



Appeal Decision

Site visit made on 25 March 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2019

Appeal Ref: APP/D3830/W/18/3217677

Turners Hill Burial Ground, Turners Hill Road, Turners Hill RH10 4PB

- 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 Hartmires Investments Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/18/2675, dated 28 June 2018, was refused by notice dated 18 September 2018.
 - The development proposed is the construction of a new barn/workshop, hard standing area, internal site access road and footway, crossing to existing public right of way and associated landscape works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form with all matters reserved apart from access and scale. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
3. The appellant submitted an Addendum Landscape Statement, together with documentation related to the burial ground lease and forestry. As parties would have had the opportunity to comment on these documents during the course of the appeal, there is no possible prejudice and so I have considered them in my decision.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, and on the amenity value of trees.

Reasons

Character and Appearance

5. The site is located at Turners Hill Burial Ground, that was established by means of a planning permission granted in 2015 Ref DM/15/1035. A public right of way crosses the site. The High Weald Area of Outstanding Natural Beauty (AONB) runs along Turners Hill Road just beyond the Burial Ground's southern boundary. The site lies in the Countryside Area of Development Restraint for the purposes of the Mid Sussex District Plan 2014-2031, adopted March 2018

- (the MSDP), and within an open and largely undeveloped location outside of a built-up area. Its qualities are typically countryside.
6. A chapel building was allowed on appeal in 2017¹ and planning permission was then granted for an amendment to that scheme in 2018 which included a basement for storage Ref DM/18/0677. At the time of my site visit an associated car parking area had been laid-out and consolidated with a hard-core material and planting undertaken. Hoardings were erected around the location of where the chapel building is to be situated. The site is therefore not currently operational and the remainder was broadly set to grass.
 7. The appeal site itself is tightly drawn in relation to the full extent of the burial ground and encompasses the proposed internal site access road and footway from the car park area which would lead down to where the barn/workshop building is proposed to be located. This area would also include hardstanding and associated landscape works. Based on the details submitted, the road would have a width of 5.5m with a 2m wide footpath. The proposed building would be 30m in length and 10m in depth with an overall height of 5m.
 8. The local landscape character has a fairly distinct and recognisable pattern of elements across a wide landscape in the area. Its substantial landscape value is of local importance and is located adjacent to the AONB. According to the appellants Landscape and Visual Impact Assessment the sensitivity of the site at a local level is 'Medium'.
 9. The ridge level of the proposed building would be approximately 13-14m lower than the ridge of the chapel, given the topography and considerable sloping ground level. The building would nevertheless be of substantial proportions.
 10. Even with planting as a longer-term form of mitigation, I am not satisfied it would ameliorate the scale of the building, particularly in views from the public right of way, which is in close proximity. This part of the site has previously been planned solely for landscaping in connection with the burial ground use and so was not envisaged for built development. In my view it forms an attractive part of the wider landscape, despite its lower level in relation to the chapel building, and, with it, part of the burial ground site.
 11. Furthermore, whilst I appreciate the desirability of separating the maintenance needs of the site in order to provide a tranquil and peaceful setting for users, and to minimise visual presence in relation to the chapel, the proposal would locate the building a considerable distance away. This would result in a significantly wide and lengthy road, with the footway, cutting through the centre of the burial ground. This would in my view be intrusive and have an urbanising and scarring effect in this countryside location that would be harmful to the character and appearance of the area.
 12. The totality of the proposal in character and appearance terms, in my view, differs and would have a markedly greater effect from the more moderate effects of the chapel building. I have had regard to the entirety of the landscape evidence that the appellant has put to me, including mitigation and the associated use of planning conditions, and the views of the County Council's Landscape Architect. For the reasons set out, however, I am not persuaded that the proposal can be successfully integrated in the context of the

¹ APP/D3830/W/17/3179872

burial ground site, given its scale. I consequently find that it would be harmful to the landscape quality of the area.

13. That there would not be a significant impact on the landscape qualities of the AONB itself does not alter my views concerning the detrimental effects that would occur. Character and appearance of an area remains an important planning consideration outside of designated areas, as the National Planning Policy Framework (the Framework) confirms that planning decisions should ensure developments are sympathetic to local character, including landscape setting, amongst other considerations.
14. I therefore conclude that the proposal would be harmful to the character and appearance of the area. This would be contrary to Policies DP12 and DP26 of the MSDP as well as Policies THP8 and THP13 of the made Turners Hill Neighbourhood Plan 2014-2031, March 2016. These policies, amongst other things, seek to protect the countryside in recognition of its intrinsic character; that proposals should therefore be sensitive to this character; and outside the built-up area boundary, as is the case here, priority should be given to protecting from inappropriate development and ensuring proposals must not have a detrimental impact on areas of substantial landscape value. The proposal would also fail to accord with the Framework in respect of achieving well designed places and conserving and enhancing the natural environment.

Trees

15. In respect of trees at the site, there are no Tree Preservation Orders or designated woodland. Some trees were felled prior to the determination of the appeal application, which the appellant states were in the normal course of maintenance and management of the site, and for which no consent was required. The number of trees recently planted at the site is also emphasised by the appellant.
16. I am satisfied based upon the location of trees in relation to the proposal, which I observed during my site visit, and the appellant's arboricultural evidence, that good quality trees would not be threatened by the proposal. The imposition of suitably worded planning conditions could further control any risks of damage or loss during the construction process and secure further planting, if I was minded to allow the appeal.
17. I conclude that the proposal would not cause undue harm to the amenity value of the trees, and accordingly it would comply with Policy DP37 of the MSDP.

Other Matters

18. The natural burial ground is not yet operational, but I accept that some social, economic and community benefits may arise from the appeal scheme as it could improve the function of this facility. However, there is little substantive evidence from the appellant to demonstrate that without this specific proposal the burial ground could not proceed.
19. Whilst I am in no doubt that the burial ground requires secure covered storage, including for maintenance vehicles, the scale of the proposed building would be substantial at 300 sqm. I am not persuaded on the evidence before me that the appellant has substantiated a need for a building on this scale particularly as the site is in an area of development restraint; being within the countryside. It would therefore not be commensurate with the role and function of the burial

ground, which itself is a low intensity use, and so would not comply with Policy DM25 of the MSDP in relation to the provision or improvement of community facilities. I am also advised that other buildings already granted planning permission at the site provide for some areas of storage and so could provide storage for other items that are required in connection with the site.

20. The appellant has raised a number of other matters, including that there have been no objections raised in respect of residential amenity, highways or from the Environment Agency or Natural England. It is felt by the appellant that there were few local objections. Representations of support, as well as objection, has been made during the appeal. However, these matters relate to the requirements of the proposal, are not sufficient to outweigh the harm I have identified or attract neutral weight. The same applies as regards that the proposal would not have an unacceptable effect on trees.
21. It is also suggested that if the site were in agricultural use parts of the proposal could be carried out using permitted development rights. However, the accepted use of the site is a natural burial ground. Other such rights, therefore, do not apply and so I afford this contention very limited weight.
22. With regard to the Ashdown Forest Special Protection Area and Special Area of Conservation, as I am dismissing the appeal on other grounds, I have not considered this matter further.
23. I also note the appellant and other interested parties are concerned by the way it was felt the appeal application was handled by the Council. Nonetheless, this does not alter my assessment of the planning merits of the case.

Conclusion

24. The proposal would not have an unacceptable effect on the amenity value of the trees. However, it would have an unacceptable effect on the character and appearance of the area, and this is decisive. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. The proposal conflicts with the development plan and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Paul T Hocking

INSPECTOR