



Appeal Decision

Site visit made on 26 July 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/Z3825/W/17/3174758

High Chaparral, London Road, Washington RH20 3BP

- 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 Mr S Page against the decision of Horsham District Council.
 - The application Ref DC/16/1963, dated 26 August 2016, was refused by notice dated 16 November 2016.
 - The development proposed is described as 'erection of 4x2 bed semi-detached dwellings, 1x3 bed detached dwelling and 2x5 bed detached dwellings. Construction of access road and provision of garage parking'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development would involve the construction of seven houses and the appealed application was made in outline form, with access being for consideration. Matters of appearance, landscaping, layout and scale have been reserved for future consideration. The application was accompanied by illustrative layout, house type and streetscene drawings.
3. In response to the fourth reason for refusal a Unilateral Undertaking (UU) made pursuant to Section 106 of the Act has been submitted. The UU would obligate the appellant to provide two affordable homes for rent within the development and to contribute to the provision of community facilities and transport infrastructure at the rate of £135.00 per square metre of gross external floorspace for the houses. I shall make further reference to the UU in my reasoning below.

Main Issues

4. The main issues are:
 - whether the development would accord with the spatial strategy for new development set out in the Horsham District Planning Framework (excluding South Downs National Park) of 2015 (the HDPF);
 - the effect of the development on the character and appearance of the area; and
 - whether the development would make adequate provision for affordable housing and infrastructure.

Reasons

Spatial Strategy

5. The site comprises 0.8 hectares of paddock land situated to the south and east of High Chaparral, which is a bungalow. Another bungalow, Hilly Field, adjoins High Chaparral. The site is accessed via a single vehicle width, private drive, leading from Spring Gardens. The access in part is a public right of way. Spring Gardens is a cul-de-sac of around 20 houses and it and the site lie just to the west of London Road (the A24). Between the site's access and the A24 there are five further dwellings and to the north of Spring Gardens there are a number of large scale commercial premises.
6. The site lies to the south of Ashington, which is a medium sized village for the purposes of the settlement hierarchy identified under Policy 3 of the HDPF. Washington is a smaller settlement that is around 1.5 Km to the south of the site and it is an unclassified settlement for the purposes of Policy 3. The site is therefore outside a built up area boundary (BUAB) recognised by the HDPF.
7. Policy 2 of the HDPF seeks to maintain the rural character of the Council's area and states that new development will be focused in and around 'the key settlement of Horsham'. Under Policy 2 for the rest of the district new development should accord with the settlement strategy and be in settlements rather than the countryside. Policy 2's sixth part states that development is to be managed around the edges of settlements to prevent their merging and to protect the rural character and landscape.
8. Policy 4 of the HDPF states that outside BUABs the expansion of settlements will be supported, amongst other things, where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion would be appropriate to the scale and function of the settlement type; the development is demonstrated to meet an identified local housing need; and the development would be contained within an existing defensible boundary and landscape character features would be maintained. The site has not been allocated for development under the provisions of the HDPF and there is no extant Neighbourhood Plan covering this location. There is no indication that this development would meet an identified local housing need.
9. Policy 15 of the HDPF quantifies the level of housing to be provided between 2011 and 2031 at 16,000 homes, with 750 of those homes being expected to come from windfall (unallocated) sites.
10. Policy 26 of the HDPF has the objective of safeguarding the countryside from 'inappropriate development' and identifies the circumstances when development may be considered as being acceptable, namely: 1) being needed to support agriculture or forestry; 2) being associated with mineral extraction or waste disposal; 3) being required for quiet informal recreation; or 4) would enable sustainable development in rural areas. Additionally development must be of a scale appropriate to its countryside character and location.
11. Paragraph 55 of the National Planning Policy Framework (the Framework) addresses the location of housing in rural areas and advises that isolated homes in the countryside should be avoided unless special circumstances

apply, such as providing accommodation for rural workers, making use of heritage assets, re-using redundant or disused buildings or a scheme would be of an exceptional or innovative design. The houses would be located near existing housing and commercial premises and their occupiers would have some access to modes of travel other than private motor vehicles. I therefore consider that in paragraph 55's terms this would not be an isolated location for additional homes.

12. However, Policies 2, 3, 4 and 26 of the HDPF are not written in the same terms as paragraph 55 and their adoption postdates the Framework's publication and their purpose is to implement a spatial strategy that has been found to be sound, following the HDPF's public examination. Accordingly having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 I consider that Policies 2, 3, 4 and 26 should be afforded great weight.
13. As the development would be outside any BUAP and would concern an unallocated site it would not accord with the HDPF's locational strategy. There would therefore be significant conflict with Policies 2, 3 and 4 of the HDPF. There would also be conflict with Policy 26 because this development is one not requiring a countryside location.
14. The force with which Policy 4's first criterion, in particular, should be applied has been subject to differing opinions in the determination of a number of appeals. The Inspector who determined the Haglands Lane case in December 2015¹ found that there could be a tension between Policy 4's operation and the bringing forward of windfall sites, while the Inspector who determined the Threals Lane appeal found that a 'pragmatic' approach should be taken to Policy 4's application². However, for the appeals concerning Sandgate Nurseries (recovered by the Secretary of State for determination), Tuggles Plat and Blackthorne Barn³ it has been found that if a site is unallocated then it should be considered as failing Policy 4's first criterion. Under those circumstances development is not supported by Policy 4, regardless of how well it might meet this policy's other criteria, which have the purpose of managing the quality and effects of development concerning allocated sites.
15. I see no reason to favour the approach to Policy 4 taken by the Inspector who determined the Threals Lane appeal ahead of that followed at Sandgate Nurseries, Tuggles Plat and Blackthorne Barn. Accordingly as the paddocks at High Chaparral have not been allocated for development and given this site's countryside location I conclude that the development would not accord with the spatial strategy stated in the HDPF and that there would be unacceptable conflict with Policies, 2, 3 and 4 of the HDPF. There would also be unacceptable conflict with Policy 26 because there is not a need for this development to be located in the countryside.

Character and Appearance

16. The site sits in a hollow and its southern boundary is marked by mature hedging and trees. The development would therefore be quite well self-

¹ APP/Z3825/W/15/3022944

² APP/Z3825/W/16/3150965

³ Respectively APP/Z3825/W/14/3001703, APP/Z3825/W/16/3145622 and APP/Z3825/W/16/3159519

contained. While the site is not subject to any special landscape designations, the construction of seven houses would nevertheless significantly change the character and appearance of this land, leaving it with a much more developed urban appearance. While the submitted block plan only shows an indicative layout, were that layout to be adopted, I consider that the resulting development would have an unduly intense appearance, given that the houses in the eastern half of the site would have limited space between them and they would be sited at the transition between the more built up area to the north and the essentially undeveloped area to the south. While I do not doubt that the houses could be designed with architecture appropriate to this location, I consider that the intensity of a development of seven houses would not integrate well with its surroundings.

17. 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 HDPF because the development would be of a scale that would not relate well with or be appropriate to its countryside location.

Affordable Housing and Infrastructure

18. Policy 16 of the HDPF addresses the provision of affordable housing and part 3a of this policy states that for scheme of fifteen or more dwellings or concerning sites of over 0.5 of a hectare 35% of the dwellings should be affordable units. For schemes of between five and fourteen dwellings part 3b of Policy 16 states 20% of the dwellings should be affordable units. As the site has an area of 0.8 hectares the Council contends that the affordable housing requirement should be 35% in line with part 3a of Policy 16, making the affordable homes requirement 2.45 units for this scheme. However, the description of development clearly indicates that seven houses would be provided and, given the wording of Policy 16, I consider that this is scheme for which 20% of the dwellings should be affordable units, ie 1.4 dwellings.
19. The delivery of two affordable homes would therefore comply with the requirements of Policy 16 of the HDPF and I therefore conclude that the submitted UU would ensure that the development would make adequate provision for affordable housing.
20. Notwithstanding the wording of the fourth reason for refusal the Council has provided limited evidence as to what local infrastructure impacts (education, other community facilities and transport etc) might need to be mitigated through the making of financial contributions. The only evidence that has been submitted is that of the education authority and it has identified a need for contributions to be made to expand primary and secondary school capacity respectively at St Mary's First School, Washington and Steyning Grammar School (including sixth form). The education authority has submitted that any contributions for improvements at the schools, secured by obligations made under Section 106 of the Act, would not breach the pooling limitation imposed by Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
21. I accept that there would be a need to provide additional education infrastructure to accommodate the demand arising from housing at this site.

In the absence of any evidence to contrary I also accept that the education contributions sought would comply with Regulation 123.

22. Given the outline nature of the application the precise housing mix, and thus the additional child product (ACP) is currently unknown. The education authority has therefore suggested that any planning obligation entered into should be based on a formula, with the precise contribution being calculated once the housing mix was known. The contribution would be determined by the ACPs for different house sizes and the application of construction costings set by the Department for Education.
23. However, the Council is very close to introducing a CIL Charging Schedule, with the draft schedule having been successfully publically examined⁴. The Council has not quantified what infrastructure contributions would be necessary to make this development acceptable. The appellant has therefore submitted that an obligation requiring an infrastructure contribution to be made in line with the charge to be introduced under the Charging Schedule would be appropriate. The Council has, however, not commented on the suitability of basing the infrastructure obligation on the intended Charging Schedule rate.
24. On the available evidence I do not know how the appellant's infrastructure obligation might relate to the level of contributions sought by the education authority. On the very limited evidence available to me I can only take it that addressing education infrastructure provision is the only type of infrastructure that would be necessary to make this development acceptable to the Council. I can also only assume that the Council does not object to the adequacy of the obligation the appellant has entered into under the UU.
25. I therefore conclude that the planning obligation the appellant has entered into would ensure that the development would make adequate provision for infrastructure under Policy 39 of the HDPF.

Other Matters and Planning Balance

26. The appellant has submitted that this proposal would contribute to the economic and social dimensions of sustainable development referred to in the Framework. That is because it is contended it would provide housing in a location that would allow its occupiers to have good access to everyday local services and facilities and employment opportunities. I accept that as a consequence of providing housing there would be some economic and social benefits arising from both the construction and occupational phases of the development. However, those benefits would be quite limited, given the scale of this scheme, and I therefore consider that they do not weigh significantly in favour of this development because of the conflict with the HDPF's spatial strategy.
27. It is also contended that the development would be in keeping with its surroundings and would therefore accord with the environmental dimension of sustainable development. That is a view that I have not accepted, given my conclusion with respect to the second main issue.
28. Paragraph 12 of the Framework highlights that it '... does not change the statutory status of the development plan as the starting point for decision

⁴ Examiner's report of 1 March 2017 included as Appendix D to the appellant's appeal statement

making. Proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'. A scheme will be unsustainable if it conflicts with an up-to-date development plan and there are no material considerations of sufficient weight to indicate a decision should be made contrary to the development plan.

29. I have found that the development would not accord with the HDPF's spatial strategy and that there would therefore be conflict with a number of the HDPF's policies. I have also found that the development would be harmful to the character and appearance of the area, with the result that there would be further conflict with a number of the HDPF's policies. While the development would make adequate provision for affordable housing and infrastructure, I consider those matters do not outweigh the harm that I have identified.
30. The HDPF is a development plan that I consider is up-to-date, given its adoption postdates the Framework. As there would be conflict with the HDPF I find this to be an unsustainable form of development.
31. I therefore conclude that this appeal should be dismissed.

Grahame Gould

INSPECTOR