal.
38. The highway authority has raised concerns regarding the trip rates used in the application. I have not however seen anything to suggest that these rates are sufficiently erroneous to have a bearing on my decision.
39. I therefore conclude that the proposal would not necessarily have an unacceptable effect on highway safety and network performance. I further conclude that it would thus not conflict with Local Plan Policy T4, Neighbourhood Plan Policies CDNP05 and CDNP10 and the NPPF in this regard.

*Character and Appearance*

40. The appeal site includes low order business units, light industrial sites and residential development with associated landscaped areas, ponds and paddocks. The site is very much surrounded by woodland belts and trees and it has no designated status. As a consequence of these attributes, and notwithstanding the age of some of the trees, the site contributes little to the intrinsic beauty and character of the countryside which the NPPF seeks to protect.
41. The proposal would result in the urbanisation of the site by increasing the scale and density of development on it. This could however, at reserved matters stage, have limited detrimental impact on the character and appearance of the surrounding area due to the existing nature of the site and its sense of enclosure. The proposal could therefore take account of the area's existing role and character in accordance with the NPPF.
42. In terms of the business element of the proposal, the redevelopment could effectively comprise a number of small scale extensions to existing industrial, office or storage premises. A number of existing occupiers have expressed a desire to expand on the site, and enquires have been made by prospective new occupiers. This element of the proposal could also be accommodated satisfactorily within the existing boundaries of the commercial site and present an opportunity to improve the character and appearance of the site. The proposal would therefore accord with LP Policy E7.



43. The proposal would comprise development that would conflict with LP Policy C1. I have already found that this policy is not up to date and have given it limited weight. I therefore consider that this represents a material consideration sufficient to justify a departure from the development plan in this respect.
44. I therefore conclude that the proposal would not necessarily have a harmful effect on the character and appearance of the surrounding area and that it would thus not conflict with the NPPF in this regard together with LP Policy E7.
- Provisions in Relation to Affordable Housing, Education Services, Leisure and Community Facilities, Libraries and Fire and Rescue Services*
45. At the end of the post-hearing submission period that I offered in relation to any s106 agreement, a draft document was submitted by the appellant which addressed all of the above provisions. The Council raised no material concerns as to the manner in which these matters had been addressed.
46. The agreement requires the provision of 30% affordable housing in accordance with LP Policy H4. LP Policy H4 and the Council's Development and Infrastructure Supplementary Planning Document<sup>3</sup> (SPD) identify the need and reasoning behind this policy requirement. The reasoned justification for the policy speaks of an increasing shortage of housing opportunities for people from the local community. It also notes that this is exacerbated by the problem of high house prices in the area which continue to exclude local people from the chance to buy their own home. The appellant has advised that the ratio of house prices to income levels is now above 9:1, which is said to be a critical level according to government policies. The Council has not disputed this assertion, notwithstanding local views that the affordable housing requirements have been generally met. The provision of affordable housing would therefore be a significant benefit from the proposal. This provision is also directly, fairly and reasonably related to the proposed development.
47. There is no Community Infrastructure Levy (CIL) charging schedule approved for the Council, and the background to the contributions is as follows. The contributions relating to education services relate to improvements at Crawley Down Church of England Primary School and Imberhorne Secondary School. Local primary and secondary schools are occupied at over-capacity levels of 111% and 135% respectively, and less than five existing planning obligations relate to improvement schemes at these schools. Policy support and contribution mechanisms for children and young peoples' services are set out in the Council's SPD.
48. The contribution relating to leisure would help to address an identified junior football pitch shortfall in the area. The opportunity for additional pitches at Copthorne Bank has been identified in the Council's emerging Infrastructure Development Plan (IDP). Policy support and contribution mechanisms for outdoor playing space are set out in the Council's SPD.
49. The contribution relating to community facilities would be used towards improving disabled access and providing an adventure playground at Copthorne Village Hall. Residents of the proposed development would be likely to use these facilities, and the need for them has been identified in the IDP.

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<sup>3</sup> Mid-Sussex District Council: Supplementary Planning Document: Development and Infrastructure: February 2006

- The contribution has been calculated using a formulaic approach for the enhancement of existing stock and the public realm, set out within the SPD.
50. The contribution relating to library facilities would be used towards improving capacity by providing necessary additional space at East Grinstead Library. The fire and rescue services contribution would enable hydrants to be provided within the proposed development. Both of these contributions would accord with the SPD, which includes a mechanism for contribution calculation.
51. All of the above contributions would therefore be necessary to make the proposal acceptable in planning terms and be directly and reasonably related to it in scale and kind. They would therefore accord with Regulation 122 of the CIL Regulations 2010 as amended. The provisions within the s106 agreement are thus appropriate and necessary to make the proposal acceptable in planning terms.
52. The final s106 agreement provided to me was not however executed by the Council and West Sussex County Council. Both parties, notwithstanding the Council's position at the end of the Hearing, raised post-Hearing concerns relating to information on title to parts of the appeal site. These, they considered, would make the registration of this land as a land charge inappropriate. I can understand the concerns and have considered the appellant's responses to these concerns. Whilst these parts of the site are minor in terms of the total site area, the fact remains that, without the Councils' signatures, the s106 agreement is inoperative and the necessary contributions cannot be secured. Affordable housing and necessary infrastructure cannot be said to be provided for and offsite infrastructure need cannot be met as required by LP Policies G3 and H4 and Structure Plan Policy DEV3.
53. I therefore conclude that the proposal would not include satisfactory provisions in relation to affordable housing, education services, leisure and community facilities, libraries and fire and rescue services. It would therefore conflict with Local Plan Policies G3 and H4, Structure Plan Policy DEV3 and the NPPF.

#### *Other Matters*

54. The applicant has provided a unilateral undertaking which provides for the establishment and maintenance of a community trust, a community hub including a shop, a local equipped area for play and landscaping. Whilst I consider that the trust and hub proposals would have benefits, I do not consider them to be necessary to make this proposal acceptable in planning terms. This is because accessible community facilities already exist. Indeed, the SPD suggests that residential developments of over 200 dwellings may require a purpose built community building, which would not be the case here. Furthermore, the proposal gives an opportunity to strengthen the positions of community facilities in Copthorne, including the nearby shop, and Crawley Down. If facilities were provided within the proposal, this opportunity would very much reduce.
55. There is also some duplication between the undertaking and conditions that were suggested and considered in the Hearing together with reserved matters in relation to landscaping and the play area. The undertaking therefore does not accord with the preference towards conditions set out in the NPPF. In view of all of these points, the undertaking has not been taken into account in this decision.

56. My attention has been drawn to a number of other recent appeal decisions in close proximity to the site which is the subject of this appeal. Whilst their proposals had similarities with the proposal under consideration here, they did not generally include mechanisms by which the sustainable access of the sites they referred to could be improved. In this case, with the exception of those relating to Crawley Down, I have found these mechanisms to be acceptable. They also had different considerations in relation to the impact of development on the character and appearance of the area. These other appeal decisions do not therefore add weight in favour of dismissing the appeal.

*Conclusion*

57. I have found that the proposal could provide satisfactory pedestrian and cycle links to Cophthorne. I have also found that it would not necessarily have an unacceptable effect on highway safety and network performance and would not necessarily have a harmful effect on the character and appearance of the surrounding area. Furthermore, the proposal would go some way towards addressing the housing land shortfall in the surrounding area and, on the basis of the appellant's evidence on this matter, this is a benefit to which I give significant weight.
58. I have however found that the proposal would not provide satisfactory pedestrian and cycle links to Crawley Down and would not facilitate the use of sustainable modes of transport in this regard. It therefore would not represent sustainable development in terms of transportation. It also would not include satisfactory provisions in relation to affordable housing, education services, leisure and community facilities, libraries and fire and rescue services. There is a clear need for these services in the area, particularly in respect of affordable housing and education. I therefore give these adverse impacts very significant weight.
59. There are no specific policies in the NPPF that indicate that development should be restricted in accordance with paragraph 14 and footnote 9. I consider however that, in terms of the NPPF, the adverse impacts that I have found would significantly and demonstrably outweigh the benefit of the proposal. This benefit is the open market housing element in addressing the housing land shortfall in the surrounding area. Furthermore, the proposal would not sufficiently facilitate the use of sustainable modes of transport or deliver necessary affordable housing and the social, recreational and cultural facilities and services that the community would need. The proposal therefore would not represent sustainable development and would not accord with the development plan.
60. Having taken into account all other matters raised, none carry sufficient weight to alter the decision. I therefore conclude that the appeal should be dismissed.

*Stephen Roscoe*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

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|---|---|
| Mr M Rawcliffe<br>BA(Hons) Dip Arch RIBA CMLI | arc7  |
| Mr C Veasey BSc Dip Transp<br>CMILT MCIHT     | Traffic and Transport Consultancy                   |
| Mr J Elliott BSc CEng MICE FIHT<br>MCMi       | John Elliott Consultancy                            |
| Mr J Biggadike PG Dip LA CMLI                 | Jonathon Biggadike Chartered Landscape<br>Architect |
| Mr S Boboleck BA PG Dip TP                    | Framberg Limited                                    |
| Mr R Freedman                                 | London Regeneration Limited                         |

### FOR THE COUNCIL:

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| Mr S Ashdown BA(Hons) Dip TP<br>MRTPI | Major Development and Enforcement<br>Team Leader, Mid Sussex District Council |
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### FOR WEST SUSSEX COUNTY COUNCIL:

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| Mr P Hayward BEng(Hons) IHTC<br>MICE CMIHT DMS | Island Highway and Transport Consultants |
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### THIRD PARTIES:

|                  |                      |
|------------------|----------------------|
| Cllr C Philips   | Worth Parish Council |
| Cllr Dr I Gibson | Worth Parish Council |

## **DOCUMENTS**

- 1 Replacement Statement Paragraph 7.5
- 2 Appeal Decision APP/D3830/W/15/3138211
- 3 Appeal Decision APP/D3830/W/15/3140286
- 4 Appeal Decision APP/D3830/W/15/3132761
- 5 Section 106 Deed of Agreement
- 6 Mid Sussex District Council Legal Services planning obligation and note dated 21 April 2016
- 7 Manual for Streets Extract
- 8 Design Manual for Road and Bridge Works: Part 6: TD42/95
- 9 LTN 2/95
- 10 Appellant's Briefing Note on Transport Issues
- 11 Various emails between the appellant and TRL
- 12 Transport Assessment and Travel Plan Scoping Note 18 February 2015
- 13 Various emails between Mr J Elliott and West Sussex County Council dated 21 April 2015
- 14 West Sussex County Council Strategic Planning Consultation Refusal Recommendation dated 2 June 2015
- 15 Crawley Down Neighbourhood Plan Policies CDNP08 and 09
- 16 Suggested Additional Conditions
- 17 Letter from Gatwick Airport Limited to Mid Sussex District Council dated 30 October 2015
- 18 Section 7 extract: Traffic Assessment
- 19 Land Registry: various official copies of registers of title
- 20 Draft Community Bus Condition
- 21 Withdrawal of application for costs
- 22 Inspector 3 May 2016 email regarding post-hearing documents
- 23 Mid-Sussex Council 12 May 2016 email setting out the Council's current position on the Unilateral Undertaking
- 24 Unilateral Undertaking from London Regeneration Limited in favour of Mid-Sussex District Council
- 25 Unexecuted section 106 Agreement
- 26 Mid-Sussex Council 18 May 2016 email setting out the Council's current position on the s106 Agreement
- 27 Other post-Hearing communications
- 28 Inspector 24 May 2016 email regarding post-hearing documents