

Appeal Decision

Site visit made on 23 January 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/Z3825/W/16/3162314

Land adjacent to Buckmans, Stane Street RH14 9BA

- 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 Mr Clarke against the decision of Horsham District Council.
 - The application Ref DC/16/1091, dated 12 May 2016, was refused by notice dated 16 August 2016.
 - The development proposed is described as "For the construction of two dwellings on land adjacent to 'Buckmans'. The dwellings incorporate as part of their design the existing structure on the site. The development is to be accessed from the existing road via Stane Street (A29)".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services;
 - ii) The effect on the character and appearance of the area, including the setting of the adjacent listed building;
 - iii) The effect on the living conditions of neighbouring occupants, with particular regard to outlook and privacy; and
 - iv) The effect on highway safety on Stane Street.

Reasons

3. The appeal site is situated in generally open countryside, a short distance from the hamlet of Five Oaks, and adjacent to a large detached house known as Buckmans, which is listed Grade II. The site has been largely cleared such that it is currently open except for the post and rail boundary fencing and a dilapidated, single-storey, brick and timber building, which is braced by scaffolding. The site fronts onto Stane Street (A29), a main road carrying a relatively significant amount of traffic at the time of my visit, almost opposite its junction with Haven Road. There is an existing access onto Stane Street, fitted with agricultural type metal gates. A footway runs along the opposite side of the road, between the site and Five Oaks approximately half a mile away.
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4. It is proposed to erect two four-bedroom detached houses on the site with a parking and turning area at the front and the existing building incorporated into the scheme as a garage. Access would be taken from Stane Street at the existing point.

Pattern of development

5. Policies 2, 3 and 4 of the adopted Horsham District Planning Framework 2015 (HDPF) set out the overarching development hierarchy and strategy for settlement expansion in the plan area. The clear focus is on the main settlements and development is also accepted in principle within other designated Built Up Areas (BUA), whereas areas outside BUAs are considered to be in the countryside, where these policies seek to ensure that development is more strictly controlled. The Council and appellant agree that the site lies outside any defined built up area and that it lies in open countryside.
6. I note that there are a number of scattered dwellings in the vicinity, as well as various agricultural buildings, some of which are occupied by other business uses. The site is also within walking distance of Five Oaks. However, this an 'unclassified settlement' with regard to the settlement hierarchy in Policy 3, defined as settlements with few or no facilities or social networks and limited accessibility, that are reliant on other villages and towns to meet the needs of their residents. Policy 3 sets out that development will be permitted in towns and villages which have defined built up areas, with any infilling or redevelopment expected to demonstrate that it is appropriate in nature and scale to maintain the character and function of the settlement in accordance with the settlement hierarchy.
7. Policy 4 of the HDPF relates specifically to settlement expansion, including through site allocations. The proposed houses would be clearly and significantly separated from the settlement so as not to form an expansion of it. Moreover, the site does not form part of a relevant allocation in the HDPF or a neighbourhood development plan. I therefore consider Policy 3 to be more relevant to this case. The proposed new dwellings, being set significantly beyond any defined BUA, would not accord with the general principle of Policy 3, the underlying purpose of which is to ensure that development takes place in a manner that ensures that the settlement pattern and rural landscape character of the district is retained and enhanced. Furthermore, no significant evidence has been provided to demonstrate that the proposed houses are essential to the countryside location, as would be required by Policy 26 of the HDPF, in the interests of protecting rural character outside the defined BUAs.
8. While it would be possible to walk to Five Oaks, the site would be isolated in terms of accessibility to almost all services due to the very limited provision in the hamlet. Paragraph 55 of the National Planning Policy Framework (the Framework) sets out that isolated new homes in the countryside should be avoided unless there are special circumstances. There is no significant evidence before me that the proposal would meet any of the listed circumstances, or that any other special circumstances apply. While I note that the development would re-use a disused building, for the reasons set out below I have not found that it would also lead to an enhancement to the immediate setting. Furthermore, the Council's ability to demonstrate a five year supply of housing land is not in dispute, and while the proposal would contribute two

houses to local windfall supply, this would be a modest benefit and outweighed by the substantive conflicts with the development plan that I have identified.

9. I therefore conclude that the proposal would not result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. It would therefore conflict with Policies 3, 4 and 26 of the HDPF, the requirements of which are noted above.
10. Reference is also made by the Council to HDPF Policies 1 and 2. I have had regard to these policies as they are, respectively, a general sustainable development policy and an overarching strategic development policy, but they are not as location-specific as Policies 3 and 4 and, as such, have not been determinative in my findings on this issue.

Character and appearance

11. The new houses would introduce substantial new built form into the predominantly open landscape of fields, interspersed with hedges and wooded areas. The development would be clearly visible from some distance along Stane Street, when approaching from Five Oaks, as well as in views from the A264. In these views the scale, siting, somewhat bland design, and domestic appearance of the development would appear out of keeping with the site and its surroundings. The proposal would permanently erode the character and appearance of the site, to the significant detriment of its countryside character and the appearance of the area. Moreover, domestic accoutrements and the large parking and turning area in front of the houses would exacerbate the harmful effects.
12. The adjacent property, Buckmans, is a Grade II listed designated heritage asset. Buckmans, which probably dates from the 17th Century and features fish-scale hanging tiles, stands prominently on Stane Street. It has very little built development around it except for a detached garage building and the dilapidated building on the appeal site, which may at one point have been associated with it. As a result of their close and obtrusive siting, the new houses would considerably encroach upon the countryside setting of Buckmans, challenging its prominence and therefore its significance. While existing trees on the common boundary would provide some screening to Buckmans, this is not complete and it is not clear whether all the trees could be retained due to the proximity of the development. Even if they were all retained, this would not significantly diminish the harm that would be caused to the setting of the listed building.
13. I note that the existing building, which occupies only a small area at the front of the site, would be retained in order to combine the old with the new. While the retention of the building would be of some benefit in terms of its contribution to the historic development of the locality, this would be very modest in relation to the significant negative impacts of the substantial new element of the scheme on the character and appearance of the area and the setting of the listed building.
14. I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies 25 and 26 of the HDPF, which among other things seek to protect landscape and countryside character from inappropriate development; Policy 31 of the HDPF, which among other things seeks to maintain or enhance green infrastructure and

biodiversity; Policy 32 of the HDPF, which seeks high quality development, including by complementing locally distinctive characters and the heritage of the district; and Policy 33 of the HDPF, which among other things seeks to ensure that the scale, massing, appearance, design and layout of development relates sympathetically with the surroundings.

15. In light of my reasoning above, I further conclude that the development would have a harmful effect on a designated heritage asset by failing to preserve the setting of the adjacent listed building, which is a matter of considerable importance and weight. It would therefore conflict with Policy 34 of the HDPF, which seeks to sustain and enhance the historic environment through positive management of development affecting heritage assets. I quantify the harm to the significance of the heritage asset as less than substantial, having regard to Paragraphs 133 and 134 of the Framework. Such harm needs to be weighed against any public benefits of the scheme. The provision of two dwellings and the retention of the building on the site can be considered modest benefits. As set out above, I have afforded them a little weight in favour of the proposal, which is insufficient to outweigh the harms I have identified.

Living conditions

16. The first floor windows in the north elevation of the house on Plot A, including three bedroom windows, would face directly towards the windows in the facing side elevation of Buckmans, and its side garden. The boundary vegetation would only provide partial screening between the two properties and therefore the new house would introduce overlooking of Buckmans. Due to the proximity of the new house, this would result in a significant loss of privacy for the neighbouring occupants.
17. The house at Plot A would also project a significantly beyond the rear elevation of Buckmans. Taken with its siting in proximity to the common boundary, and its height, this house would introduce a substantially intrusive built form adjacent to Buckmans. While this would be partially screened and softened by the boundary trees, it would nevertheless be a significantly overbearing form of development in the outlook from the neighbouring house and garden. The house at Plot B would be largely screened from Buckmans by that at Plot A.
18. I conclude that the proposed development would be harmful to the living conditions of neighbouring occupants at Buckmans, with particular regard to privacy and outlook. It would therefore conflict with Policy 33 of the HDPF, which seeks to ensure that development avoids unacceptable harm to the amenity of occupiers of nearby property, among other things.

Highway safety

19. Stane Street is subject to a 40mph speed restriction at the point of the appeal site, but reverts to the national speed limit on the far side of Buckmans. The appellant has provided a highways plan showing that a standard 40 mph visibility splay could be achieved towards Five Oaks. In the opposite direction, the achievable visibility splay is considerably sub-standard, stopping at the boundary with Buckmans, because the land required is not in the control of the appellant and does not form part of the public highway.
20. While the road is almost straight, visibility from the access is significantly limited, including by the existing building on the site, the front boundary wall

and trees at Buckmans, and a dip in the road shortly beyond. Furthermore, no speed survey data has been provided to determine the appropriate sight stopping distance and visibility splays for the road conditions. During my site visit, some of the passing traffic seemed to me to be travelling at speeds significantly in excess of 40mph.

21. For these reasons, and in the absence of any significant evidence that the proposal would not materially change the number and type of vehicle movements currently associated with the access, I consider that it has not been demonstrated that adequate visibility can be achieved for the road conditions, or that a reduced level of visibility is justified by the road conditions.
22. I conclude that the proposed development would be detrimental to highway safety on Stane Street. Accordingly, it would conflict with Policy 33 of the HDPF, which among other things, seeks to ensure that development incorporates convenient, safe and visually attractive areas for the parking of vehicles.

Other Matters

23. The appellant is of the view that the proposal represents sustainable development and would make effective use of previously developed land. The site is now largely cleared with the exception of the dilapidated building and I have been provided with little evidence of its previous use, other than that it was probably part of a former farm. On that basis, it would be excluded from the definition of previously developed land, as set out in the Framework. Either way, I have identified that significant environmental and social harms would arise from the proposal, which would conflict with the development plan. These harms would not be outweighed by the modest social and economic benefits of the scheme.
24. I note the appellant's position that, had the appeal been allowed, details of landscaping and the delineation of drives and parking could have been the subject of pre-commencement conditions. However, highway safety is a significant concern and therefore visibility splays could not have been reasonably left to condition. I further note that the houses have been designed with the Billingshurst Parish Design Statement 2009 in mind, and that they could free-up smaller properties as households upsize. However, these factors are also modest compared to the harms identified in relation to the main issues above.
25. I conclude that none of the matters discussed in this section of my decision add materially to the case for or against the appeal.

Conclusion

26. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR