



Appeal Decision

Site visit made on 18 July 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 9th August 2017

Appeal Ref: APP/Z3825/W/17/3170044

Guildford Road, Rudgwick RH12 3JD

- 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 Colonel Michael Black-Feather against the decision of Horsham District Council.
 - The application Ref DC/16/2284, dated 30 September 2016, was refused by notice dated 7 February 2017.
 - The development proposed is described as 'Retrospective application for works to turn the neglected and overgrown plot of land into a smallholding for growing fruit and vegetables and keeping bees including construction of two semi-permanent timber structures and replacement of existing site entrance (damaged) gate with a wooden gate.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council unilaterally altered the description of development, however, the appellant has confirmed that he does not object to this. I have therefore used the description of development stated on the Council's decision notice in the banner heading above. However, that description does not include the reference on the application form to the 'Placement of hardcore hard standing to aid drainage and protect the land surface on a minor area of the plot. This will later be top soiled and grassed'. The hardstanding has been formed, albeit it has not been grassed, and I have considered it as being part of the appeal development.
3. The Council has submitted that it considers that the use of the site, a 0.4 hectare plot of grassland, situated off Bowcroft Lane, as a smallholding would not require planning permission having regard to the definition of agriculture in and the provisions of the Act. I have no reason to disagree with the Council's interpretation of the intended use of the land. I therefore consider that the development subject this appeal concerns the retention of the hardstanding that has been formed, the construction of two timber sheds and the replacement of the entrance gate.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The site forms one of approximately 60 plots of undeveloped land to the west of Rudgwick's built up area. The site and the adjoining land is subject to an Article 4 Direction (the direction) confirmed by the Council in January 2000. The direction has removed the permitted development (PD) rights for the installation of fences and other means of enclosure and the conducting of temporary uses of land. From what I was able to observe of the area the direction has been effective in maintaining a high degree of openness, by limiting plot subdivision in the area subject to the direction.
6. The development would involve the siting of two timber sheds, the larger of which would be a potting shed/store, measuring 12.20 by 3.65 metres. The smaller shed would be a workshop/toolstore and would measure 7.30 by 3.65 metres. Both buildings would have shallow pitched roofs and have ridge heights of 3.10 metres.
7. The area surrounding the appeal site is essentially free from built development. While agricultural uses are appropriate within the rural area, the appellant's landholding is quite modest and one of the block plans submitted with the application shows that it is intended that the land would be used to accommodate a vegetable patch, a strawberry cultivation area, the siting of some bee hives and the cultivation of some walnut trees. It would appear that the agricultural activity would be of a very limited scale. The available evidence does not persuade me that the scale of the agricultural activity would justify the siting of two buildings in a location that is characterised by the absence of built development.
8. With respect to the replacement of the entrance gate, I accept that the replacement of a metal gate with a pair of five bar traditional gates would be more in keeping with the area's appearance. However, application drawing 0100 shows a pair of 1.8 metre tall, solid timber gates, which I consider would be incompatible with this location. The hardstanding that has been formed would appear excessive for the scale of the appellant's intended smallholding activity. I also have reservations as to how effective the intended top soiling and laying to grass would be, given the way the hardstanding has been formed.
9. I therefore conclude that the development would be harmful to the character and appearance of the area. There would therefore be conflict with Policies 25, 26 and 33 of the Horsham District Planning Framework (excluding South Downs National Park) of 2015. That is because the development would not conserve or enhance the undeveloped landscape character of the area and it has not been demonstrated that the agricultural activity would be of a scale justifying the development.
10. For the reasons given above I conclude that this would be an unsustainable form of development within the countryside. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR