The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/Z3825/W/18/3210560
Waterland Chalet, Guildford Road, Slinfold, Horsham RH13 0QZ

- 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 Mark Delapole against the decision of Horsham District Council.
- The application Ref DC/17/2853, dated 21 December 2017, was refused by notice dated 13 March 2018.
- The development is described as the proposed conversion of existing barn for holiday let/ tourism purposes together with proposed mobile field shelter stabling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal relates to the conversion of an existing barn into a residential use to be used as a holiday-let, alongside the provision of a mobile field shelter. I am not persuaded by the appellant's submissions that the proposal would represent a use within Class C1 (Hotels) of the Schedule of the Town and Country Planning (Use Classes) Order 1987, as amended, as a result of the nature of the accommodation, which provides the facilities for day to day living. To my mind, the proposal would represent a form of housing, being a use falling within Class C3 (dwelling house). I therefore take as my starting point the implications of the conversion of the building into a dwelling house, with consideration to the imposition of a holiday use only occupancy condition, if this is necessary, in accordance with paragraphs 54 and 55 of the Framework.

3. There have been a number of recent planning related proposals at the appeal site and dismissed appeal decisions, including those with regard to enforcement proceedings[1]. The recent planning history principally related to proposals for the unrestricted dwelling house use of the appeal building. I have taken the planning history into account as part of my considerations, but I have nonetheless made my decision on the merits of the case before me.

4. Since the original decision was issued, the Slinford Neighbourhood Plan 2014-2031 (SNDP) was 'made' on the 6 September 2018 and now forms part of the development plan documents applicable to the appeal site. Policies from the SNDP were not referred to in the decision notice. Nonetheless, the Council referred to the change in status of the SNDP in their questionnaire and their Written Statement. The appellant has therefore had the opportunity to make representations on the implications of the SNDP to this appeal. I have assessed

[1] These include APP/Z3825/A/14/2223822, APP/Z3825/C/13/2197254 and APP/Z3825/A/12/2173833

this appeal in light of the policies contained in the SNDP where these are relevant, as part of the development plan.

5. In February 2019, after final comments had been received from the main parties, the latest version of the National Planning Policy Framework (the Framework) was introduced. However, the changes to the Framework are not directly relevant to the issues within this appeal, and I have used the latest version of the Framework without prejudice to any party.

6. The Horsham District Hotel & Visitor Accommodation Study 2016 (the DHVAS) is referred to as Supplementary Planning Guidance in the planning officer's report, however I was not provided with a copy of this document in support of the Council's Written Statement. As a result, I sought a copy of the DHVAS from the Council, which was subsequently provided to the appellant for comment. From the comments I received from the Council it is understood that the DHVAS has been undertaken primarily to inform a current review of the of the Horsham District Planning Framework (excluding South Downs National Park) 2015 (the HDPF). However, the document does provide a useful piece of evidence base that outlines the tourism opportunities in the District.

Applications for costs

7. An application for costs was made by Mark Delapole against Horsham District Council. This application is the subject of a separate Decision.

Main Issue

8. The main issue is whether the proposal would represent a sustainable form of development as a result of its open countryside location taking into account the development plan and any other material considerations.

Reasons

9. The appeal site is located in the open countryside outside of the defined built-up areas which are the focus for development as indicated in policies 2, 3 and 4 of the HDPF.

10. In the countryside, policy 10 of the HDPF, supports proposals in principle for rural economic development which maintain the quality and character of the area, whilst sustaining its varied and productive social and economic activity. The policy requires development to contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside. Amongst other matters, the policy suggests that such development should be contained wherever possible within suitably located buildings which are appropriate for conversion. The policy concludes that proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance.

11. Policy 11 of the HDPF encourages measures which promote tourism and enhance local cultural facilities, including recreation based rural diversification. The policy requires that such development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District.

12. Policy 26 of the HDPF states that to protect rural character and the undeveloped nature of the countryside, any proposal in the countryside must be essential to its countryside location and either support the needs of agriculture or forestry; provide for quiet informal recreational use; or, enable the sustainable development of rural areas.

13. The appellant has explained in their Planning Appeal Statement that the proposal would result in the diversification of an existing rural business which is understood to sell logs, charcoal and Christmas trees from the site. However, the Council have referred to correspondence from the appellant that activities relating to the sale of logs and charcoal from the site would cease. Whilst that maybe the case, the appellant also outlines that the proposals would promote equine tourism and enable people to have a base from which to stay with their horses.

14. An unrestricted dwelling house use in this location would not represent rural economic development, it would therefore conflict with policy 10 of the HDPF, as an unrestricted use would have a limited, if any, impact on generating local employment opportunities and economic, social and environmental benefits for local communities. Furthermore, the policy requires that proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance, for which the proposal would conflict with.

15. The proposal, due to its open countryside location and separation from settlements, would also conflict with policies 1, 2, 3 and 4 of the HDPF, which, amongst other things, focus development in and around the key settlement of Horsham, and allow for growth in the rest of the district in accordance with the identified settlement hierarchy. The proposal would additionally be a conflict with policy 26 of the HDPF which requires for an essential need to be demonstrated. My findings in this regard are similar to the conclusions reached in the recent planning history at the site.

16. However, where the appeal proposal differs from the earlier submissions is that it is promoted for a tourism use, such as short-term holiday accommodation, rather than as an unrestricted dwelling house. As a consequence, I have also considered the appeal proposal, with the potential for the imposition of a condition limiting the occupancy of the dwelling house accommodation to holiday use only.

17. From my site visit, I noted that the appeal site is located within close proximity to a number of bridleways and footpaths. Due to its location next to these routes there could be demand for the accommodation from tourists, such as walkers or horse riders. For example, to the west of the appeal site is a public bridleway (ref: 1416), which, provides off-road connections to a number of other public footpaths and bridleways in the surrounding area, such as those within the nearby Roman Woods which connect to the facilities at Rudgwick and Rowhook.

18. I also acknowledge that the proposal would be contained within an existing building that is appropriate for conversion and, subject to the imposition of a holiday use only condition, would have the potential, albeit at a limited scale, to contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside.

19. I note that the Council submit that the proposal would conflict with the DHVAS. The Council state that the appellant has not demonstrated that the accommodation would constitute the high-quality holiday cottages referred to in the DHVAS and it would not closely align with any of the other listed opportunities. The Council also highlight that the DHVAS refers to a requirement for holiday lets in or near to the South Downs National Park, for which the site is a distance away from.

20. However, the role of the DHVAS is to identify potential tourism developments for the District as a whole, and to my mind its recommendations should not be read as an exclusive list. The DHVAS refers to rural tourist accommodation trends across the UK that are of relevance to the District which includes the continuing conversion of redundant farm and rural buildings to holiday cottages, for which the proposal would align with.

21. I therefore consider that a tourism use of the building would align with policy 11 of the HDPF. Nonetheless, the alignment with Policy 11, subject to the imposition of a holiday use only condition, would not address the conflict that the proposal would have with development plan when read as a whole.

22. Whilst there would be small scale economic benefits associated with a dwelling house limited to a holiday use only, the proposal itself would not represent a business or employment use, it would therefore not align with Policy 10 of the HDPF. The proposal would also, due to its open countryside location, conflict with policies 1, 2, 3, 4 and 26 of the HDPF as it would not align with the defined development hierarchy and no essential need has been demonstrated.

Other matters

23. The Council has not referred to any policies within the SNDP through their submissions for which they consider the proposal would conflict with. The appellant also has not referred to policies in the SNDP as part of their case. I have considered the proposal against the policies in the SNDP, and I find that the proposal does not conflict with any of the policies in the SNDP.

Planning Balance

24. I have found that the proposal, whether as an unrestricted dwelling house or subject to the dwelling house use being limited to a holiday use only, would not be acceptable in principle, it would conflict with policies 1, 2, 3, 4, 10 and 26 of the HDPF.

25. Whilst the proposal would result in small-scale economic benefits if limited to a holiday use only, these benefits do not outweigh the harm that I have identified. Therefore, the proposal would conflict with the development plan when taken as a whole and there are no material considerations that would justify a decision other than in accordance with the development plan.

Conclusion

26. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

J Evans

INSPECTOR