

From: planninginfo@midsussex.gov.uk
Sent: 28 September 2026 08:05
To: planninginfo
Subject: Mid Sussex DC - Online Register - Comments for Planning Application DM/26/2178

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 28/09/2026 8:05 AM.

Application Summary

Address:	Land Between 149 And 161 College Lane Hurstpierpoint West Sussex
Proposal:	Erection 6no. dwellings with associated access, landscaping, parking and areas of open space.
Case Officer:	Susan Dubberley

[Click for further information](#)

Customer Details

Address:	Nimble Planning and Development 10 Riverside Way Bristol
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Comments Details

Commenter Type:	Agent
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	Introduction: This letter is submitted on behalf of Ms Amy Greenwell of 161 College Lane, Hurstpierpoint in formal objection to planning application DM/26/2178. The application seeks full planning permission for the erection of six dwellings, together with associated access, parking, landscaping and areas of open space, on land lying between Nos. 149 and 161 College Lane, a parcel of approximately 0.48 hectares presently used for the grazing of sheep and is read, both visually and physically, as open countryside at the northern edge of the settlement. Discussion of Scheme: The site's planning history: the 2014 refusal and the 2015 appeal dismissal The application site was the subject of a previous planning application, reference 14/03359/FUL, for the erection of three detached houses and the creation of a paddock at the rear. In refusing that application on 14 November 2014, the Council's delegated officer's report worked through each of the three roles that together comprise sustainable development under national policy. It accepted that the scheme would deliver modest economic benefits during construction and would generate a small addition to the housing supply, but it concluded that the social dimension of sustainable development was not satisfied, because the site's distance

from services and the absence of any safe walking route meant that future occupiers would in practice be dependent on the private car; and it concluded that the environmental dimension was plainly not satisfied, because the development would materially harm the semi-rural character of the site and reduce the wider views into open countryside that this part of the lane then afforded. Taken together, the Council concluded that the adverse impacts of the development would significantly and demonstrably outweigh its benefits, and refused permission accordingly.

That refusal was appealed and dismissed by the Planning Inspectorate on 13 May 2015, under reference APP/D3830/W/14/3001881. The Inspector identified two distinct and independently sufficient harms. On character and appearance, the Inspector found that, travelling north along College Lane at this point, there was a genuine and perceptible sense of leaving the built-up area and entering attractive open countryside, with mildly undulating fields, woodland and hedgerows, and that the proposed houses would result in "undesirable urbanisation of their surroundings" to the detriment of that rural character, a harm that additional boundary planting could not overcome for a considerable time, and might in any event be of only limited benefit. On accessibility, the Inspector found that College Lane lacked footways for much of its length, that the available alternative footpath was unsurfaced, poorly overlooked and unattractive to use, particularly after dark, and that the bus service serving the lane was irregular, such that future occupiers of the appeal scheme would in practice be reliant on the private car to reach the range of shops and services that Hurstpierpoint otherwise offers.

The Inspector went further than identifying harm confined to the three-house scheme then before him. He recorded, as a distinct and additional concern, that allowing even that modest development would make it more difficult for the Council to resist further piecemeal development in the surrounding area, and he identified in particular the gap of open land that would then remain towards the bungalows to the south of the appeal site as being at risk of exactly that kind of incremental encroachment, noting that the appeal site was not a small, well-contained plot where any such further development could easily be resisted.

Full weight should be given to both the delegated officer's report of 14 November 2014 and the appeal decision of 13 May 2015. Neither has been superseded by any subsequent, independent assessment of this particular site; DM/24/1139 relates to a different, adjoining parcel of land, considered on its own facts and in different circumstances, as set out in the following section.

The neighbouring permission (DM/24/1139) does not make this site acceptable

Since the 2015 appeal decision, an application for seven detached dwellings on the adjoining land to the south, at 147-149 College Lane, was approved by the Council on 17 March 2025 under reference DM/24/1139. The applicant's Planning and Heritage Statement for the current scheme relies heavily on that permission, arguing that it has converted the application site into what the Statement describes as land that would "complete the gap" between existing and approved development, and invoking Policy S5(1)(e) of the National Planning Policy Framework on that basis.

DM/24/1139 was a decision about a different site, assessed on its own layout and mitigation. The officer's report for that scheme placed particular weight on the fact that the development would sit in a rearward position, with the site's vegetative boundaries reinforced and retained, softening its appearance, and concluded on that basis that the scheme would "preserve the semi-rural character" of the area. Whatever the merits of that conclusion on its own facts, an approval granted in reliance on a particular layout and landscaping strategy for one parcel of land cannot properly be read across as establishing the acceptability, in principle, of built development on the neighbouring parcel, still less a parcel already found by an Inspector to perform a distinct and valuable function in maintaining the open character of the lane.

More fundamentally, DM/24/1139 was determined under the national policy framework then in force, prior to the National Planning Policy Framework being reissued in its current form. At the time of that decision, the Council's inability to demonstrate a five-year housing land supply meant that countryside-restraint policies such as DP6 and DP12 attracted only limited weight. As explained fully below, the position under the current Framework is materially different, and a demonstrably stricter test now applies to proposals of this kind, such that a scheme judged marginally acceptable in March 2025 cannot simply be assumed to remain so today.

The very risk the Inspector identified in 2015, that permitting development on this land would make it harder to resist further piecemeal encroachment towards the south has, to a significant extent, already come to pass through the grant of DM/24/1139. That is a reason for the Council to resist further encroachment at this, the next parcel along the lane, rather than a reason to treat the erosion that has already occurred as a licence to continue it. Using one permission to justify the next, and in due course the next again, is precisely the incremental process that both

the 2015 Inspector and Policy DP13 of the District Plan exist to guard against. It should also be noted that the Council's pre-application response to the current scheme, dated 26 May 2026, records in terms that, considered on its merits and without reference to DM/24/1139, the proposal would conflict with Policies DP6, DP12 and DP15 of the District Plan. It is only through analogy with the neighbouring permission that the case officer was prepared to entertain the possibility that the site might be viewed as infill development. This chain of reasoning is inherently fragile, resting as it does on a single recent decision rather than on any independent assessment of the application site's qualities, and that it ought not to be treated as a sufficient basis on which to overcome the clear and directly applicable findings of the 2014 refusal and the 2015 appeal decision.

National policy has changed materially since DM/24/1139 was determined. The National Planning Policy Framework has been restructured since DM/24/1139 was approved in March 2025, and this change is directly material to how DM/26/2178 should now be assessed. The current Framework organises the presumption in favour of sustainable development around a clear distinction between proposals within settlements, to which Policy S4 applies, and proposals outside settlements, to which Policy S5 applies. It is Policy S5 that governs the application site, which lies outside the defined built-up area boundary for Hurstpierpoint.

Policy S5(1) sets out a closed list of forms of development that should be approved outside settlements. The proposal does not fall within most of these categories, including those relating to agricultural, forestry, rural business, previously developed, exception-site or traveller uses. The only categories on which the applicant could realistically rely are, therefore, limited infilling within groups of houses at Policy S5(1)(e), and development addressing an evidenced unmet housing need at Policy S5(1)(j).

It is not accepted that the proposal amounts to limited infilling within a group of houses. As set out above, the Council's case officer recorded continuing concern about the quantum of development towards the rear of the site even after the scheme was reduced from seven to six units, observing that this reduction had been achieved by merging two smaller units into one larger unit such that there was "little visual reduction in practice", and that the resulting scale still felt too urban for what remains an edge-of-settlement rural location.

A scheme whose bulk and footprint extend rearward, behind the College Lane frontage and into land that has never previously been built upon is not properly described as limited infilling; it mirrors, in material respects, the form of development found unacceptable by the Planning Inspectorate a short distance to the south of this site, at Hurst Wickham Barn, where two appeals were dismissed in May 2018 (Appeal Refs: APP/D3830/W/17/3191742 and APP/D3830/W/18/3194173) because the proposed layout, set back from the road with a denser and more suburban grain than its surroundings, eroded the clear edge of the settlement and introduced what the Inspector there described as an "uncharacteristic backland form". Nor is the alternative route in Policy S5(1)(j) available to the applicant. That policy requires, cumulatively that the development address an evidenced unmet need, that the site be physically well related to the existing settlement, and that its scale be one that existing or proposed infrastructure can accommodate. On the evidence below, the site's relationship to the settlement is precisely what the 2015 Inspector found to be poor, and the character, highway and drainage concerns identified in this letter indicate that the local landscape and infrastructure are already under pressure from the cumulative effect of nearby committed development.

