WELBECK LAND (FELBRIDGE)
LIMITED

FELBRIDGE NURSERIES
CRAWLEY DOWN ROAD
FELBRIDGE
WEST SUSSEX
RH19 2PS

PLANNING STATEMENT

December 2011
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1.0 INTRODUCTION

1.1 This application has been submitted on behalf of Welbeck Land (Felbridge) Limited (the applicant) to inform a full planning application at Felbridge Nurseries, Crawley Down Road, Felbridge, West Sussex, RH19 2PS. The application proposes the following:

‘The demolition of the existing buildings to provide 10 no detached family houses, together with associated garages, landscaping and open space’

1.2 The application is submitted in detail and therefore includes the following documents:

- Design and Access Statement prepared by OSP Architecture
- Site plan prepared by OSP Architecture
- Submitted plans and drawings prepared by OSP Architecture
- Transport Assessment prepared by Motion
- Travel Plan prepared by Motion
- Landscape Strategy prepared by Chris Blandford Associates
- Ecological Assessment prepared by Ecology Solutions
- Geo-Environmental Assessment prepared by WSP
- Flood Risk Assessment prepared by WSP
- Sustainability Report prepared by WSP
- Code for Sustainable Homes Report prepared by WSP

1.3 Mid Sussex District Council has previously confirmed in writing (1 July 2008) that the development of this site for a greater quantum of development than is now proposed (18 dwellings), a care home for the elderly and B1 commercial floorspace does not constitute EIA development and therefore no Environment Impact Assessment was required.
2.0 THE SITE, SURROUNDINGS AND PLANNING HISTORY

2.1 The application site is a former horticultural nursery located 110 metres to the west of the settlement boundary of Felbridge. The village lies within the neighbouring district of Tandridge, in the county of Surrey, yet it abuts the larger settlement of East Grinstead to the east. The site is located within designated countryside but has been confirmed as Previously Developed Land (PDL) by Mid Sussex District Council (application reference 10/00645/LDC).

2.2 The site extends to 3.6 hectares, the majority of which is covered by c.20 dilapidated and disused glasshouses, polytunnels and associated buildings. This includes the detached house known as Halidon, which is within the applicants' ownership but outside the ‘red line’ of the application site.

2.3 The nursery has ceased to be operational and therefore is vacant. The site has been vandalised on several occasions in the past year, and has attracted criminal behaviour including theft as well as vandalism and anti-social behaviour. It is understood that the vulnerability of the site to anti-social and criminal behaviour is of increasing concern.

Planning history

2.4 The most relevant and recent planning history is detailed below.

2.5 Application reference 08/03164/OUT dated September 2008 was refused by notice on 24 February 2008. The application sought consent for ‘the erection of 18 dwellings a care home for the elderly, commercial floorspace (Class B1), two areas of landscaped open space, associated landscaping, means of access and any other associated works’

2.6 This decision was the subject of an appeal (APP/D3830/A/09/2107392) which was dismissed on 13 November 2009 (Appendix 1). The inspector’s principal conclusion was that whilst there was an acknowledged housing need in the district, including residential care homes, the need for development on the site has not. This is because the Inspector concluded that the need for development did not outweigh his finding that the proposal would materially harm the rural character of the area when regard is had to local and national planning policies to protect the countryside.

2.7 In the appeal decision the inspector also concluded that the site is not a prime location for employment as there was no evidence presented showing a shortfall in employment land in the area and it was not the Council’s intention to include employment land in this location within the Core Strategy. However it was acknowledged that the wholesale and distribution element of the nursery business meant that the site should be considered as brown field.
2.8 In the light of the inspector’s conclusion that the site should be considered as previously developed, an application was made for a Certificate of Lawfulness for ‘mixed use of (1) wholesale and retail sale, (2) storage and distribution of plants with ancillary packing and processing of products, and (3) a traditional horticultural nursery use’ (10/00645/LDC). The Council concluded that the existing use of the site is lawful and issued a certificate to this effect on 11 May 2010 (Appendix 2).
3.0 PLANNING POLICY CONTEXT

3.1 This application has been prepared and submitted in the context of adopted and emerging national planning policy guidance, the statutory development plan and supplementary planning documents and other material considerations as required by section 38 (6) of the Planning and Compulsory Purchase Act 2004.

3.2 The statutory development plan comprises the South East Plan (May 2009), the saved policies of the Mid Sussex District Local Plan, 2004 and the Small Scale Housing Allocations Development Plan Document, April 2008. The Council is also consulting upon its Draft Core Strategy (October 2011), consultation closes in January 2012. The strategy

3.3 The Government's draft National Planning Policy Framework (NPFF) is also relevant in the context of its intention to increase significantly the delivery of new homes, increasing the supply of housing, delivering a wide choice of high quality homes that people want and need and widening the opportunities for home ownership. Paragraph 75 of the NPFF states that applications for alternative uses for employment land should be treated on their merits having regard to market signals and the relevant need for different land uses.

3.4 The following sections of this statement will consider the proposed scheme in the light of development plan policy, emerging policy and other material considerations, particularly recent planning history and pre-application advice received from Mid Sussex District Council.
4.0 THE PROPOSED DEVELOPMENT

4.1 This section considers the development in the context of adopted and emerging national and development plan policy, the recent planning history of the site, its status as previously developed land and the disrepair of the existing buildings.

4.2 It has been established that the site is PDL and that the existing use of the site for the cultivation, wholesale, storage and distribution of plants is redundant and this operation ceased in its entirety in 2006 due to a significant decline in business. The site is therefore vacant although a number of buildings remain in a poor state of repair and have become targets for criminal and anti-social behaviour.

4.3 Since the dismissal of the appeal for a mix of residential, care home and B1 uses on the site careful consideration has been given to the future of this redundant site in the light of the inspector’s conclusions regarding sustainability and harm to the rural character of the area. A number of possibilities for the site have been explored with regard to its location, rural character and deliverability.

Pre-application options

4.4 The applicant has marketed the site for commercial use since 2009. Whilst there was some interest in part of the site for commercial activities there was significantly less interest for the whole site for commercial use. The limited interest in the site is perhaps unsurprising as the inspector noted in paragraph 23 of the decision notice, this site is not in a prime employment location. Further any viable use of the site for commercial purposes could also give rise to the need for a more intensive use of the site giving rise to the potential for a greater level of traffic generation than currently occurs.

4.5 The option for a mix of residential and B1 uses was also considered along side options for a much higher density of residential development. The residential schemes were reflective of the density requirements of Planning Policy Statement 3 ‘Housing (PPS3) prior to its revision. However it was concluded that mixed use development and a higher density residential scheme would not address the concerns that the inspector expressed in respect of the previous, refused scheme.

4.6 Having tested a number of options for the site, it became apparent that low density housing with landscaped open space would be the least intrusive form of development. On this basis pre-application advice was sought from officers and a site inspection took place with officers and Member of the Council on 8 August 2011. Following this meeting a scheme was prepared for 12 residential dwellings and landscaped open space. Feedback from officers was received on 12 September 2011 (Appendix 3). The key points raised in relation to this proposal are set out below.
Officer’s pre-application advice

4.7 Notwithstanding the concerns over the development of the site because of its distance from key services and location within defined countryside, it is acknowledged that the continued dilapidation of the site could cause greater harm to the character of the area than a carefully planned development. Therefore any development must protect or enhance the rural character of the site and avoid a suburban feel.

4.8 It was noted that the creation of a large area of appropriately landscaped open space would reduce the visual impact of the ‘ribbon’ of development along Crawley Down Road. However it was considered that the number of units, 12, still created a suburban feel at the western end of the site. To this end, it was suggested that the number of units be reduced in order to give a more spacious feel to the proposed development.

4.9 It was also noted that boundary treatments would be important in creating a pleasant development that was reflective of the need for residential amenity and the rural character of the site to be protected.

Response to officer’s comments

4.10 The balance of ensuring that over development does not outweigh the benefit of bringing the site back into beneficial use, and improving its character has shaped the design strategy for the site. This objective has been reflected in the layout, detailed design and landscape strategy for the site.

Amount

4.11 The development comprises 10 detached dwellings with a substantial area of landscaped open space (1 hectare). The proposed development will substantially reduce the amount of development on the site of which 77% is presently covered with built structures. This proposal significantly reduces the amount of built development on the site to 16%. The openness of the site is therefore greatly increased.

4.12 The amount of proposed development will also significantly reduce the amount of vehicle movements in and out of the site than existing when the site was operational and than the amount proposed by the revised scheme. The application is supported by a Transport Assessment and a Travel Plan, which set out the low level of traffic that will be generated by the scheme and measures which should be adopted to further reduce car reliant travel.

Layout

4.13 The proposed dwellings are distributed across the site, with 6 dwellings located on the eastern part of the site closest to existing development and the remaining 4
dwellings on the western part, adjacent to two existing dwellings. The open space lies between the proposed development and forms the majority of the site’s frontage on to Crawley Down Road. In addition to the substantial frontage provided by the open space the proposed dwellings are set well back from Crawley Down Road in order to preserve the rural feel of the road.

**Visual impact**

4.14 It is noted from the appeal decision that the inspector acknowledged the views of the existing structures looking west along Crawley Down Road, but concluded that they did not harm the rural feel of the site. However the 2-2.5 storey development than proposed would “exert a more suburban influence on the locality”. This was also referred to by officers in the pre-application advice of 12 September.

4.15 In acknowledging the inspector’s comments it was suggested that a reduction in the number of dwellings would assist in reducing any perception of a suburban feel. Therefore, the number of units across the site has been reduced in order to ameliorate any suburban effect of the development, in accordance with officers’ advice. All proposed dwellings are 2 storeys in height.

4.16 In order to test the visual impact of the proposed development the application is accompanied by a Landscape and Visual Appraisal. Section 7 of the appraisal concludes that the replacement of the semi-derelict structures with a well treed area of open space and the small clusters of dwellings set in large gardens would result in an overall enhancement in the visual amenity and openness of existing views. The detailed analysis of the visual impact of the proposed development confirms that the scale of the development, both in terms of the amount and height of development, would not compromise the rural character of the site’s surroundings.

**Boundary treatment and landscaping**

4.17 Section 6 of the Landscape and Visual Appraisal addresses the landscaping proposals for the site. This confirms that most existing landscape features would be retained and enhanced through the introduction of further tree and shrub planting using predominately native species. This will achieve a well treed open area of 1 hectare in the central part of the site and visual separation between the road and proposed housing. In order to avoid a suburban feel the landscaping strategy will have an emphasis on informal and naturalistic design.

4.18 In terms of boundary treatments, new oak trees would be planted along the southern side of Crawley Down Road, on the inner edge of the re-located site frontage hedgerow which would be reinforced. Tree and shrub planting would soften fenced boundaries where these are required. Post and rail fences would be used together with tree and shrub planting between residential properties.
4.19 In order to reduce any perception of the development having a suburban feel, footpaths will be surfaced with clay blocks of varying sizes, colours, and textures. Vehicle accesses would also be surfaced with clay blocks of various colours and textures.

Conclusions

4.20 Pre-application work has been undertaken in order to develop a scheme that could bring the site back into beneficial use, but also addresses the concerns raised by the Inspector in respect of a previous scheme. This work undertaken has been done in consultation with Mid Sussex District Council and it is considered that the proposals address the comments previously made by both the inspector in respect of the previous scheme and officers of the Council. To this end, the proposed development:

- will seek to bring this derelict and vandalised site back into beneficial use;
- significantly reduces the building coverage of this previously developed site from 77% to 16% of the site;
- reduces the level of traffic generated by the site when it was operational or could occur if the lawful use of the site is resumed;
- includes a significant amount of open space (1 hectare) that will provide the majority of the frontage of the site, enhancing its rural character;
- reduces the amount of development proposed at the more rural, western end of the site;
- through retaining and augmenting planting across the site will assist in the site retaining its rural character; and
- will minimise the ‘suburbanising’ effect of residential development through planting along the site boundaries and plot boundaries.
5.0 PLANNING POLICY CONSIDERATIONS

5.1 This section considers the proposed development in the context of national and development plan policies.

National Planning Policy

5.2 Planning Policy Statement 3 Housing requires 60% of new housing to be provided on previously developed land, which includes land and buildings that are vacant or derelict. The proposed development site will result in a vacant previously developed site to come forward for housing development.

5.3 PPS3 also requires that there is a flexible supply of land for housing, specifically local authorities must have a five year supply of deliverable housing sites. Mid Sussex District Council has historically struggled to meet its five year land supply target and has been required to identify significant areas of green field land to attempt in meeting its five year requirement. The proposed development will contribute to the Council’s housing supply on previously developed land.

5.4 Planning Policy Statement 25 ‘Development and Flood Risk’ (PPS25) paragraph E9 requires development on sites greater than 1 hectare in Flood Zone 1 to be accompanied by a Flood Risk Assessment (FRA) accordingly an FRA accompanies this application. It concludes that the site is Flood Zone 1 and therefore will not exacerbate the risk of flooding on the site or elsewhere. The assessment also includes the outline drainage strategy.

5.5 The draft NPPF is the Government’s emerging national policy document. Although it is not yet adopted, it gives an indication of the Government’s direction of travel in planning policy. In advice produced by the Planning Inspectorate for use by inspectors it is advised that the NPPF is capable of being a material consideration in the determination of planning applications.

5.6 The NPPF places a strong emphasis on housing delivery, with its key housing objective to significantly increase the delivery of new homes. The NPPF recognises that redundant employment sites should be brought into beneficial use having regard to market signals, which may include housing. Paragraph 113 specifically addresses housing in rural areas, stating that this may be acceptable in certain circumstances such as:

“where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting”

5.7 It is considered that the scheme will meet these aims of the NPPF. The proposal will assist Mid Sussex District Council in its housing supply, bring back into beneficial use a redundant employment site, and enhance the appearance of the site by reducing the amount of development and introducing significant landscaping. The development
will also remove the temptation for criminal and anti-social behaviour that has occurred as the site has deteriorated.

**Development Plan Policy**

*The Principle of development*

5.8 In his consideration of the previous, refused scheme the inspector acknowledged that the South East Plan (SEP), May 2009 superseded the Local Plan Policy that sought to protect strategic gaps, of which this site was one. The SEP policies that pertain to Countryside and Landscape Management are by definition of being within a Regional Strategy, strategic. These policies, as noted by the inspector in paragraph 6 of his decision can be interpreted in a number of ways. Local Plan Policy C1 on the other hand provides a criteria based policy for assessing development outside settlement boundaries.

5.9 There are a number of clauses that set out specific circumstances and forms of development that could be considered acceptable. Clause G states that proposals may be allowed which significantly contribute to a sense of local identity and regional diversity. The proposed development will greatly improve the local identity of its surroundings by removing redundant and vacant buildings that have attracted criminal and anti-social behaviour to this predominately residential hinterland of East Grinstead.

