
Appeal Decision

Site visit made on 13 June 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 4 July 2017

Appeal Ref: APP/Z3825/W/17/3167923

Gate Lodge, Stane Street, Slinfold RH13 0RE

- 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 Havensilver Investments Ltd against the decision of Horsham District Council.
 - The application Ref DC/16/2200, dated 28 September 2016, was refused by notice dated 8 December 2016.
 - The development proposed is removal of associated commercial buildings and the erection of three 4 bedroom houses together with garages and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for removal of associated commercial buildings and the erection of three 4 bedroom houses together with garages and landscaping at Gate Lodge, Stane Street, Slinfold RH13 0RE in accordance with the terms of the application Ref DC/16/2200, dated 28 September 2016, and the plans submitted with it, subject to the conditions at the end of this Decision.

Main Issues

2. The main issues are as follows:
 - The sustainability of the development, having regard to its location in the countryside outside any built-up area boundary or settlement;
 - the effect of the proposed development on the character and appearance of the area; and
 - The effect on biodiversity and wildlife.

Reasons

3. Gate Lodge is a former estate lodge on the A29 about 6 kilometres west of Horsham. The appeal site consists of an area of land behind the house which since separation of the lodge from the estate, has mostly been used for various commercial purposes including a copper works. It also includes part of the large rear garden of the lodge. After about 1996 when the current owner bought it, the land has been used amongst other things as a builder's yard, for steel fabrication and for vehicle maintenance. Planning permission was granted in 2015 for three 2 and 3 bedroom bungalows¹ on a smaller site area excluding the garden.

¹ Horsham ref DC/15/0911

4. The development plan for the area includes the Horsham District Planning Framework (excluding South Downs National Park) of November 2015 (HDPF). Policy 1 seeks a positive approach to development that reflects the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Policy 2 sets out the spatial strategy which focuses development around Horsham and allows for growth in the rest of the district in accordance with a hierarchy, outlined in policies 3 and 4, which includes managing development around the edges of settlements to prevent them merging, and to protect rural character. The reuse of previously developed land is encouraged and the focus is to be on such land within built up areas. Policy 26 seeks to protect the countryside- any proposal must be essential to its countryside location. Policies 32 and 33 aim for a high quality of design and layout for development that prioritises the use of previously developed land and complements locally distinctive character. Policy 31 requires new development to contribute to the enhancement of existing biodiversity.
5. The Slinfold Neighbourhood Plan is in the course of preparation but at the time of writing, had not been publicly examined. It may yet change and attracts only limited weight.
6. Council Officers acknowledged the commercial use of most of the site in the course of the previously approved application for 3 bungalows and I have no reason to doubt that it could be reactivated as a builders yard or similar without any new permission. Parts of the site display remnants of the previous commercial activities including hardstandings and buildings. Most of the site area is therefore previously developed or 'brownfield' land.
7. The character of the area, which is near the edge of the village of Slinfold, is mixed. Amongst agricultural fields, a large area immediately to the west is in use as a golf course and country club. Two significant industrial estates lie a short distance away and these are important sites for employment. The access to the industrial park in Maydwell Avenue lies opposite the site and another exists at Spring Copse Business Park about 400 metres (m) to the north. The site itself is dominated by the traffic on the A29. The village of Slinfold, where a basic range of facilities is available including a school, shop, part time post office, pub and church is just over 1.5 kilometres away.
8. The development would be within reasonable walking and cycling distance of Slinfold and close to 2 of the main employment sites. There is no footway along the A29 for the approximately 390 metres to reach the bridleway. Maydwell Avenue, which also provides access to the bridleway, is not a public highway (though it is free of any obstruction). For most purposes and employment elsewhere and for main shopping trips, future occupiers will need to use a motor vehicle. The site would not be completely remote, but for this reason, the development would be contrary to the locational strategy aims of policies 2, 3 and 4 of the HDPF.
9. The proposed development would consist of brick and weatherboard-clad 1.5 storey dwellings with attached garages set in an informal layout. The spaces between the houses are more generous than the approved scheme, reflecting the greater site area but also a more imaginative approach to design. The design would also be more appropriate in this countryside location than the bungalow scheme, which is of a suburban style with no particular sense of place. Even taking the host dwelling into account, the plan arrangement would

appear significantly more spacious. The dwellings would be hard to perceive from any public viewpoint. A landscaping scheme would further assist in helping the development merge into the landscape and this could be ensured by imposing a condition. The existing commercial use is not essential to a countryside location and if reactivated, would be likely to lead to a locally high level of activity and noise. I conclude on character and appearance that the removal of the existing commercial activity and development of the new housing scheme would provide positive benefits and would not conflict with the objectives of policies 25, 26, 32 and 33 of the HDPF.

10. Turning to biodiversity, the appeal site includes about 80 square metres of land currently in garden use associated with Gate Lodge, the remainder being previously developed land. It is maintained as a garden by the occupier. The brownfield part of the site is in relatively poor condition but as acknowledged in the appellant's updated Preliminary Ecological Appraisal, could provide roosts for bats. The appraisal also notes that the whole site is within an area where great crested newts, reptiles and hedgehogs may be present.
11. The likely habitat for bats consists of the trees around the perimeter and the remaining commercial buildings. The trees are mostly staying in place and further survey work on the buildings would reveal the presence of bats or otherwise. This, and any remedial action necessary, could be the subject of a planning condition. Other protected species can be surveyed and their presence/remedial action addressed in the same way and I note that the Council suggests such a condition and indeed imposed one with the same aim on the existing permission for bungalows. In light of this, the ecological concerns related to the inclusion of a small area of residential garden should not impede this proposal for residential development of the site which is likely to have ecological benefits if contamination is removed and if bat and bird boxes are provided as part of the scheme. I conclude that with appropriate conditions, the development would not conflict with the ecological protection aims of policy 31 of the HDPF.

Other matters

12. I have taken account of appeal decisions which are put forward in support of the Council and the appellant. Each application has to be decided on its own merits and the particular circumstances that apply to this site are unique. I appreciate that the approval for 3 bungalows was granted against officer advice when the Council was unsure whether it had a 5 year supply of housing land but the fact remains that that scheme could be built. However it has distinct disadvantages in terms of design and the effect on character and appearance.

Conclusion

13. The development would not comply with the Council's policy objectives in terms of location but would still be within a short distance of Slinfold and adjacent to a bus route. The design would be a distinct improvement over the existing permission for 3 bungalows. I give only limited weight to the increase in accommodation provided despite the preference in the draft neighbourhood plan for smaller dwellings. The difference between 2/3 bedroom dwellings and the proposed modest 4 bedroom units is outweighed by the improvements in appearance. Moreover there is support for the development from the local community.

14. The existing brownfield site is in poor condition and could be utilised for commercial purposes with a concomitant further detrimental impact on the countryside, which in this area is already compromised by traffic on the A29 and other nearby activities. The additional garden land incorporated into the site is not significant in terms of appearance and any ecological impacts can be dealt with by imposing a planning condition. On balance, the proposal represents sustainable development which complies with policy 1 of the HDPF and the aims of the NPPF and which should be granted planning permission.

Conditions

15. I have imposed conditions to control the external materials of the dwellings and landscaping and boundary treatment in the interests of the character and appearance of the area. The existing structures are to be removed for the same reason. A construction management plan is necessary in the interests of highway safety and the amenity of the adjoining property. A methodology to deal with contamination on the site and any unexpected contamination during the works is necessary in view of previous uses. Floor slab levels need to be approved in view of the sloping site. Details of drainage, imported topsoil and fill materials are necessary in the interests of the ground water supplies. Details of refuse and recycling facilities, car and cycle parking, and external lighting are necessary to promote sustainable transport and in the interests of the character and appearance of the scheme. Visibility splays are necessary in the interests of highway safety. A condition requiring further surveys with respect to protected species and appropriate remedial action including integral bat and bird boxes is necessary in the interests of ecological diversity. A restriction on permitted development is necessary in the interests of retaining the rural character of the area. Finally, the development should be constructed in accordance with the approved drawings, in the interests of good planning and for the avoidance of doubt.
16. No planning conditions are necessary to ensure the use of a licensed waste disposal contractor or the identification and removal of asbestos, which are the subject of other legislation.
17. I conclude that the appeal should be allowed.

Paul Jackson

INSPECTOR

Schedule of 19 conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of development details of the finished floor levels of the development in relation to a fixed datum point located outside of the application site shall be submitted in writing and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- hours of demolition and construction activities (including deliveries and dispatch)
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction,
- lighting for construction and security,
- details of public engagement both prior to and during construction works.

The approved measures shall thereafter be adhered to for the duration of the construction works.

4. Prior to the commencement of development hereby permitted, full details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be thereafter constructed prior to the occupation of the development in accordance with the approved details, and thereafter retained and maintained as approved.

5. Prior to the commencement of any construction work on the site, the existing and former commercial buildings on the site and shown on drawing number CM/14958/E shall be demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

6. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c. The site investigation results and the detailed risk assessment (c) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d. A verification plan providing details of the data that will be collected in order to

demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

7. If contamination, including presence of asbestos containing materials, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

8. No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials, finishes and colours to be used for external walls and roofs of the proposed buildings shall be submitted to and approved by the Local Planning Authority in writing. The development shall be constructed in accordance with the approved details.

9. Prior to the first occupation of any part of the development hereby permitted, full details of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

10. Prior to the first occupation (or use) of any part of the development hereby permitted, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such boundary treatment associated with them has been completed. Thereafter the boundary treatment shall be retained as approved and maintained in accordance with the approved details and no additional screen walls or fences over and above those approved shall be erected at any time.

11. Prior to the first occupation of any part of the development hereby permitted, details for the provision for the storage of refuse and recycling bins shall be made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

12. Prior to the first occupation of any part of the development hereby permitted, details of secure car and cycle parking facilities for the occupants of, and visitors to, the development in accordance with drawing no. L2417/04C shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved car and cycle parking facilities associated with that dwelling have been fully implemented and made available for use. The provision for car and cycle parking shall thereafter be retained for use at all times.

13. No external lighting or floodlighting shall be installed at the site or affixed to any dwelling within the development without the prior written approval of the Local Planning Authority. Any external lighting that is installed with the permission of the Local Planning Authority shall be retained and maintained in accordance with the approved details.

14. There should be no importation of soil and other fill materials onto the development site unless the soil/fill has been certified as fit for purpose by a competent person and has been subject to analysis by an accredited laboratory to ensure that it is free from contamination.

15. No part of the development shall be first occupied until visibility splays of 2.4m by 128m to the south and 2.4m by 132m to the north have been provided at the existing site vehicular access onto Stane Street in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 1 metre above adjoining carriageway level or as otherwise agreed.

16. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

17. No development shall take place until the recommendations in the Preliminary Ecological Appraisal dated September 2016 by EAS Ltd have been carried out including a further survey and a detailed strategy for habitat protection and mitigation including bat and bird boxes, and a timetable, which is to be submitted and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved strategy and timetable.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C or E of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilages of the dwellings hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwellings.

19. The development hereby permitted shall be carried out in accordance with the following approved plans: L2417/03A, L2417/04C, L2417/05D, L2417/LPD.