

Appeal Decision

Hearing held on 31 May 2017

Site visit made on 31 May 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/Z3825/W/17/3166501

Millfields Farm, Horsham Road, Rusper, West Sussex RH12 4PR

- 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 Magenta Holdings GP against the decision of Horsham District Council.
 - The application Ref DC/15/2857, dated 23 December 2015, was refused by notice dated 7 July 2016.
 - The development proposed is demolition of the existing dwellings and vacant buildings, and erection of 29 new dwellings with associated landscaping, open space and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved except access. I have dealt with the appeal on that basis, treating the site layout plans as illustrative. The appearance, layout, scale and landscaping (the reserved matters) are reserved for consideration at a later stage.
3. An executed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 was provided prior to the Hearing, which seeks to overcome the reason for refusal relating to contributions toward the provision of affordable housing and infrastructure improvements within the local area.

Main Issue

4. Whether the location of the proposed development would be consistent with the strategy for development set out within the Horsham District Planning Framework, or if there are any material considerations sufficient to override any conflict with policy.

Reasons

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the Horsham District Planning Framework (HDPF) comprises the development plan for the area. I understand that a Neighbourhood Plan (NP) is currently being prepared for Rusper and this site is included within the NP area, but this is at an early
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stage and, as such, can carry very little weight in the consideration of this appeal.

6. The National Planning Policy Framework (NPPF) is a material consideration that carries great weight in the planning process. It seeks to boost significantly the supply of housing, including through local planning authorities identifying the objectively assessed needs for housing and identifying sites to provide five years' worth of housing against their requirements. In this case, it is not disputed that the Council are able to demonstrate a 5 year housing land supply so that, in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing within the HDPF are up-to-date and should be given full weight.
7. The NPPF provides a presumption in favour of sustainable development that means approving development proposals that accord with the development plan without delay. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.

Strategy for development

8. Millfields Farm is located on the edge of Rusper, outside and adjacent to the built up area boundary to the village as defined on the HDPF Proposals Map. It is on the ridge of a hill, with views to and from the site outside the settlement, such that the site is prominent in the wider landscape. The appeal site contains a number of former equestrian buildings of utilitarian appearance with surrounding hardstanding and sand schools. Access would be provided from the existing vehicular access from Horsham Road to six dwellings, with an additional access proposed across a paddock from East Street that would enable access to the remainder of the site.
9. Policy 1 of the HDPF indicates that planning applications which accord with the policies within the plan will be approved without delay, unless material considerations indicate otherwise. Policies 2-4 set out a strategy of development, seeking to focus development in and around Horsham, with growth in the rest of the district in accordance with the settlement hierarchy, set out in Policy 3. Rusper is defined as a smaller village within that policy, with limited services, facilities and social networks but with good accessibility to larger settlements where residents can access most of their requirements. Policy 4 sets out how proposals that would result in the expansion of settlements would be considered.
10. A number of criteria are set out as to how expansion of settlements would take place in Policy 4 of the HDPF. The first requires that sites must be allocated within the Local Plan or in a NP. It is clear that the proposed development would not comply with that criterion. However, development of the site could be capable of complying with all the other criteria. These include that the expansion should be appropriate to the scale and function of the settlement and be contained within a defensible boundary, in this case comprising fences, bunds and mature tree planting, with landscape and townscape character features maintained and enhanced.
11. Policy 26 is a strategic policy relating to countryside protection, including enabling the sustainable development of rural areas, as well as seeking to protect, conserve or enhance the landscape character of the area. It requires that development within the countryside is essential to its countryside location.

12. The extent of the area of the site that comprises previously developed land has not been agreed between the parties, but it is clear that the access route from East Street cannot be defined as such. Other areas of the site are more open and may not comprise previously developed land, although this is not of great significance given my conclusion that the proposed development would be outside the built up area boundary and contrary to HDPF policies.
13. Given lack of recent use, the existing buildings are no longer in a good condition, but their appearance does reflect their previous use within the surrounding rural landscape. By contrast, a housing estate would have a different appearance that could result in a more suburban appearance to the site that would harm the character and appearance of the surrounding rural landscape. In addition, built development is likely to extend over areas of the site that are currently essentially open. However, these issues could be mitigated at reserved matters stage through details of the layout and appearance, such that a development of the previously developed parts of the site would result in an improvement to the character and appearance of the area. This would particularly benefit users of the footpaths through the site as these would be opened up and provided with more space as part of the proposed public open space within the site.
14. The access road from East Street would provide access to 23 of the new dwellings so would be in frequent use. It would be designed as a rural lane, under-engineered to reflect this rural location. Although I accept the design would limit the impact on the landscape character, this is a particularly prominent position within the landscape and on the edge of the village, where it would result in a significant change in the landscape. Although a landscaping scheme may reduce that effect, it would not wholly overcome that harm. As such, the proposed development would result in harm to the landscape character of the area.
15. Policy 40 of the HDPF seeks to promote a sustainable transport system, re-balancing in favour of non-car modes of transport. There are limited bus services to and from Rusper and surrounding roads are not attractive routes for cycling with services outside the village beyond a reasonable walking distance. Whilst increases in home working and home deliveries would reduce the need to travel and a travel plan may influence transport choices along with highway improvements that would be provided through contributions, most access to and from the site would be by car.
16. For these reasons, I conclude that the proposed development would be contrary to the development strategy for the district, in particular Policy 4 of the HDPF and, as a consequence, also Policies 1 and 2 of the HDPF. In addition, the proposed development would harm the landscape character of the area and would not promote a sustainable transport system, contrary to Policies 26 and 40 of the HDPF. This conflict with the development plan policies carries great weight in the planning process.

Other material considerations

17. As set out above, the NPPF seeks to boost significantly the supply of housing and the proposed development would contribute toward housing supply within the district. Policy 15 of the HDPF indicates that at least 16,000 dwellings should be provided throughout the district, including at least 1,500 through NPs and 750 windfall units. I understand that the Council are currently over-

supplying in terms of windfall units, which come from sites that are not allocated for development but unexpectedly become available, although they would normally comply with policies contained within the HDPF. Consequently, although the housing requirements are not a cap on delivery of homes, the proposed development is not necessary to contribute toward the Council's housing figures and so the contribution to the supply of housing can only carry moderate weight in this instance.

18. The Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) suggests that the site could be developed with a capacity of 25 units. However, the SHELAA is a background document that assists in the assessment of sites during the preparation of planning policy and does not allocate sites for development. I do not consider that it would add to the weight I have given to the provision of dwellings as set out above.
19. I have referred to the stage of preparation of the NP above and this site may be considered for allocation through that process. I understand that the Council intend to carry out an early review of the HDPF at which point this site may be promoted for allocation, although there is no certainty of the outcome of these processes at this stage, so these matters cannot influence my decision.
20. Affordable housing has been provided within the village to meet the identified requirements of the most recent housing needs survey. Whilst that may no longer be up to date, it is the latest information available and the need for further affordable housing from this scheme needs to be viewed in this light. Four of the 29 dwellings are proposed to be affordable units and, having taken account of a viability assessment, this has been agreed with the Council. This is substantially less than required by Policy 16 of the HDPF that requires 35% of dwellings on sites of this size to be affordable. Given these circumstances, I attach limited weight to the provision of affordable homes within this scheme.
21. The Unilateral Undertaking submitted relates to provision of or financial contributions toward affordable housing and infrastructure improvements and has been agreed with the Council, such that it would overcome the related reason for refusal. I have been provided with detailed justification by the Council that demonstrates the financial contributions would meet the requirements of the Community Infrastructure Regulations 2010 (as amended), including relating to pooling restrictions. I am satisfied that the contributions would meet those requirements. As such, these contributions comply with Policy 39 of the HDPF that requires local infrastructure to meet the needs of the development. It would comprise a material consideration in favour of the development of moderate weight.
22. The planning application was also refused due the effect of the development on biodiversity features, specifically the loss of bat roosts, contrary to Policy 31 of the HDPF that seeks to ensure development would not have an adverse impact on sites or features for biodiversity. The Council and appellant have agreed that this matter could be overcome by condition and I see no reason to disagree with their conclusions on this matter. If I were to allow the appeal, I would attach an appropriate condition.
23. Two accesses are proposed to the site from East Street and Horsham Road. That from Horsham Road would support six dwellings and that from East Street would support the remainder of the development. These accesses would provide safe access to the development.

24. I note that there is some support for the redevelopment of this site within the village and that development of the site has been subject of public consultation, previous applications and discussions with the Council. However, these matters would not outweigh the conflict with policy arising from the proposed development.
25. There would be economic benefits arising from the development in the form of employment during construction and expenditure in local business and future residents would contribute toward the viability of services and facilities within the village and surrounding area. The provision of dwellings of a mix of sizes and types would have a social benefit in providing for multiple housing needs as well as prospective residents contributing toward the social life of the village, strengthening community and inclusiveness. Provision of public open space within the development would contribute to the social welfare of local residents. These benefits add moderate weight in favour of the scheme.

Conclusion

26. For the reasons given above and taking all matters into account, I conclude that the demolition of the existing buildings and dwellings and development of 29 dwellings with associated landscaping, open space and access would be contrary to the relevant policies of the Council's development plan. Whilst there are a number of material considerations in favour of the scheme, they mostly relate to the basic requirements of development plan policy and are not of such weight, either individually or cumulatively, as to warrant a decision other than in accordance with the aforementioned development plan. Consequently, the appeal is dismissed.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Anna Lewis	Appellant
Peter Edwards MRTPI	Carter Jonas
Harry Groucott ARB RIBA	MH Architects Limited
Alex Budd	RGP

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Smith MRTPI	Senior Planning Officer, Horsham District Council
James Webster MRTPI	Senior Planning Officer Policy, Horsham District Council

INTERESTED PERSONS:

George Sallows	Rusper Parish Council
Graham Hill	Chairman, Rusper Parish Council
Paul Sharpe MRTPI	Paul Sharpe Associates LLP on behalf of Mr Richardson and Miss Colyer, Millfield House
John Richardson	Millfield House
Pamela Waugh	Millfield Rise
David Bowden	Coach House

DRAWINGS:

Drawings submitted with the planning application (100 Rev. D Site Location Plan and Existing Photography, 102 Existing Site Plan and Existing Photography, 103 Rev. D Proposed Overall Site Layout, 104 Rev. B Proposed Site Layout, 105 Rev. B Proposed Site Layout, 111 Rev. B Existing Site (footpaths)) and 1645-1001 Rev. 03 Landscape Strategy, 106 Rev. A and 107 Rev. A Proposed Indicative Elevations & Street Scenes, 108 Rev. A Proposed Indicative Aerial Views and 110 Rev. C Proposed Site Layout with Brownfield Boundary Overlay.