Where, as here, a proposal outside a settlement does not fall within one of the specific categories in Policy S5(1), Policy S5(4) applies, and it is important to set out precisely how that test differs from the position that applied when DM/24/1139 was determined. Under the Framework then in force, a shortfall against the Council's five-year housing land supply engaged under the tilted balance: permission was to be granted for a proposal such as this unless its adverse impacts would significantly and demonstrably outweigh its benefits when assessed against the Framework as a whole. That was, in substance, a permissive default, weighted in favour of granting permission unless a clear case for refusal could be demonstrated.

Policy S5(4) of the current Framework does not carry that default forward. It provides instead that development outside settlements which does not fall within one of the defined categories should only be approved in exceptional circumstances, and only where its benefits would substantially outweigh its adverse effects, including harm to the character of the countryside. The default has, in substance, been reversed: development of this kind must now affirmatively establish itself as exceptional. This is a material change in circumstances since DM/24/1139 was determined, that applies to DM/26/2178, and it strengthens the case for refusal. On the

evidence before the Council, the delivery of six market dwellings does not begin to demonstrate the exceptional circumstances that Policy S5(4) now requires.

Conflict with the Mid Sussex District Plan

Policy DP12, Protection and Enhancement of Countryside, protects the countryside in recognition of its "intrinsic character and beauty", and permits development outside built-up area boundaries only where it maintains or, where possible, enhances the quality of the rural and landscape character of the District, and only where the development is necessary for the purposes of agriculture or is supported by a specific policy reference elsewhere in the development plan. The application site meets neither limb of that test: the development is plainly not necessary for agriculture, and no other policy reference supports residential development here in its own right.

Policy DP15, New Homes in the Countryside, permits new homes in the countryside only where special justification exists, subject to compliance with Policy DP12. The recognised categories of special justification, as reflected in the Council's pre-application advice, comprise essential agricultural or forestry workers' accommodation, exceptional design quality for isolated new homes, rural exception sites, and schemes that independently satisfy the requirements of Policy DP6. None of the first three applies to this proposal, leaving Policy DP6 as the sole potential route to compliance, considered next.

Policy DP6, Settlement Hierarchy, supports the expansion of settlements beyond their built-up area boundaries only where the site is contiguous with the existing built-up area of the settlement and where the development is independently demonstrated to be sustainable, having regard to the settlement hierarchy. As addressed below, the sustainability of this location has, to date, been asserted by reference to DM/24/1139 and this is not sufficient to discharge the test that Policy DP6 imposes.

Policy DP13, Preventing Coalescence, exists to ensure that development does not, individually or cumulatively, erode the separate identity of settlements or the openness that lies between them. The incremental pattern of permissions now emerging along this stretch of College Lane, considered together with the Council's emerging evidence base for further growth in this general area, is precisely the cumulative process that this policy is designed to prevent, and the 2015 appeal decision shows that this risk was foreseen in relation to this very site a decade ago.

Policy DP21, which requires development to be sustainably located so as to minimise the need to travel and to reduce reliance on the private car, is addressed below in the context of the site's continuing accessibility constraints. Policy DP26, Character and Design, requires that development should not cause significant harm to the amenities of existing residents, including their privacy, outlook, daylight and sunlight, and its application to 161 College Lane is addressed in full below. The landscape and visual dimension of Policy DP12, together with the loss of rural character and of the open gap that this stretch of College Lane presently retains, is addressed below.

Planning Harm:

Visual and landscape harm, and loss of the open gap

The submitted site plan shows all six dwellings arranged along a single access road that runs the full depth of the site, extending progressively further from College Lane as it proceeds eastwards, with dwellings positioned not only along the frontage but also towards the centre and the rear of the site, in land that has never previously accommodated any built form. This is not a contained, frontage-only scheme of the kind that might reasonably be described as filling a gap in an existing built-up frontage; it is, in substance, a spreading, in-depth pattern of residential development that projects built form well beyond the line of existing houses along College Lane and into what remains, at present, open and undeveloped countryside. The effect of the layout is of development sprawling backwards from the lane, across the depth of what is currently a single open field.

The site continues to perform the function the Planning Inspector identified in 2015: it marks the point at which the built-up character of Hurstpierpoint gives way to open countryside, with post-and-rail boundary fencing, hedgerow planting and grazing land combining to create a genuinely rural setting. The introduction of six substantial, two-storey dwellings across the depth of that land would replace this rural setting with a visually dense and unmistakably suburban form of development, of the kind found unacceptable in this general area both by the Inspector in 2015 and, more recently, in the Hurst Wickham Barn appeals of 2018. Policy DP12 of the District Plan requires that development in the countryside must maintain, or where possible enhance, the quality of the rural and landscape character of the District, and Policy DP26 requires that new development create a sense of place that addresses the character and scale of the surrounding landscape and protects open spaces that contribute to the character

of the area. A scheme of this scale and depth cannot properly be said to maintain that character.

The application site has long been recognised as forming part of a wider area of open land separating the built-up area of Hurstpierpoint and Hurst Wickham from the countryside beyond, a function reflected historically in the local and strategic gap designations considered in the 2015 appeal decision. Policy DP13 of the District Plan continues that objective today, seeking to prevent development that would, individually or cumulatively, erode the openness between settlements or introduce an unacceptably urbanising effect on the land between them. The approval of DM/24/1139 has already consumed a significant part of the undeveloped land in this location; the application site represents, in substance, what remains of the open gap on this side of the lane. Were DM/26/2178 to be permitted, that gap would be filled almost in its entirety, leaving no meaningful separation between the built form now extending along College Lane and the open countryside beyond, and removing the last opportunity to arrest the incremental process of coalescence against which the 2015 Inspector expressly warned.

The harm described above would be experienced by a range of visual receptors: by users of College Lane itself, whether on foot, by cycle or by car, for whom the open aspect on this side of the lane would be replaced by a near-continuous run of built development; by users of the public footpath that crosses the wider area to the west of the site; and by neighbouring residents.

Taken together, the sprawling, in-depth form of the proposed layout, the resulting harm to the rural character that the site presently retains, and the loss of what remains of the open gap on this side of College Lane amount to landscape and visual harm of a similar nature, and materially greater severity, than that already found unacceptable by the Planning Inspectorate in 2015. That harm is compounded by the recent approval of DM/24/1139, and it should be given full weight in the Council's determination of the present application.

Harm to the residential amenity of 161 College Lane

As a result of the layout, the proposed dwellings and their garden curtilages are positioned close to each of the site's boundaries, including the boundary shared with Ms Greenwell's property at 161 College Lane.

The scale and massing now proposed close to that shared boundary represents a marked and adverse change from the open, undeveloped outlook that Ms Greenwell's property has enjoyed to date. The dwellings shown on the submitted plans are substantial units of two-storey height, set with limited separation from the boundaries of the site; this is a materially more enclosed and built-up relationship than the single, open field boundary that presently exists.

The proposal also includes new windows in close proximity to the site's boundaries. The applicant's Planning Statement asserts, in general terms only, that the layout, orientation of the dwellings and proposed boundary landscaping would prevent unacceptable overlooking, loss of privacy or an overbearing impact. On the evidence submitted, it has not been demonstrated that windows facing towards Ms Greenwell's garden have been avoided, angled away, fitted with obscure glazing, or otherwise designed out, contrary to the requirement in Principle DG45 of the Mid Sussex Design Guide SPD that an applicant must demonstrate how privacy will be achieved between new and existing development, having regard among other matters to the relationship of buildings to one another, their relative height, and the position and arrangement of habitable room windows.

A closely related but distinct concern arises from overbearing impact; Ms Greenwell's garden and the rear of her home currently look out over open, undeveloped land, with only intermittent hedgerow and post-and-rail boundary treatment interrupting that outlook. The introduction of two-storey built form close to that boundary, at a scale the Council's officer has already questioned as too urban for this location, would be experienced as a significant and immediate visual enclosure of that outlook, quite apart from any strict daylight or sunlight calculation that might separately be carried out. Policy DP26 of the District Plan requires that new development should not cause significant harm to the amenities of existing residents, including their outlook, and the Mid Sussex Design Guide SPD identifies the relative height and positioning of new buildings, and the relationship of gardens to adjacent buildings, as central factors in assessing that harm. On the evidence presented with this application, this test has not been met in relation to No. 161, and the harm to Ms Greenwell's amenity has not been properly assessed, still less avoided, by the scheme as submitted.

Ms Greenwell has already written directly to the case officer inviting a site visit to her property, so that the relationship between her garden and the application site, including the extent of existing screening and the openness currently enjoyed, can be assessed and understood at first hand. That invitation is repeated formally in this letter, and it is requested that it be accepted, and that a visit take place, before the application is determined.

The location remains unsustainable, exactly as found in 2015

The findings made by the Inspector in 2015 as to the accessibility of this site were not tied to any temporary or changeable condition; they rested on the fixed physical characteristics of College Lane itself, including its width, the absence of footways along much of its length, the poor quality of the available alternative footpath, and the irregularity of the bus service. None of those characteristics has changed. The applicant's Transport Statement continues to record that there is no dedicated footway in the vicinity of the site, with the nearest formal footway beginning several hundred metres to the south, and that the nearest bus stops lie over a kilometre away, requiring a walk along an unlit, unpaved section of the lane to reach them.

The Council's pre-application response to the current scheme reasoned, in essence, that because the adjoining DM/24/1139 site had been treated as sustainable, the same conclusion should follow for this site. This is not a substitute for the independent, site-specific sustainability assessment that Policy DP6 and Policy DP21 of the District Plan both require. The 2015 appeal decision represents an independent, evidence-tested assessment of this site's accessibility, reached after a site visit and a full hearing of the arguments on both sides; nothing has been put forward in support of DM/26/2178 to show that its conclusions on that issue no longer hold, and they plainly do, given that the physical layout of College Lane is unchanged.

The consequence of granting permission in these circumstances would be to add a further six households, and the associated daily trips for work, school and everyday services, to a lane that the Inspector in 2015 found could not sustainably accommodate even three additional households, without any corresponding improvement in footway provision, street lighting or public transport frequency having been secured. That outcome would be directly contrary to the objectives of Policy DP21 of the District Plan and to the broader emphasis the current National Planning Policy Framework places, in Policy S5(1)(j), on development outside settlements being physically well related to, and capable of being properly served by, the settlement it adjoins.

Cumulative impact with committed development

DM/24/1139 is now a committed development immediately adjoining the application site, and its effects should be assessed cumulatively alongside DM/26/2178. College Lane already carries traffic generated by Hurstpierpoint College, whose senior school and sixth form entrance lies on the lane itself, in addition to ordinary residential traffic and construction traffic associated with the seven dwellings now being built to the south; the addition of a further six households, sharing the same constrained, part-unlit and largely footway-free carriageway, would compound pressure on a route that has not been shown to have any material spare capacity.

A similar concern arises in relation to foul drainage. The information submitted with this application estimates only an anticipated additional flow to the existing foul sewer serving College Lane, without independent, site-specific confirmation from the statutory undertaker that the downstream network has capacity to accommodate that flow once the demands of DM/24/1139 are also taken into account. The Council's drainage consultees are asked to confirm, on a combined basis reflecting both committed schemes, that the capacity of the local foul sewer network has been properly assessed before any decision is made on DM/26/2178, and that the same combined approach be applied to the assessment of highway capacity and safety along College Lane.

Conclusion

The harms identified by the Council and by the Planning Inspectorate in 2014 and 2015 have not been overcome by the current proposal; if anything, they have been magnified, because the scheme now before the Council provides for twice as many dwellings as the development already refused, extending further to the rear of the site, into land never previously built upon, than that earlier scheme did. The one material change since 2015, the grant of planning permission on the adjoining land to the south, does not establish that the application site is now acceptable; on the Inspector's reasoning in 2015, it is a reason for the Council to hold the line at this next parcel, not a reason to extend the pattern of building further. And national planning policy, far from having relaxed in the intervening period, has moved to a materially stricter test for development of this kind outside settlements.

For the reasons set out in this letter, it is respectfully requested that the Council refuse planning permission for application DM/26/2178. It is further requested that full weight be given to the delegated officer's report of 14 November 2014 and to the appeal decision of 13 May 2015 (APP/D3830/W/14/3001881), both of which remain directly relevant to this site and have not been superseded by any subsequent, site-specific assessment. It is requested that Ms

Greenwell's invitation to the case officer to visit 161 College Lane be accepted as part of the Council's assessment of the application, so that the relationship between her garden and the site can be understood at first hand. And it is requested that DM/24/1139 be treated as committed development for the purposes of cumulative traffic, drainage and character assessment.

Kind regards