
Appeal Decision

Site visit made on Tuesday 27 September 2016

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

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

Decision date: 04 October 2016

Appeal Ref: APP/Z3825/W/16/3152838

Butlers Cottage, Tower Hill, Horsham, RH13 0AQ

- 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 Mrs Elizabeth Cotton against the decision of Horsham District Council.
 - The application Ref DC/15/2460, dated 30 October 2015, was refused by notice dated 24 December 2015.
 - The development proposed is the erection of a 2 bedroom self-build dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that there are three main issues in this appeal. Firstly, whether the proposal would be sustainable development given its location in the countryside; secondly, the effect of the proposal on the character and appearance of the countryside; and thirdly, the effect of the proposal on the setting of a listed building.

Site and surroundings

3. Butlers Cottage is a Grade II listed two storey building built in the 18th Century, or possibly earlier. It is located within the hamlet of Tower Hill some 280m from the south of the built-up area boundary of Horsham. It is built of coursed stone with red brick quoins and has a roof of Horsham stone and it has a single storey extension. The garden is predominantly to the south of the dwelling and there is a hedge along the road boundary with two gates for vehicular and pedestrian access.
4. Butlers Cottage and the appeal site are located outside the settlement boundary of Horsham. To the north of Butlers Cottage there is one house and then open land; to the south there is a gap before a group of scattered dwellings; to the west there are open fields. Opposite the site there are a number of dwellings characterised by relatively large houses in large plots.

The proposal

5. The proposal is for the construction of a two bedroom dwelling on land to the south of Butlers Cottage. The proposed dwelling would be clad in oak weather boarding above a brick plinth and would have a clay tiled roof. Windows and
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doors would be oak framed with conservation styled roof lights. Two car parking spaces are proposed with bike storage within the curtilage. A 1.8m high close boarded fence is proposed between the proposed dwelling and Butlers Cottage.

Reasoning

First issue: Sustainable development

6. One of the aims of the Horsham District Planning Framework (HDPF) is to ensure that development takes place in a manner that ensures that the settlement pattern and the rural landscape character of the District is retained and enhanced, but still enables settlements to develop in order for them to continue to grow and thrive. To this end, land outside built-up area boundaries is considered to be in the countryside and development will be more strictly controlled¹. Policy 4 provides that the expansion of settlements outside built-up area boundaries will be supported provided a number of specified criteria are met. One of these criteria is that settlement expansion outside of built-up area boundaries will only be supported where the site is located in the Local Plan or in a Neighbourhood Plan. In this case the site is not allocated for development in the HDPF and no draft neighbourhood plan has yet been produced for the parish of Southwater.
7. Whilst I note the Appellant's case that the appeal site is in a sustainable location because, among other things, it is close to the boundary of Horsham, there is a bus stop outside the appeal property that serves routes to Horsham and elsewhere, and that there is a public house nearby I note that Tower Hill itself in the settlement hierarchy provided for in Policy 3 is an unclassified settlement which is a settlement with few or no facilities or social networks and limited accessibility and which is reliant on other villages and towns to meet the needs of residents. It therefore appears to me that occupiers of the proposal would have to travel for facilities and services and there could be no guarantee that such travel would either be on foot or by public transport rather than by private car.
8. Although not put forward by either party as part of their cases, the HDPF is up to date and the Council has a five year housing land supply. The Council nevertheless has a lack of one, two and three bedroom houses and the Appellant suggests that the proposal would, in a small way, assist in meeting this need. The proposal would, however, be a substantial large house in that although it is described as a two bedroom house it would also have a snug/bedroom on the ground floor with a shower/facilities and a separate study/studio on the ground floor². I therefore question whether it would meet the acknowledge housing needs in the District.
9. The proposal would be a self-build property for the Appellant who wishes to downsize in retirement but remain in the area. Whilst I understand the Appellant's personal wishes, Policy 26 requires that outside built-up area boundaries any proposal must be essential to its countryside location and, in addition, meet one of a number of specified criteria. In my view, the proposal would not be an essential one in the countryside

¹ Paragraphs 4.6 – 4.7 and Policies 3 and 4

² Drawing No 70198/FPE Floor Plan and Elevations

10. I therefore conclude that the proposal, given its location in the countryside would not be sustainable development and that it would not comply with Policies 1, 2, 3, 4 and 26 of the HDPF.

Second issue: Character and appearance of the countryside

11. The appeal site is located in the countryside as provided for in the HDPF. Despite being relatively close to the built up area of Horsham the area has a distinct rural feel and appearance because of the high hedges, the open space, woodland and the limited number domestic dwellings and those dwellings that there are tend to be well spaced, hidden behind hedges and set in large plots.
12. The proposal would reduce the open land and replace it with built development. The proposed house would be substantial in mass and volume and would appear to have a slightly larger footprint than Butlers Cottage. The proposal would result in it having a small plot and there would be a corresponding reduction in the size of the plot of Butlers Cottage. The resulting plots of each dwelling would not reflect the general character of the area nor would the relative proximity of Butlers Cottage and the new house to each other reflect the spacious distance between other dwellings.
13. The appeal property currently has two vehicular accesses, one in close proximity to the Cottage and one further to the south. This latter access, which is relatively inconspicuous, would be replaced by a wider access to comply with West Sussex County Council requirements. The new access would mean that a considerable length of hedge would have to be removed and the proposed house, given the width of the access, would be clearly visible in views from the road. I appreciate that the current access would be sealed-up with a new hedge but this would take some time to reach maturity. I consider that the presence of visible built development of this scale in this location would detract from the rural appearance of the area.
14. For the reasons I have given above I conclude that the proposal would erode the rural character of area; that it would have a harmful effect on the character and appearance of the countryside; and that it would be contrary to Policy 33 of the HDPF which seeks to conserve and enhance the natural and built environment by requiring development to satisfy a number of specified criteria such as ensuring that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape and open spaces and retaining existing important landscape and natural features, for example, hedges.

Third issue: Setting of a listed building

15. Whatever the historical setting of Butlers Cottage may have been, Butlers Cottage is currently prominent in views along the road and, although there are some dwellings in the vicinity, because of the extent of its garden, particularly to the south, and the surrounding open land, it appears as relatively isolated. This rural and open setting contributes to and complements Butler Cottage. The proposal would result in the open area to the south being significantly reduced and in place of the open land there would be a substantial two storey house and associated hard-surfaced area for parking. Butlers Cottage would no longer be set apart which is one of the features of its setting. In my opinion the proposal, which includes sub-division of the plot, would detract from the rural and open setting of the listed building.

16. I accept that care has been taken in the design of the proposal so that it, among other things, would echo a traditional Sussex style barn and the built mass adjacent to Butlers Cottage would be reduced by a cat-slide roof but this does not outweigh the harm that would be caused to the setting of Butlers Cottage by the subdivision of the plot, the loss of the open land and its replacement by built development.
17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. For the reasons I have given I consider that the proposal would fail to preserve the setting of Butlers Cottage
18. In the Glossary to the National Planning Policy Framework (the Framework) the meaning of the setting of a heritage asset is stated as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'. Paragraph 134 advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use' and case law has established that this exercise must be carried out and come out in favour of the Appellant before any other matters are weighed in the planning balance as required by paragraph 14 of the Framework.
19. The harm that would result to the setting of the listed building from the proposal must be given considerable importance and weight. The identified harm also gives rise to a strong presumption against the grant of planning permission. The Appellant has put forward a number of matters in favour of the proposal which include the freeing-up a house and an increase mix of housing. However, the harm to the setting Butlers Cottage would be permanent and irreversible and I conclude that this harm would outweigh any public benefits of the proposal and it necessarily follows that the proposal would also significantly and demonstrably outweigh the benefits in applying the paragraph 14 balance and that there should be no grant of planning permission.
20. I therefore conclude that the proposal would have an adverse effect on the setting of a listed building and that it would also be contrary to Policy 34 which seeks to sustain and enhance the historic environment by, among other things, retaining and improving the setting of heritage assets.

Other Matters

21. Both the Appellant and the Council have referred me to a number of appeal decisions which consider such matters as development outside the built-up environment and Policy 4. I have taken the decisions into account insofar as they are relevant to this appeal but I note that none of them are comparable with this appeal in, for example, size and type of development and location.

Conclusions

22. For the reasons given above and taking all other matters into account I conclude that the appeal should be dismissed.

Gloria McFarlane

Inspector