
Appeal Decision

Site visit made on 5 December 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 14th December 2017

Appeal Ref: APP/Z3825/W/17/3181485

Lyons Farmhouse, Lyons Road, Slinfold RH13 0TD

- 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 Ms Bravery against the decision of Horsham District Council.
 - The application Ref DC/16/2423, dated 25 October 2016, was refused by notice dated 12 May 2017.
 - The development proposed is the change of use from one dwelling house to two, the infill of openings between the houses, and the demolition of existing outbuilding and relocate in new location.
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Decision

1. I allow the appeal and grant planning permission for the change of use from one dwelling house to two, the infill of openings between the houses, and the demolition of existing outbuilding and relocate in new location at Lyons Farmhouse, Lyons Road, Slinfold RH13 0TD in accordance with the terms of the application, Ref DC/16/2423, dated 25 October 2016, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20022-DPA-01, 04A, 06A and 07.
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) boundary treatments;
 - ii) vehicle parking layouts;
 - iii) other vehicle and pedestrian access and circulation areas;
 - iv) hard surfacing materials;
 - v) lighting, floodlighting and CCTV;
 - vi) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme.

Preliminary Findings

2. The building is listed Grade II and it is noted that listed building consent was granted for works on 12 May 2017 (Ref; DC/16/2424), which is the same date as the Council's refusal of the planning application. From that, and consideration of this appeal, it is concluded that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which applies to planning applications affecting a listed building, is complied with.
3. The original description of development included the words '*the insertion of windows to the North and South Elevations of the C19 part and the insertion of a door to the right hand bay on the West Elevation, the demolition of a chimney breast internally*' but that work was not granted listed building consent as it was removed by the revised drawings 04A and 06A, and it is these drawings that are listed in the refusal of planning permission as having been considered then. This appeal is not concerned with those elements of the original application.
4. The Officer's Report confirms that the drawings showing an outbuilding are 'approved', whilst those showing the proposed sub-division, 04A and 06A, are 'not approved', but a split Decision was not issued. It is confirmed now that the outbuilding work is acceptable and should be approved.

Main Issue

5. As a result of the above, the main issue in this planning appeal is the effect of the proposed sub-division on the aims of policies on the location of development.

Reasons

6. The Development Plan includes the Horsham District Planning Framework (2015) and Policy 1 is a strategic policy which states that the Council will reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy 2 seeks to focus development in and around Horsham and allow for growth elsewhere in accordance with the identified settlement hierarchy, and encourage the effective use of land. Rural housing will be supported which contributes towards the provision of affordable housing where there is need. The settlement hierarchy is set out in Policy 3 and Policy 4 sets out the circumstances where the expansion of settlements outside built-up area boundaries will be supported.
7. Of particular relevance is the countryside protection Policy 26, which states that outside the built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria; support the needs of agriculture or forestry; enable the extraction of mineral or the disposal of waste; provide for quiet informal recreation; or enable the sustainable development of rural areas. The policy further requires development to protect, conserve or enhance the key features and characteristics of the area.
8. The National Framework sets out at paragraph 7 the 3 dimensions of sustainable development, and paragraph 17 details the core planning principles including the delivery of homes and the effective use of land. Paragraph 55

states that new isolated homes in the countryside should be avoided, with certain exceptions.

9. From the above, it is determined with regard to Policy 3 that the site is not within any settlement, and hence countryside protection policies apply, and that it is not adjacent to a boundary and cannot be regarded as expansion of a settlement under Policy 4. With regard to National Framework paragraph 55, the site is not isolated in the sense confirmed by the recent Supreme Court case of *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743 (Admin), that the term should be given its ordinary objective meaning of *'far away from other places, buildings or people; remote'*.
10. Nevertheless, countryside protection policies are not rendered out-of-date or redundant by this judgement and the site is, as a matter of fact, in the countryside. As such the proposed residential development would be contrary in principle to the aims of Policies 2, 3 and 4 as previously referred to. With regard to Policy 26, the proposal is not essential to a countryside location, and does not meet the first three criteria regarding agriculture and forestry, mineral or waste, or providing for recreation. The last criterion will be considered later with regard to sustainable development, Policy 1 and the presumption stated in the National Framework.
11. No Development Plan policies have been referred to that address, or specifically seek to prevent, the sub-division of existing dwellings, and the appellant describes the situation as being that the Plan is 'silent' in this regard. The facts of the case appear to be that the present 6 bedroom, 2 bathroom, 2 staircase, 1 kitchen house, with 5 reception or similar rooms is proposed to be split into 2 houses of 4 bedrooms and 2 bedrooms respectively, each having a bathroom in the present location, and the only real change to the accommodation is the addition of a second kitchen in part of what is at present one of the larger reception rooms. On that basis there would not be any additional occupiers.
12. Whilst the Council are able to demonstrate a 5 year supply of housing land, that does not preclude windfalls where appropriate, in order to follow the requirement in paragraph 47 of the National Framework to boost significantly the supply of housing. Consideration of paragraph 14 is not therefore prompted by a failure under paragraph 49, as relevant policies are not out-of-date. But, paragraph 14 concerns not only out-of-date policies, but where there is silence regarding a specific policy issue. It is considered reasonable therefore to consider paragraph 14 on the issue of sub-division.
13. The fact that a Development Plan does not address sub-division as such need not inevitably result in the grant of permission as that paragraph provides for the adverse effects to be weighed in the balance. In the present case it is difficult to find any such effects. The Council Officer's Report confirms an in-principle objection, but also that no harm would be caused to neighbour amenity, highways, the listed building, or the character and appearance of the area. The Report also acknowledges that the building would have, at one time, been two separate dwellings, evidenced by the two staircases, the external architectural treatment and massing, as well as the nature of what was, in all probability, a party wall between them. This split curtilage is acknowledged also to be shown in map regression analysis.

14. With regard to Policy 26, the rural character and undeveloped nature of the countryside would be just as protected as previously, whether or not the development is 'inappropriate', and the appellant queries the meaning of that word in the context of the policy. The sub-division would make better use of land, in that 2 dwellings would stand where one does at present, and would provide 2 smaller dwellings more suited to modern requirements. There would be no additional activity from the split in the curtilage and the shared drive, and the total occupancy is unlikely to be greater, particularly having reduced the reception room provision in favour of the second kitchen. As a result, the location of the dwelling relative to services, retail, transport and employment does not alter, and the numbers of people affected and hence likely, or not, to use a private vehicle, would not change either.
15. In conclusion, apart for the in-principle harm and failure to accord with Development Plan policies in that respect, there is no other real harm. Whilst the aims of the policies are fully justified and important, it is not possible to identify adverse impacts that reach the level of significantly and demonstrably outweighing the benefits when assessed against the policies in the national Framework taken as a whole. Consequently, planning permission may be granted despite the in-principle policy objection.
16. The Council do not suggest conditions, and those attached to the listed building consent control internal fabric which is not a matter for this Decision. There is a necessity for the standard time condition and a condition is required detailing the drawings to which this permission relates, for the avoidance of doubt and in the interests of the proper planning of the area. It would however be reasonable to seek further details of the proposed landscaping and boundary treatment for the split in the curtilage in order to preserve the setting of the listed building.
17. With that provision it is concluded that the proposal accords with the aims of the 3 dimensions of sustainable development in that it would provide for an additional family to take part in economic activity, albeit not additional people, assist in providing a supply of housing to meet the needs of present and future generations, and would protect the environment through causing no identified harm. For the reasons given above the appeal should be allowed.

S J Papworth

INSPECTOR