



MID SUSSEX
DISTRICT COUNCIL

Town and Country Planning Act 1990

**LOCAL PLANNING AUTHORITY
STATEMENT OF CASE**

PINS Ref:

APP/D3830/W/21/3266563

LPA Refs:

DM/20/2877 & AP/21/0009

Appeal by:

Hartmires Investments Ltd

Appeal Site:

Land North of Turners Hill Road, Turners Hill, West Sussex

Proposal:

Outline application for single chapel crematorium
with a single abated cremator and natural burial
site with associated access, car parking,
landscaping and drainage.

All matters reserved apart from access

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1.0 INTRODUCTION

- 1.1 This Statement of Case is prepared by Mid Sussex District Council ("the Council") in relation to an appeal by Hartmires Investments Ltd ("the Appellant") against the Council's decision to refuse an application for outline planning permission on land north of Turners Hill Road in Turners Hill, West Sussex.
- 1.2 The application was for a single chapel crematorium with a single abated cremator and natural burial site with associated access, car parking, landscaping and drainage. All matters were reserved apart from access.
- 1.3 The application was formally validated by the Local Planning Authority on 5 August 2020 under ref: DM/20/2877.
- 1.4 The application was determined at the Council's District Planning Committee on 17 December 2020 and refused by notice dated 21 December 2020 for the following reason:
1. *The proposed development would have an adverse impact on the intrinsic character and beauty of the local countryside, including the setting of the High Weald Area of Outstanding Natural Beauty, which would be further harmed by the necessary woodland mitigation screen planting. This harm is not considered to be outweighed by an overriding need for this development and is therefore contrary to Policies DP12, DP16, DP25, DP26 and DP37 of the Mid Sussex District Plan, Policies THP8 and THP13 of the Neighbourhood Plan, the provisions of the NPPF, in particular, paragraphs 8, 11, 124, 127, 130 and 170, Objectives FH2 and FH3 of the High Weald AONB Management Plan 2019-2024 and Design Principles DG3, DG7 and DG11 of the Mid Sussex Design Guide SPD.*
- 1.5 In addition to this Statement of Case (SofC), the Council is in the process of considering a draft Statement of Common Ground (SoCG). The Council reserves the right to incorporate further issues into the appeal case as they may arise in light of the SoCG and respond to any other issues raised, which are not directly covered in this Statement.

2.0 APPEAL SITE AND SURROUNDINGS

- 2.1 The appeal site consists of two field parcels totalling 7.2ha in area, located to the north of Turners Hill Road and some 660m west of the main village centre crossroads (at its nearest point).
- 2.2 The appeal site has had a lawful use as a natural burial ground since 2016, which has been implemented but never operational.
- 2.3 The larger southern field adjoins the highway and contains an unsurfaced vehicular access located fairly centrally, formed around 4 years ago by the translocation of a lengthy section of the boundary hedgerow. Within the field are some overgrown remnants of implemented planning permissions, marking out unsurfaced areas for a car park and reception building, a car park spur extension to the north and the siting of the original chapel building. A gravel path has also been laid but does not appear to connect to other footpaths.
- 2.4 An approved maintenance building has been constructed more recently in December 2020, albeit unfinished with no roller shutter door or floor and with an additional door to the front.
- 2.5 The southern field is elevated with long views to the north and west in particular. The eastern boundary is defined by a mature tree belt, which links to Butcher's Wood to the north-east, designated as ancient woodland. To the east of this tree belt is an arable field, which contains a path along its southern edge linking the appeal site to opposite the church (which was implemented as part of the original planning permission DM/15/1035). This is marked at either end as private property. The west and north-west boundaries of the field are marked by a public footpath (68W), near to which is an array of young deciduous saplings.
- 2.6 The northern field parcel has been formed from subdividing a field in two, without any existing boundary. It is smaller and sits on lower ground, which slopes down more sharply towards the fields beyond to the north, which rise on the opposite side of the valley bottom, separated by a mature hedgerow. The eastern boundary is defined by the woodland edge of Butcher's Wood. Apart from the felling of some trees within the central section of the boundary with the southern field parcel some 2 years ago, this land remains overgrown and undeveloped.

- 2.7 The site lies adjacent to an access to Tulleys Farm to the west. Land on the opposite side of Turners Hill Road to the south (but not within the site) is designated as the High Weald Area of Outstanding Natural Beauty.
- 2.8 In policy terms, the site is located within the countryside.

3.0 PLANNING HISTORY

- 3.1 A hedgerow application for the removal of the frontage hedgerow was refused on 12 May 2014 (14/01227/HEDGE) and a prior notification application for the erection of a proposed agricultural building on a field parcel to the north of that which adjoins the highway was refused in May 2014.
- 3.2 Full planning permission was refused on 23 May 2014 for the construction of a new access to two field parcels on the site, including removal of a boundary hedgerow and replanting of a replacement boundary hedgerow (14/01226/FUL). The reason for refusal stated:
1. *In the opinion of the Local Planning Authority, the proposed access is considered to be too large for the intended use of the land such that it would have an unacceptably harmful impact on the rural character of the area, contrary to paragraphs 7, 14, 17, 56 and 58 of the National Planning Policy Framework and policies C1 and C10 of the Mid Sussex Local Plan.*

An appeal was lodged against this decision and dismissed in September 2014.

- 3.3 In September 2015, planning permission was granted for a change of use of the land to a natural burial ground and the erection of a reception building with associated access, parking and landscaping (DM/15/1035). This permission has been lawfully implemented but has never been operational.
- 3.4 In August 2016, outline planning permission was refused for the development of 22 affordable dwellings with new footway and means of access (DM/16/1887). The reasons for refusal were as follows:
1. *The proposed development lies within a relatively isolated and unsustainable rural location and would be unacceptable in principle, as the extent of the built form would result in harm to the rural character of the area and setting of the High Weald Area of Outstanding Natural Beauty, which would not be contiguous with the built-up area boundary of the village and the existing scattered settlement pattern of housing in the immediate vicinity. Future residents would be more dependent upon the car to access day-to-day services as the footpath link to the village would be largely unlit and consequently unsafe. The proposed*

development would therefore be socially and environmentally unsustainable and these adverse impacts would significantly and demonstrably outweigh the benefits (in terms of helping to meet a District-wide need for housing, including provision of affordable housing, and economic benefits through the construction phase and spending in the local area from future residents). Moreover, the site is not allocated for housing in the 'made' Turners Hill Neighbourhood Plan. Accordingly the application would conflict with Policies C1, C4, B1 and T4 of the Mid Sussex Local Plan, Policy THP8 of the 'made' Turners Hill Neighbourhood Plan, Policies DP10, DP14, DP19 and DP24 of the draft Mid Sussex District Plan and paragraphs 7, 8, 14, 17, 29, 35, 115 and 198 of the National Planning Policy Framework.

- 2. The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and SAC and therefore would be contrary to the Conservation of Habitats and Species Regulations 2010, Policy C5 of the Mid Sussex Local Plan, Policy DP15 of the draft Mid Sussex District Plan and paragraph 118 of the National Planning Policy Framework.*
- 3. The application fails to comply with Policies G3 and H4 of the Mid Sussex Local Plan, Policy THP19 of the 'made' Turners Hill Neighbourhood Plan, Policies DP18 and DP29 of the draft Mid Sussex District Plan and paragraphs 203 and 204 of the National Planning Policy Framework in respect of the infrastructure and affordable housing required to serve the development.*

An appeal was lodged against this decision and dismissed in June 2017.

- 3.5 In June 2017, planning permission was refused for the construction of a new chapel building with associated landscaping within the approved burial ground and enlarged car parking area for 37 cars (DM/17/1167). The reason for refusal was as follows:

- 1. The scale and design of the proposed chapel building and the extent of the hard standing car park would have an adverse impact on the landscape, contrary to Policies C1 and B1 of the Mid Sussex Local Plan, Policy THP8 of the Turners Hill Neighbourhood Plan and Policy DP24 of the draft Mid Sussex District Plan.*

An appeal was lodged against this decision and allowed in December 2017. This has not been implemented and has lapsed.

- 3.6 In May 2018, full planning permission was granted for the re-siting of the consented chapel building with excavation and construction of new basement, internal site access road and associated landscaping (DM/18/0677). This has not been implemented.
- 3.7 In September 2018, outline planning permission was refused for the construction of a new barn/workshop, hard standing area, internal site access road and footway, crossing to an existing public right of way and associated works – on the northern field (DM/18/2675). The reasons for refusal were as follows:

1. *The proposed development lies in a Countryside Area of Development Restraint, where planning policies seek to protect the countryside for its own sake by minimising the amount of land taken for development and preventing development that does not need to be there. The proposed access would have an urbanising effect on the rural character of the area and the proposed scale of the building (and its siting within the tightly-drawn red-lined area) would be harmful to the landscape quality of the area, particularly in views from the public right of way. The need for this building in relation to the small-scale, low intensity lawful use of the site has not been demonstrated, and neither has its siting at some distance from the previously approved cluster of buildings and car parking areas. As such, the proposal would not comply with Policies DP12, DP25 and DP26 of the Mid Sussex District Plan, Policy THP8 and THP13 of the Tumers Hill Neighbourhood Plan and paragraphs 11, 12, 130 and 170 of the NPPF.*
2. *Insufficient information has been submitted to justify the loss of good quality trees that the proposed development would entail, so the application would be contrary to Policy DP37 of the Mid Sussex District Plan.*

An appeal was lodged against this decision and dismissed in April 2019.

- 3.8 In February 2019, planning permission was granted for a staff car park comprising 8 car parking spaces (DM/18/5092). This has not been implemented and is now superseded as a result of the implementation of permission DM/19/5100 within the same location.

- 3.9 In February 2020, planning permission was granted for the re-siting and construction of a staff car parking area comprising 8 car parking spaces (DM/19/5107). This has not been implemented.
- 3.10 In March 2020, outline planning permission was granted for the construction of a barn/workshop for the storage and maintenance of operational vehicles with all matters reserved except for access, appearance, layout and scale (DM/19/5100). The remaining reserved matters application (for landscaping) was granted in July 2020 (DM/20/1557). Implementation of this building took place in December 2020, albeit the building is unfinished with no roller shutter door or floor (a concrete slab was specified in the submitted Sustainability Assessment of planning permission DM/19/5100) and with an additional door to the front (which was not shown on any approved plans). The approved landscaping details of the reserved matters consent has not been implemented.
- 3.11 In March 2021, planning permission was granted for a proposed chapel building including basement, internal site access road and associated landscaping within natural burial ground (Renewal of planning consent DM/18/0677) (DM/21/0014). This has not been implemented.
- 3.12 In summary, therefore, the site currently benefits from the following consents:
- Change of use of the land to a natural burial ground and the erection of a reception building with associated access, parking and landscaping (DM/15/1035). IMPLEMENTED (IN PART), BUT NOT OPERATIONAL.
 - Construction of a barn/workshop for the storage and maintenance of operational vehicles (DM/19/5100 and DM/20/1557). IMPLEMENTED (IN PART), BUT NOT OPERATIONAL.
 - Re-siting and construction of a staff car parking area comprising 8 car parking spaces (DM/19/5107). EXTANT UNTIL 14 FEBRUARY 2023.
 - Re-siting of the consented chapel building with excavation and construction of new basement, internal site access road and associated landscaping (DM/18/0677). EXTANT UNTIL 29 MAY 2021. NEW PERMISSION (DM/21/0014) UNTIL 8 MARCH 2024.

4.0 THE APPLICATION

- 4.1 The appeal scheme is in outline form for a single chapel crematorium with a single abated cremator and natural burial site with associated access.
- 4.2 Matters relating to the appearance, layout, scale and landscaping of the development are reserved for future consideration. It is noted that restrictions as to the siting of crematoria near public highways set out in the Cremation Act 1902 will limit the possible location of the main building within the site, as set out in drawing 917-GA-01.
- 4.3 An indicative plan shows the existing vehicular access being utilised, curving round to the east with the main car park to the south of the crematorium building, some 85m from the highway.
- 4.4 The existing original car parking area to the west would be used as an overflow parking area, also providing access to the maintenance building (which was permitted under ref: DM/19/5100 and recently partially constructed).
- 4.5 Between these structures would be the proposed garden of remembrance, and natural burials will be provided in the northern field parcel, accessed via a path, which would cross the public footpath 68W.
- 4.6 A further permissive footpath would be provided along the frontage of the site, linking the south-west section of the public footpath 68W with the existing footpath link to opposite St Leonard's Church.

5.0 LEGAL FRAMEWORK AND PLANNING POLICY CONTEXT

- 5.1 The determination of a planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise: s. 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.2 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, they must be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 5.3 The development plan for this part of Mid Sussex consists of the Mid Sussex District Plan (2018) and the Turners Hill Neighbourhood Plan (2016). Full weight should therefore be given to the policies therein.
- 5.4 National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

The Development Plan

- 5.5 Having regard for the issues being considered as part of this appeal, the relevant policies from the Development Plan are considered to be:

Mid Sussex District Plan:

- Policy DP12: Protection and Enhancement of Countryside
- Policy DP16: High Weald Area of Outstanding Natural Beauty
- Policy DP25: Community Facilities and Local Services
- Policy DP26: Character and Design
- Policy DP37: Trees, Woodland and Hedgerows

Turners Hill Neighbourhood Plan:

- Policy THP8: Countryside Protection
- Policy THP13: Business Development

5.6 Evidence will address all relevant policies in the Development Plan relating to the proposals. Reference may also be made to evidence that supports the policies.

Material Considerations

5.7 In evidence (or within the Statement of Common Ground), reference is also likely to be made to:

- Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)
- National Planning Policy Framework (Feb 2019)
- National Planning Practice Guidance
- High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024 (4th ed, Feb 2019)
- Air quality and emissions mitigation guidance for Sussex (2019)
- The Cremation Act 1902.
- 'The Siting and Planning of Crematoria' published by the former Department of Environment in 1978.
- 'Recommendations on the Establishment of Crematoria' published by The Federation of Burial and Cremation Authorities (FBCA) in 2007.
- Appeal decisions on this site:
 - APP/D3830/A/14/2219950 (dismissed 17 September 2014)
 - APP/D3830/A/16/3165199 (dismissed 6 June 2017)
 - APP/D3830/W/17/3179872 (allowed 22 December 2017)
 - APP/D3830/W/18/3217677 (dismissed 29 April 2019)
- National Character Area (NCA) 122 (High Weald), Natural England
- Mid Sussex Landscape Character Assessment (2005) – High Weald
- Mid Sussex Landscape Capacity Study (Jul 2007) – Major's Hill High Weald

5.8 The Council reserves the right to add further policy and guidance as may be required, particularly should issues arise as part of the Statement of Common Ground preparation.

6.0 THE COUNCIL'S CASE

6.1 The main issues contained in the single reason for refusal are:

- whether the proposed development would harm landscape character;
- whether there is a need for this proposed development; and
- whether the harm to landscape character is outweighed by the need for this proposed development.

Landscape Character

Background

6.2 The appeal site is within a countryside area and adjacent to (but not within) the High Weald Area of Outstanding Natural Beauty. The appeal site is considered to be within the setting of the AONB, in a location where walkers on the local footpaths and users of the road network would not notice the transition from the AONB landscape into that of the site and surrounding area.

6.3 The appeal site lies within the National Character Area (NCA) 122, High Weald, and at the District Level it lies within Landscape Character Area 6, High Weald.

6.4 The Mid Sussex Landscape Capacity Study (Jul 2007) was prepared to inform the Local Development Framework process to assess the physical and environmental constraints on development in the District with a view to identifying the capacity of the Mid Sussex District landscape to accommodate future development. The appeal site is within the Major's Hill High Weald area, and was judged to have Substantial landscape sensitivity and Substantial landscape value, resulting in a Negligible/Low landscape capacity for development, the 2nd lowest level out of 7 identified across the District.

Policy Context

6.5 The appeal site is located in the countryside. Policy DP12 of the Mid Sussex District Plan states that:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

- 6.6 Policy THP8 of the Turners Hill Neighbourhood Plan is similar in intent. It states that outside the built up area boundary *"priority will be given to protecting and enhancing the countryside from inappropriate development"* and development will only be permitted where it meets the specified criteria. These include that the proposal must be *"allocated for development in Policy THP1 or ... in accordance with Policies THP7 and THP14 of this Plan or other relevant planning policies applying to the area"* and must *"not have an adverse impact on the landscape setting of Turners Hill"*.
- 6.7 Policy THP13 of the Turners Hill Neighbourhood Plan supports proposals for the *"small-scale expansion of existing employment premises"* provided they *"respect the character of the area"* and do *"not harm the surrounding landscape"*.
- 6.8 Policy DP26 of the Mid Sussex District Plan requires all development to *"reflect the distinctive character of the towns and villages while being sensitive to the countryside"* and to address *"the character and scale of the surrounding buildings and landscape"*.
- 6.9 The Mid Sussex Design Guide SPD contains a range of design principles which support the aims of the District Plan regarding protection of the landscape, including DG3 (which seeks retention of the existing natural landscape as far as possible) and DG7 (which relates to topography and views).
- 6.10 Local policies which seek to ensure development respects landscape character and setting are supported by paragraphs 127 and 170 of the NPPF.
- 6.11 Turning to the AONB specifically, Policy DP16 requires that:

'Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

- 6.12 The setting of the AONB is defined in the High Weald AONB Management Plan 2019-2024 to include “*areas outside the AONB where development and other activities may affect land within an AONB*”, with particular reference to “*views into and out of the AONB*”. It further advises that “*The Plan may be applied to the designated area and its setting, especially where the setting falls within the High Weald National Character Area*”. Relevant objectives of the plan include FH2, which seeks to maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodland.

Appraisal

- 6.13 As the proposed development is in outline form, landscape impacts should be assessed by taking into account a worst-case scenario.
- 6.14 The proposal would result in an increased scale of development and intensification of use on the appeal site, particularly the larger building (shown indicatively with and including the roof extent measuring 32m x 31m, with a building identified as being up to 40m x 40m in maximum dimensions), an unbroken developable area of 170m across the southern field and 120m in depth (shown indicatively), increased car park, garden of remembrance and increased user numbers. There would be adverse impacts on landscape character as a result. This would include adverse effects on the setting of the High Weald AONB as a result of the reduction in landscape quality at the boundary of the AONB, and visible from it. There would also be adverse effects on the High Weald LCA arising from change to the rural character of the area, including a reduction in the characteristic field patterns and cumulative effects with Tulley’s Farm. Landscape character would also be adversely affected as a result of impacts on relative tranquillity and local sense of place from the increase of activity on site, with funerals, remembrance and increased landscape maintenance. The proposed landscape mitigation planting is different to that already proposed under approved consents and would not be as effective at sustaining the landscape character of the High Weald.

- 6.15 The proposed development would result in adverse visual effects from public rights of way, including for users of Public Footpath 68W and Turners Hill Road.
- 6.16 The fallback position of the consented natural burial site, chapel, car park and maintenance building will represent a less intensive development of the site. The resulting landscape character will be more appropriate than the Appeal proposals and lead to less visual harm from Public Footpath 68W and Turners Hill Road.

Conclusion on Landscape Character

- 6.17 The appeal scheme will be harmful to overall landscape character, with visual harm of such a magnitude in the short, medium and long term that it would be contrary to the development plan.
- 6.18 The proposal would conflict with Policy DP12 of the Mid Sussex District Plan in that it is not for an agricultural use, is not supported by other relevant policies and would not maintain or enhance the quality of the rural and landscape character of the District.
- 6.19 The proposal would also conflict with Policy DP16 because it would detract from the visual qualities and essential characteristics of the High Weald AONB setting, by adversely affecting views out of the AONB.
- 6.20 The proposal would conflict with Policy DP26 because it would not be sensitive to the countryside or address the character of the landscape as a result of the identified landscape and visual effects. It would not contribute positively to the public realm by being of an inappropriate scale to this surrounding landscape; and would be dominated by car parking when viewed from the site entrance and the public footpath 68W.
- 6.21 The proposal would conflict with Policy THP8 of the Turners Hill Neighbourhood Plan in that it would fail to protect or enhance the countryside and would have a detrimental impact on this area of substantial value and sensitivity. It would also fail to maintain the distinctive views of the surrounding countryside from the public footpath as a result of necessary mitigation planting.

- 6.22 The proposal would conflict with Policy THP13 of the Turners Hill Neighbourhood Plan in that the expansion of this (currently non-operational) employment site would not respect the character of the area and would harm the surrounding landscape.
- 6.23 Although it is mentioned in the reason for refusal, the Council will not be arguing that the proposal would breach policy DP37.

Need

Background

- 6.24 At the pre-application stage the Appellant identified that the need for this development should be demonstrated. The Appellant's Crematorium Need Assessment made the link between quantitative elements of need, based on drive time catchments and practical capacity of existing crematoria, to qualitative elements such as an enhanced overall experience.
- 6.25 It is notable that there are no crematoria in the Mid Sussex District. The District is, however, served by 6 surrounding crematoria, one of which (Surrey and Sussex Crematorium) is located just over 4 miles away from the appeal site.

Policy Context

- 6.26 The supporting text to policy DP12 identifies that "*The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there.*"
- 6.27 Policy DP25 supports "*the provision or improvement of community facilities and local services that contribute to creating sustainable communities*". It therefore requires consideration of the extent to which a proposal will contribute to sustainable communities, for example by meeting an existing need. The policy further confirms that facilities and services to meet local needs "*will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.*" Neither the Turners Hill NP nor the emerging Site Allocations DPD (which has been submitted for examination) identifies a need for a crematorium or allocates land for such a use.

- 6.28 The requirement to demonstrate need is also supported by paragraph 8(b) of the NPPF, which provides that one of the objectives of the planning system is to “*support strong, vibrant and healthy communities*” by (among other things) providing “*accessible services ... that reflect current and future needs*”. Paragraph 92 is also relevant, in stating that in order to “provide the social, recreational and cultural facilities and services the community needs”, planning decisions should “ensure an integrated approach to considering the location of ... community facilities and services”.
- 6.29 The extent of any need for the facility is therefore clearly a material consideration and it necessary to consider the extent of any need in order to properly balance this against the harm to the character and appearance of the area which the development would cause.

Appraisal

- 6.30 The Appellant commissioned transport specialists to produce drive-time catchments to each of the nearest existing and proposed crematoria, based on a so-called 'industry standard' of 30 minutes drive time at 60% of normal traffic speeds.
- 6.31 The Council commissioned its own specialist consultant to critique this evidence and model these drive-time catchments in more detail, again using population data. His findings include that:
- a) 38,847 people will be brought within 30 minutes' drive time of a crematorium for the first time. 29,856 (77%) of this is contributed by the east and south of Haywards Heath.
 - b) The addition of a crematorium at Turners Hill would reduce the maximum driving time from 41 minutes to 37 minutes for the Mid Sussex area.
 - c) The proposed crematorium would have a population of 114,978 within 30 minutes' drive time. 75,920 of these would be from the Surrey and Sussex crematorium. Thus 2/3 of the newly served area is currently within 30 minutes.

- d) With the proposed crematorium, there are 112,159 people still beyond a 30 minutes' drive time.

6.32 Whilst it can be concluded that a new crematorium will provide a benefit to some Mid Sussex residents in terms of a reduced drive time to a crematorium, this benefit is not considered to be a significant one, and some Mid Sussex residents would not benefit at all. This is due to the location of the proposed crematorium. The Council's consultant has observed that:

'A layman's eye would suggest a site between Haywards Heath and Uckfield would be worth examining to serve the maximally distant areas efficiently. Of course, this might not be possible on other grounds.'

6.33 Despite the appellant suggesting that alternative sites for this facility have been undertaken, this took the form of 7 alternative locations within Turners Hill only, based on information contained within the Council's SHELAA (Strategic Housing and Employment Land Availability Assessment) – rather than across the District as a whole.

6.34 In establishing a qualitative need for this scheme, the Appellant commissioned a report from a consultant specialising in all matters relating to burial, cremation and exhumation setting out:

- a) Current and future capacity of existing crematoria to meet demand for funerals at core times
- b) Length of time between death and arranging a cremation at a convenient time
- c) Journey time to the crematorium
- d) Experience of bereaved people at the crematorium

6.35 The Council will argue as follows:

- a) Using core slots and published cremation figures, Surrey and Sussex crematorium is running at over 80% of core capacity.
- b) It may be possible to establish future need to relieve capacity constraints on existing crematoria but to achieve this effectively the location would be key. It

would need to serve a large majority of the 151,000 people currently beyond 30 minutes' drive time of any crematorium.

- c) The relatively small quantitative improvements offered by the appeal scheme would provide only incremental qualitative improvements in the area in terms of reducing travel times.
- d) The increased capacity in the immediate locality will improve choice of cremation provision in particular in peak months.

6.36 Again, while it can be concluded that a new crematorium would provide a benefit to some Mid Sussex residents in qualitative terms, such as increased capacity to accommodate funerals in core slots, the benefit of reduced travel time is relatively limited.

6.37 There is no evidence that existing crematoria are failing to meet current needs in terms of users' experience. The appellant's own Survey of Funeral Directors in the Appendix to the Crematorium Need Assessment, received responses from 4 out of 20 questionnaires sent, with only 2 of these 4 (50%) disagreeing with the statement that 'There are enough crematoria in the area to meet current need'.

Conclusion on Need

6.38 It is accepted that Policy DP25 does not seek to restrict development which is not needed. The fact that no clear need for the crematorium has been demonstrated does not give rise to a conflict with DP25. Accordingly, although conflict with DP25 was identified in the reason for refusal, the Council will not be pursuing that argument.

6.39 The extent of need is however relevant to the question of whether DP25 positively supports the proposed development, for the reasons set out in paragraph 6.27 above.

6.40 Apart from policy DP25, need is clearly relevant as a material consideration which might assist in overcoming any harm. The Council will argue that the Appellant's need case is not sufficiently strong or overriding as to outweigh the landscape harm

identified above. As a material consideration, it is of insufficient weight to indicate a departure from the development plan.

Planning Balance

- 6.41 The proposal would conflict with the development plan in terms of its effects on character and appearance, in particular Policies DP12, DP16 and DP26 of the Mid Sussex District Plan and Policies THP8 and THP13 of the Turners Hill Neighbourhood Plan.
- 6.42 The conflict with several important policies in the Development Plan means that the appeal scheme is not capable of complying with the Development Plan taken as a whole. As such, the statutory presumption is that planning permission should be refused, unless material considerations indicate otherwise.
- 6.43 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development in determining applications, which is a material consideration.
- 6.44 All the development plan policies cited in this Statement of Case are considered be up-to-date and in compliance with the NPPF, therefore paragraph 11(d) is not engaged. Accordingly this material consideration does not indicate a departure from the plan.
- 6.45 The extent of any need for the proposed crematorium is also a material consideration. Whilst the proposal may bring some benefits, there is no clear need for it. The Appellant's case on need/benefit is not considered to be an overriding one, in the sense that it is insufficient to outweigh the conflict with the development plan identified above.
- 6.46 Finally, if was considered that the most important development plan policies were out of date, the adverse impacts of the proposed scheme would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, as set out in Paragraph 11 d) ii) of the NPPF.
- 6.47 Based on the above, the Council will invite the Inspector to refuse planning permission and dismiss the appeal.

7.0 CONCLUSION

- 7.1 From an assessment of the identified planning issues, the Council's case will conclude by arguing that the scheme is contrary to national and local planning policy.
- 7.2 It is anticipated that the Council will call witnesses to address the following matters:
- Landscape;
 - Need; and
 - Planning matters, including the overall planning balance.
- 7.3 The Council's reserves the right to call on further witnesses should other matters arise.
- 7.4 The Council will respectfully request that the Inspector recommends that the appeal be dismissed, and permission refused.