
Appeal Decision

Site visit made on 14 March 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 22nd May 2017

Appeal Ref: APP/D3830/W/16/3161851

Land to rear of Old Club House, High Street, Handcross, RH17 6BL

- 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 and Mrs Rotheray against the decision of Mid Sussex District Council.
 - The application Ref DM/16/2216, dated 16 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is construction of new 1.5 storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the draft District Plan has been examined, it has not yet been adopted, and policies within it might still be subject to change, which reduces the weight which I can attach to them.

Main Issue

3. The main issue in this case is whether the proposal constitutes sustainable development with respect to the provisions of national policy and the development plan, with particular regard to its effect on the character and appearance of the area.

Reasons

4. The Old Club house sits in a small terrace of houses set on the back edge of the pavement. It has a large back garden and a double garage with upper floor set to one side and back from the frontage. The appeal proposal is for a house in the rear part of the garden. The appeal site comprises just over half of the plot, plus the garage building with a frontage area, and a shared access at the front of the site.
 5. The site is located at the north end of Handcross High Street, outside the more densely developed centre and adjoining what was until recently an open site, under development for housing at the time of my site visit. The High Street at this point has a green and open character created by modest houses, generally with generous rear gardens, and backing onto open countryside.
 6. The proposal would introduce a relatively large built element into a currently undeveloped rear garden, set to the rear of the host dwelling, and would
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therefore be backland development. It would be in a part of the village where, although some buildings are set back from the frontage there are nonetheless no other examples of backland development. It would entail the subdivision of the garden space, leaving gardens to the host dwelling and to the appeal dwelling which were noticeably smaller than those of other houses in the vicinity. This, combined with the presence of the large garage structure would create an urbanised and cramped appearance. This would therefore cause harm to the character and appearance of the area.

7. I noted while on site the construction of new dwellings on adjacent land to the north of the appeal site, in a terrace set back from the High Street. As, however, the new dwellings would not be set behind any other buildings and would benefit from direct access to the High Street, I conclude that the circumstances of this development are not creating a new pattern of development which would set a precedent for the appeal proposal.
8. While the appeal dwelling would be partly concealed by the garage structure, it would be visible in oblique views from the High Street, and visible from other houses in the vicinity. It would therefore be read as an anomalous element in the area from a number of vantage points.
9. While the proposed dwelling is designed to respond to the mixed designs and traditional materials seen in other buildings in the vicinity, this does not overcome the concerns I have identified above.
10. The appeal proposal would therefore fail to comply with policy B1 of the LP, which requires development proposals to demonstrate a sensitive approach to urban design by respecting the character of the locality in which they take place.

Planning Balance

11. There is no dispute between the parties that the Council is not able to demonstrate a five year housing land supply. I am mindful of the implications of paragraphs 14 and 47 – 49 of the National Planning Policy Framework in this respect. The Framework generally encourages the supply of new housing, and states that housing applications should be considered in the context of the presumption in favour of sustainable development.
12. With regard to the three roles of sustainability set out in Paragraphs 7 and 8 of the Framework, the appeal proposal would provide an additional dwelling, which would be a minor benefit. However, in the absence of a five year housing land supply I accord this benefit moderate weight.
13. While outside the built up area of the settlement the appeal site is a walkable distance from the boundary and accessible by a made footpath. There are a small range of local services and facilities which would therefore be accessible. Future occupiers of the appeal dwelling would provide some support to the viability of those services, which would be a minor benefit in meeting the aims of the Framework to enhance or maintain the vitality of rural communities. There would be some economic benefits generated by the construction of the appeal dwelling, but they would be short term and limited.
14. There would therefore be some economic and social benefits from the scheme, which overall would be moderate. However, as the appeal proposal would cause harm to the character and appearance of the area, to which I attach

more than moderate weight, it would fail to satisfy the environmental role of sustainable development.

15. As this harm would significantly and demonstrably outweigh the benefits, having regard to paragraph 14 of the Framework, and when assessed against its policies taken as a whole, I conclude that the proposal would not therefore meet the overarching aim of the Framework to achieve sustainable development.

Other matters

16. I note the appellants' wish to downsize to smaller accommodation, but this does not cause me to alter my conclusion on the planning merits of the proposal.

Conclusion

17. For the reasons given above, therefore, and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR