
Appeal Decision

Site visit made on 10 June 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/Z3825/W/18/3212321

Stud Farm New Barn Farmhouse, Capel Road, Rusper RH12 4PZ

- 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 Mr Steve Lamb against the decision of Horsham District Council.
 - The application Ref DC/17/2835, dated 19 December 2017, was refused by notice dated 23 April 2018.
 - The development proposed is the conversion of commercial equestrian buildings into 10 dwellings together with a corner shop, partial demolition of main equestrian building to create courtyard and replacement of all concrete hardstanding with permeable surfacing and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (NPPF) was published following the decision of the Council. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.
3. A Bat Scoping Survey Report was submitted during the appeal process and the Council have confirmed that this addressed their concerns regarding the effect of the proposed development on ecology. I see no reason to disagree with their conclusions so do not consider this should form a main issue in my decision.
4. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (S106) has been submitted during the course of the appeal that would secure financial contributions toward the provision of affordable housing. I understand that this would address the reason for refusal relating to this matter. As such, I do not need to consider this under the main issues but will return to it in other matters.

Main Issues

5. The main issues are:
 - whether the proposed dwellings and retail unit would be in a suitable location in respect to adjacent settlements and reliance on motor vehicles;
 - the effect of the proposed development on the character and appearance of the surrounding rural landscape;

- the effect of the proposal on the supply of commercial development;
- whether prospective occupiers would enjoy satisfactory living conditions, having particular regard to noise from aircraft and, in the case of units 2 to 7, privacy, noise and disturbance; and
- the effect of traffic and parking relating to the dwellings and shop on the safe and efficient operation of the highway network in the vicinity of the appeal site with regard to the adequacy of parking provision.

Reasons

Location

6. Stud Farm New Barn Farmhouse is located within the rural area some distance from the nearest settlement. A number of adjacent buildings are being converted to five residential units following the grant of prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015. I note that there is a certificate of lawfulness for the existing use of adjacent buildings as four dwellings. Consequently, whilst this is a remote location away from any settlements, the proposal would not result in isolated dwellings.
7. Policy 2 of the Horsham District Planning Framework (HDPF) seeks to provide development in accordance with the identified settlement hierarchy and retain the existing settlement pattern. It seeks to retain and enhance landscapes and landscape character and encourages the reuse of previously developed land where it is not of high environmental value. Policy 26 of the HDPF seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development. It requires development to be essential and of a scale appropriate to its countryside character and location.
8. The buildings proposed for conversion are currently in uses associated with the equestrian use of the yard. As a result, the site comprises previously developed land. It would re-use existing buildings that are not in an area of high environmental value. However, it is not development essential to its countryside character and location. It would result in a substantial number of residential units and a shop within this remote location. As a result, it would not be of a scale appropriate to this countryside location.
9. This remote location would mean future residents would need to travel to other settlements to access services and facilities although the proposed shop would contribute in a small way toward meeting the needs of the development. There are limited walking and cycling opportunities and public transport services in this area.
10. The location of the development is such that most occupiers and visitors to the development, including shop customers, would access the development by car. The application plans show an area around the building that may be used for parking, including an area around the proposed shop unit. However, no information is provided as to the amount of parking or how it would be laid out around the buildings. As a result, whilst there may be space for parking to meet the needs of the development, it is not clear.
11. For these reasons, I conclude that the proposed development would not be in a suitable location in respect to adjacent settlements and reliance on motor

vehicles. As such, it would conflict with Policies 2 and 26 of the HDPF. In addition, it would be contrary to Policies 40 and 41 of the HDPF that seek to provide a sustainable transport system and provide adequate parking to meet the needs of anticipated users.

12. My attention has also been drawn to Policy 3 of the HDPF that sets out the settlement hierarchy and Policy 4 of the HDPF that makes provision for the expansion of settlements. However, as the proposed development is away from the nearest settlement, neither policy is directly relevant to the proposed development.

Character and appearance

13. The area around Stud Farm New Barn Farmhouse is a rural area comprising open fields divided by hedgerows and woodland. There are other farm yards and individual dwellings along Capel Road, but the character and appearance of the landscape is of open, primarily agricultural, countryside.
14. The buildings subject of this appeal are located within a farm yard that is largely hidden from the road by the existing hedgerow. There are limited other vantage points of the buildings, other than the existing dwellings on the site and another adjacent. The existing equine use of the yard leads to paraphernalia associated with that use around the buildings. However, this use is not unusual in a rural area and reflects similar paraphernalia around farm yards that is not unusual in the surrounding rural landscape.
15. The proposed alterations to the buildings would reflect those being undertaken on the adjacent buildings already in, or with permission for, residential use. The development would convert the main existing building to dwellings and a shop, removing a section of it in order that dwellings in that building would be arranged around a small courtyard. To the outside of the building, the dwellings would be provided with modest garden areas. A second building is also proposed to be converted, part of which already has permission for conversion. The conversion of the remainder of the building would also reflect the character and appearance of the existing and other proposed dwellings adjacent.
16. Nevertheless, the proposed development would result in a substantial residential development within the rural surroundings. The buildings would have a domestic appearance, including doors and windows and with residential paraphernalia around the building. Consequently, it would appear out of character with the surrounding open fields in this countryside location.
17. As a result, the proposed development would harm the character and appearance of the surrounding rural landscape. As such, it would be contrary to Policies 32 and 33 of the HDPF that seek high quality design that complements the locally distinctive character of the area

Commercial development

18. Policy 10 of the HDPF encourages rural economic development that contributes to the wider rural economy or promote enjoyment of the countryside, including either being within suitably located buildings or result in substantial environmental improvement and reduce the impact on the environment. It states that conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance.

19. The proposal would result in the conversion of the majority of the buildings to residential uses. It is unclear whether any commercial uses have been investigated, neither has evidence been provided why the existing commercial equestrian use needs to cease. There is limited evidence supplied as to whether the shop would be essential or commercially viable in this remote location.
20. I note that the buildings to be converted would be adjacent to existing residential units. The living conditions of occupiers of these units would be likely to be affected by comings and goings and the operation of commercial units. Nevertheless, there is limited evidence that a commercial use, other than the shop, compatible with the living conditions of occupiers of the adjacent dwellings has been investigated for the buildings.
21. For these reasons, I conclude that there is limited evidence to demonstrate the effect of the loss of the existing commercial use or why the proposed shop would be essential to this location. As a result, the proposal would be contrary to Policy 10 as well as Policy 26 of the HDPF.

Living conditions

22. Units 2 to 7 of the proposed development would be arranged around a small courtyard, with their front doors opening onto the courtyard and bedroom windows facing over it. The plans suggest that there would be a wall and landscaping in the centre of the courtyard. This would restrict some overlooking between units 2 to 3 and 6 to 7 that face one another. The modest size of the courtyard means that users of the courtyard coming and going from the properties would affect the privacy of occupiers of the dwellings, particularly in the bedrooms overlooking the courtyard. In addition, the proximity of bedroom windows at right angles of units 3 and 4, and 5 and 6 would lead to some intervisibility between them. I consider that this would be sufficient to materially affect the privacy of occupiers of those dwellings. As a result, occupiers of these units would not have satisfactory living conditions.
23. Given this layout, the six front doors and bedroom windows served from the courtyard would be in close proximity. Noise within the courtyard would be likely to disturb occupants of the dwellings. Taking account of the number, layout and proximity of the dwellings, this is likely to lead to noise and disturbance that would affect the living conditions of occupiers of these dwellings.
24. I understand that the proposed dwellings would be close to the flight path to and from Gatwick Airport. The appellant has provided a noise report relating to another site that I understand is located within a noisier aircraft noise contour. However, the effect of noise in different locations and types of building would differ, so I need to consider the proposals on their merits and based on the evidence provided.
25. The noise from aircraft in this location would be significant. Nevertheless, there are a number of dwellings in close proximity whose residents are similarly affected by noise, including the existing dwellings and those subject of the prior approval adjacent. The effect of this noise on occupiers of the proposed dwellings would be no different. I note that a condition has been suggested by the appellant that was applied to the permission for the adjacent dwellings. This would require a scheme of works to protect the living conditions of occupiers from aircraft noise. I consider a similar condition would be likely to

ensure the effects of aircraft noise would be satisfactorily addressed. Nevertheless, as I intend to dismiss the appeal for other reasons, this would not overcome my concerns in this regard.

26. For these reasons, I conclude that the living conditions of future occupiers of units 2 to 7 would be unacceptable due to privacy, noise and disturbance. As such, the proposed development would conflict with Policies 24, 32 and 33 of the HDPF that seek high quality and inclusive design that is designed to avoid unacceptable harm to the living conditions of occupiers including through overlooking, noise and disturbance, including exposure to noise pollution from aircraft.

Other matters

27. Policy 16 of the HDPF requires new residential development to contribute 20% affordable housing, or an equivalent financial contribution. I note that the Unilateral Undertaking includes a provision to make a financial contribution toward affordable housing. I understand that this is in accordance with Policy 16 of the HDPF, so I have taken this into account in coming to my decision.
28. Policy 1 of the HDPF states that planning applications that accord with the policies of the Local Plan (i.e. the HDPF) will be approved without delay unless material considerations indicate otherwise. As I have concluded that the proposal would conflict with policies of the HDPF and have not identified any material considerations to outweigh that conflict, I conclude that the proposals would also conflict with Policy 1 of the HDPF.
29. The NPPF sets out a presumption in favour of sustainable development, defined as development in accordance with the NPPF as a whole. This includes approving development proposals that accord with an up-to-date development plan, including the HDPF. Sustainable development has three objectives that are interdependent, being economic, social and environmental. However, the NPPF sets out that these are not criteria against which every decision can or should be judged. As I have concluded that the proposal would conflict with policies within the development plan, I consider that it would not be sustainable development as defined in the NPPF.
30. My attention has been drawn to other appeal decisions¹ relating to similar developments within other local planning authority areas. However, these were subject to different Local Plan policies and were issued prior to the latest iteration of the NPPF. Consequently, I have considered the proposed development against current HDPF policies and on its individual merits.

Conclusion

31. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. Thus, having had regard to all other matters raised the appeal should be dismissed.

AJ Steen

INSPECTOR

¹ Appeal references APP/C3620/W/16/3158911 and APP/R3650/W/16/3155290