
Appeal Decision

Site visit made on 6 July 2017

by N A Holdsworth MCD MRTPI

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

Decision date:

Appeal Ref: APP/Z3825/W/17/3169549

Baynards Motor Company, Rowhook Hill Farm, Bognor Road, Broadbridge Heath, RH12 3PS

- 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 S Slater of Baynards Motor Company against the decision of Horsham District Council.
 - The application Ref DC/16/2375, dated 19 October 2016, was refused by notice dated 5 January 2017.
 - The development proposed is "Erection of a 7 new residential dwellings in two blocks with associated parking and amenity space. Using existing access".
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in the appeal are
 - Whether the location is appropriate for the proposed use, having regard in particular to the settlement strategy set out in the development plan;
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of existing residents, with particular regard to whether the development would result in a loss of privacy or outlook.

Reasons

Location

3. The appeal site forms part of a cluster of buildings comprising residential and various commercial uses located in open countryside adjacent to the Bognor Road (A29). It is currently occupied by a motor vehicle sale and repair business. The parties agree that the site is located outside of the built up boundaries for the purposes of the Horsham District Planning Framework (adopted November 2015) (HDPF). Policy 26 of the HDPF states that any proposal outside built up area boundaries must be essential to its countryside location, and sets out detailed criteria that apply where such proposals are brought forward.

4. The appellant argues that the proposal would provide housing that would meet a demand evident in the Council's Strategic Housing Market Assessment. He also notes that the site is located on previously developed land, surrounded by other buildings and is not therefore truly isolated. However, no significant evidence has been put forward that demonstrates that the development is essential to its countryside location, having regard to the detailed policy criteria set out in policy 26 of the HDPF.
5. I have considered the other parts of the HDPF which the appellant considers support the proposal, and the emphasis in the National Planning Policy Framework (the framework) on the sustainable reuse of previously developed land. Whilst I acknowledge that there would be some economic benefit arising from the development through the provision of seven additional housing units which meet local demand, these would evidently be located a considerable distance from the nearest shops and services. In the absence of any conveniently located and accessible public transport options, any future occupants of the housing would be almost certainly depend on the use of a private vehicle to access any local services or facilities. A key element of the social dimension of sustainability as set out in the framework is the need to provide housing with accessible local services, and the proposed development would clearly fail to achieve this objective. For these reasons I attach very limited weight to the benefits of the additional housing proposed, which does not outweigh the conflict with the development plan.
6. I note the statements provided by the appellant that the existing commercial use of the site is not viable due to trading difficulties and restrictions placed on the business by conditions attached to previous planning permissions. However, this does not in itself provide a justification for an alternative use of the site which conflicts with the development plan.
7. I therefore conclude that the proposal would conflict with the settlement strategy set out in policies 1, 2, 3, 4 and 26 of the HDPF which seeks to limit development outside built up areas to that which is essential to its countryside location, and direct new development to existing settlements within Horsham. There are no material considerations that would justify an alternative approach on this occasion.

Character and appearance

8. The appeal site principally comprises an open yard, used at the time of the site visit for the storage of motor vehicles. Facing the Bognor Road there is a large, recently constructed corrugated metal building. The appeal site forms part of a wider cluster of buildings including a number of substantial detached residential dwellings with associated driveways and garden areas, and a range of mainly single storey commercial buildings including one on the remainder of the appeal site. This cluster has a dispersed, open appearance; and is surrounded by level countryside to either side of the Bognor Road.
9. Whilst the existing building facing Bognor Road is of considerable bulk and mass, it nonetheless has the appearance of a functional agricultural building. Although this is used in connection with a motor vehicle business, it is nonetheless consistent with the character of the countryside setting

within which it sits, particularly when viewed from the public viewpoints offered by the adjoining road. Whilst the replacement block of 4 flats has an identical scale to the existing building, it would be distinctively residential in appearance. This would be evident both in the windows and doors on the front and rear elevation, and in the domestication of its immediate setting. Whilst I acknowledge that the row of townhouses to the rear of the site generally reflects the bulk, height and mass of the adjacent buildings at Dairy Farm; its division in to three small, separate houses with distinctive plots represents a residential development of considerably greater intensity than the other residential buildings within the surrounding cluster. In terms of their form, layout and detailed design both buildings would have a distinctively suburban appearance which is at odds with the prevailing character of the other buildings within the cluster, and its countryside setting.

