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## Appeal Decision

Inquiry held on 18 March 2014

Site visit made on 20 March 2014

by **C Thorby MRTPI IHBC**

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

Decision date: 22 May 2014

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**Appeal Ref: APP/D3830/A/12/2173625**

**Standgrove Field (land south of Lodgelands) Ardingly, RH17 6SD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Ardingly College Ltd against the decision of Mid-Sussex District Council.
  - The application Ref 11/03417/OUT, dated 21 October 2011, was refused by notice dated 15 February 2012.
  - The development proposed is residential development comprising 37 residential dwellings including access roads, associated infrastructure, landscaping, and provision of 74 car parking spaces.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development comprising 37 residential dwellings including access roads, associated infrastructure, landscaping, and provision of 74 car parking spaces at Standgrove Field (land south of Lodgelands) Ardingly, RH17 6SD in accordance with the terms of the application, Ref 11/03417/OUT, dated 21 October 2011, subject to the conditions set out in Annex A.

### Application for costs

2. At the Inquiry an application for costs was made by Ardingly College Ltd against Mid-Sussex District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The application was submitted in outline with access, landscaping, layout and scale to be determined at this stage. Appearance is a reserved matter.

### Main Issues

4. The main issues are
  - i) The effect on the character and appearance of the area, including whether it would conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty.
  - ii) Whether any adverse effects of the scheme would significantly and demonstrably outweigh any benefits.

## Reasons

5. The appeal site is an open field adjoining the built up area of the village of Ardingly located within the High Weald Area of Outstanding Natural Beauty (AONB). There would undoubtedly be a change in the landscape with the field becoming an area of built development, and this would erode the existing open and rural setting of the village. However, the layout of the scheme would follow the dispersed settlement pattern of development of the village with irregular rows of semi-detached and detached houses facing towards the highway set in generous gardens. It would also retain a large area of adjacent open space and woodland which would provide a rural envelope to the settlement. The scheme would not encroach past existing development to the north east. Subject to the appearance of the houses, which is a reserved matter, the dwellings could be integrated into the village without harming its essential character.
6. The proposed housing would extend the village envelope reducing the gap with the substantial Ardingly College located to the south west of the village. However, the remaining gap, including playing fields and woodland, would be sufficient to ensure that they are seen as separate entities in the landscape, and their very different form and functions would not be undermined. The village is located along a ridge of higher ground and even though the new development would be on the downward slope away from the ridge it would still be on relatively higher land and it would not erode the ridge-top pattern of Ardingly in the landscape. For these reasons, the character of the village itself, its dispersed settlement pattern and ridge-top location, key characteristics of the AONB, would not be harmed.
7. Nevertheless there would be a loss of an attractive, open and rural field and the long, valued views across it, including glimpsed views of the Wealden landscape. This would have a negative visual impact for people who enjoy these attributes walking along Lodgelands, College Road and Standgrove Place. The most significant visual effects would be restricted to a relatively small section of the walk along Lodgelands, as the remainder of the site would be open land and the majority of houses along Lodgelands and Standgrove Place would retain open views reducing the level of harm. However, the visual impact together with the loss of the comparatively peaceful and rural character of the area which contributes to the wider AONB would be a harmful effect of the appeal scheme.
8. Although they would be visible, the proposed houses would be too far away from the AONB trail to affect the rural nature of the trail, or the surrounding scenic beauty including spectacular views of the AONB and the South Downs attained from sections of the path as it leaves the village.
9. To conclude on this issue, there would be adverse visual impacts and some harm to the tranquillity which forms part of the landscape and scenic beauty of the AONB. The harm would be reduced as the appeal site is at the periphery of the village and impact is localised; however, the scheme would conflict with the Mid Sussex Local Plan policies B1a and C4 which seek to protect local character and conserve the AONB consistent with objectives of the National Planning Policy Guidance.
10. *Adverse effects/benefits.* All parties agree that the Council do not have a 5 year supply of land for housing, that there is an urgent need for housing and a

specific need for affordable housing within Ardingly village. In these circumstances, the provision of up to 37 new houses carries significant weight in favour of the scheme in meeting housing need in the area. The planning obligation would ensure that some 15 (40%) of the dwellings would be for affordable housing meeting need in the local area in line with national and local policy and I have taken this into account when ascribing weight in favour of the provision of housing. There would be economic benefit arising from the construction of the houses adding some weight in favour of the proposal. There would also be some social benefit as new residents can assist in supporting existing facilities and encouraging the provision of new facilities and services, sustaining Ardingly in the long term. Environmental benefits through the implementation of habitat improvements, the provision of public open space and the provision of a pathway to Ardingly Reservoir add some further weight in favour of the appeal scheme.

11. I have taken into account the great weight to be attached to the conserving landscape and scenic beauty of the AONB as set out in the National Planning Policy Framework (NPPF). However, the harm to the AONB landscape is restricted to loss of tranquillity and the open and rural nature of the field, and visual impact is restricted to a small localised area. For these reasons, even when taken cumulatively, and taken together with the conflict with policy, the harm is of a lower order to the significant benefits arising from the scheme. Therefore, the adverse effects would not significantly and demonstrably outweigh the aforementioned benefits arising from the scheme which carry more than significant weight in favour of the proposal. In accordance with paragraph 14 of the NPPF the scheme would be sustainable development to which the presumption in favour applies and it would be acceptable.
12. *Other considerations.* There will be traffic generated by the appeal scheme, but the transport assessment submitted with the planning application indicates that the roads and junctions have sufficient capacity for the vehicles generated by the new dwellings and there would be no risk to highway safety. The village edge location means that facilities are located along an uphill walk. However, the distance is not too great and all the village facilities would be within reasonable walking distance. There is a dispute about whether a public footpath crosses the site. However, even if it does I am satisfied that it could be accommodated within the proposed layout.
13. The Ardingly Neighbourhood Plan is an emerging document. While a considerable amount of work has already been done for this document, at this stage, because it may be subject to change, the policies and housing (including affordable housing) targets for Ardingly carry limited weight. I note that the appeal site is a preferred site for housing within this document but for a lower number of houses. However, the layout shown indicates that 37 houses can be accommodated satisfactorily, fitting in with the pattern of development within Ardingly. The Council have resolved to withdraw the Mid Sussex District Plan and, therefore, this document carries no weight.
14. The site enjoys no nature conservation designation and the Council has not refused planning permission on the grounds of loss of habitats or harm to protected species. Through the retention, enhancement and maintenance of hedgerows and trees and the provision of a managed pond and open space, the proposal would ensure that the more significant habitats within the site and the

adjacent open land are kept and improved. The other considerations would not alter the balance of my conclusions on the main issues.

15. *Planning obligation.* The planning obligations would secure the provision of 40% affordable housing in line with the Council's policies. The leisure contribution would be put towards sports facilities at Ardingly Recreation Ground or within the Ardingly Parish to meet the needs of the new residents. Local community infrastructure contribution would be used to improve facilities and amenities of the local community such as those identified in the Council's Supplementary Planning Document. The Community Building contribution would go towards the upkeep of Hapstead Hall, Ardingly village's community hall. The contribution towards primary and secondary education would go towards schools in the Haywards Heath locality where contributions are needed to meet the demands of the future occupiers of the proposed houses.
16. The infrastructure and transport contribution would go towards locally identified highway schemes and measures to promote sustainable transport. The Library contribution would go towards Haywards Heath library to cope with the extra demand. The contribution towards fire hydrants would be used to serve the new development. The method of calculation for each contribution has been indicated and each relates satisfactorily in scale and kind to the development. These obligations meet the needs of the development and the statutory tests and I am taking them into account. The provision of public open space, including a local play area is identified by the appellant's as a benefit of the scheme, meeting the needs of future residents and offsetting the loss of Standgrove Field as an area for walking and enjoying the countryside. I have taken this into account when assessing the weight to be attached to the benefits of the scheme.
17. The appeal site lies within 7 kilometres of the Ashdown Forest Special Protection Area (SPA) where any development which results in a net increase in dwellings is likely to have a significant effect on the Ashdown Forest SPA unless it is appropriately mitigated. A contribution is proposed towards Strategic Access Management and Monitoring (SAMM) in line with the SAMM interim mitigation strategy which sets out the measures that provide the mitigation for new homes. These focus on protecting the SPA from new recreational pressures through managing access behaviour and monitoring both birds and visitors.
18. The Council confirmed at the hearing that the interim mitigation strategy was relevant and on the basis, even when taken cumulatively, the scheme complied with the strategy, Natural England advised that there would not be likely to have a significant effect on the integrity of Ashdown Forest. In addition, a planning obligation makes provision for a footpath, close to the appeal site (for use by the public) across the grounds of Ardingly College to the Ardingly Reservoir, a very large and significant local leisure attraction suitable for dog walking. The path would provide a direct route to the reservoir reduce the walking distance from this part of the village. I conclude that on this basis the proposed development either on its own or cumulatively would not be likely to have a significant effect on the integrity of the SPA. These planning obligations meet the statutory tests and I am taking them into account.
19. *Conditions.* In addition to the standard time limit conditions, details of foul and surface water drainage are necessary to protect the environment and prevent

flooding. Ensuring that the car park and visibility splays are in place before occupation /development would be necessary to protect highway safety. Tree protection, planting and maintenance and a landscape management plan are necessary to ensure a satisfactory appearance is achieved and that the landscaping is effective in the long term. Details of the play area are necessary to ensure that it is appropriate in appearance and function. A construction management plan is necessary to minimise disruption during construction. The carrying out of measures designed to mitigate any damage to the ecology of the area would be necessary in the interests of protection of biodiversity. Details of water and energy saving measures, and the promotion of sustainable construction methods are necessary to protect the environment in the long term. Details of levels would be necessary to ensure a satisfactory appearance as the site is sloping. For the avoidance of doubt and in the interests of proper planning a condition specifying the appeal plans (other than for appearance) would be necessary. Conditions relating to these matters are imposed.

20. *Conclusion.* The benefits from the development, especially the contribution that the development would make to meeting the shortfall in housing supply and the shortfall in the supply of affordable housing, when compared to the less than significant adverse effects represent a compelling case for allowing the appeal.

*Christine Thorby*

INSPECTOR

## **ANNEX A**

### **Schedule of conditions**

- 1) Details of the appearance, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Prior to the commencement of development details of the proposed surface water drainage and means of disposal, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context, have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 3) Prior to the commencement of development details of the proposed foul drainage and means of disposal shall be submitted to and approved in

- writing by the Local Planning Authority, and no dwelling shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The details shall include a timetable for its implementation and a management plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.
- 4) Prior to the commencement of development a detailed car parking construction plan shall be submitted to and approved in writing by the local planning authority. No dwelling hereby approved shall be occupied until the car parking has been provided and marked out in accordance with the approved scheme.
  - 5) Prior to the commencement of development the proposed access and visibility splays, of 2.4 metres by 95 metres to the south west and 2.4 metres by 57 to the north east shall have been provided at the centre of the proposed site vehicular access onto College Road. The visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
  - 6) Prior to the commencement of any works or development full details of all proposed tree planting and the proposed times of planting shall be submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details/timings.
  - 7) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
  - 8) Prior to the occupation of the first dwelling, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and lighting for all landscaped areas, including the pond, other than small privately owned gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
  - 9) Prior to the commencement of development details of the layout and equipment of the proposal play area (LAP) as well as a timetable for construction and details of future maintenance and management have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
  - 10) No development shall take place on the site until all existing trees, shrubs, hedges and buffer zones to be retained within or immediately adjoining the application site have been protected by a fence in accordance with the Tree Protection Plan produced by Sylvan Arb Consultants (Plan ref SF/TPP/002) and the tree protection measures set out within Appendix 2 of the Sylvan Arb Arboricultural report dated 21 October 2011.

- 11) Prior to the commencement of development a construction management plan shall have been submitted to and approved in writing by the local planning authority. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period.
- 12) Prior to the commencement of development or preparatory works details describing how all of the recommendations outlined in Section 5 of the Greenlink Ecology Ecological Scoping Report dated June 2011 and Section 6 of the Greenlink Ecology Reptile Survey Report dated July 2011 have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) Prior to the commencement of the development details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) No development shall take place until details of finished ground levels of all of the dwellings and associated roads to be constructed have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme.
- 15) The development hereby permitted shall be carried out in accordance with the following approved plans: 3695\_PD\_03, 3695\_PD\_01 rev M, 3695\_PD\_02 rev D, 3695\_PD\_04, SK12A, SK13 where they relate to access, landscaping, layout and scale only.

## **ANNEX B**

### **APPEARANCES**

#### FOR THE LOCAL PLANNING AUTHORITY:

Mr A Byass of Counsel

He called

Mr B Hilder

Mr S Ashdown

Enplan on behalf of Mid Sussex District Council  
Strategic Implementation Team, Mid Sussex  
District Council

#### FOR THE APPELLANT:

Mr C Boyle QC

He called

Mr R Rummey

Mr D Parr

Rummey Environmental  
Planning Director, Savills

#### INTERESTED PERSONS:

Ms H Bishop

Mr Meldrum

Ms H Smith

Ms S Karle

Local resident

Ardingly Parish Council

Local resident

Standgrove Field Action Group

Mr A Lambert

Local resident

## **ANNEX C DOCUMENTS**

### **Core Documents List**

- CD 1 National Planning Policy Framework (March 2012)
- CD 2 Mid Sussex Local Plan (2004) Saved Policies
- CD 3 Mid Sussex District Plan - Submission Version (July 2013)
- CD 4 Ardingly Parish Neighbourhood Submission Plan (December 2013)
- CD 5 Sustainability Appraisal including Strategic Environmental Assessment
- CD 6 Ardingly Neighbourhood Plan Consultation Statement (Dec 2013)
- CD 7 Ardingly Neighbourhood Plan Basic Conditions Statement (Dec 2013)
- CD 8 Ardingly Parish Housing Land Availability and Site Assessments
- CD 9 Ardingly Housing strategy background document (Final Revision)
- CD 10 Housing Needs Survey Report Ardingly (June 2012)
- CD 11 Ardingly Landscape Character Assessment for Ardingly Parish Council – Hankinson Duckett Associates (July 2012)
- CD 12 Mid Sussex District Council Annual Monitoring Report 2011/2012
- CD 13 Mid Sussex District Council Housing Supply Document (March 2013)
- CD 14 Mid-Sussex Local Housing Assessment – June 2011 (Oct 2011)
- CD 15 West Sussex Strategic Housing Market Assessment (2009)
- CD 16 Northern West Sussex Strategic Housing Market Assessment Update
- CD 17 A strategy for the West Sussex Landscape (November 2005) published by West Sussex Council; Update 2010
- CD 18 West Sussex Landscape Character Assessment (2003), published by West Sussex County Council
- CD 19 Mid-Sussex Landscape Capacity Study – Hankinson Duckett Associates
- CD 20 The West Sussex Landscape and Management Guidelines
- CD 21 Guidelines for Landscape and Visual Impact Assessment (GLVIA 3)
- CD 22 Landscape Appraisal (December 2011) Enplan
- CD 23 High Weald AONB Management Plan 2004
- CD 24 National Character Area Profile: 122 High Weald (Catalogue Code NE508), Natural England (2013)
- CD25 A Landscape Character Assessment for Mid Sussex, Mid Sussex DC
- CD26 MSDC 'Development and Infrastructure' SDP February 2006
- CD27 Topic paper 6 Technique and criteria for judging capacity and sensitivity – The Countryside Agency 2002.

### **Inquiry Documents**

- 1 Attendance sheets
- 2 Statement of Common Ground
- 3 Deed of Agreement
- 4 Unilateral Undertaking
- 5 Statement from Ardingly Parish Council
- 6 Statement from Ms S Karle
- 7 Statement from Ms H Smith
- 8 Extract from planning policy guidance



Richborough Estates