
Appeal Decision

Site visit made on 19 February 2018

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2018

Appeal Ref: APP/Z3825/3181981

Land rear of 12 Hayes Lane fronting Maydwell Avenue, Slinfold, Horsham RH13 0SQ

- 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 Miss Zena Mount against the decision of Horsham District Council.
 - The application Ref DC/17/1012, dated 24 May 2017, was refused by notice dated 31 July 2017.
 - The development proposed is erection of 2 semi-detached two bedroom dwellings with on-site parking and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application drawings show the proposal relating to a rectangular parcel of land fronting Maydwell Avenue outlined in red, with a blue outline to the adjacent house and garden at 12 Hayes Lane indicating land in the same ownership but outside the application site. Subsequent to the submission of the appeal, the house and garden at 12 Hayes Lane has been sold. The original address reference to the appeal, 12 Hayes Lane, is no longer correct. I have amended the address reference in the banner heading above to reflect the change in circumstances.

Main Issues

3. The main issues are (a) whether the site is a suitable site for residential development in respect of its location and (b) the effect of the development on a watercourse running through the site.

Reasons

(a) Suitability for residential development

4. The appeal relates to an area of open land to the south side of Maydwell Avenue and to the west of dwellings fronting Hayes Lane. These dwellings and their back gardens are within the built up area boundary for Slinfold but the appeal site is outside it but adjacent to it. Next to the site, also beyond the built up area boundary, is a new residential development, under construction at the time of my site visit, with industrial units to the west of this. On the

opposite, northern side of Maydwell Avenue are the back gardens of dwellings fronting Hayes Lane and an area of allotments.

5. The Horsham District Planning Frameworks (HDPF) (2015) has a spatial strategy for guiding the provision of new housing. Policy 1 of the HDPF emphasises the principles of sustainable development whilst policy 2 focuses growth within the main settlements, and amongst other things, seeks to maintain the district's rural character. Policy 3 indicates that development will be permitted within towns and villages which have defined built up areas and identifies Slinfold as a 'Medium Village'. That said, the site is not within a defined built up area and so the proposal would not comply with this policy. Policy 4 outlines the circumstances in which development outside of built up area boundaries will be supported, but as the appeal site is not allocated within a Local Plan or a made Neighbourhood Plan and is not 'contained within an existing defensible boundary' the proposal would not comply with this policy. Given the above factors, and in accordance with Policies 3 and 4, the site falls within the Countryside.
6. Policy 26 of the HDPF seeks to protect the rural character and undeveloped nature of the countryside and indicates that new development must be essential to its countryside location. But I have nothing before me to suggest that the dwellings would be 'essential to their countryside location'. Therefore, the proposal would also conflict with Policy 26.
7. There is conflict with Council policy. However, the question arises what harm would result to the spatial strategy or to the character of the area if the site were to be developed for housing? The site abuts the built up area boundary to the east whilst to the west it is adjacent to a large housing development providing 23 dwellings on land to the rear of 1-25 Hayes Lane (ref. DC/13/2042). The site is surrounded by housing. It forms part of a ribbon of land between the established and new areas of housing. The development would become functionally part of the settlement of Slinfold in the same way as the adjacent housing development.
8. I note the Council's comments that the development might appear cramped but given the surrounding variations in plot sizes, I consider that it would not look out of place. I also note the Council's concerns that the proposal may encourage a ribbon of development along the access track to the south of the site, but the Council would be able to determine any subsequent planning application for housing on its individual planning merits.
9. Therefore, I consider that the proposal would not harm the broader aims of Council policy which is to concentrate growth around the settlements and to protect the character and appearance of the countryside. Indeed, the Council's delegated report also states that "it is not considered that this application would result in any harm to the countryside surrounding Slinfold" and that "the area itself does have the feel of a built-up area". Whilst I have found conflict with policies 3, 4 and 26, the proposal would be compatible with policies 1 and 2 to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth.
10. I appreciate that the Council has an up to date supply of land for housing. However, this factor does not limit further housing provision and it is the National Planning Policy Framework's objective to boost the supply of housing.

Given the above, I conclude that the site is suitable for residential development in terms of its location.

(b) Effect on the watercourse

11. The flank wall of the easternmost house would be located approximately 2m from the watercourse. The Council's Drainage Engineer has advised that an appropriately sized, development-free buffer zone, usually a minimum of 5 metres wide, should be left on both sides of the watercourse, to conserve and enhance its habitats. Whilst I note the appellant's comments that neither a design and access statement nor a SuDS report is usually necessary for the scale of development proposed, I have no convincing justification before me that the Riparian Buffer Advice, referred to by the Council, should not be adhered to, notwithstanding the location of the site within a low risk flood area.
12. I have had regard to the development on Plot 23 but in my assessment, there is more space remaining around the watercourse on that plot than there would be in the appeal proposal. Moreover, I am not bound by other decisions of the Council.
13. I therefore conclude that the proposed development would have a harmful effect upon the watercourse. Consequently, it would be contrary to Policy 24 of the HDPF which seeks to maintain or improve the environmental quality of watercourses. It would also conflict with one of the core planning principles set out at paragraph 17 of the National Planning Policy Framework that development should "contribute to conserving and enhancing the natural environment".
14. I have considered the representations from interested parties including support for the development but none outweigh the conclusions I have reached.

Conclusion

15. Whilst I have concluded that the site would be a suitable location for residential development the proposal would have a harmful effect upon the watercourse. For this reason, and having regard to all matters raised, the appeal is therefore dismissed.

Rory MacLeod

INSPECTOR