
Appeal Decision

Site visit made on 3 January 2018

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2018

Appeal Ref: APP/Z3825/W/17/3179480

Tisserand Piggeries, Stane Street, Billingshurst RH14 9AE

- 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 Mrs S Cross against the decision of Horsham District Council.
 - The application Ref DC/17/0593, dated 14 March 2017, was refused by notice dated 15 May 2017.
 - The development proposed is Demolition of existing buildings. Construction of four dwellings and associated garages/car ports.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site would be an appropriate location for housing, having regard to its position within the countryside and the accessibility to everyday local services and facilities.

Reasons

3. The development would involve the demolition of various farm buildings, which for the most part are no longer in use, and the construction of four houses. The area within the vicinity of the site is primarily agricultural in character, albeit that there are three houses, a contractors depot, a café and a hotel variously to the east and south of the site. There is also a solar farm within a few hundred metres of the site. Built development within the immediate vicinity of the site is quite sparse nature.
4. The site lies respectively 1.6 Km/1 mile from the outskirts of and 2.4 Km/1.5 miles from the centre of Billingshurst¹, which has been classified as a smaller town/larger village for the purposes of the settlement hierarchy identified under Policy 3 of the Horsham District Planning Framework (excluding South Downs National Park) of 2015 (the HDPF). Five Oaks is a small hamlet around 800 metres to the north of the site², which is an unclassified settlement for the purposes of Policy 3. The site is outside a settlement boundary recognised by the HDPF and given the distance from Billingshurst I am of the opinion that it cannot be considered as being 'located very close to the settlement boundary'³.

¹ Based on the distances quoted in paragraph 3.12 of the appellant's statement of case

² As stated in the Council's officer report

³ Paragraph 3.17 of the appellant's statement of case

5. 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', with growth in the rest of the Council's area being allowed when it accords with the identified settlement hierarchy. Policy 2, amongst other things, states that three strategic development areas for housing will be brought forward. Those developments being: at least 2,500 dwellings immediately to the north of Horsham; around 600 dwellings west of Southwater; and around 150 dwellings south of Billingshurst.
6. Policy 4 of the HDPF states that outside defined settlement boundaries 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 it 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 or an extant Neighbourhood Plan⁴. There is also no indication that this development would meet a specific local housing need.
7. 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. Those circumstances being: 1) a need for agriculture or forestry; 2) a need for mineral extraction or waste disposal; 3) a need for quiet informal recreation; or 4) the scheme would enable sustainable development in rural areas. Additionally development must be of a scale appropriate to its countryside character and location.
8. The supporting text to Policies 3 and 4 explains that the HDPF '*...seeks to ensure development takes place in a manner that ensures that the settlement pattern and the rural landscape character of the District is retained and enhanced, but still enables settlements to develop in order for them to continue to grow and thrive. The mechanism by which this will be achieved is through the designation of built-up area boundaries and the planned expansion of existing settlements through the Local Plan or Neighbourhood Planning*' (paragraph 4.6).
9. To boost the delivery of housing in the Council's area the HDPF seeks to direct new development to sites either in the built up areas of settlements or allocated sites beyond settlement boundaries. Given the rural character of the Council's area I consider that approach to new housing is consistent with the National Planning Policy Framework (the Framework), most particularly paragraph 52. In that regard paragraph 52 indicates that the supply of new homes can sometimes best be achieved through planning for larger scale development such as new settlements or extensions to existing villages and towns. The intended southerly expansion of Billingshurst is consistent with the approach to new rural housing referred to in paragraph 52 of the Framework and will secure additional housing in this part of the Council's area.

⁴ The Council's appeal case

10. To promote sustainable development in rural areas, paragraph 55 of the Framework states housing should be located where it will enhance or maintain the vitality of rural communities, with development in one village having the potential to support services in a nearby village. Paragraph 55 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.
11. The HDPF's adoption postdates the Framework's publication and Policies 2, 3, 4 and 26, in particular, underpin 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.
12. As the development would be beyond Billingshurst's or any other settlement's boundary, and it would concern an unallocated site, it would not accord with the HDPF's locational strategy. I therefore consider that there would be significant conflict with Policies 3 and 4 of the HDPF. There would also be conflict with Policy 26 because this development, of itself, would not require a countryside location.
13. The existing buildings and structures on site have a utilitarian appearance, but that is to be expected given the purpose for which they were built. Those buildings and structures are also not prominent because of the distance from Stane Street. I found the existing buildings to be having a limited effect on the appearance of the area, with that effect being compatible with the predominantly agricultural character of the area. The houses would have a reduced footprint compared with the existing buildings and structures. However, I consider the two storey nature of the houses and their linear layout, projecting a considerable distance back from the public highway, would give these houses the appearance of being a sporadic residential development in the countryside.
14. I therefore consider that the replacement of the farmyard buildings with four houses would not amount to a substantial environment improvement. I am therefore of the opinion that the change to the site's appearance would not weigh significantly in favour of this development. I also consider that this site does not benefit from the policy support for the reuse of previously developed land (PDL). That is because land that is occupied by agricultural buildings is excluded from the definition for PDL stated in Annex 2 of the Framework.
15. I consider that a full range of everyday local facilities and services would be located beyond a comfortable walking distance for the occupiers of the houses, given the distance from Billingshurst's centre. Although Stane Street is on a route for buses and there is rail station in Billingshurst, I nevertheless consider it likely that there would be a high level of private motor vehicle dependency amongst the occupiers of the houses. In transportation terms the vehicular activity associated with this development would not be particularly sustainable.
16. I consider that while the houses would not be completely remote from other built development, the homes would nevertheless exhibit some of the

elements of isolation discouraged by paragraph 55 of the Framework. For the purposes of paragraph 55 the development would not come within the first and second of the listed special circumstances. I consider that the development would not come within paragraph 55's third special circumstance because, while the farmyard is essentially now disused, the development would not involve the reuse of redundant or disused buildings. While I consider there to be nothing objectionable about the architecture of the houses, their design would not be of an exceptional quality or innovative nature (the fourth special circumstance). I also consider that this development's scale would mean that it would not result in the enhancement or maintenance of the vitality of the rural communities in the area. I therefore consider that paragraph 55 provides no particular support for this development.

17. In support of the appeal reference has been made to a development of eight houses at Threals Lane, West Chilton that has been allowed on appeal⁵. However, having regard to the description of the location for the Threals Lane site provided in the appeal decision and the location plan for that development (both appended to the appellant's statement of case), I consider that the locational characteristics of the Threals Lane scheme are not directly comparable with the proposal before me. That is because for Threals Lane the new houses would be sited directly opposite a ribbon of existing dwellings and the new homes would be very close to the settlement boundary for a medium sized village listed in Policy 3 of the HDPF. By contrast the farmyard is 1.6 Km/1 mile from Billingshurst's outskirts. On the available evidence I consider that the Threals Lane decision does not provide a justification for the development before me.
18. For the reasons given above I conclude that this would be an inappropriate location for housing, with the site being located at some distance from Billingshurst's built up area and being unallocated for development. The development would therefore be contrary to Policies 3 and 4 of the HDPF. The development would also be contrary to Policy 26 because there would be no particular need for this development to be located in the countryside.
19. Policy 1 of the HDPF is an overarching policy that provides support for development which accords with other policies of the HDPF and the presumption in favour of sustainable development. As I have found that there would be conflict with various policies of the HDPF, I consider that this development would also be contrary to Policy 1.

Other Matters

20. The development would have no adverse effect on the living conditions of the occupiers of any other dwellings or the operation of the highway. Those are matters that weigh for the development.
21. I accept that there would be some local economic and social benefits arising from building and occupying the houses. However, those benefits would be limited, given the scale of this scheme, and I therefore consider them not to weigh significantly in favour of this development.

⁵ APP/Z3825/W/16/3150965

Conclusions

22. For the reasons given above I consider that the site would be an inappropriate location for housing, having regard to the spatial strategy identified in the HDPF. The development would conflict with the development plan as a whole, and I consider there to be no other considerations, including the provisions of the Framework, which outweigh that finding. I therefore find that the presumption in favour of sustainable development does not apply and I conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR