



Appeal Decision

Inquiry held on 11 – 13 March 2014

Site visit made on 13 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

Appeal Ref: APP/D3830/A/12/2172335

Land known as Butcher's field, South of Street Lane, Ardingly, RH17 6UL

- 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 Collingwood Neptune Ltd against the decision of Mid-Sussex District Council.
 - The application Ref 11/03383/OUT, dated 21 October 2011, was refused by notice dated 15 February 2012.
 - The development proposed is 35 dwellings, a new scout hut with associated new access, landscaping and parking, matters of layout and access to be dealt with at outline stage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect on the character and appearance of the area;
 - ii) Whether the appeal scheme would conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty;
 - iii) Whether any adverse effects of the scheme would significantly and demonstrably outweigh any benefits.

Reasons

3. *Character and appearance of the area.* The appeal site is an open field in the village of Ardingly, located within the High Weald Area of Outstanding Natural Beauty (AONB). Whilst not a specific reason for refusal, the effect on the character and appearance of the area, which includes the village of Ardingly, has been raised by interested parties. Ardingly has developed from two villages and their distinct character types are evident with quite tightly knit irregular rows of housing to the east and sparse development in larger plots to the west. Although the old villages have largely coalesced with almost continuous development to the north of Street Lane, the appeal site is part of the open, agricultural land along the south of Street Lane separating the original villages.
4. The form of the proposed development would not reflect the pattern of built development of either of the distinct character types within the village. It would be an isolated development separated from Street Lane and all surrounding housing by internal roads and planting. The proposed houses

- would extend into the field, much further than the neighbouring houses which line the street. As the appeal site sits in a prominent site at the heart of Ardingly, the effect would be particularly damaging to the pattern of development, form and structure of the village which are key elements of its character.
5. The indicative landscaping would bolster up the existing planting along Street Lane. Although compensating for the loss of protected trees, it would exacerbate its disconnection from the existing buildings within Ardingly. This would be evident in public views from Street Lane and there would be long term harm to the character and appearance of the village which would be substantial. It would be contrary to the Mid Sussex Local Plan (LP) policy B1a which consistent with the National Planning Policy Framework (NPPF) seeks to take into account the character of an area including local distinctiveness.
 6. *Area of Outstanding Natural Beauty.* The village of Ardingly lies within the AONB and the appeal site is, therefore, an integral part of the High Weald landscape. The rural appeal site is a component of a much wider area of open countryside which by its nature offers an intrinsic sense of peace and tranquillity, a key characteristic of the AONB. The proposed changed to built development would erode this characteristic resulting in some harm to the landscape character.
 7. Views from public footpaths to the south look towards the existing village and there would be little change in these views. However, the loss of small scale views of the field and longer glimpsed views of the Wealden landscape, typical of the AONB, would be a negative visual impact when viewed from the north of the site. The site is in a prominent and well used part of the village and adverse visual effect would be significant as it would be experienced by numerous local residents using Street Lane and those living opposite the site. The proposed planting, cone of view and viewing point would not compensate for the loss of the existing highly valued, uninterrupted views across the field from an easily accessible public vantage point.
 8. Dispersed settlements are a key part of the landscape and new houses in rural villages would not be unexpected within the AONB. Moreover, the landscape has changed considerably over time. Nevertheless, the aforementioned the small level of harm to the landscape character and significant adverse visual impact would fail to conserve the landscape and scenic beauty of the AONB. This would be contrary to LP policy C4 where it is consistent with the NPPF in seeking to conserve the landscape and scenic beauty of the AONB.
 9. *Planning balance and benefits.* All parties agree that the Council do not have a 5 year supply of land for housing, that there is a pressing need for housing and a specific need for affordable housing within Ardingly village. In these circumstances, the provision of 35 new houses, of an appropriate mix carries significant weight in favour of the scheme in meeting housing need in the area. The planning obligation would ensure that some 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.
 10. There would be economic benefit arising from the construction of the houses, taxes, bonuses, planning obligations and construction of the scout hut 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. New planting and open space would be of limited benefit as the site is attractively and there are already a number of public footpaths in the area. While new habitats are proposed, they are small scale and the environmental benefit would be minor.

11. The scheme makes provision for a new scout hut. This would have two benefits, firstly to replace the existing deteriorating scout hut benefitting the local community and secondly freeing up space at the school should they wish to expand in the future. There would be considerable weight attached to the benefits in this regard. Plus, the parking spaces provided could be used by the scouts and for additional parking in the area which is of some modest benefit to local residents.
12. The harm to the character and appearance of the village would be of a very high order as it affects the long term pattern of development within the village. Therefore, substantial weight is attached to the adverse effect in this regard. In addition there would be significant harm to the AONB, conflicting with local and national policy. When considered together, the adverse effects would significantly and demonstrably outweigh the aforementioned benefits arising from the scheme. In accordance with paragraph 14 of the NPPF, the scheme would not be sustainable development to which the presumption in favour applies.
13. *Other matters.* For a rural settlement within the High Weald, Ardingly has a reasonable range of services and facilities and the appeal would not fail in this respect. Traffic generation would not be significant, there is capacity to take additional cars on the local transport network, parking would be provided on the appeal site and there would be no risk to highway safety.
14. The *Ardingly Neighbourhood Plan* (NP) is an emerging document. A considerable amount of work has already been done in preparing the document. However, at this stage, because it may be subject to change, the policies and housing (including affordable housing) targets for Ardingly carry limited weight. In any event, my conclusions would not conflict with the NP. The Strategic Housing Land Availability Assessment dated 2009 to 2010 is now some 4 years old and the local plan it sought to underpin has been withdrawn, therefore, it carries very limited weight. Nevertheless, it identified the AONB as a consideration for any possible future development of the site.
15. A planning obligation has been submitted to provide contributions towards infrastructure and services to meet the needs of the development, and the Ashdown Forest Special Protection Area mitigation in the interests of biodiversity. In the light of my decision, I have not concluded on these matters. However, their provision would not alter my previous conclusions.
16. Neither these nor any of the other matters raised at the inquiry and in the written representations alter the balance of my conclusions and the appeal is dismissed.

Christine Thorby

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Byass of Counsel

He called

Mr B Hilder

Mr S Ashdown

Enplan

Mid Sussex District Council

FOR THE APPELLANT:

Mr S Bird QC

He called

Ms C Shelton

Mr A Williams

Catherine Shelton Associates

Boyer Planning

FOR THE BUTCHERS FIELD ACTION GROUP:

Mr A Parkinson of Counsel

He called

Mr R Walker

Planning Consultant

INTERESTED PERSONS:

Ms S Frohmader

Mr A Lambert

Ms N Brown

Mr R Lawson

Mr W Meldrum

Mr Fieldsend

Mrs Karle

Mr Yeatman

Butchers Field Action Group

Local resident

Ardingly Scout Group

Local resident

Ardingly Parish Council

Local resident

Local resident

Local resident

Core Documents List

CD 1 Committee Report

CD 2 Decision Notice

CD 3 National Planning Policy Framework (March 2012)

CD 4 Mid Sussex Local Plan (2004) Saved Policies

CD 5 Mid Sussex District Plan - Submission Version (July 2013)

CD 6 Ardingly Parish Neighbourhood Submission Plan (December 2013)

CD 7 Sustainability Appraisal including Strategic Environmental Assessment (December 2013)

- CD 8 Ardingly Neighbourhood Plan Consultation Statement (December 2013)
- CD 9 Ardingly Neighbourhood Plan Basic Conditions Statement (December 2013)
- CD 10 Ardingly Parish Housing Land Availability and Site Assessments (August 2013)
- CD 11 Ardingly Housing strategy background document (Final Revision November 2013)
- CD 12 Housing Needs Survey Report Ardingly (June 2012)
- CD 13 Ardingly Landscape Character Assessment for Ardingly Parish Council – Hankinson Duckett Associates (July 2012)
- CD 14 Mid Sussex District Council Annual Monitoring Report 2011/2012
- CD 15 Mid Sussex District Council Housing Supply Document (March 2013)
- CD 16 Mid-Sussex Local Housing Assessment –June 2011 (Updated October 2011)
- CD 17 West Sussex Strategic Housing Market Assessment (2009)
- CD 18 Northern West Sussex Strategic Housing Market Assessment Update (2011)
- CD 19 A strategy for the West Sussex Landscape (November 2005) published by West Sussex Council; Update 2010
- CD 20 West Sussex Landscape Character Assessment (2003), published by West Sussex County Council
- CD 21 Mid-Sussex Landscape Capacity Study – Hankinson Duckett Associates July (2007)
- CD 22 The West Sussex Landscape and Management Guidelines
- CD 23 Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published in April 2013 by the Landscape Institute of Environmental Management and Assessment
- CD 24 Butchers Field Action Group Report (December 2011) Richard Walker
- CD 25 Landscape Appraisal (December 2011) Enplan
- CD 26 High Weald AONB Management Plan 2004
- CD 27 National Character Area Profile: 122 High Weald (Catalogue Code NE508), Natural England (2013)
- CD 28 A Landscape Character Assessment for Mid Sussex, Mid Sussex DC (2005)
- CD 29 MSDC Interim SAMM Strategy
- CD 30 Topic paper 6 Technique and criteria for judging capacity and sensitivity – The Countryside Agency 2002.

Inquiry Documents

- 1 Statement of Common Ground
- 2 Development and Infrastructure Supplementary Planning Document

- 3 Planning Obligation
- 4 Letter from jnpgroup submitted by the appellant
- 5 Agreement with the Scout Association submitted by the appellant
- 6 Statement from Ms Frohmader
- 7 Tattenhall and District Neighbourhood Plan Report submitted by Butchers Field Action Group
- 8 Statement by Ardingly Parish Council

Richborough Estates