

Croudace Homes Ltd
Mr Paul Carnell
Strutt And Parker
201 High Street
Lewes
BN7 2NR

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ENGLAND) ORDER 2015

REFUSAL

REFERENCE: DM/22/2416

DESCRIPTION: OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 120 RESIDENTIAL DWELLINGS INCLUDING 30% AFFORDABLE HOUSING, PUBLIC OPEN SPACE AND COMMUNITY FACILITIES. ALL MATTERS ARE RESERVED EXCEPT FOR ACCESS.

LOCATION: LAND SOUTH OF HENFIELD ROAD, ALBOURNE, WEST SUSSEX,

DECISION DATE: 25 NOV 2022

CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **REFUSE** to permit the above development as shown in the submitted application and plans.

The reasons for the Council's decision are:-

1. National planning policy states that planning should be a plan-led system. The application site lies within countryside and the proposal would be contrary to the Development Plan. The Council can demonstrate a five year housing land supply. As a result, at this stage in the plan, there is not a need for this site to be developed. The proposal is therefore contrary to the plan led system of development management that is set out in paragraph 15 of the NPPF. The proposal would not maintain or enhance the quality of the rural and landscape character of the District. The development therefore conflicts with Policies DP6, DP12 and DP15 of the Mid Sussex District Plan 2014-2031 and Policies ALC1 and ALH1 of the Albourne Neighbourhood Plan. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan.

2. The introduction of up to 120 dwellings within this location will bring forth a sense of urbanisation and will in turn disrupt the balance of elements in the view from PRoW 12_1Al and 15_1Al. As such, the proposed development would have an adverse effect on landscape character and visual amenity. The site that has not been allocated for development in a Development Plan Document under the plan led process, and at this stage in the plan, there is not a need for this site to be developed. The proposal is therefore contrary to the plan led system of development management that is set out in paragraph 15 of the NPPF. The proposal thereby conflicts with Policy DP12 of the District Plan, Policy ALC1 of the Neighbourhood Plan and the provisions of the NPPF.
3. The proposed development would result in harm to the setting of the Albourne Conservation Area and to the settings of the following listed buildings (Hunters Cottage, Bounty Cottage, Finches, Souches, Spring Cottage, and Inholmes Cottage). The proposal therefore conflicts with Policies DP34 and DP35 of the District Plan. This harm is categorised as falling within the bracket of 'less than substantial' as defined by the NPPF. The public benefits of the proposal (additional housing, including affordable housing, additional spending in the local economy and additional economic activity during the construction phase) do not outweigh the harm to the heritage assets of the Albourne Conservation Area and the listed buildings referred to above that would arise from this proposed development on a site that has not been allocated for development in a Development Plan Document under the plan led process. As the public benefits of the proposal do not outweigh the less than substantial harm (which must be given significant weight to reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990) that the preservation of the setting of listed buildings is desirable, the proposal conflicts with paragraph 200 of the NPPF as there is not clear and convincing justification for the harm to these heritage assets.
4. The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing contributions required to serve the development.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Access Plan	093.0002.002	C	01.08.2022
Access Plan	093.0002.005	C	01.08.2022
Location Plan	3117-A-1001-PR	C	01.08.2022
Access Plan	3117-A-1202-PR	C	01.08.2022



Assistant Director Planning and Sustainable Economy

REOUTZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).