



Appeal Decision

Site visit made on 20 August 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/Z3825/W/19/3225432

Holmbush Manor Farm, Hayes Lane, Slinfold RH13 0SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Fanous against the decision of Horsham District Council.
 - The application Ref DC/18/2671, dated 4 December 2018, was refused by notice dated 8 February 2019.
 - The development proposed is demolition of existing agricultural building and creation of new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline. Access, appearance, landscaping, layout and scale are reserved for future consideration.

Main Issues

3. The main issues are:
 - 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, and
 - the likely effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook and privacy.

Reasons

Location for Housing

4. Policy 3 of the Horsham District Planning Framework 2015 (the HDPF) sets out categories of settlement within the district. It directs development to within specified towns and villages which have defined built-up areas to ensure the settlement pattern and rural landscape character of the district is retained and enhanced.
5. The appeal site is located outside of any of the towns or villages specified in Policy 3 and is therefore in the countryside in planning policy terms where the HDPF states development will be more strictly controlled. The site contains an agricultural building which is in a state of dereliction. Other agricultural buildings and a limited number of dwellings are sited on neighbouring land.

6. Policy 4 of the HDPF supports the expansion of settlements outside built-up area boundaries subject to 5 specified criteria. These criteria are that the site is allocated in the Local Plan or a Neighbourhood Plan and adjoins an existing settlement edge; that the level of expansion is appropriate to the scale and function of the settlement type; that the development is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services; that the impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; and that the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
7. Whilst the proposed dwelling would replace an existing building, the appeal site is not allocated for development nor does it adjoin an existing settlement edge. Therefore, it does not comply with all of the 5 criteria of Policy 4 noted above. Moreover, the evidence indicates the existing lawful use of the building is agricultural and so the land is not previously developed as defined by the glossary in the National Planning Policy Framework.
8. Policy 26 of the HDPF states that outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. The policy seeks that any proposal must be essential to its countryside location. However, on the basis of the information provided I am not satisfied that a countryside location is essential for the dwelling proposed and so the development does not comply with this policy.
9. The appellant has stated that the proposal is within walking distance to the village shop, post office and bus stop. But this does not fit with my observations from my site visit where I saw that the appeal site is accessed down a track from a narrow country road which is lacking in streetlighting and footways. Moreover, limited information has been provided detailing how the nearest everyday local services and facilities may be accessed.
10. Taking into account all of the above points, I am not satisfied that the appeal site is an appropriate location for housing, having regard to its position within the countryside and its accessibility to everyday local services and facilities. I also conclude that it does not comply with Policies 3, 4 or 26 of the HDPF. I appreciate that other dwellings exist on neighbouring land but I have no information on how or when these came to exist or that they were developed in the same planning policy context that exists now and so their existence is not a good enough reason to allow more in light of my findings above.
11. 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.

Living Conditions

12. Whilst the application has been made in outline, the evidence indicates the proposed dwelling would have the same footprint and the same ridge and eaves heights as the existing building. Given the limited size of the plot and its close proximity to the two closest neighbouring dwellings, based on the limited

information provided, I am not satisfied the new dwelling would not have an overbearing effect on occupants of the two closest dwellings. For the same reason, I am not satisfied the proposal would not result in a loss of privacy for occupants of these dwellings either.

13. I appreciate these closest two dwellings may not currently be occupied. But I have no information to indicate that will not change and so future occupants would likely be affected. I conclude on this main issue the proposal would likely result in a harmful effect on the living conditions of neighbouring occupiers in respect of outlook and privacy. Accordingly, the proposal would not comply with Policy 33 of the HDPF which seeks that development is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Other Matters

14. As I saw at my site visit, the existing building is in a poor condition. The appellant states this is the result of criminal damage and that the Police have advised the only way to mitigate this criminal damage is to replace the existing building with a dwelling. I have not been provided with any further detail or evidence to support this position. So whilst the proposal may revitalise the site, I am not satisfied the issue of criminal damage is a good enough reason to allow the development in light of the Council's strategy for the location of development set out in the policies identified in the Council's decision.
15. My attention has been drawn to other proposals for residential development/conversions in the area including proposals relating to permitted development. But limited information has been provided to indicate the relevance of these proposals to this case and as such I give them limited weight.

Conclusion

16. For the reasons given above the appeal is dismissed.

L Perkins

INSPECTOR