5.10 It was acknowledged by the inspector that the site is not an employment location, evidenced by the poor performance of the previous use and the limited serious interest in the site for commercial purposes. Indeed the predominant form of development adjacent to the site is residential. Therefore the development of a modest number of residential units, together with 1 hectare of open space and extensive landscaping on this previously developed site will emphasise the sense of identity of the location.

5.11 Emerging Core Strategy Policy DP7 ‘Protection and Enhancement of the Countryside also states that only development that (inter alia) maintains or where possible enhances the quality of the rural and landscape character of the District will be allowed. For the reasons outlined in the previous paragraphs, the proposed development will enhance the quality of the rural and landscape character by significantly reducing the amount of built development on the site, increasing the landscaping of the site, including 1 hectare of open space within the site and reducing the intensity of the use of the site from its lawful use.

*Transport*

5.12 The application is accompanied by a Transport Assessment (TA) and Travel Plan. The TA confirms that the proposed development significantly reduces the level of vehicle movements which were generated by the lawful use of the site from 740 trips
per day to a daily figure of 53. Therefore if the lawful use of the site were to resume the impact on the highway network would be significantly greater than the anticipated level of 53.

5.13 Section 5 of the TA sets out the improved access arrangements to the site. The improvements reflect the findings of a Stage 1 Safety Audit Report as part of the previous submission. These were agreed by the Highways Authority.

5.14 As well as significantly reducing the level of vehicle movements the scheme will also greatly improve pedestrian access between the site and Felbridge village. This includes a two metre wide footway along the southern side of Crawley Down Road, which will run as far west as the existing bus stop located to the north west along Crawley Down Road. This will also provide an improved area for bus passengers.

5.15 The scheme provide adequate on site parking and cycle storage in accordance with the requirements of Policy T5.

5.16 The TA reiterates the fact that the site is within walking distance to the services of Felbridge village and is also proximate to public transport, greatly improved through the introduction of a footpath. The application is accompanied by a Travel Plan that will seek to ensure that future residents are made aware of the sustainable alternative modes of transport to the car.

**Design**

5.17 The application is supported by a detailed Design and Access Statement prepared in accordance with DCLG Circular 01/2006 which sets out the design rationale for the proposed development, including a justification for detailed design and use of materials. Particular regard has been given to the policy requirements of B2 which sets out the criteria for the design of residential development. To this end, the key principles of the design of the scheme have been to:

- Demonstrate a cohesive design layout, ensuring the rural character of the site is enhanced;
- reflect the design styles and materials of the area;
- including pedestrian linkages through the site, including around the open space and to the wider network;
- screen parking areas and garages; and
- maximise the use of natural planting in all boundary treatments.

**Residential Amenity**

5.18 The proposed development is sufficient distance from neighbouring residential properties (Minstrals, Thicket Cottage, Halidon and Hoadlye) and of a proportionate scale not to result in an unacceptable impact upon residential amenity as a result of over looking or loss of daylight/sunlight. The significantly reduced level of
development on the site will result in an increased sense of openness, rather than enclosure.

5.19 The removal of the redundant, vacant structures on the site will improve the visual appearance of the site and its surroundings simultaneously removing the attraction of criminal and anti-social behaviour. The change of use from a commercial operation to a residential use with its resulting reduction in intensity of use of the site, noise and disturbance is anticipated to improve the residential amenity of the site.

*Code for Sustainable Homes*

5.20 The application is accompanied by a Sustainability Assessment and Code For Sustainable Homes Report. It is proposed by the applicant the development will meet Code for Sustainable Homes Level 3, the accompanying reports set out the criteria which the proposed development can meet in order to meet this level of sustainability.
6.0 DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING

6.1 The applicant has already agreed to undertake highway improvements required by a Stage 1 Safety Audit. The details of which will be confirmed by West Sussex and Surrey County Councils as the highways authority. Any additional contributions will be the subject of discussions with West Sussex County Council and Mid Sussex District Council and made in accordance with Mid Sussex District Council’s Developer Contribution Supplementary Planning Document.

Affordable Housing

6.2 Policy H4 of the Local Plan requires the provision of affordable housing on sites that exceed 0.5 hectares. It also confirms that in certain circumstances a commuted payment will be accepted by the Council as an in-lieu payment. This payment must be capable of creating at least as much housing as could be achieved on the site.

6.3 It is considered that in this case there are specific circumstances that mean an in-lieu payment could deliver a greater level of affordable housing, given the constraints of the site, than on-site provision.

6.4 In designing the proposed scheme regard has been given to the careful balance of bringing the site back into beneficial use whilst preserving the rural character of the site. To this end, the applicant has followed the advice of the Council in significantly reducing the amount of development on the site. In reducing the amount of development on the site there is no practical opportunity to deliver the critical mass of on-site affordable housing that makes it both manageable and affordable. Therefore, the need to ensure that the rural character of the site is preserved has resulted in a low density development that is not capable of providing the amount or type of affordable housing that is required or affordable.

6.5 The applicant is willing to make a commuted payment which will contribute to affordable housing schemes elsewhere in the district. It is anticipated that this could allow the contribution to deliver more housing in a preferred location than on-site provision could achieve. It is also considered that use of a commuted payment to assist in contributing to a bigger affordable housing scheme will improve management efficiency and avoid high management fee costs associated with private developments, thus improving affordability.

6.6 In the light of the special circumstances of the site and the opportunity to more effectively deliver affordable housing, it is considered Policy H4 could be seen to be supportive of a commuted payment in this case.
7.0 CONCLUSIONS

7.1 The proposed scheme has been designed in the light of recent planning history, pre-application discussions and relevant planning policy. The design approach has been to balance the need and aspiration to bring the site back into beneficial use (thus enhancing its character) and to protect its rural setting avoiding 'suburbanisation'.

7.2 The proposals therefore significantly reduce the amount of development that exists on this previously developed site by some 61% and also greatly reduce the amount of development and the mix of uses that were previously proposed for the site. The level of development proposed (10 residential dwellings set in 1 hectare of open space) is considered to increase the rural character of the site’s setting and enhance the rural residential feel that surrounds the site.

7.3 The documents prepared to accompany the application confirm that the level of development will reduce vehicle movements on the site and provide an opportunity for significant landscaping improvements. It is considered that these benefits will not only enhance the character of the site, but will also improve the residential amenity of the area. This is of particular importance given that the site has attracted criminal and anti-social behaviour since it ceased to be operational in 2006.

7.4 To this end, the proposed low level of development on this previously developed site provides an opportunity to improve the appearance of the site, reducing the impact of a derelict commercial operation and therefore enhancing its rural character.
APPENDIX 1.0

APPEAL DECISION DATED 13 NOVEMBER 2009
Appeal Decision

Inquiry held on 13-15 October 2009
Site visit made on 15 October 2009

by David Tester CChem MRSC C.WEM
FCIWEM
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 November 2009

Appeal Ref: APP/D3830/A/09/2107392
Felbridge Nurseries, Crawley Down Road, Felbridge, West Sussex RH19 2PS

- 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 Welbeck Land (Felbridge) Ltd against the decision of Mid-Sussex District Council.
- The application Ref 08/03164/OUT, dated 24 September 2008, was refused by notice dated 24 February 2009.
- The development proposed is the erection of 18 dwellings, a care home for the elderly, commercial floor space (class B1), two areas of landscaped open space, associated landscaping, means of access and any other associated works, retention of ‘Halidon’.

Procedural

1. Although the application is in outline with all matters except access, reserved, a number of illustrative plans and photomontages, together with a design and access statement and other documents, were supplied showing the position and size of the buildings. So I am taking these as being indicative of the future intentions for the site.

2. The appeal was accompanied by a signed Section 106 Undertaking to provide affordable housing and financial contributions towards infrastructure requirements, and the Council has confirmed that this overcomes its fourth reason for refusal in this case.

Decision

3. I dismiss the appeal.

Main issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area, having regard to local and national policies to protect the countryside.

Reasons

Background

5. The appeal site is a former horticultural nursery located in the countryside about 110m to the west of the built-up area boundary for Felbridge. The village itself is mostly within the neighbouring Surrey County Council and Tandridge District areas and abuts the adjacent town of East Grinstead to the
east. The site is about 3ha in extent and more than half of it is covered in about 20 disused glasshouses, polytunnels and related buildings. In this proposal a house ‘Halidon’ at the western end of the site would be retained, but the remaining buildings would be removed and replaced by two-storey buildings providing 2400m$^2$ commercial floor space at the western part of the site and 2.5 storey residential development, with the 60 bed care home of the same height behind, at the eastern end of the site. There would be an area of open space between and another at the far western end of the site.

Planning Policies

6. The Development Plan for the area is the South East Plan 2009 (SEP) and the saved policies from the Mid-Sussex Local Plan 2004 (LP). Policy CC6 of the SEP promotes the creation of sustainable and distinctive communities and policy SP3 requires local planning authorities to concentrate development within or adjacent to the Region’s urban areas. Positive landscape management is encouraged in policy C4, and policy C5 concerns management of the urban rural fringe. These are taken by the appellant to include a green light for this new development but, even if the site could be said to be within the fringe, this is not necessarily so. Policies C4 and C5 imply an environmental improvement and the policies could equally be used by the Council to promote a range of more beneficial uses that would enhance the character of the rural area as also indicated in para 26 of PPS7.

7. The saved policies in the West Sussex Structure Plan are superseded by the SEP and in addition, policy C2 of the LP, concerning the maintenance of strategic gaps, is not compliant with the SEP and so carries little weight. Policy C1 of the LP seeks to strictly control development outside of the built-up area boundaries in line with Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7). The proposal comprises none of the exceptions to the restricted development listed in policy C1 and would therefore conflict with that policy and consequently, with the Development Plan.

8. Furthermore, it should be noted that the SEP does not descend into a level of detail more appropriate to a local plan level and that, although its Draft Core Strategy Rural Submission document is at an early stage, there is no indication that the Mid-Sussex District Council is preparing to abandon the future use of settlement boundaries to control development.

Character

9. The appellant argues that the site is in the urban rural fringe and that the proposal would form a natural extension to Felbridge, which it is claimed, is itself an extension of East Grinstead. But the edge of the town of East Grinstead is more than 1km away and, while there is sporadic housing in the locality on either side of Crawley Down Road, including 3 houses formerly associated with the nursery on the edge of the site, there is a gap between the appeal site and the built-up area boundary to the east, up to which the main housing area in the village of Felbridge lies. The gap comprises an open field on the northern side of the road and a belt of dense woodland on the southern side and it provides a clear break between the urban and rural areas.
10. Looking to the west from the settlement boundary towards the appeal site, one can see the change towards a rural country lane character created by the grass verges, trees and hedgerows on either side and the reduction in brick built development. The array of polytunnels and greenhouses that front the site are clearly visible to the south of the road, but because of their nature and less than one storey height, they do not significantly detract from the rural character of the area. The rural feel of the locality is even more apparent in longer views from the footpaths on either side of the road. By contrast, even with the greater set-back, smaller footprint, landscaping and open space between, I consider that the proposed 2-2.5 storey high development would exert a more suburban influence on the locality.

11. I accept that the previous uses of the site may not be viable and that if the site remains vacant it may eventually become derelict. Yet there may be other opportunities to actively manage the site, and allowing it to become an eyesore is not, by itself, a good reason to justify unsuitable development. In this case, the proposed development would not represent the environmental improvement envisaged in SEP policies C4 and C5. Rather it would extend and consolidate the long, thin ribbon of residential development along Crawley Down Road to the detriment of the rural area. It would make it progressively more difficult for the Council to resist further such development outside of the built-up area, leading to the erosion of the visual break between settlements and cumulative harm to the rural character of the area. This adds weight to my conclusion that the proposal would materially harm the character and appearance of the area.

*Previous Developed Land and Sustainability*

12. Evidence was given that the buildings on the site were permanent structures and that the previous use of the site included the wholesale and distribution of plants and related goods that were imported and only kept on site for very short periods. This was in addition to the retail use in a 2005 Lawful Development Certificate. Buildings 8, 9 and 20 at the western end of the site, were specifically identified as areas where the former activities took place. It was said that an estimated 60% of the turnover of the business concerned this wholesale distribution business, although it is apparent that some of this included the growing-on of imported plants for re-sale at a later date. Nonetheless, it is clear that this distribution use, involving the quick turn round of imported plants within a few days, was still a significant part of the business.

13. The horticultural use of the site is within the definition of agriculture in Section 336 of the 1990 Town & Country Planning Act, but the wholesale and distribution side of the business does not concern the cultivation of plants as the dictionary defines horticulture, and from the case law provided (Wood v SoS for the Environment 1973 and Williams v MHLG 1967), I agree that the site could be considered as previous developed land for the purposes of Annex B of Planning Policy Statement 3: Housing (PPS3).

14. However, while development of brownfield sites would normally take priority over that of greenfield land, this is not always the case, particularly in the countryside and there is no presumption in PPS3 that land that is previously developed is necessarily suitable for housing development, or that the whole of the curtilage should be developed. PPS7 also emphasises that the replacement
of non-residential buildings, with residential development in the countryside should be treated as new housing development, and thus be strictly controlled.

15. Previously developed land can be considered a sustainable resource but it needs to be in a sustainable location. In this case, although connections to existing footpaths would be made and there are cycle ways nearby, the site is not within, or adjacent to, the urban area as required by SEP policy SP3. Nor is it within easy walking distance of the main shopping area (4km) or the village shop (1.1km), medical facilities (2.3km), schools (1.1 and 3.1km) or railway station (3.8km). There is bus stop within 200m of the site however, and the frequency of the bus service has increased since the Local Plan Inspector considered part of the site, although it is still poor in the evenings and on Sundays. Even so, I accept that the bus service will improve the accessibility of the site.

16. Nevertheless, because of the distance of the site from key facilities and its position in the countryside, I agree with the previous Inspector that this would lead to a high degree of private vehicle trips. It cannot therefore be considered to be in an environmentally sustainable location, particularly when compared with other potential development sites nearer to the centre of East Grinstead, and it would not comply with SEP policy CC6 in that respect.

Need

17. The Council accepts that it only has a 4.2 year housing supply compared with the 5 year supply required by PPS3, which it says is due to the increased housing requirements in the recently adopted SEP and to the recession. The 5 year requirement is now 4640 units or 928 dwellings per year, and the LP does not provide for future housing needs beyond 2006. However, a Small Scale Housing Document has been approved since then and the Council has also recently prepared a Strategic Housing Land Availability Assessment (SHLAA), which addresses this issue, albeit with the aid of some greenfield sites.

18. The SHLAA has not yet been approved by the Council, and in any event, the Core Strategy is unlikely to be adopted until 2011. Nonetheless, this will still be within the 5 year period. I also note that all the sites considered in East Grinstead are closer to the Town Centre than this site, which is not included, and part of which has previously been rejected by the Local Plan Inspector.

19. The site would make a contribution of 18 dwellings; including 5 much needed affordable housing units. Therefore I agree the proposal should be considered against para 71 of PPS3, which says that, in these circumstances, planning applications should be considered favourably, having regard to para 69 and other policies in the PPS. This is a persuasive argument, but para 69 requires me to consider the suitability of the site for housing, including its environmental sustainability and the spatial vision for the area and I have already concluded that this is not a suitable site in those terms.

20. It is common ground that there is a clear and increasing need for care homes in the district. Evidence was provided that 3 additional homes within 5km of the site were required by 2017. The quality of the existing supply was also a concern. However, this area covered the whole of East Grinstead and there were 3 existing care homes within 4km of the site and no evidence that there was a particular shortfall in the immediate vicinity. More importantly, I agree
with the Needs Assessment Report prepared for the appellant that care homes should preferably be located in predominantly residential areas where they can be more readily accessed by visitors and employees.

21. The proposal would result in employment for up to 183 persons, including about 40 at the care home. The previous use of the site had generated at its peak up to about 33 permanent staff and, on an annual basis, up to 100 casual staff. However, contrary to the information provided to the Highway Authority, it turns out that no more than 50 casual staff was employed at any one time. So the current proposals would more than double the maximum previous staffing levels and would cater for many more than the local business need envisaged in PPS7.

22. Notwithstanding this, because of the nature of the previous business, the evidence was that the vehicle movements generated by this proposal as a whole would be less than the previous use and therefore it would have no additional impact on the road network. However, as the previous use has ceased and the business is not viable, the appellant has commissioned a report on the opportunities for business use at the site. This demonstrated that this was not a prime site and would be unlikely to be taken up for commercial development as a whole, but that there would be a demand for secondary sites such as this to provide the size of accommodation proposed. Even so, there was no evidence of a shortfall in employment land in the area and the Council had not included employment land in this locality in its Draft Core Strategy.

**Conclusion**

23. Whilst I have found that the site could be regarded as previously developed land and that a need for housing development in the district, including residential care homes, has been demonstrated, the need for these on this site has not. Nor is the site a prime location for employment. In any event, none of these matters outweigh my finding that the proposal would materially harm the rural character of the area, having regard to local and national policies to protect the countryside.

David Tester

INSPECTOR
APPEARANCES

FOR THE APPELLANT:

Mr M Lowe QC instructed by Messrs Berwin Leighton Paisner LLP
He called:
Mr P Bovill BSc(Hons) Montague Evans
MA, Dip Surv, AIEMA,
MRTPi, MRICS
Mr S Kirkpatrick BSc, Chris Bland Associates
BLD, CMLI
Mr S Parsons MIHT Motion Transport Planning Ltd
Mr A Jeffries Partner in former nursery business

FOR THE LOCAL PLANNING AUTHORITY:

Mr E Robb Barrister instructed by Mid Sussex District Council
He called:
Mr A Stevens Dip TP, ASP
MRTPi, MRICS

DOCUMENTS submitted at the Inquiry

1 List of persons present at the Inquiry
2 Letter of notification of Inquiry
3 2 letters in response
4 CD62 – Section 106 Undertaking
5 CD63 – Northern W Sussex – Employment Land Review
6 CD 64 – Submission for Core Strategy – Approach to Housing Distribution
7 CD 65 – Removal of Agricultural Occupancy Condition for ‘Halidon’
8 CD 66 – CLU for Central Bay for Retail Sales for Nursery’s own produce
9 CD 67 – Letter from A Jeffries – Clarification of employee Nos in Statutory Declaration
10 CD 68 – Site built area comparison
11 CD 69 – Proposed Barchester Care Scheme
12 CD 70 – 2 High Court Judgements on planning units and sale of imported produce
13 CD 71 – Statement of Common Ground
14 CD 72 – Photomontage C and subsequent similar photograph
15 CD 73 – Note on Previous Developed Land (PDL)
17 CD 75 – Map of Felbridge showing District & Built-up Boundaries
18 CD 76 – E Mail re revised bus service
19 CD 77 – Closing Statement from LPA
20 CD 78 – Opening and closing statements from Appellant including additional submissions on PDL

PLANS
A Site Plan, Drawing Nos 3019 sheets 1 & 2, 0715/C06
APPENDIX 2.0

DECISION NOTICE DATED 11 MAY 2010
TOWN AND COUNTRY PLANNING ACT, 1990: SECTION 191 (AS AMENDED)

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

APPLICANT : MR RICHARD THOMAS

C/O : MR OLIVER WRIGHT
BERWIN LEIGHTON PAISNER LLP
ADELAIDE HOUSE
LONDON
EC4R 9HA

PROPOSAL : MIXED USE OF: (1) WHOLESALE AND RETAIL SALE, (2) STORAGE AND DISTRIBUTION OF PLANTS, WITH ANCILLARY PACKAGING AND PROCESSING OF PRODUCTS, AND (3) A TRADITIONAL HORTICULTURAL NURSERY USE. THIS IS AN APPLICATION TO ESTABLISH WHETHER THE PROPOSED DEVELOPMENT IS LAWFUL: THIS WILL BE A LEGAL DECISION WHERE THE PLANNING MERITS OF THE PROPOSED USE CANNOT BE TAKEN INTO ACCOUNT.

LOCATION : FELBRIDGE NURSERY CRAWLEY DOWN ROAD FELBRIDGE EAST GRINSTEAD

The Mid Sussex District Council hereby certify that on (a) 8th March 2010 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged (b) red on the plan attached to this certificate, would have been lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

From the information and evidence provided and in the absence of any evidence to the contrary or to otherwise dispute the applicant’s evidence, it is considered that on the balance of probability the use of the site has been carried on at the site for a period of 10 years. Whilst operations at the site ceased in 2006, it would not appear that the accrued use has been lost by operation of law.

First Schedule

(c) Mixed use of (1) wholesale and retail sale of plants, (2) storage and distribution of plants with ancillary packaging and (3) traditional horticultural/nursery use.

Second Schedule

(d) Felbridge Nursery, Crawley Down Road, Felbridge, East Grinstead

Date: 11th May 2010

Signed:

Head of Economic Promotion and Planning
On behalf of Mid Sussex District Council

see overleaf
Insert:

(a) date of application to the Council
(b) colour used on the plan
(c) full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including a reference to the use class, if any, of the Use Classes Order within which the certificated use falls
(d) address or location of the site

* delete where appropriate

Notes:

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful, on the specified date and, thus, was not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
Dear Ms Yarker,

I refer to your email received 24th August 2011 regarding the above. My apologies for the delay in replying.

I have however now had the time to consider the revised plan and would offer the following comments:

As you are aware from our previous meetings and discussions I have my reservations about the development of this site with a residential scheme following the Inspector’s appeal decision in 2009 when he commented that because of the distance of the site from key facilities and its positioning in the countryside, the site could not be considered an environmentally sustainable location and therefore would not comply with Policy CC6 of the South East Plan. Notwithstanding this view, I am very aware that there is local concern that the site, if left to deteriorate indefinitely, is likely to have more of a harmful impact on the character of the area than a carefully planned development proposal.

Therefore putting my concerns regarding the sustainability of the location of the site I have looked back through the Inspectors appeal decision to see what other issues need to be addressed. In doing so it really seems that the main concern is the impact on the rural character of the locality.

In making his assessment of the appeal proposal he noted the following features as being typical of the existing rural character of the site: grass verges, trees, and hedgerows on either side of the road and the reduction in brick built development. Whilst he noted that the existing buildings on the site are visible because they are less than one storey in height he did not consider that they significantly detracted from the rural character of the area. In order to achieve a re-development scheme that I would feel more comfortable with, the development needs to at least maintain this character if not improve it.

The removal of the existing buildings will obviously be a huge improvement, however the replacement with a number of substantial two-storey (?) dwellings does still give the site a somewhat suburban feel. Creating the large area of open space between the two groups of dwellings does help diminish the further extension and consolidation of the existing ribbon of residential development along Crawley Down Road, and I note that the plans have been amended following our last meeting to make this area even more substantial. However it would appear that you have not removed any units, simply squeezed them all into the rear section of the site. Due to the size of the dwellings this make the scheme looked quite cramped and even more suburban at this end of the site, where you are really getting into much more open countryside. As a result I would suggest seriously considering a lower number of units to give the development a more spacious feel more in keeping with the open and spacious countryside surroundings.

Boundary treatments are also going to be crucial to a successful scheme. By presenting the fronts of the dwellings to the northern edge of the site a more pleasant street scene would be achieved, and I appreciate the generous set back from the road frontage that allows the retention of the grass verges and hedgerows noted by the Inspector. However both ends of the site are served by long shared driveways...
that run either alongside of, or to the rear of, private garden areas. In order to secure an appropriate level of privacy for future occupiers, you run the risk of creating quite sombre entrances to each element of the proposal dominated by fencing or walling.

At present I am of the opinion that too many dwellings are being proposed for this site which will still make the site appear very suburban, in conflict with the aims of the Development Plan. On this basis I do not consider that the balance of improvement in terms of removing the existing structures falls in your favour and it is unlikely that I would support this proposal were it submitted as a formal application.

The views expressed in this letter are at officer level only and do not prejudice the Council from making whatever decision it considers appropriate on any application subsequently submitted.

I hope that you find these comments of use.

Regards

Mrs Sarah Sheath
Senior Planning Officer
Development Management
01444 477556
sarah.sheath@midsussex.gov.uk
www.midsussex.gov.uk

How are we doing? We always welcome your feedback.

Working together for a better Mid Sussex

From: Charlotte Yarker [mailto:Charlotte.Yarker@Montagu-Evans.co.uk]
Sent: Wednesday, August 24, 2011 3:01 PM
To: Edward Matthews; Phillip Coote; Sarah Sheath
Cc: Danny Scanlon; Adrian Bouch
Subject: <v9_SmartSaved/> Felbridge Nurseries

Dear Sarah

Thank you so much for meeting with us two weeks ago. We found the meeting very useful.

Please find attached a revised layout of the scheme increasing the setback of the development from the road and increasing the separation between units. Regarding affordable housing, as agreed I will email Emma and of course copy you in to the correspondence.

Please do let me know if you have any further comments.

Kind regards

Charlotte Yarker MRTPI
Associate
Montagu Evans LLP
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