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## Appeal Decision

Hearing held on 12 August 2014

Site visit made on 12 August 2014

**by David Prentis BA BPI MRTPI**

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

**Decision date: 19 August 2014**

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**Appeal Ref: APP/D3830/A/14/2216410**

**Land south of Sunte House, off Gander Green, Haywards Heath, West Sussex RH16 1RZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Stuart Forrester against the decision of Mid Sussex District Council.
  - The application Ref 13/02587/FUL, dated 26 July 2013, was refused by notice dated 14 November 2013.
  - The development proposed is construction of 15 No residential dwellings with associated garaging/parking, formation of driveways and upgrading of existing access way.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. A signed Unilateral Undertaking (UU) was submitted at the hearing. The UU would secure the delivery of 4 of the proposed houses as affordable units and would also provide for various financial contributions. The Council confirmed that there was no objection to the UU and, moreover, that it resolved the 5<sup>th</sup> reason for refusal. I comment further on these matters below.
3. The Council's 4<sup>th</sup> reason for refusal related to drainage. The Council confirmed that following further discussion with the appellant it was now satisfied that this matter could be adequately covered by conditions. Accordingly, the 4<sup>th</sup> reason for refusal was not pursued.
4. The Council's 3<sup>rd</sup> reason for refusal refers to Policy B3 of the Mid Sussex Local Plan 2004 (LP) which seeks to protect the residential amenities of adjoining occupiers. At the hearing the Council accepted that the appeal scheme would not conflict with Policy B3 although it maintained its position in relation to the other matters covered by the 3<sup>rd</sup> reason for refusal.
5. At the hearing the appellant submitted an illustrative layout plan showing an area of open land adjacent to the footpath which runs close to the northern boundary of the site. The Council and some local residents expressed concern that this would amount to a material change to the scheme. Following further consideration over the lunch adjournment the appellant advised that this plan

should be treated as having been withdrawn. I have determined the appeal on the basis of the layout plan that was before the Council.

6. There was much debate at the hearing as to whether the proposed layout would create a public pedestrian route linking Gander Green to the above mentioned footpath. This potential new pedestrian route was seen as a benefit by the appellant although some residents were concerned that it could generate significant additional footfall within Gander Green. However, the Council and the appellant ultimately agreed that, if planning permission were granted in the terms sought, it would be for any future developer of the site to decide whether or not to permit public pedestrian access from Gander Green to the footpath. I attach little weight to the suggested benefit of such a route because there is no certainty it would be delivered. I also attach limited weight to the potential impact of such a route because there is no evidence that the level of additional pedestrian traffic would be such as to result in harm to the living conditions of the residents of Gander Green.
7. There was also debate regarding whether the proposed green space in the centre of the site would be made available as public open space. The appellant suggested that this is what was intended. However, the UU is silent on the provision of public open space within the appeal site and no alternative mechanism for securing public access was suggested at the hearing. Accordingly, I attach little weight to the suggested provision of public open space because there is no certainty that it would be delivered.

### **Main issues**

8. The main issues are: (1) the effect of the proposal on the settings of the listed buildings Sunte House and Wickham Farmhouse; and (2) whether the proposal would result in a satisfactory layout and design.

### **Reasons**

#### ***Effect on the settings of listed buildings***

##### Sunte House

9. Sunte House is a late 17<sup>th</sup> century country house surrounded by formal gardens and vestiges of its former setting within an extensive country estate. It is listed Grade II\*, placing it amongst the most important 5% of listed buildings. The house is located on an east/west ridge and the listing description notes that it has two principal elevations. One of these faces east affording views over the formal gardens and one faces south towards the appeal site. The southern elevation was added in the mid 19<sup>th</sup> century at around the same time as a new access was created. This driveway crossed what is now the appeal site on a curving alignment, terminating in a carriage circle centrally located in front of the southern elevation.
10. During the 20<sup>th</sup> century much of the land formerly associated with Sunte House was developed for housing. The southern driveway has not been used for around 20 years and, whilst its alignment can still be seen, it is largely overgrown.
11. I consider that Sunte House has historic and architectural interest as a fine example of a late 17<sup>th</sup> century country house. Its high grading indicates that it is a heritage asset of great significance. The appeal site is an area of open

grassland which is bounded by mature trees. The Council and the appellant agreed that the site forms part of the setting of Sunte House. However, there was disagreement as to the importance of the site in terms of the contribution it makes to the significance of the heritage asset. English Heritage (EH), in its written advice to the Council, commented that the site is '*critical in maintaining the open southern aspect to the house and a sense of rural isolation that would have historically existed when experiencing the house from the south*'. The Council accepted this advice and relied on it at the hearing. The appellant submitted that EH had overstated the importance of the site, arguing that the contribution it makes to the setting of the heritage asset is no more than neutral.

12. In my view the appeal site makes an important contribution to the setting of Sunte House for two main reasons. First, Sunte House was historically associated with a country estate. At the hearing there was discussion about whether this should be described as "parkland" or "agricultural land". To my mind little turns on this distinction. The key point is that the house was set within an extensive land holding. The open character of the appeal site, together with the screening effect of the surrounding trees, creates separation between the house and the 20<sup>th</sup> century suburban development to the south. The Council argued that the fact that much of the former land holding has been developed increases the importance of that which remains, rather than diminishing it as the appellant suggested. I share the Council's view on this point.
13. The second main reason is that Sunte House was extensively remodelled in the mid 19<sup>th</sup> century. A new southern elevation was created with a formal and symmetrical elevation facing a new driveway. This new southern elevation was of similar scale and proportions to the eastern elevation. The evidence strongly suggests that the relationship between the southern elevation of the house and the appeal site was a conscious act of design. The extended house was intended to provide an impressive view to those travelling along the new driveway and an equally impressive point of arrival at the southern elevation. I note that the southern driveway was not the original access to the house and that it has not been used as such for around 20 years. Nevertheless, it was the main access from the mid 19<sup>th</sup> century until the late 20<sup>th</sup> century and, importantly, was closely related to the remodelling of the house which took place in the mid 19<sup>th</sup> century.
14. The appellant pointed out that the architecture of the southern elevation is not as refined as that of the eastern elevation. In creating a symmetrical elevation the architect had to make compromises such as the inclusion of false windows and the acceptance of chimneys which are not symmetrically placed. Whilst this is a valid criticism in purely architectural terms, I consider that these compromises add to the historic interest of the listed building. They have evidential value in that they illustrate how the building has developed over time.
15. The visibility of the house from the footpath and the appeal site is restricted by a tall hedge and trees along the southern boundary of the formal gardens. Whilst I take account of this visual separation, it does not in my view negate the importance of the appeal site to the setting of the listed building. The height and density of boundary planting can vary over time according to

- natural factors and/or the management decisions of the occupiers of the property.
16. I agree with the appellant that the most important views out from the house are over the formal gardens to the east towards the lake with its backdrop of mature trees. Views to the south are partially restricted by the boundary vegetation referred to above. The relationship between the layout of the oldest part of the house and the views it gives over the gardens makes a very important contribution to the overall significance of the heritage asset. However, this assessment does not override my comments above in relation to the southern elevation. Successive phases in the life of a heritage asset can add to its overall historic and architectural interest.
  17. The main publicly accessible view of the southern elevation of Sunte House is from the public footpath at the point where it crosses the driveway. Viewpoints within the appeal site are not publicly accessible. However, the National Planning Policy Framework (the Framework) Planning Practice Guidance states that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.
  18. For the reasons given above, I consider that the open nature of the appeal site is an important part of the historic context of Sunte House. The appeal scheme would introduce a significant amount of built development into the site which would change its open rural character to that of a low density residential housing estate. An important part of the context would be lost, resulting in harm to the setting of the heritage asset. Moreover, the proposals would bring residential development close to the southern boundary of the formal gardens, significantly eroding the sense of rural isolation that currently exists. In my view the appeal scheme would result in considerable harm to the setting of Sunte House. This would result in appreciable harm to the special interest of the listed building and to its significance as a heritage asset.
  19. The appellant accepted that there would be some impact on the setting and significance of Sunte House but argued that this would be minor and would be outweighed by the heritage benefits of the scheme and by other benefits. The other benefits are discussed below. In terms of the suggested heritage benefits, these were said to be the re-opening of the southern driveway and the creation of an open vista in the central part of the site.
  20. Although the line of the driveway would be preserved, its character would be transformed in that it would become a residential estate road adjoined by houses, garages and parking areas. Very little of its former character as a simple driveway passing through open land would be evident. I do not regard this as a potential enhancement. With regard to the central vista, given that the whole of the site is currently open land, I do not consider that leaving part of it open can be regarded as an enhancement although I accept that it would reduce the degree of harm. I take this factor into account.
  21. I agree with the Council and the appellant that, in the terms of the Framework, the degree of harm to the significance of Sunte House would be "less than substantial harm". However, this is not to say that the harm would be minor or unimportant. The Framework makes clear that heritage assets are an irreplaceable resource. Moreover, there is a statutory duty to have special regard to the desirability of preserving listed buildings or their settings when

considering whether to grant planning permission<sup>1</sup>. In this case I have regard to the particular importance of Sunte House as a Grade II\* listed building. For all these reasons, I attach considerable importance and weight to the harm to the setting of Sunte House which would result from the appeal scheme.

### Wickham Farmhouse

22. Wickham Farmhouse is a Grade II\* listed building dating from the 16<sup>th</sup> century, with later additions. Neither the Council nor EH raised any objection with regard to this building. However, I agree with the submissions from local residents that the sense of rural isolation referred to above in relation to Sunte House applies also to Wickham Farmhouse<sup>2</sup>. It follows that the erosion of that rural setting would result in some harm to Wickham Farmhouse. That said, I consider that the degree of harm would be significantly less than at Sunte House because Wickham Farmhouse does not have the same historical association with the appeal site nor is there anything to suggest that there is any deliberately designed relationship here. I would characterise the degree of harm to its setting as minor. Even so, the statutory duty referred to above applies.

### Conclusions on the first main issue

23. The proposal would fail to preserve the settings of the listed buildings Sunte House and Wickham Farmhouse. In the case of Sunte House there would be considerable harm to the setting of the listed building. In the case of Wickham Farmhouse the degree of harm to the setting of the listed building would be minor. In both cases the harm to the significance of the heritage asset would be "less than substantial" in the terms of the Framework and, accordingly, the harm is to be balanced against the public benefits of the proposal. I have not identified any heritage benefits. Other benefits will be considered below. The proposal would not accord with LP Policy B10 which seeks to protect the settings of listed buildings.

### ***Layout and design***

24. The appellant explained that the design intent was to group the dwellings in a way that would create a degree of enclosure and avoid a car-dominated environment. Whilst I acknowledge that objective, I also take account of some of the difficulties with the layout identified by the Council.

25. The public footpath referred to above runs adjacent to the northern site boundary. To the east of the site the path is tightly constrained between close boarded fencing. In contrast, the section adjacent to the appeal site has a much more open character. Although it is bounded by a high hedge on the northern side, and views to the south are restricted by vegetation in some places, it nevertheless provides some longer views and has an attractive rural feel.

26. The effect of the appeal scheme would be that the greater part of this section of the footpath would be enclosed by rear garden boundaries on the southern side. The detail of these boundaries could be controlled by a condition but it can be assumed that future occupiers of the new houses would require a

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<sup>1</sup> Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>2</sup> See Residents Response to the Banner Homes Appeal submitted by Lisa James. Similar points were also made by local residents at the hearing.

reasonable degree of security and privacy. Consequently the footpath would have a much more enclosed character than it has now. This would significantly reduce the amenity value of the path to those who use it.

27. Most of the proposed houses would be grouped in clusters around landscaped courtyards. However, the four affordable units would have a different character. They would be set back from the access way behind "car barns" with a restricted outlook to the front. This would give them a somewhat cramped appearance in marked contrast to the spacious layout of the rest of the scheme. They would not be well integrated with the scheme as a whole.
28. The design of the central open space is intended to preserve the vista from Sunte House. However, the edges of the space would in the main be defined by side and rear garden boundaries. No properties would face onto this space and there would be limited natural surveillance. This would create the impression of space "left over" rather than an open space which could be seen as a positive feature of the design and layout.
29. My overall assessment is that the proposal would not result in a satisfactory layout and design. It would not accord with LP Policy B1 which seeks to promote good design and states that adequate consideration should be given to the spaces between and around buildings. Moreover, the layout would create areas of open space with limited natural surveillance. That would not accord with LP Policy B9 which seeks to ensure that the design and layout of development should minimise the potential for crime. The proposal would not accord with the Framework which, amongst other matters, promotes high quality and inclusive design and seeks to ensure that developments create safe and accessible environments.

#### **Other matters**

30. The site is in a reasonably accessible location in relation to services and facilities in the town of Haywards Heath. It is covered by LP Policy C1 which restricts development in the countryside. However, the Council accepted that it cannot currently demonstrate a five year supply of deliverable housing sites. Accordingly, it did not seek to resist the application on the basis of Policy C1. This approach was set out in the officer's report and was common ground between the Council and the appellant. Having regard to paragraph 49 of the Framework, I see no reason to disagree. Given the absence of a five year supply, the delivery of 15 units of housing, including the affordable housing secured by the UU, is an important matter which weighs in favour of the appeal.
31. Local residents are concerned about highway safety issues within Gander Green and at the junction of Gander Green with Gander Hill. However, Gander Green is a typical residential cul-de-sac and there is no evidence that it could not accommodate the traffic generated by an additional 15 dwellings. The transport assessment considered the visibility splays at the junction and found them to be in excess of current guidance in Manual for Streets. This conclusion was accepted by the highway authority which raised no objection to the proposals. Having seen the junction during my site visit, I accept the advice of the highway authority on this matter.
32. Local residents are concerned about surface water drainage. As noted above, having regard to the information in the flood risk assessment and following

further discussions with the appellant, the Council accepted that this matter could be covered by conditions. I share that view. The appellant pointed out that the provision of storage for the surface water runoff from developed areas would have the effect of reducing the runoff that currently occurs from the undeveloped site.

33. The UU would make provision for financial contributions relating to play areas and sports facilities, travel and transport, community buildings and community infrastructure, primary and secondary education, libraries and affordable housing<sup>3</sup>. Arrangements for installing a fire hydrant are also included. The amounts of the contributions have been calculated in accordance with guidance published by the County Council and the District Council. Both Councils supplied further information justifying the need for the contributions. I am satisfied that the UU accords with relevant guidance in the Framework. Accordingly, I take it into account in my decision.
34. The appellant argues that the UU should be regarded as a benefit of the proposal. However, the amounts of the contributions have been calculated so as to provide infrastructure proportionate to the needs generated by the development itself. In my view they should therefore be regarded as a neutral factor in the overall planning balance.

### **Conclusions**

35. The proposal would fail to preserve the settings of the listed buildings in question. There would be considerable harm to the setting of Sunte House and some harm to the setting of Wickham Farmhouse. For the reasons given above, I attach considerable importance and weight to the harm to the settings of these Grade II\* listed buildings. The proposal would not result in a satisfactory layout and design and would not accord with the design objectives of the LP and the Framework.
36. On the other hand, the delivery of housing, including affordable housing, in a reasonably accessible location is an important consideration weighing in favour of the appeal. The potential improvement in surface water drainage would be an additional benefit to which I attach some weight. Given the absence of a five year supply of housing sites, the Framework indicates that permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits.
37. Taking all the above matters into account, my overall assessment is that the public benefits of the scheme are not sufficient to outweigh the harm to designated heritage assets that I have identified. My concerns in relation to design and layout are a further factor weighing significantly against the appeal. I conclude that the adverse effects in relation to heritage assets and the design objectives of the LP and the Framework are such that they significantly and demonstrably outweigh the benefits.
38. I have considered all other matters raised but find nothing that alters my conclusions. For the above reasons the appeal should be dismissed.

*David Prentis*

Inspector

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<sup>3</sup> The policy requirement is for 4.5 units. The contribution is for the half unit, 4 units being provided on site.

## **APPEARANCES**

### FOR THE APPELLANT:

Andrew Bateson	AB Planning and Development
Daniel Webber	Cala Homes
Tristan Squire	Squire Heritage Consultancy
Peter Rutter	PRC Architecture and Planning

### FOR THE LOCAL PLANNING AUTHORITY:

Andy Stevens	ASP
Elaine Clarke	Community Leisure Officer

### INTERESTED PERSONS:

David Crowther	Landowner
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#### *Local residents:*

Lisa James  
Philip Rouse  
Sylvia James  
Chris Bacon  
Michael Grey  
Jim Stone  
Graham Paul  
Vivienne Hardacre  
Janice Jones

## **DOCUMENTS**

- 1 Illustrative plan submitted by appellant (subsequently withdrawn)
- 2 Unilateral Undertaking dated 6 August 2014
- 3 Statement of Common Ground dated 12 August 2014
- 4 Listing description for Wickham Farmhouse
- 5 Extract from the Council's SPD *Development and Infrastructure*
- 6 Emails relating to financial contributions for leisure and community facilities