

**IN THE MATTER OF AN INQUIRY TO DETERMINE AN APPEAL
UNDER S.78 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

MADE BY CHURCHILL LIVING

**REDEVELOPMENT FOR RETIREMENT LIVING ACCOMMODATION
FOR OLDER PEOPLE COMPRISING 41NO. APARTMENTS
INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING AND
LANDSCAPING**

68 & 70 KEYMER ROAD, HASSOCKS, BN6 8QP

OPENING STATEMENT FOR MID-SUSSEX DISTRICT COUNCIL

1. The Appellant seeks planning permission for a retirement living scheme consisting of 41 apartments, communal facilities, access, car-parking and landscaping.
2. The application was refused for three reasons. However, the third reason for refusal (relating to the provision of affordable housing and infrastructure) has now been addressed to the Council's satisfaction by way of a planning obligation, the content of which has been agreed between the Council and the Appellant.
3. Consequently, the remaining issues in dispute between the Council and the Appellant are:
 - (1) The effect of the proposed development on the character and appearance of the area;
 - (2) The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, with particular regard to privacy, noise and disturbance, and light pollution; and
 - (3) The planning balance, including the benefits of the scheme.

(1) The effect of the proposed development on the character and appearance of the area

4. The Council will demonstrate that the footprint, scale and mass of the building would result in an overdevelopment of the plot which would, in turn, be harmful to local character and visual amenity.
5. In particular, the Council will demonstrate that the proposed scale of the building in its immediate context, primarily due to its large southern projection, would not reflect or address the character and scale of the surrounding buildings and townscape.
6. The building would be visible from surrounding public and private viewpoints, where it would appear as an incongruously large structure relative to those surrounding it.
7. The Council will invite the Inspector to compare the proposals with developments in the locality and, in particular, the Villa Adastra Care Home and Orion Parade, in order to illustrate its concerns.
8. While the Council does not have any objection to other aspects of the design, such as the architectural detailing and materials, the size of the building in and of itself is such that would cause harm to the character and appearance of the area so that the scheme would be contrary to policies Policy DP26 of the District Plan and Policy 9 of the Neighbourhood Plan. It would furthermore fail to comply with Principle DG39 of the Design Guide SPD.

(2) The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, with particular regard to privacy, noise and disturbance, and light pollution

9. There are two aspects to the Council's concern in respect of the living conditions of neighbouring residential occupiers.

10. First, the Council will demonstrate that the proposed carpark and scooter store which are proposed to be located immediately adjacent to the boundary with 66A Keymer Road, will lead to significant harm to the occupiers of that dwelling by reason of noise and lighting (in the form of headlights from cars using the carpark).
11. Secondly, the Council will demonstrate that the scheme would cause harm to the privacy of adjoining occupiers and, in particular, the occupants of 72 Keymer Road and 9 and 10 The Minnells.
12. Consequently, the appeal proposals would conflict with Policy DP26 District Plan and Policy 9 of the Neighbourhood Plan.

(3) Planning Balance

13. The Council will demonstrate that the appeal proposals conflict with the Development Plan when taken as a whole. The Appellant does not argue that the tilted balance in paragraph 11 of the NPPF is engaged, whether by reference to the Council's housing land supply position, or otherwise.
14. The Council accepts that the appeal proposals would deliver benefits in the form of housing and, in particular, specialist housing for older persons for which there is an identified need in the district. The delivery of the appeal scheme is likely to free up some under-occupied mainstream housing. There would also be tangential economic benefits related to the construction and occupation of the scheme.
15. However, the Council will demonstrate that these benefits, such as they are, are not sufficient to outweigh the harm arising from the conflict with the Development Plan and that planning permission should be refused.

10 September 2024

**Jack Parker
Cornerstone Barristers**