



Appeal Decision

Inquiry held on 31 March 2015

Site visit made on 1 April 2015

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 2 July 2015

Appeal Ref: APP/D3830/A/14/2226987

Land at London Road, Hassocks

- 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 Gleeson Developments Limited against the decision of Mid-Sussex District Council.
 - The application Ref 13/03818/OUT, dated 4 November 2013, was refused by notice dated 6 May 2014.
 - The development proposed is up to 97 new homes and associated landscaping and open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with all matters reserved except for access. I have determined the appeal on the basis of drawing Nos 1160/03 (Site Location Plan) and ITB8203-GA-012-A (Site Access Ghost Island Junction with Signalised Crossing), having regard to the other illustrative plans submitted.
3. The application was refused for three reasons: its failure to make provision for infrastructure and affordable housing; its traffic impact on the Stonepound Crossroads junction; and its effect on air quality within the Stonepound Crossroads Air Quality Management Area.
4. However, following the refusal of planning permission, the appellant completed further work in relation to both traffic impact¹ and air quality². This resulted in the West Sussex County Council Highway Authority and the Council's Environmental Health Officer withdrawing their respective objections. In addition, the appellant committed to make planning obligations to address the Council's concerns about infrastructure and affordable housing and indeed, a completed legal agreement pursuant to S106 of the Act³ was submitted at the Inquiry. This would make provision for financial contributions towards education; libraries; leisure and recreation; community buildings and facilities; and air quality monitoring. It would also provide for

¹ Transport Statement of Common Ground, 2 March 2015.

² Air Quality Assessment, Alpha Acoustics, 6 October 2014.

³ Town and Country Planning Act 1990.

affordable housing within the scheme and for the installation of two fire hydrants.

5. As a consequence of the above, the Council resolved to withdraw all three reasons for refusal⁴ and informed the Planning Inspectorate of its decision by letter dated 22 January 2015⁵. Therefore the Council did not defend them at the Inquiry and took the position that planning permission should be granted subject to conditions as indicated in paragraph 4.15 of the Planning Statement of Common Ground, 2 March 2015 (PSOCG). The Council's representatives answered questions which arose during the event, but they did not give formal evidence or cross examine any other witness.
6. Notwithstanding the agreement between the main parties, interested parties continue to argue that the reasons for refusal concerning traffic impact and air quality should stand. They made substantial and thoughtfully prepared submissions in writing and at the Inquiry and I am persuaded that I should continue to treat both matters as main issues of the appeal. Furthermore, I have been presented with significant evidence concerning the effect of the proposed development upon the designated Local Gap within which the appeal site lies. This includes a recent appeal decision for a site in College Lane, Hurstpierpoint, which was dismissed by the Secretary of State⁶. On the basis of all I have read and heard in relation to this matter, I consider that it is also a main issue of the appeal.

Main Issues

7. For the reasons above, the main issues are:
 - The effect of the proposed development on the setting of the villages of Hurstpierpoint and Hassocks in respect of the designated Local Gap between them;
 - Its effect on highway safety and traffic flow, particularly at Stonepound Crossroads; and
 - Its effect on air quality within the Stonepound Crossroads Air Quality Management Area.

Reasons

The Local Gap

8. The appeal site comprises 5.3 hectares of undeveloped land on the western edge of Hassocks village, which is presently used as pasture for horses. It borders a line of existing dwellings fronting London Road to the east; a recreation ground to the north; and open fields to the south and west. It is proposed to build up to 97 new homes, of which 30% would be affordable, along with associated landscaping and open space.
9. The appeal site lies outside but adjacent to the boundary of the built up area of Hassocks, in an area classified as a Countryside Area of Development Restraint under Policy C1 of the Mid Sussex Local Plan, 2004 (Local Plan). This states that development is to be firmly resisted in such areas, subject to

⁴ Committee Report and Minutes of meeting held on 22 January 2015 (PSOCG, Appendix 3).

⁵ Appendix 4, Planning Statement of Common Ground, 2 March 2015.

⁶ APP/D3830/V/14/2211499.

specific exceptions which do not apply in this case. However, while there is some disagreement as to the precise extent of the shortfall, the main parties agree that the Council cannot demonstrate a five year supply of specific deliverable sites for housing as required by paragraph 47 of the National Planning Policy Framework (the Framework). Having considered the contrary position presented by Mr Weir, I concur with the main parties that a shortfall does indeed exist (PSOCG, paragraph 20.2).

10. Therefore, to the extent that it operates to restrict the supply of housing, Local Plan Policy C1 is out of date by virtue of paragraph 49 of the Framework and I must determine the appeal with reference to the presumption in favour of sustainable development at paragraph 14. This provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
11. I come to the overall planning balance later, but in respect of the countryside protection objectives of Policy C1, the appellant's Landscape and Visual Impact Assessment⁷ concludes on page 40 that the proposed development would have limited landscape and visual effects. Likewise, the Council's specialist considers that the "moderate reducing to minor" adverse impacts of the proposal could be suitably mitigated by design and landscaping conditions. As the site lies outside the South Downs National Park, is only seen in relatively distant views from it and is seen from there and elsewhere against an immediate backdrop of existing development, I find no reason to disagree in respect of landscape and visual impacts.
12. In addition to being outside the general development boundary, the site also lies within a Strategic Gap and a Local Gap designated by Policies C2 and C3 of the Local Plan respectively. C2 relates to the gap between Burgess Hill and Hurstpierpoint, Keymer & Hassocks to the south; while C3 specifically concerns the smaller gap between Hurstpierpoint and Keymer & Hassocks, which lie across from each other east to west. Both policies seek to prevent coalescence and to retain the separate identities of the relevant settlements. To this end, they prohibit most types of development. In addition, the recently made Hurstpierpoint Neighbourhood Plan includes a Local Gap policy which covers the portion of the Gap situated within Hurstpierpoint and Sayers Common Parish. Whilst I agree with the main parties that this policy cannot be determinative of the appeal because the appeal site lies outside its jurisdiction, it is nevertheless a material consideration in my decision.
13. To the extent that Policies C2 and C3 (of the District Local Plan) restrict the supply of land for housing, they are, like Policy C1, out of date by virtue of paragraph 49 of the Framework. However, having regard to the core principle of the Framework which requires account to be taken of the different roles and character of different areas (paragraph 17), I consider that the objective of Policies C2 and C3 to prevent coalescence and preserve local identity remains important. My view is consistent with that of the Inspector who determined the appeal in Hurstpierpoint (Ref footnote 6), who likened the objectives of the Gaps to that of Green Belts (Decision Letter 13.18). Significantly, these objectives are distinct from those relating to the protection of landscape character and visual amenity.

⁷ Landscape and Visual Impact Assessment, by Fabrik, dated February 2014.

14. The Strategic Gap designated by Policy C2 covers a large area of land similar to that covered by general countryside Policy C1. The appeal site lies well within the northernmost limit of built development in both Hassocks & Keymer and Hurstpierpoint; and, given the small size of the site relative to these areas overall, the proposed development would have no significant impact in respect of coalescence with Burgess Hill. Being significantly smaller however, the Local Gap designated by Policy C3 serves a more targeted purpose to separate Hassocks and Hurstpierpoint. The distance between the built up edges of these settlements is approximately 1km.
15. The College Lane site considered by the previous Inspector lies almost directly opposite the present appeal site, adjacent to the eastern boundary of Hurstpierpoint. Thus the 'Gap' I must consider is the same as the one to which the previous Inspector had regard. Whilst the Inspector acknowledged that neither the built development proposed, nor the College Lane site as a whole would entirely fill the gap between the settlements, she found that the *"increase in built development here, at the edge of the settlement, would result in a small but nevertheless significant diminution of this part of the Local Gap. Physically, it would reduce forever the amount of land available to form the separation function: visually it would introduce built form onto currently open and undeveloped land, reducing the openness of this part of the Gap. The development would undermine the purposes of the Gap and would change its character"* (DL 13.23 – 13.24). Paragraph 14 of the letter dated 4 September on behalf of the Secretary of State confirms that he agrees with her reasoning.
16. The appellant points to a number of differences between the College Lane site and the appeal site at Section 6 of the 'Landscape Report on Strategic and Local Gap Matters'⁸. It notes that the College Lane site measured 285m across, with development extending to a width of 220m, while the appeal site would measure 190m across, with development being a maximum of 140m wide. It also notes that the present proposal would include additional planting along the 'outer' boundary of the site to strengthen the enclosure of Hassocks, whereas the previous scheme included no such enhancement. Further in respect of enclosure, the College Lane site would have extended from the edge of Hurstpierpoint up to the parish boundary marked by Belmont Lane. Both main parties at the Inquiry stressed the importance that the College Lane Inspector had placed upon this. By contrast, Belmont Lane lies some distance to the west of the appeal site.
17. Taking the above points in turn, the College Lane development would certainly have reduced the width of the Gap by more than the appeal scheme, but the latter would nevertheless diminish it by at least 14%, to approximately 860m. This is not an insignificant margin. I acknowledge that the gap to the immediate south of the site measures only 550-600m because some of the properties along Hurst Road between Hassocks and Hurstpierpoint fall within it. However, these properties form part of an almost continuous ribbon of development linking the two settlements at their southern end, while the bulk of their built up areas and of the designated Gap lie to the north. Therefore, this narrower part of the Gap does not share the open characteristics of the

⁸ Landscape Report on Strategic and Local Gap Matters, by Liz Simes of Fabrik Ltd, dated March 2015. Provided at Appendix 5 to Appellant's Proof of Evidence.

rest of the area and I do not consider that it should represent its generally acceptable width.

18. In respect of settlement enclosure, the proposed development would, like the College Lane scheme, introduce built form onto currently open and undeveloped land. It would not represent the rounding off of any pre-existing building line, but would rather protrude from the established row of dwellings along the western side of London Road. In visual terms, the intrusion into the countryside would be clearly apparent from the footpath to the north-west where it runs along the edge of the golf course. Given the elevated position of this viewpoint, the effect would remain even if the planting on the boundary of the appeal site were to be strengthened. In terms of the specific point that the College Lane proposal lacked landscape enhancements, the boundary provided by the edge of Belmont Lane itself is densely planted.
19. Aside from the view from the aforementioned footpath, I agree with the main parties that the impact of the proposed development upon the public perception of the Gap would be limited. It is not possible to see all the way from the edge of Hurstpierpoint to the edge of Hassocks or vice versa, and I could not see the appeal site from Belmont Lane. However, as indicated above, preventing coalescence is different to protecting visual amenity and in this sense, 'openness' can appropriately be equated with 'freedom from development'.
20. Whilst one might not readily perceive it, the proposed development would, like the College Lane scheme, reduce forever the amount of land available to perform the separation function. This function is fulfilled by land on both sides of Belmont Lane and although the lane constitutes a perfectly logical physical boundary for administrative purposes, I am not persuaded that it is of any great significance in respect of the necessary extent of the Gap. Nor does my reading of the previous Inspector's report suggest that this point was decisive for her.
21. In light of the above, notwithstanding the differences between the previous and present schemes, their effect on the Gap would be sufficiently similar, both in principle and practice, that I reach the same conclusion as the previous Inspector and the Secretary of State. The proposed development would result in a small but nevertheless significant diminution of this part of the Local Gap which would undermine its purpose. In turn, this would harm the setting of the villages of Hurstpierpoint and Hassocks, contrary to Policy C3 of the Local Plan.

Traffic Impact

22. During the planning application process, the Highway Authority objected to the proposed development on the basis that it would give rise to a severe traffic impact at the A273/B2116 Stonepound Crossroads junction approximately 200m to the south of the site; that it would have a negative impact on air quality; and that certain safety issues remained unresolved⁹. This objection constituted one of the Council's reasons for refusal.
23. Subsequently however, the appellant has undertaken further work and negotiated with the Highway Authority to propose an improvement scheme for

⁹ WSCC Highways Comments reported in Appendix B of Council's Committee Report dated 1 May 2014 (Inquiry Document 2); and confirmed at paragraph 1.2 of TSOCG).

Stonepound Crossroads. The Authority has withdrawn its objection to the development as a result and, as confirmed at paragraph 9.4 of the TSO CG, it is now satisfied with the appeal scheme in respect of all highway and transport matters subject to conditions and planning obligations.

Nevertheless, interested parties continue to object in relation to the safety of the site access itself, and the effect of additional traffic upon the Crossroads.

The Proposed Site Access

24. Starting with the access, this would be via a new junction with the A273 London Road at the southern end of the site. It would take the form of a "ghost island junction" shown on drawing No ITB8203-GA-012A, which would include a right-turn filter lane for traffic entering the site from the north. The existing pedestrian refuge in the centre of the carriageway to the immediate south would be upgraded to a signalised crossing.
25. The new junction would be in close proximity to a car dealership & petrol station and to the junction with Stanford Avenue, which are both on the eastern side of London Road. I observed that this stretch of road is busy with a fairly constant stream of traffic and indeed, the appellant's Transport Assessment¹⁰ indicates that in excess of 1300 vehicles use it in the morning and evening peak hours (Tables 4.3 and 4.4). In this context, I can understand the concerns raised by interested parties in respect of conflicting traffic and pedestrian movements in the vicinity of the proposed access.
26. However, while the road layout envisaged would increase the potential for vehicles to be moving in different directions, the traffic count data shown in Figures 1 and 2 of the Transport Assessment indicate that the vast majority of the traffic flow is north/south past the site and the junctions referred to above. There are relatively few turning vehicles. Whilst the new junction would increase the number, the appellant estimates that the proposal would generate an additional 60 trips in the morning peak (arrivals and departures), and an additional 67 in the evening peak (Transport Assessment, Table 7.6). Even if an additional 85 trips were to occur as suggested by Mr Tovey (Inquiry Document 4), I am not persuaded that over the course of an hour, the locality would become so much more congested or confused with turning traffic that it would be impossible to manoeuvre safely.
27. Moreover, notwithstanding that the measured speed of the traffic past the site access slightly exceeds the 30mph speed limit (Addendum Transport Assessment, Table 3.4), visibility to and from the site is clear in both directions. Whilst northbound traffic might well accelerate away from Stonepound Crossroads towards the site, the intervening 200m would provide sufficient space for drivers to see and respond to turning vehicles in the distance. Similarly, the proposed pedestrian crossing would be clearly visible to drivers using the London Road carriageway and, while residents and visitors exiting the appeal site itself might have to stop suddenly if it were in use, they would very quickly become aware of its presence.
28. I acknowledge that a number of accidents have been recorded in the area (Section 4.8 Transport Assessment; and page 8, Inquiry Document 4), but in light of the above, I find no reason to disagree with the appellant that their

¹⁰ Transport Assessment, by i-Transport, dated 30 October 2013, supplemented by Addendum Transport Assessment, dated 18 December 2013.

number, cause and severity is fairly typical for a study area of this size. Consequently, I accept the conclusion of the road safety audit¹¹, which takes account of the signalised crossing, that the proposed access arrangements would not give rise to highway safety problems.

Stonepound Crossroads

29. The focus of the highway authority's initial objection to the appeal scheme was its likely effect on queuing at the Crossroads. It considered that the appellant's proposals to alter the phasing of signals at the junction would be neither feasible nor safe; and that the resultant delays would be detrimental to both the economy and local air quality.
30. The scheme of improvements now proposed is set out in detail at Section 6 of the TSO CG. It comprises a system of vehicle detection at the traffic lights; combined with physical works¹² to widen the Hurst Road arm, increase the length of the left-turn filter lane and install a user-activated Puffin Crossing thereon. On the basis of the traffic flow data shown in Table 6.1 of the TSO CG, the highway authority is satisfied that the scheme would accommodate all the likely traffic effects from the development and provide a measurable improvement for all users of the junction by 2018. Essentially, Table 6.1 shows that while the junction would be operating over capacity in 2018 with the proposed development and associated works, its capacity would be exceeded by less than if the other development which has already been approved went ahead without it.
31. In challenging this position, interested parties point out that while the appellant's assessment includes local committed developments amounting to 170 dwellings (Section 4.9 Transport Assessment), it does not take account of some 3,500 dwellings proposed in the emerging District Plan to the north of Burgess Hill (the "northern arc"). Should this development go ahead, I do not doubt that a significant number of additional vehicles would take the direct route south along the A273 to Brighton and the coast.
32. However, this 'allocation' does not yet form part of any adopted plan and, having regard to paragraph 216 of the Framework, I give it only limited weight in my decision. In any case, I agree with the main parties that a future development of this scale would be subject to assessment of its own likely impact on the highway network, which could necessitate works over and above those now proposed.
33. Questions have also been raised as to whether the proposed widening of the Hurst Road carriageway would actually improve traffic flow to the extent suggested, particularly given that the left-turn filter lane would only be slightly longer than at present. In this respect, while I do not underestimate the value of local experience of using the junction, the nature of the third party evidence before me does not surmount the appellant's technical modelling. In the same way, while legitimate concerns have been raised about large numbers of children using the proposed Puffin Crossing on their route to school, I find no good reason to dispute the conclusion of the road

¹¹ Addendum Stage 1 Road Safety Audit: Proposed A273 London Road Site Access Ghost Island Junction with Signalised Crossing, by GM Traffic Consultants, dated April 2014.

¹² Ref Drawing No ITB8203-GA-021C.

safety audit of the junction scheme¹³. This is that no safety issues would arise.

34. For these reasons, I conclude that the proposed development would not be detrimental to highway safety either at the new London Road access or Stonepound Crossroads. In respect of traffic flow, the highway improvement scheme proposed would mitigate the effect of the development and result in a slight improvement in 2018. Thus the appeal scheme would not conflict with the aims of Policy T4 of the Local Plan; and the provisions of paragraph 32 of the Framework would be satisfied.

Air Quality

35. The Council has declared an Air Quality Management Area (AQMA) centred on Stonepound Crossroads. This is because the National Air Quality Objective for nitrogen dioxide (NO₂), of 40 micrograms/m³ as a mean annual average, has been shown to be exceeded. The Air Quality Assessment undertaken to support the planning application¹⁴ utilised a screening model, which the Council's specialist initially considered to be adequate (paragraph 11.3, PSOCG). However, upon receipt of the Highway Authority's comments in relation to the effects of traffic queuing upon air quality, the Council felt unable to support the findings of the screening model and required further information.
36. This was subsequently provided in the form of an updated assessment¹⁵ which utilises an advanced model (described in Section 4.3) to predict the annual mean concentration of NO₂ at three residential premises within the AQMA. The results of the modelling are set out in table 4.4 of the Assessment. They show that in 2013, the baseline concentrations ranged from 36.8 to 43.2 micrograms/m³ at the three receptors, whereas by 2018 they would fall to between 28.8 and 34.5 micrograms/m³. In other words, the baseline concentrations at all three residential receptors are predicted to fall below the National Air Quality Objective of 40 micrograms/m³. This reduction is expected to occur as a result of a general reduction in pollutant emissions, irrespective of other mitigation.
37. Taking account of existing development, other committed development and the proposed development (including the highway works described above), the model predicts that concentrations of NO₂ would range from 29.4 to 35.2 micrograms/m³ in 2018, remaining below the National Air Quality Objective. Whilst the proposed development would result in higher concentrations than would occur with existing and committed development alone, the magnitude of the increase would be 'small' so that the effect of the scheme would nevertheless be 'negligible' (see tables 4.2 and 4.3 of the Assessment further). I return to this point below, but on this basis, the Council's specialist is satisfied that "*there is no evidence that the proposed development would have a significant adverse effect on air quality*" (paragraph 11.9 PSOCG).
38. However, interested parties continue to raise concerns and at the Inquiry, Mr Brewer, a Chartered Engineer with significant experience in automotive design and engine combustion development, presented particularly detailed evidence

¹³ Stage 1 Road Safety Audit: Stonepound Crossroads Improvement Scheme, by GM Traffic Consultants, dated November 2014.

¹⁴ Air Quality Assessment, No AA506/21/10/2013/AQ, by Alpha Acoustics, dated 1 November 2013.

¹⁵ Air Quality Assessment, No AA506/09/09/2014/AQ, by Alpha Acoustics, dated 6 October 2014.

(Inquiry Document 5). In summary, Mr Brewer submits that the background reduction in NO₂ of approximately 8.7 micrograms/m³ (or 20%) between 2013 and 2018 upon which the appellant's model relies is overly-optimistic. Whilst the chart included at Table 2.3 of his evidence shows good agreement between the measured and modelled levels of NO₂ in 2015, the modelled results then take a much sharper fall to 2018.

39. Mr Brewer quotes from the Minutes of the UK Parliament Environmental Audit Select Committee, 26 November 2014, which suggest that the UK as a whole has failed to meet EU air quality targets in 2010 and is unlikely to do so in 2015. He stated in evidence that this is largely because vehicles which are deemed compliant with EU Regulations in theory¹⁶ actually fail to comply in practice. His extract from the October 2014 White Paper on Real World Emissions from Modern Diesel Cars indicates that average on-road emissions of oxides of nitrogen were approximately seven times the certified limit for "Euro 6" vehicles. As a result, Mr Brewer explained that the EU intends to introduce "Real Driving Emissions Regulations" in the near future.
40. Given that the appeal proposal relies entirely upon background reductions in NO₂ levels for compliance with the National Air Quality Objective, the concerns raised by Mr Brewer are most significant. Moreover, I found him to be a highly credible witness. He drew upon authoritative data sources in making his case and no specific scientific evidence was introduced in rebuttal. Whilst I accept that the trend-based reduction in NO₂ levels shown on Mr Brewer's chart is not grounded in fact or evidence, it is nevertheless revealing of how NO₂ has declined more steadily in the recent past than is now predicted by the appellant's model.
41. Against all this, I have no reason to question the methodology employed by the appellant's consultants or to doubt their individual expertise. Mr Ray, the author of the Alpha Acoustics report, explained at the Inquiry that the data on NO₂ reductions was supplied by DEFRA in the summer of 2014. Consequently, it is not clear that the model could have used any more accurate data inputs. However, it does not appear to allow for any non-compliance with emissions targets and Mr Brewer's evidence raises enough doubt about the validity of its assumptions that I cannot be fully confident in the conclusions drawn from it. In particular, I am concerned that if the background NO₂ concentration observed at "Overcourt" in 2013 did not fall as expected, then the proposed development could maintain or raise it above 40 micrograms/m³.
42. The Stonepound Crossroads is the only designated AQMA in the Council area and this is indicative of the particular sensitivity of the locality. I am also mindful of Mr Brewer's suggestion that "Sussex-Air", a partnership of local Councils to deal with air quality issues, requires that new developments should not worsen air quality in existing AQMAs. Even on the basis of the appellant's latest Assessment, it is clear that the situation would be worse in 2018 with the development than without it.
43. For the reasons above, I consider that the evidence in respect of air quality is at best equivocal. It would appear that this is due in part to questions of data reliability which might be beyond the appellant's control. However, on the basis of all the information before me, I cannot conclude with confidence that

¹⁶ Regulations shown as "Euro 5"; "Euro 5b"; "Euro 6 & VI" on Mr Brewer's Table 2.3.

the proposed development would not have a negative effect on air quality within the Stonepound Crossroads AQMA. Consequently, it would conflict with Policy CS22 of the Local Plan and with the provisions of paragraphs 109, 120 and 124 of the Framework.

Other Matters

44. In reaching my decision, I have taken account of the potential benefits of the proposal set out in Section 6 of Mr Ross's Proof of Evidence. In light of the Council's housing land supply deficit, the provision of both market and affordable housing would be a clear benefit of the scheme. This would support the social aim of sustainable development and I give it significant weight. Likewise, the provision of public open space would contribute to a pleasant living environment and I give this some weight. In respect of the environmental role of sustainable development, I also give some weight to the proposed creation of a new hedgerow, wetland and wildflower meadow. This would support the aims of the Sussex Biodiversity Action Plan.
45. In terms of the economic role of sustainable development, the appeal scheme would generate construction jobs in the short-term. In the medium-term, I have concluded above that the highway works would lessen traffic delays at the Stonepound Crossroads in 2018 and I acknowledge that the owner of the garage business on London Road supports the proposal as being good for business. I give some weight to all these matters in my decision. Whilst additional household expenditure and financial receipts from the New Homes Bonus would also represent economic benefits of the scheme, it is not clear how the money would be used and this reduces the weight I give to them.
46. In reaching my decision, I have also taken account of the concerns raised by interested parties in addition to those addressed above. These include poor drainage, additional pressure on various local services, the effects on wildlife and archaeological remains and upon the outlook of existing neighbouring residents. However, there is the potential for such matters to be addressed by conditions, legal agreements or at the reserved matters stage and so I attribute no negative weight to them now.

Planning Balance and Conclusion

47. I have found in the appellant's favour in relation to the traffic impact of the proposed development. I also consider that it would have benefits in terms of the social and economic roles of sustainable development as envisaged by the Framework. In this respect, I give particular weight to the provision of market and affordable housing.
48. However, notwithstanding the creation of the hedgerow and meadows, and that the scheme would cause no significant harm to the landscape character or visual amenity of the area, I have found that it would undermine the purpose of the Local Gap between Hurstpierpoint and Hassocks and reduce forever the land available to perform its important planning function. Furthermore, I cannot be certain that the development would not be detrimental to air quality, and therefore to human health, within the designated AQMA. Consequently, it would conflict with the environmental role of sustainable development.

49. Having regard to paragraph 8 of the Framework, which confirms that the social, economic and environmental roles of sustainable development are mutually dependent, I consider that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits to which I have had regard. Thus, in terms of the decision-making approach set out in paragraph 14 of the Framework, I find that the proposal would not constitute the sustainable development for which there is a presumption in favour. I therefore intend to dismiss the appeal and so the planning obligations provided in the S106 Agreement are a neutral factor in the planning balance. As they could not be determinative of the outcome, I have not considered them further in respect of the relevant tests in law and policy.
50. For the reasons above, I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Heather Stevens of Counsel
Kirsten King
Clare McGough

Mid Sussex District Council
Case Officer, Mid Sussex District Council
Solicitor, Mid Sussex District Council

FOR THE APPELLANT:

Christopher Boyle QC
He called:
Adam Ross
BA (Hons) Dip TP MRTPI
Also appeared:
Adrian Ray BSc. MIOA

Instructed by Nexus Planning

Alpha Acoustics Ltd.

INTERESTED PERSONS:

Philip Weir
Ian Tovey
Bob Brewer CEng MI MechE

Local Resident
Protect Ham Fields Action Group
Protect Ham Fields Action Group regarding
emissions

William Hatton BA MRTPI Rtd
Ian Credland MCICM ACILEx
Nick Owens
Stephen Hand

Parish Councillor, Hassocks Parish Council
Local Resident
Local Resident and Business Owner
Chair of Hurstpierpoint and Sayers Common
Parish Council

DOCUMENTS SUBMITTED AT INQUIRY

1. Mid Sussex Local Plan, May 2004, Policies C1; C2; C3; and CS22.
2. Committee Report on application, 1 May 2014.
3. Reasons to Reject the Appeal, Presentation by Philip Weir.
4. Report on appellant's I-Transport Travel Plan Assessment, by Ian Tovey.
5. Air Quality at Stonepound Crossroads Argument, by Bob Brewer.
6. Appellant's data in support of Air Quality Assessment by Alpha Acoustics, 6 October 2014.
7. Objections of the Parish Council, by William Hatton.
8. Local Gap Argument, by Ian Credland.
9. Submission by Nick Owens.
10. Summary of Key Planning Obligations by James Smith, Solicitor for the appellant.
11. Certified copy of completed S106 Agreement, dated 31 March 2015.
12. Updated list of conditions.