
Appeal Decision

Site visit made on 6 June 2017

by Rory MacLeod BA MRTPI

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

Decision date: 18th July 2017

Appeal Ref: APP/Z3825/W/17/3167236

1 Bensons Farm Cottages, Wimland Road, Faygate, Horsham RH12 4SS

- 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 Lee Burrows against the decision of Horsham District Council.
 - The application Ref DC/16/2017, dated 2 September 2016, was refused by notice dated 7 November 2016.
 - The development proposed is change of use of a currently overgrown area of the property to usable garden and the removal of the dividing hedge along centre.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the change of use on the rural landscape character and appearance of the area.

Reasons

3. The appeal relates to 1 Bensons Farm Cottages, one of a pair of two storey semi-detached houses in a rural location. There is a rear garden of approximate dimensions 28m in length and 12m in width. The attached house, 2 Bensons Farm Cottages, has been extended to the rear and to the side, and has a larger garden curtilage. The surrounding area has an open rural character comprising fields and hedgerows with some agricultural buildings and other isolated dwellings.
4. The proposal is to supplement the garden to 1 Bensons Farm Cottages by the inclusion of two parcels of land to the north of the site. The first is roughly square in shape and is marked by the annotation '4' on the submitted plans. This plot has a substantial hedgerow fronting Wimland Road, behind which the land is open but overgrown with brambles and nettles; it appears not to have been used for any purpose for some time. There is a one metre high post and wire fence along the western boundary to plot '4' that separates this from a second parcel of land to be included in the residential curtilage.
5. The second land parcel is annotated '3' on the submitted plans and comprises a triangular area of rough grassland. At present, this forms part of a much larger field of grassland that contains water troughs, indicating that the whole field may have been used for grazing. A fence is to be provided along an alignment marked '2' to create the triangular plot, but at the time of my

inspection there were no physical features on the land to demarcate this line. There is a post and wire fence on the western boundary to the grass field as a whole with a gate connecting to another grass field and open countryside beyond. The fence separating land parcels '3' and '4', and the hedge on the northern side boundary to the present garden connecting with both parcels, would be removed to form the proposed larger garden.

6. Policies 2, 3 and 4 of the Horsham District Planning Framework (HDPF) dated November 2015 are strategic policies that set out a settlement hierarchy and seek to maintain the rural character outside of the built up areas. In such locations, any expansion of settlements should be contained within an existing defensible boundary and landscape character features maintained and enhanced. Land parcel '3' does not have a defensible boundary and its landscape character is similar to that of the open fields to the west of the site.
7. Policy 25 of the HDPF supports development that conserves or enhances the landscape character, but safeguards it from inappropriate development. Policy 26 of the HDPF is similar and requires proposals to be essential to the countryside location, and in addition, to meet one of a list of criteria including enabling the sustainable development of rural areas. The proposal would change the landscape character of land parcels '3' and '4'. Their use as residential garden land would result in a different character and appearance that would contrast with the open rural landscape character alongside land parcel '3'. The removal of the hedge that demarcates the present northern edge to the garden and provision of a new boundary enclosure along alignment '2' would emphasise this change in the character and appearance. The property has an adequate garden curtilage at present. The proposal to more than double the size of the garden would not be essential to enable a sustainable residential use of the site. As such, I consider that the proposal would be contrary to Policies 25 and 26 of the HDPF and would result in harm to the rural landscape character and appearance of the area.
8. It has been brought to my attention that a large tract of land to the west of the appeal site, identified as SA297, has been declared as 'deliverable' for housing in the Council's Strategic Housing Land Availability Assessment for 2016. The residential development of this land would significantly change the present rural character of the area. The Council point out that planning permission has not yet been granted for housing on this land but that it has been resolved to grant planning permission for the North Horsham Site for residential development. The North Horsham application site does not include the appeal site but does include 2 Bensons Farm Cottages. The master plan for development of the site shows residential development within central areas but the land adjacent to the appeal site is identified as part of a landscape buffer.
9. There remains uncertainty on the details and timing of any residential development of land to the west of the appeal site. But if the land adjacent to the appeal site is to be laid out as a landscape buffer, as current plans indicate, then the open rural character of the immediately surrounding area may not change to a significant degree. The likely residential development of this adjacent land is a material consideration but on the basis of present information this does not outweigh my findings against the appeal proposal in relation to the development plan.
10. The appeal site is not in an Area of Outstanding Natural Beauty and does not have any other special designation status. The appellant points to a collection

of agricultural buildings nearby that is part of the local character and which interrupt the openness of the countryside. Furthermore, that whilst the land may have been used for agricultural purposes in the past, it is now largely redundant, and that private residential gardens can make an important contribution to open space. I note the claim that the expansion of the garden would provide a sustainable solution to the family's growing requirements and that the expansion is 'essential' to this rural location as the site is some distance from any local recreation grounds. I have also had regard to the letter of support from the occupiers of the neighbouring property raising similar points. However, these matters do not outweigh the harm to the present rural landscape character that I have identified.

Conclusion

11. For the reasons set out above, I conclude that the change of use of the land would have a detrimental effect on the rural landscape character and appearance of the area and would be contrary to relevant development plan policies. The appeal should therefore be dismissed.

Rory MacLeod

INSPECTOR