
Appeal Decision

Site visit made on 14 May 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/Z3825/W/18/3205099

The Copse, Worthing Road, Horsham RH13 9AT

- 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 T. Guy of Starbuild Ltd against the decision of Horsham District Council.
 - The application Ref DC/17/2195, dated 28 September 2017, was refused by notice dated 19 January 2018.
 - The development proposed is demolition of The Copse. Construction of 15 dwellings, access, garages and car parking.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The National Planning Policy Framework (NPPF) was published during the course of the appeal. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.
3. The Southwater Neighbourhood Plan (NP) has been submitted to the District Council. I have limited information as to the extent of outstanding objections or whether the NP will meet the basic conditions to proceed to referendum, including whether it is in general conformity with the development plan and the NPPF. This means that limited weight can be given to the NP.

Main Issues

4. The main issues are:
 - whether the location of the proposed development would be consistent with the strategy for development set out within the Horsham District Planning Framework, or if there are any material circumstances sufficient to override any conflict with policy; and
 - whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Strategy for development

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal should be determined in accordance with the development plan

unless material considerations indicate otherwise. The development plan would comprise a Local Plan, in this case the Horsham District Planning Framework (HDPF), and NP.

6. The NPPF is a material consideration that carries great weight in the planning process. It seeks to boost significantly the supply of housing, including through local planning authorities demonstrating a five year supply of deliverable housing sites against their requirements. In this case, it is not disputed that the Council are able to demonstrate that 5 year housing land supply. Consequently, in accordance with paragraph 11 of the NPPF, the development plan policies which are most important for determining the appeal are up-to-date. As a result, the presumption in favour of sustainable development set out within the NPPF means approving development proposals that accord with the development plan without delay.
7. Policy 1 of the HDPF indicates that planning applications which accord with the policies within the plan will be approved without delay, unless material considerations indicate otherwise. Policies 2-4 of the HDPF set out a strategy of development, seeking to focus development in and around Horsham, with growth in the rest of the district in accordance with the settlement hierarchy, set out in Policy 3. Southwater is defined as a larger village with a good range of services and facilities including reasonable public transport services such that the settlement acts as a hub for smaller villages, but has some reliance on larger settlements. Policy 2 seeks to manage development around the edges of settlements to protect the rural character and landscape. Policy 4 sets out how proposals that would result in the expansion of settlements would be considered.
8. The Copse is a detached dwelling within a substantial garden on the edge of Southwater. The existing house is located close to the boundary with the neighbouring dwelling of Pine Lodge. Pine Lodge is located within the built up area boundary of Southwater as defined in the proposals map to the HDPF, but The Copse is not.
9. A number of criteria are set out as to how expansion of settlements would take place in Policy 4 of the HDPF. The first requires that sites must be allocated within the Local Plan or in a NP. The proposal would not comply with this criterion. However, it would comply with the other criteria, including that it would be contained within a defensible boundary comprising the roundabout and road along with mature trees and hedges and would reflect the character and appearance of adjoining development.
10. Policy 26 of the HDPF is a strategic policy relating to countryside protection, including enabling the sustainable development of rural areas, as well as seeking to protect, conserve or enhance the landscape character of the area. The proposal would protect the landscape character of the area. However, the policy also requires that development within the countryside is essential to its countryside location, which the proposal is not.
11. As a result, the proposed development would be located outside built up area boundaries, is not on a site that has been allocated for development in the HDPF or NP and would not be essential to its countryside location. For these reasons, although the housing requirements are not a cap on delivery of sustainable residential development, the proposed development is not necessary to contribute toward the Council's housing figures. As such, it would

be contrary to the development strategy for the district, in particular Policies 2, 4 and 26 of the HDPF. Given these conflicts, it would also be contrary to Policy 1 of the HDPF.

Affordable housing

12. Policy 16 of the HDPF requires that development sites that would provide 15 or more dwellings should provide 35% of dwellings as affordable. I note that the appellant and Council are intending to submit a legal agreement that would provide affordable housing in accordance with that policy. However, I understand that has not yet been executed and has not been submitted for my consideration.
13. My attention has been drawn to a potential condition to require a scheme for the provision of affordable housing. However, Planning Practice Guidance advises that a planning obligation is the best way to deliver certainty about what is being agreed and these should be agreed in a timely manner. It states that negatively worded conditions requiring planning obligations are only appropriate in exceptional circumstances such as the case of more complex and strategically important development. This is not a complex or strategically important development. I consider that such a condition would not be appropriate in this case.
14. Given the lack of an agreed mechanism to provide affordable housing in accordance with Policy 16 of the HDPF, I conclude that the appeal proposal would conflict with that policy.

Other matters

15. To the rear of houses beyond Pine Lodge is Welcome Place, a recent housing development of detached houses that is also outside the defined built up area boundary. The planning application for that development was considered under previous planning policies. Reference has also been made to other appeal decisions¹ that relate to development outside built up area boundaries in the district. However, I need to consider the appeal proposals on their individual merits.
16. I understand that evidence in support of the NP states that there is a significant need for additional dwellings in the NP area, including affordable houses. The Copse is not currently proposed to be allocated in the NP. However, it appears that another large site is likely to be allocated that would meet those requirements. Doubt has been expressed that this would come forward in accordance with the expectations of the NP and it is suggested that progress on the NP is slow.
17. By contrast the appeal site is available now and would contribute toward the NPPF requirement to boost significantly the supply of housing and the local need as identified by the evidence base to the NP, as well as boosting the supply of housing. The appeal site comprises the garden to The Copse that is located outside the built up area boundary. As such, it comprises previously developed land as defined in the NPPF. It is located close to the services and facilities within Southwater. As a result, considerable weight can be attached to the contribution of the proposed development to the supply of housing.

¹ Appeal references APP/Z3825/W/16/3151508 and APP/Z3825/W/18/3201430

18. Nevertheless, the Council have a five year supply of deliverable housing sites. As such, the NPPF is clear the planning system should be genuinely plan-led and that development proposals that accord with the development plan should be approved without delay. The proposed development would conflict with policies within the HDPF such that it would conflict with the development plan as a whole.
19. Taking all the above into account, I conclude that the contribution of the proposed development toward housing supply would not outweigh the conflict I have found with the policies of the HDPF.

Conclusion

20. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Local Plan. Consequently, the appeal should be dismissed.

AJ Steen

INSPECTOR