
Appeal Decision

Site visit made on 25 April 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 8 May 2017

Appeal Ref: APP/Z3825/W/16/3165694

1 Woodcot, New Road, Billingshurst RH14 9DS

- 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 Peter Coulstock against the decision of Horsham District Council.
 - The application Ref DC/16/1415, dated 23 June 2016, was refused by notice dated 21 September 2016.
 - The development proposed is Construction of three bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether there is sufficient justification for the countryside location of the proposal having regard to local and national planning policy;
 - Whether the proposal would provide adequate living conditions for any future occupiers with particular regard to sunlight and daylight and outlook; and
 - The effect of the proposal on highway safety.

Reasons

Countryside location

3. The appeal site lies outside of any town or village settlement defined in Policy 3: Development Hierarchy, of the Horsham District Planning Framework (excluding South Downs National Park) 2015 (HDPF) and therefore lies within the countryside for planning policy purposes.
 4. Policy 2: Strategic Development, of the HDPF, seeks to focus development in and around existing settlements to maintain the District's rural character and to provide sustainable growth and suitable access to services to meet the needs of the community. Policy 4: Settlement Expansion, of the HDPF, allows some development outside settlements including where the site is allocated, where it adjoins an existing settlement edge and where it can be demonstrated to meet an identified local housing need. Policy 26: Countryside Protection, of the HDPF, seeks to protect the rural and undeveloped nature of the countryside
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- and requires development in the countryside to be essential to such a location and to be for the purposes of either agriculture or forestry, minerals or waste, informal recreation, or to enable the sustainable development of the countryside. Policy 1: Sustainable Development, of the HDPF, requires development to accord with other HDPF policies.
5. Paragraph 55 of the National Planning Policy Framework (the Framework) sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, that isolated new homes in the countryside should be avoided unless there are special circumstances.
 6. The appeal site, which is currently undeveloped, comprises a broadly triangular shaped plot of land located to the east of 1 Woodcot, a two storey semi-detached dwelling. A hedgerow, which also contains a number of trees, runs along its southern boundary which fronts New Road. A number of trees grow along the north-east boundary, beyond which lies an open field. Development along New Road is limited which affords the area a strong, rural character and appearance. The undeveloped nature of the site contributes positively to this.
 7. The proposal seeks to erect a detached dwelling on the appeal site. I recognise that the appellant has sought to minimise its prominence by designing a building which would appear as a single storey dwelling with rooms in the roof. It would also have a traditional appearance and would be sited adjacent to and opposite existing residential development. Nevertheless, the introduction of a dwelling in this location, which would be visible in views from along New Road, would erode the spatial qualities of the appeal site and would exert an intensified domestic character along this part of the road. This would appear at odds with and would result in significant harm to the predominant and prevailing rural character and appearance of the road and area. As such, it would fail to maintain the District's rural character.
 8. The appeal site is located a considerable distance from the nearest settlement of Billingshurst and its range of services and facilities. New Road has no footpaths or street lighting and is subject to the national speed limit. These factors would, in my view, discourage any future occupiers from making the journey to Billingshurst on foot or by bicycle. In addition, I am not aware of any bus services which run along New Road towards Billingshurst. Thus, I consider that any future occupiers would be heavily reliant on the use of a private motor vehicle to access services and facilities in the wider area. In this context, the proposal would represent an isolated home in the countryside.
 9. Moreover, the appeal site is not allocated for housing, does not adjoin a settlement edge and I have not been provided with any substantive evidence to demonstrate that a dwelling in this location is required to meet any local housing need. In addition, the proposal is not for purposes of either agriculture or forestry, minerals or waste, informal recreation, or to enable the sustainable development of the countryside. Furthermore, I have not been provided with any compelling evidence to demonstrate that any special circumstances exist to justify a dwelling in this location.
 10. I have had regard to the appeal decision¹ which the appellant refers to in support of his case. However, the Inspector found that the site in that case

¹ Ref APP/P3040/A/13/2191142- Land North of Church Farm

was located close to an existing settlement and its associated facilities including a church and a school, whereas the appeal site under consideration in this appeal is not. Moreover, the site in that case fell within the boundaries of a different administrative authority and was therefore considered under a different planning policy context. As such, the appeal decision is not helpfully comparable to the appeal at hand and does not justify a planning permission in this instance.

11. I therefore consider that, in light of my reasoning above, the proposal would be contrary to Paragraph 55 of the Framework. It would also be contrary to the abovementioned policies of the HDPF. These policies are consistent with the broad aims and objectives of the Framework which seek planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to focus development in sustainable locations, to avoid isolated homes in the countryside and to recognise the intrinsic character and beauty of the countryside. Consequently, the countryside location of the proposal is unjustified.

Living conditions

12. The proposed dwelling would be sited in close proximity to the southern and north-eastern boundaries of the appeal site and would be orientated with its principal elevation facing north. The close presence of trees growing along the boundaries of the appeal site, many of which are mature, in combination with the orientation of the proposed dwelling, would considerably limit the amount of natural sunlight and daylight able to penetrate some of its main living areas.
13. This would, in my judgement, be most notable in respect of the ground floor living room/kitchen. The main glazed openings to this room would face east and north. The close presence of mature trees would be likely to restrict any opportunity for morning sun into the eastern facing windows and would be likely to limit any natural daylight to these windows throughout the day. The northern facing window and glazed door would experience no direct sunlight having regard to the east to west direction that the sun travels. The close presence of mature trees would be likely to limit any natural daylight to this window and glazed door also. It is likely that the living room/kitchen would be the room utilised most frequently by any future occupiers for sitting down and relaxing and therefore the natural lighting of this room would be important to provide a quality living environment overall. Whilst I note that one window to serve this room would face south, it would be modest in size and as such, would not be adequate to mitigate the general lack of sunlight and daylight to this room.
14. The close proximity of the proposed dwelling to trees along the north-eastern boundary of the appeal site would be likely to provide an uncomfortable sense of enclosure for any future occupiers when using the living room/kitchen and would restrict any meaningful views from the north facing windows of this room which provide its main aspect.
15. Thus, I consider that the proposal would provide a poor level of sunlight and daylight and outlook and as such, would provide inadequate living conditions for any future occupiers. The Council cites conflict in this regard with Policy 32: The Quality of New Development and Policy 33: Development Principles, of the HDPF. However, whilst I note that Policy 33 requires, amongst other things, buildings to be orientated to gain maximum benefit from

sunlight, these policies do not refer specifically to the living conditions of future occupiers. I therefore turn to the Framework. The proposal would be contrary to its broad aims and objectives which require a good standard of amenity for all future occupants of land and buildings.

Highway safety

16. New Road is a narrow rural road subject to the national speed limit. The evidence indicates and I observed that visibility at the existing entrance to the appeal site along New Road is extremely limited due to the presence of the front boundary hedge. The Local Highway Authority (LHA) sets out that during a recent site visit, it observed inconsistent traffic speeds along this part of New Road, ranging between 25-45 miles per hour (mph). I also observed vehicles travelling at inconsistent speeds along this part of New Road, with some vehicles travelling at considerably faster speeds than others.
17. In respect of visibility splays, there appears to be no dispute between the main parties that the parameters of the Design Manual for Roads and Bridges (DMRB) cannot be met. It is, in any case, the appellant's contention that the DMRB guidance, which relates to trunk roads and motorways, is not appropriate for this location. Rather, the appellant contends that the Manual for Streets 1 (MfS1) and Manual for Streets 2 (MfS2) guidance is more appropriate on the basis that New Road does not have the character of a trunk road.
18. I acknowledge that MfS2 advises that most MfS advice can be applied to a highway regardless of speed limit. However, the LHA points me to Paragraph 1.3.6 of the MfS2 guidance. This advises that where actual speeds are above 40mph for significant periods of the day, DMRB parameters for stopping sight distance are recommended and that where speeds are lower, MfS parameters are recommended. Furthermore, that where there may be some doubt as to which guidance to adopt, actual speed measurements should be undertaken to determine which is most appropriate.
19. The appellant considers that sight lines of 2.4m x 25m to the west and 2.4m x 50m to the east could be achieved and would be adequate to ensure the safe exiting of any vehicle from the appeal site. These sight lines are indicated on an informal plan contained within the submitted Transport Assessment. It is also suggested that existing accesses to dwellings along this part of New Road would mean that any drivers using this road would anticipate any risk of vehicles emerging from the appeal site. I also accept that there is no substantive evidence to demonstrate any previous accidents along New Road.
20. Nevertheless, I share the concerns of the LHA that no detailed speed survey has been undertaken and submitted as evidence by the appellant to demonstrate which sight line parameters would be most appropriate. On this basis, I cannot be confident that the proposed sight lines would be adequate to maintain highway safety along New Road. This is notwithstanding that any additional vehicle movements generated by the proposal would be limited to approximately 5 two-way trips per day.
21. The proposal would therefore be contrary to Policy 40: Sustainable Transport, of the HDPF, which requires, amongst other things, development to provide safe and suitable access for all vehicles. This policy is consistent with the

broad aims and objectives of the Framework which require development to provide safe and suitable access to a site.

Other matters

22. The proposal would make a contribution, albeit a limited one, to housing supply in the District. The Council would receive some additional Council Tax and New Homes Bonus payments. In addition, a number of short-term construction jobs would be created and there would be a positive impact on the local building industry in general. Nevertheless, in the wider scheme of things, these benefits would be modest in scale and would not outweigh the harm I have identified and the conflict with the policies of the HDPF and the Framework as a whole.

Conclusion

23. For the reasons set out above and having regard to all other matters, including neighbour privacy, drainage, waste and noise and disturbance, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR