The Planning Inspectorate

Appeal Decision

Site visit made on 16 May 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 8th June 2017

Appeal Ref: APP/Z3825/W/16/3167400
Westacre, Rusper Road, Crawley, West Sussex RH11 0LN

- 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 Mr Stephen Tyas against the decision of Horsham District Council.
- The application Ref DC/16/1567, dated 6 July 2016, was refused by notice dated 13 September 2016.
- The development proposed is described as the erection of two storey dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters other than layout and landscaping reserved for future consideration. I have determined the appeal on this basis, treating the plans and details provided as illustrative, insofar as they relate to matters other than layout and landscaping.

Main Issues

3. The main issues are (i) whether the proposal would be consistent with the overarching strategy for development in the District and (ii) whether the proposal constitutes a use considered to be essential to its countryside location.

Reasons

The overarching strategy for development in the District

4. The spatial strategy for the District is to focus development in and around the key settlement of Horsham, with growth elsewhere in accordance with the identified settlement hierarchy. If development is to be supported outside the built-up area boundary the site should be allocated in the Horsham District Planning Framework 2015 (HDPF) or in a neighbourhood plan. I have no evidence to suggest that the site is allocated in either the HDPF or the neighbourhood plan for the Parish of Rusper, within which the appeal site falls.

5. The site is located within the garden of Westacre. Westacre is a large detached two-storey dwelling, located in an area which sits outside of the built-up area boundary. The appeal site is within reasonable walking and cycling distance of Ilfield where there are established services and facilities, and a bus stop within walking distance of the appeal site provides access to Crawley. The appellant

asserts that the development would constitute sustainable development and should be assessed as a windfall site in accordance with Policy 15 of the HDPF. To support this the appellant has provided evidence to demonstrate that the appeal site does not sit within the open countryside in its traditional sense, but is in fact in the urban fringe.

6. Rusper Road is a connecting route into the built up area of Ilfield. There are a number of residential properties along the road and also a commercial site known as Furlong Farm. Although the area is certainly low density and semi-rural, it does not appear as open countryside in the traditional sense. However, the pattern of development is more spacious in this area, and the built form quickly disperses when travelling away from the appeal site on Rusper Road. On the day of my site visit it was clear when travelling to the site from the built up area of Ilfield that the density of development reduces, the plots become more generous, and the landscape becomes more open within a short distance of the appeal site.

7. It is my view that although the appeal site is not isolated, and does form one of a number of dwellings along the road, it still sits within the open countryside. Having visited the area and taken account of the open countryside to the north and west of the appeal site I do not consider it to form part of an urban fringe. I do not accept that the proposal would represent limited infilling as asserted by the appellant. The proposal would extend the built form up to the boundary with the public footpath, and would erode the sense of openness currently experienced along the footpath.

8. The appellant has submitted a number of examples of the area being treated as a transitional area of development. The adjacent site, Furlong Farm, was described in 2014 by the Council as being on the edge of the urban area of Crawley despite it being outside the defined built-up area. Also, in 2014 the neighbouring property to the appeal site was described by the Council as being in a transitional location. This is reflected in the Inspector's decision letter relating to appeal APP/Z3825/W/15/3019480 in which the Inspector found that site, to the east of Rusper Road, also formed part of the transition from the built-up area to the countryside beyond.

9. However, the decisions referred to by the Appellant were made prior to the adoption of the HDPF. The Council had the opportunity to assess the designation of the area during the local plan process and the area remains designated as open countryside. Having visited the site and surrounding area I am of the view that the area is correctly identified as open countryside.

10. In addition, the Council is now able to demonstrate a five year housing land supply and therefore, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), I have attached full weight to the policies in the HDPF. Policy 15 of the HDPF accepts that development will be provided on windfall sites. However it is intended for those sites to come forward in accordance with the HDPF. The criteria in Policy 4 of the HDPF restrict development outside of the built-up area.

11. Accordingly, I conclude that the proposal fails to comply with Policies 2, 3 and 4 of the HDPF which seek to ensure proposals come forward in accordance with the development strategy, taking account of the settlement hierarchy and defined built up area boundary. Consequently, through its failure to comply with these policies, the proposal also fails to comply with Policy 15 of the HDPF

which seeks to ensure windfall sites come forward in accordance with the overarching strategy for development as set out in the HDPF.

The countryside location of the proposal

12. Following the adoption of the HDPF 2015 the area has remained designated as countryside, outside of the built-up area boundary, and no provision was made to consider re-defining the area. The site is allocated as countryside in the HDPF and would be inappropriate development as set out in Policy 26 of the plan, since no evidence has been provided that it is necessary for the development to take place in the countryside. Paragraph 55 of the Framework requires special circumstances to allow isolated dwellings in the countryside, including dwellings which are of exceptional quality or of an innovative design. Whilst the application is in outline form and the detailed design has not been submitted, there is no evidence to suggest that the appellant wished to justify this development in the countryside on this basis.

13. Consequently, I conclude that the appellant has failed to demonstrate that the proposal would be essential to its countryside location and as such the proposal fails to comply with Policy 26 of the HDPF.

Other Matters

14. In this case I find that the conflicts with the development plan arising from the proposal's location outside of the built-up area boundary and not in accordance with the overarching strategy for development would not be outweighed by the benefits of the proposal in terms of its contribution as an additional dwelling in the district even it were to be built to sustainable design standards. As such, the material considerations do not indicate that the appeal should be allowed. Therefore, the proposal would not represent sustainable development and accordingly it would also fail to comply with Policy 1 of the HDPF which identifies how decisions should be consistent with the principles of sustainable development.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should not succeed.

Johanna Ayres

INSPECTOR