



Appeal Decision

Site visit made on 13th March 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/Z3825/W/18/3210699

Garden Corner, Blackhouse Road, Colgate, Horsham RH13 6HS

- 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 & Mrs J Cobbett, against the decision of Horsham District Council.
 - The application Ref DC/18/0780, dated 11 April 2018, was refused by notice dated 8 June 2018.
 - The development proposed is the erection of a single storey detached dwelling and the creation of a new highway access onto Blackhouse Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue derived from the sole reason for refusal stated on the Local Planning Authority (LPA) decision notice relates to the principle of new residential development in the open countryside and impact on character and appearance of the area.

Reasons

Residential Development in Open Countryside

3. The site lies in open countryside outside any defined settlement development limit within an Area of Outstanding Natural Beauty and forms part of a residential curtilage which lies outside of the designated Built up boundary as designated under the Horsham District Planning Framework (HDPF) 2015.
4. HDPF Policy 1 sets the primary presumption in favour of sustainable development which reflects the provisions of the National Planning Policy Framework (the Framework). HDPF Policy 2 provides the key spatial strategy to 2031 of focussing development in and around Horsham and to allow growth elsewhere in accordance with the identified settlement hierarchy to maintain the district's unique rural character. In terms of settlement hierarchy, HDPF Policy 3 states development will be permitted within towns and villages that have defined built-up areas provided it is of an appropriate nature and scale. HDPF Policy 4 provides criteria under which the expansion of settlements beyond existing limits will be supported. These include that the site adjoins an existing settlement boundary and is allocated within the HDPF or a Neighbourhood Plan. The site does not lie within or adjoin the boundary of an existing designated settlement boundary and

there is no Neighbourhood Plan covering Colgate and the location of the proposal would therefore be in conflict with policies 1, 2, 3 & 4 of the HDPF.

5. HDPF Policy 26 provides that outside the built-up area, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. The policy requires any proposal must be essential to its countryside location and meet the criteria set out. There is no indication that the proposed development meets the criteria.
6. The evidence indicates that the Council can demonstrate a five year supply of deliverable housing land for the purposes of this appeal and I see no reason to dispute this. Accordingly, the presumption in favour of granting permission at Paragraph 11d of the Framework does not apply. The proposal would make effective use of previously developed land. However, there is nothing to indicate the building is not in use.
7. Even though the proposal would make effective use of previously developed land for the reasons set out above I conclude that the location of the proposed development, outside a defined built-up area would be in overall conflict with HDPF Policies 1, 2, 3, 4 and 26 which, together, seek to direct development to the most sustainable locations and to maintain the District's unique rural character.

Character and Appearance

8. The scale, form and design of the proposed dwellinghouse is not considered by the Local Planning Authority to represent a sufficiently high quality design, citing the provisions of paragraph 79 of the Framework. Since the application was determined the revised Framework has been published and I have determined the appeal on the most up-to-date guidance. I do not consider the design quality of the proposal is required to achieve this exceptional level, on the basis of my conclusion in respect of the primary issue of the acceptability of the principle of residential development in this location. However, the design, scale, form, massing and site layout do need to respect the site and location, complementing the existing built and natural environment bearing in mind the AONB location and its relationship to existing dwellings. I consider the proposal fails to achieve this respect in terms of its overall scale, massing and site layout.
9. The proposed dwelling would be too wide for the site, leaving insufficient space to either side boundary for substantive new planting to echo that present in at the front and rear boundaries. No levels or cross sections through the proposed dwelling and neighbouring buildings are provided to enable appropriate assessment of visual impact in the streetscene and on neighbouring amenity. From my inspection the site clearly possesses not only mature hedgerows to front and rear site boundaries, but also mature trees within that rear boundary. Existing planting also exists along the site boundary of the neighbouring property.
10. No evaluation of existing hedgerows, trees and/or planting has been undertaken and no protection measures or mitigation have been presented. There is, for example, no detail to demonstrate how the valuable screening effect and positive contribution to the rural character of the streetscene which the existing roadside hedgerow makes could be successfully maintained given that it would be required to be lifted wholesale and set back on a wholly new alignment to meet the stated

requirements of the Local Highway Authority in relation to visibility at the point of access.

11. The proposal would result in complete removal of the existing, established roadside hedge as creation of the new site access would necessitate the lifting and shifting back from the carriageway edge of the entire existing roadside hedgerow in order to achieve the essential advance visibility, particularly in the direction of the school. Failure to pair the proposed access alongside that of the existing dwelling means it cannot take full advantage of the existing visibility splays on the other side of that access. The access position chosen would also reduce the kerbside space left within the highway for on street parking at the beginning and end of the school day.
12. I conclude the proposal fails to provide for a positive visual impact but due to the issues identified above would have a substantial and detrimental impact on the visual character of the site and the immediate area within the AONB and fails to accord with Policy 26 (countryside protection), Policy 32 (quality of design) and Policy 33 (conservation and enhancement of natural and built environment). It would also not accord with the design aims of paragraphs 127 (quality of design and protection of neighbouring amenity and landscape setting), 170 and 172 (attaching great weight to conserving and enhancing valued landscapes) of the Framework.

Other Matters

13. I have noted both the appellants and supportive neighbour arguments in favour of the development with reference to the proposed dwelling contributing to the windfall site provision set out in the HDPF. The Appellant also contends that the proposal would meet elements of Policy 42 of the HDPF which relates to Inclusive Communities, specifically with regards to meeting the needs of an aging population. I have also noted the appellants argument in relation to the site representing previously developed land as identified in the Framework and accept that the site, as the domestic curtilage of a dwelling in open countryside, meets the Framework definition of same.

Planning Balance

14. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would provide an additional dwelling. Within the Framework there is no specific definition of isolated homes. The site is in a small area of residential properties. In accordance with the judgement in March 2018, Court of Appeal (Braintree District Council v Greyread Limited & Anr. Case Number: C1/2017/3292) I conclude the site is not isolated.
15. Additional residents would help enhance or maintain the vitality of the rural community. As the site is a short distance from Colgate Village Hall and Primary School the built-up area boundary future occupiers would have a degree of accessibility to the limited services and access to public transport without undue reliance on a private vehicle. The Highway Authority supports this view. Accordingly, I conclude that the site is in a reasonably accessible location. These matters weigh in favour albeit their benefits are limited by the scale of the proposal.

16. Whilst I attribute some weight to the provisions of the Framework in concert with those elements of Policies 1, 2, 3, 4 and 26 from the HDPF where the principle of sustainable development and re-use of previously developed land is concerned, I do not consider this sufficient to outweigh the principle objection to a new dwelling in a location outside of defined settlement development limits or the adverse visual impact upon the AONB. In addition, I have considered other matters relating to the quality of the development proposed and do not consider the proposal would represent high quality development or create other benefits or enhancements capable of outweighing the principle policy objections outlined above.

Conclusion

17. For the reasons given above, having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR