



Appeal Decision

Site visit made on 7 November 2017

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd December 2017

Appeal Ref: APP/D3830/W/17/3179872

Burial Ground Site, Turners Hill Road, Turners Hill, West Sussex RH10 4PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hartmires Investments Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/17/1167, dated 13 March 2017, was refused by notice dated 2 June 2017.
 - The development proposed is construction of a new chapel building with associated landscaping within existing burial ground.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new chapel building with associated landscaping within existing burial ground and enlarged car parking area for 37 cars at the Burial Ground Site, Turners Hill Road, Turners Hill, West Sussex RH10 4PB in accordance with the terms of the application, Ref DM/17/1167, dated 13 March 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of the proposal on the application form does not make reference to the additional car parking spaces proposed and so I have adopted the Council's description for the purpose of my decision.
3. The development plan currently comprises the Mid Sussex Local Plan adopted in 2004 (Local Plan) and the Turners Hill Neighbourhood Plan made in 2016 (N'hood Plan). The Council anticipates that the Local Plan will be replaced by the Mid Sussex District Plan in early 2018, following examination of the draft District Plan in the summer. Proposed modifications to make the Plan sound have been subject to public consultation during the autumn.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal relates to open land on the northern side of Turners Hill Road. It has an area of about 1.18 hectares but forms part of a larger site that has been granted planning permission for a change of use to a natural burial ground

(Ref: DM/15/1035). Implementation of this permission has commenced through the construction of a vehicular access to the site and a footpath towards Turners Hill village centre, ground works in connection with the laying out of a car park and a base for a reception building and landscape planting between the car park and boundary hedge to Turners Hill Road to enable translocation of hedges to provide visibility splays.

6. The majority of the site and adjacent land comprises rough grassland on undulating ground. The surrounding area is characterised by open land used for agricultural and recreational purposes with blocks of woodland and tree and shrub belts particularly to field boundaries. The appeal site is not subject to a particular designation but the land on the southern side of Turners Hill Road forms part of the High Weald Area of Outstanding Natural Beauty (AONB).
7. It is proposed to construct a chapel building to the north of the consented reception building and car park. This would be on slightly lower ground and accessed from the car park by a pedestrian ramp and by steps. The building would be approximately 24m long, 10m wide and 11m high to a ridged roof with a gable at each end. It would be completed in cedar shingle cladding to the walls and roof with glazing to the gable ends. The approved car park would be enlarged by a spur to the north of the access. There would be a landscaped buffer strip around the outer edges of the spur and planting blocks to the northern side of the chapel. The proposal also includes belts of tree and understorey planting along the site's northern edge adjacent to the footpath.
8. Given the planning permission for the site as natural burial ground, the provision of a commensurate chapel building is not unreasonable. The siting of the building close to and parallel with the consented reception building is appropriate and would concentrate activity close to the car park. The building would be longer and higher than the reception building, but its bold modern design form would reflect its use as a chapel. In view of its height, it would be a conspicuous building when viewed from close quarters but the proposed materials would help its assimilation into this rural setting. Overall, I consider that the chapel would accord with the provisions of Policy B1 of the Local Plan that requires a high standard of design, construction and layout in new buildings including a sensitive approach respecting the character of the locality and material appropriate to the site.
9. The other policies quoted in the refusal reason relate to countryside protection. Policy C1 of the Local Plan pre-dates the National Planning Policy Framework (the Framework) and is inconsistent with it in that paragraph 133 requires local planning authorities to set criteria based policies against which proposals for any development affecting landscape areas will be judged. Policy THP8 of the N'hood Plan seeks to ensure that development does not have a detrimental impact on areas of substantial landscape value and sensitivity.
10. The proposal is accompanied by two 'Landscape Character and Visual Impact Assessments' which analyse the landscape components surrounding the appeal site and make judgements in relation to the short and longer term impacts of the proposal on the rural landscape. My visit to the appeal site and surroundings corroborates their main findings. The chapel building in particular would result in some short to mid term adverse impacts on landscape character, when viewed from close positions but these impacts would be dissipated in the longer term as the proposed planting matures.

11. There is a public right of way footpath along the site's western and northern boundaries leading to Butchers Wood. Both buildings and the consented car park would be conspicuous from close positions on this footpath as this part of the site is currently relatively open. The landscape measures proposed in the landscape masterplan would filter these views over time. From positions farther away to the north west along the footpath, land levels fall and the rising brow of the intervening field would contain the proposal, particularly during summer months with the growth of scrub vegetation.
12. On lower ground to the west of the site beyond the footpath is Tulleys Farm, a recreational site with an array of small buildings and open parking areas clearly visible from the appeal site. The chapel and lower reception building would be equally visible from Tulleys Farm as distant features on higher ground. The proposed planting blocks would not obscure these structures but would diffuse views from positions to the west of the site and help the proposal to blend in with tree and shrub blocks along the footpath and to the site frontage.
13. There would be limited visibility of the proposal from other directions outside the wider application site. The spur car park would be located opposite the site access and so would be visible from the road. However, the embankment and hedgerow to the Turners Hill Road boundary would largely screen the proposal from the highway. The chapel would be set away from this boundary on lower ground and so would not be readily discernible from the highway.
14. There is a higher belt of trees to the southern side of Turners Hill Road that would break up any views of the site from footpaths on this side of the road and from the AONB. Similarly, there is a belt of trees to the eastern side of the wider natural burial site that would effectively screen the proposal from the open land beyond this in the direction of Turners Hill.
15. The Council considers the scale of the proposal to be excessive and the design of the chapel to be uncompromisingly modernistic in comparison with a similar development at Clayton Wood where there are smaller buildings and fewer parking spaces. I have not been provided with details of that site, but each proposal needs to be considered on its individual merits. My findings are that the appeal proposals are proportionate to the scale of the site and that the design of the chapel is acceptable in this context. It would be of attractive appearance and the use of materials to match those on the consented reception building would assist in its assimilation with the wider site and to blend in with rural character of this site.
16. The Council has quoted from an Inspector's decision in relation to a recent appeal for 22 affordable houses on the adjacent site¹ to support its case that the chapel building would be unduly conspicuous, particularly when viewed from the public right of way to the north and west. The Inspector concluded that the residential development proposed on land adjacent to the appeal site would be completely out of character with the surrounding rural area and that the landscaping then proposed should not be used to hide an otherwise unacceptable large scale development. The chapel by contrast would be a single structure, located in a different part of the site and designed to suit its setting. The landscape measures close to the building and along the public right of way are not designed to totally obscure the building, but to permit its successful integration in to its surroundings.

¹ APP/D3830/W/16/3165199

17. The main planning objection raised by local residents is to the scale of the chapel building. Whilst this would be significantly higher than the associated reception building, its form and profile would be appropriate to the consented use of the site and would not undermine the rural landscape character of the site and surroundings.
18. Overall, my findings are that that there would be no material harm to the rural landscape character of the site and that the proposal would be in compliance with Policy THP8 of the N'hood Plan. Furthermore, there would be no conflict with Policy DP24 of the emerging District Plan which requires development to be well designed while being sensitive to the countryside, be of high quality design and layout and to include appropriate landscaping and greenspace. Policy DP24 is subject to modifications but subject to these is considered compatible with the Framework and can be afforded appropriate weight in accordance with paragraph 216 of the Framework.

Other matters

19. I have had regard to the petition and individual representations submitted against the appeal proposal. Some have raised issues that go beyond the scope of the appeal to challenge the permission for the natural burial ground that is in place; these are outside of my jurisdiction. Others speculate on how the site may be used for different purposes in the future and raise non-planning issues; my focus has to be on the planning merits of the proposal before me. Some have objected to the proposal in relation to traffic; I do not find that the proposal would have unacceptable effects upon highway safety.

Conclusion

20. For the reasons set out above and having regard to all matters raised, I conclude that the proposal would not have a detrimental effect on the character and appearance of the area and would comply with relevant planning policies. The appeal is therefore allowed.
21. The appellant has not objected to the conditions suggested by the Council and I concur on their necessity. I see no reason to vary from the default three year period for commencement of works. A condition to list the plan numbers is appropriate in the interests of certainty and to enable the submission of minor material amendments. Conditions in relation to the approval of materials for the building and hard surface areas and to control lighting are necessary to ensure a satisfactory appearance to the development. The landscape measures are an essential part of the proposal and a condition is necessary to ensure approval of final planting measures in accordance with the masterplan and the implementation and subsequent maintenance of the planting. Finally, it is appropriate to include a condition to safeguard the ecology of the area by requiring implementation of mitigation measures recommended in reports accompanying the application.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 461/10, 461/11, 461/12, 461/13, 461/20, 461/21, 461/22 and LLD1117/01.
- 3) No development shall take place until a schedule or samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until details of the materials to be used on the surface of the car parking area and footpath link have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 5) No development shall commence until details of soft landscape works in accordance with the landscape masterplan have been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No external lighting or floodlighting shall be installed without the prior written approval of the local planning authority and any lighting installed shall be carried out in accordance with the approved details.
- 7) The development hereby permitted shall be implemented in accordance with the recommendations and mitigation measures identified in the submitted Extended Phase 1 Habitat Survey, Great Crested Newt Survey and Reptile Survey by Urban Edge Environmental Consulting dated January 2015.