10. I note that the building facing Bognor Road was built following the approval of planning permission in 2014 as a replacement to a similar structure that existed previously in this location. However, for the reasons I have outlined above, the appeal proposal has a different character and appearance to the building that it would replace. I also accept that the materials used would reflect those used in the surrounding buildings, and that landscaping measures could enhance the appearance of the street-scene. However, none of these factors would even cumulatively outweigh the harm I have identified to the character and appearance of the area. Similarly, the absence of any specific policy, landscape or environmental designation of the site does not alter my conclusions on this matter.
11. I therefore conclude that the proposal would harm the character and appearance of the area. This would conflict with the objectives of policy 25, 32 and 33 of the HDPF which, amongst other things, seek to ensure development relates sympathetically to the character and appearance of its surroundings.

Living conditions of existing residents.

12. The proposed terrace of three townhouses would be located approximately 3 metres from boundary with Elderberry farm to rear, with its rear elevation running parallel with an existing wall that currently separates the properties. There would be no windows on the first floor rear elevation of this building, but there would be roof windows serving the upper floor bedrooms on the rear roof slope.
13. The rear building has low eaves (around 4.2 metres) and an absolute ridge height of around 6 metres. In terms of its overall bulk and mass it reflects the scale of the buildings to the north of the site on Dairy Farm. Whilst it would be noticeable from the rear garden of Elderberry Farm, I find that its size would be consistent with other buildings in the surrounding area and the distance between the proposed building and the common boundary means that there would be no material effect on the living conditions of the occupant of the neighbouring building through loss of outlook.
14. The proposed building has rooflights on the rear elevation serving the stairwell and providing a secondary source of daylight to the upper floor bedrooms. Whilst the rooflights would be angled, they could nonetheless be opened. Given the low eaves height, they would consequently result in

overlooking of the garden of Elderberry Farm from occupants of the new development. I also note that the adjoining building at Dairy Farm would also be overlooked by the upper floor windows of the proposed development. Whilst this was not specifically mentioned in the Council's reasons for refusal it is reflected in an objection from the respective neighbour to the original planning application. No measures have been proposed by the appellant to mitigate the effects of this overlooking in respect of either neighbouring residential building.

15. Therefore, whilst I find that the development would not result in a loss of outlook to the occupants of the neighbouring residential property, it would nonetheless result in unacceptable harm to the living conditions of the occupants of surrounding residential buildings through a loss of privacy. This would conflict with the policy 33 of the HDPF which, amongst other things, seeks to avoid unacceptable harm to the amenity of occupiers of neighbouring buildings through overlooking arising from new development.

Other matters

16. The council's fourth reason for refusal relates to concern about the absence of information provided by the appellant in relation to contamination risks associated with the development of the appeal site, and the living conditions of future occupiers given the close proximity of the development to existing commercial uses. The appellant contends that both matters could if necessary be dealt with by condition. In the first case this would involve the production of a report identifying any contamination on the site and proposing remediation measures, and in the second case providing further details of the existing noise environment surrounding the site and any noise insulation measures necessary to achieve a satisfactory standard of residential accommodation.
17. The Planning Practice Guidance (PPG) is clear that conditions should be used to mitigate adverse effects of development. In this case it is not possible on the basis of the evidence provided to establish whether either issue would constitute an adverse effect, nor to concisely set out how it would be addressed. It is clearly preferable for such matters to be resolved before any decision is reached on the principle of a development. However, on this occasion because the appeal is failing for other reasons I do not consider it necessary to come to a finding on this matter.
18. I also note that the neighbouring owner disputes the rights of the appellant to use the existing access to the site and alleges that the respective ownership certificate has been filled out incorrectly. I have no definitive evidence before to come to a finding on this matter. However, because the party in question is an objector to the development and the appeal is failing for other reasons, I conclude that no parties' interests would be prejudiced in determining the appeal.

Conclusion.

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR