



Appeal Decision

Site visit made on 8 January 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/Z3825/W/19/3238036

Hawthorns, Bar Lane, Southwater RH13 9DL

- 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 Phil Rowe against the decision of Horsham District Council.
 - The application Ref DC/19/0763, dated 4 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is described as "Full application for a change of use of land to provide 4 x Park Homes and change of use of existing buildings to provide 2 x holiday lets in the alternative to permission granted under DC/17/2216 for 4 pitch settled gypsy accommodation site. Revised application further to DC/19/0182 Change of use of existing building to holiday let".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether the site is a suitable location for housing with regard to local and national policy for the delivery of housing;
 - Whether the site is a suitable location for holiday lets with regard to local and national policy;
 - The effect of the proposal on the character and appearance of the site and the area; and: -
 - Whether the proposal would provide acceptable living conditions for future occupiers of the site.

Reasons

3. The appeal site lies on the east side of Bar Lane between its junction with the A24 and the village of Copsale. It forms a part of an open field which slopes away from the road, and contains a large, barn-like structure and a smaller shed like structure. At the time of my site visit there were also two trailer homes within the site, located in the vicinity of the two proposed trailer homes closest to the road. The field is bounded on all sides by mature hedges, but the boundary between the proposed development and the rest of the field is open.
4. In the vicinity of the site Bar Lane is an unlit single carriageway road without footway provision and is subject to a 60 MPH speed limit.

5. The appeal site has planning permission for a settled gypsy site providing four pitches¹ (the extant permission).

Suitable location for housing

6. The appeal site lies to the north of some sporadic linear development, but is situated outside any settlement boundary and is defined as countryside by Policy 3 of the Horsham District Planning Framework (excluding South Downs National Park) -2015- (the HDPF). It is therefore in the countryside for planning purposes where development will only be permitted subject to the exceptions set out in the Council's countryside policies. Similarly, the site is not one identified for housing in Policy 1 of the Nuthurst Parish Neighbourhood Plan 2015-2031 -2015- (the Neighbourhood Plan).
7. Policies 2, 3 and 4 of the HDPF of the Local Plan set out the Council's Spatial Strategy and are broadly consistent with the aims of the National Planning Policy Framework -2019- (the Framework) of promoting sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities as set out in Paragraph 78 of the Framework.
8. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The appeal site is located in close proximity to existing dwellings and is not isolated and so the countryside location does not conflict with paragraph 79 of the Framework. Thus, whilst the site is outside the settlement boundary, this in itself does not persuade me that the site is in an unsustainable location.
9. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The proposal would have minor benefits through the provision of housing and investment in the local community. The main considerations in this appeal are whether the proposed development would be suitably located.
10. Copsale contains a very limited range of services and amenities and the site is located a significant distance from the nearest centre that would provide a range of services and amenities for the day-to-day needs of residents. Whilst having ready access to the road network, the unlit nature of the intervening roads, with their lack of footways and vehicular speeds, together with the distances involved, would be likely to deter pedestrians and cyclists, particularly after dark, with children or during inclement weather. Therefore, residents of the site would almost certainly rely very heavily on the private car to meet their day-to-day needs.
11. The Framework recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The appeal site lies in an area of only sporadic development, where dwellings form small loose groups or hamlets with few or no services within them requiring, in all likelihood, a trip into larger settlements to satisfy their day-to-day needs.

¹ Council Ref DC/17/2216

Thus it could not be said that the development would contribute meaningfully to the vitality of the nearby villages outside the larger settlements.

12. Further, there is no meaningful alternative to using the private car to satisfy these needs. With, for such a limited scale of development, no real scope to improve connexions for walking, cycling or public transport, dependency upon private motor vehicles would be almost total.
13. Policy 19 of the HDPF provides support for the provision of park homes/residential caravans to meet a local district wide housing need as long as the development is provided to meet a local housing need.
14. I note that consideration will be given to occupation of one of the park homes by a site manager. However, this is only an indication that this will be considered, rather than a firm commitment for a locally employed person to occupy the dwelling, nor is there any certainty that such occupation will be by someone already local to the immediate area.
15. The appellant has provided some evidence of interest in park homes in the locality. However, there is little substantive evidence before me that this would address a local need. The site location is in conflict with the Council's spatial strategy, in as much as it lies outside of any identified settlement boundary in a location with limited access to services and transport.
16. Whilst I note that no park homes have been provided since 2015, the limited benefit of the proposed provision does not outweigh the harm that I have found to the Council's spatial strategy set out within the development plan.
17. Whilst the number of units proposed is the same as the number of pitches provided in the extant permission, that was granted with regard to policies relating to the provision of gypsy sites and the conditions prevalent at that time in regard to the supply of housing land. Those policies are not relevant to the appeal proposal and so do not provide it any support, and the Council's position in regard to housing land supply has changed in as much as the Council is now able to demonstrate a five year supply of housing land.
18. I conclude that the appeal site would not be a suitable location for housing, having regard to local and national policy for the delivery of housing. The development is therefore contrary to the provisions of Policies 1, 2, 3, 4 and 26 of the HDPF, which together set out the spatial strategy for the District by which sustainable development will be delivered and the rural character and undeveloped nature of the countryside will be protected against inappropriate development.
19. Similarly, the proposal would be contrary to Policy 1 of the Neighbourhood Plan which identifies suitable sites for the provision of housing within the parish.
20. Whilst the appellant has expressed dissatisfaction with the development plan policy regarding park homes, and its application, these are issues that lie beyond the remit of this appeal.

Suitable location for holiday lets

21. Policy 11 of the HDPF supports measures which promote tourism and enhance local cultural facilities, including recreation based rural diversification, subject to certain provisos.
22. These include the requirement that any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality, of accommodation. The policy states that support will particularly be given to proposals which, amongst other things, reinforce the local distinctiveness and improve existing facilities; seek to ensure that facilities are available within the towns and villages in the district and are in keeping with their relationship with the urban area and countryside around them, especially in and around the High Weald Area of Natural Beauty and the South Downs National Park; and develop the opportunities associated with rural diversification and rural development initiatives, particularly where they assist farm diversification projects, benefit the local economy, or enable the retention of buildings contributing to the character of the countryside.
23. Policy 10 of the HDPF seeks to promote sustainable rural economic development and enterprise within the district in order to generate local employment opportunities and economic, social and environmental benefits for local communities. It identifies that, in the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle.
24. However the policy places various provisos on this support, including the requirement that any development should be appropriate to the countryside location and must 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. It must also either be contained wherever possible within suitably located buildings which are appropriate for conversion, or result in substantial environmental improvement and reduce the impact on the countryside.
25. Policy 26 of the HDPF requires that, outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. It requires that any proposal must be essential to its countryside location, and in addition meet at least one of certain criteria, including: support the needs of agriculture or forestry; provide for quiet informal recreational use; or enable the sustainable development of rural areas.
26. In addition, the policy requires that proposals must be of a scale appropriate to its countryside character and location. Within the policy, development will be considered acceptable where it does not lead to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.
27. As identified above, the appeal site is located some distance from any services or amenities that would provide for the day-to-day needs of occupiers. Future users of the holiday accommodation would, therefore, almost certainly rely very heavily on the private car to meet their day-to-day needs.

28. The Horsham and District Visitor Accommodation Study -2016- (the HDVAS) identifies a District-wide rural need for additional holiday accommodation. However, development such as that proposed is still required to be acceptable in planning terms.
29. The proposal would provide two holiday lets which would contribute to addressing the shortfall in rural holiday accommodation identified in the HDVAS. These would have potential to support the rural tourist economy, which makes a significant contribution to the local economy and I note the support of the Council's Economic Development Officer for holiday lets on the site.
30. The development would be likely to provide support to local businesses. However, given the limited services in the vicinity it is likely that occupiers of the development would need to travel further afield to larger settlements to satisfy the majority of their day-to-day needs. The main economic benefit of the proposal would, therefore, be felt in these larger settlements. The proposal would provide employment opportunities locally, associated with servicing the accommodation. I note that, in the redacted appeal decision provided by the appellant (PINs Ref APP/C2708/W/16/3149383) the Inspector accepted that the development would support a Park Manager. However, that development provided twenty touring pitches, and is thus of a significantly greater scale than that which is before me and more likely to engender the need for a greater presence on site to service it. I therefore consider that, given the scale of the development, the benefit to the local rural economy resulting from this proposal would be limited.
31. The buildings that would provide the holiday let are, and would remain, of a simple, modern barn- and shed-like appearance. They are of a fairly standard, unremarkable nature and have no specific features relating them to the site within which they sit, nor the wider countryside. The buildings do not, therefore, make any meaningful contribution to the character of the countryside and are not, in this respect, worthy of retention. The proposal would not, therefore, result in substantial environmental improvement, as required by Policy10, albeit that their retention would not alter the character and appearance of the location from its rural nature. Furthermore, I have no evidence before me to demonstrate that the proposal would support farm diversification or a rural development initiative.
32. Previously the site has been granted permission for the two existing buildings to be converted to an equestrian stud with a sand area². Whilst, at that time, such a conversion was clearly acceptable to the Council, the use in the proposal before me is fundamentally different from that granted permission. Furthermore, the proposal must be considered against the current development plan and national planning policy.
33. I therefore conclude that the site is not a suitable location for holiday lets. The proposal would therefore be contrary to Policies 1, 3, 10, 11 and 26 of the HDPF in as much as the proposal does not satisfy the criteria of those policies that would make the proposal acceptable in planning terms.

² Council Ref DC/13/0257

Character and appearance

34. The site is a relatively secluded field within open, peaceful countryside. This seclusion and tranquillity make a positive contribution to the character of the countryside locality.
35. The extant permission would locate four gypsy pitches towards the eastern side of the site, downhill from the existing barns. The current proposal would place the same number of buildings, of similar scale and massing, within the site, but towards the north-east corner, closer to the road. However, the site is visually well enclosed on the road frontage and the change in location of the buildings would make little material change to the overall effect on the visual character and appearance of the site from the permitted scheme. Similarly, the additional fenestration to the larger, barn-like building would have very limited visual impact upon the area, and would retain the visual character and appearance of the area.
36. Notwithstanding this lack of visual harm and whilst there would be little practical difference between the activity associated with the trailer homes and the gypsy pitches of the extant permission, there is potential for the buildings accommodating the holiday lets to increase activity in the neighbourhood.
37. The plans showing the layout of the larger building, the scale of which would accommodate groups of adults, show a large opening on the northern elevation. A similar arrangement is shown on the southern face, although it is unclear whether this is openable. These give on to a communal area intended to provide recreation for future residents. This, together with likely activity outside of the building is likely to increase noise disturbance in the vicinity.
38. Given the importance that I have placed upon the seclusion and tranquillity and the contribution that this makes to the character of the area this increase in noise disturbance would constitute harm.
39. I therefore conclude that, whilst not resulting in visual harm to the appearance of the area, the proposal would result in harm to its character and would therefore be contrary to Policy 33 of the HDPF in as much as the proposal would fail to respect the character of the surrounding area.

Living conditions of future occupiers

40. The smaller of the existing buildings contains windows on its eastern side facing towards the eastern façade of the larger building. Following development these would give onto habitable rooms whilst the proposal would introduce several large openings in the eastern side of the larger building, giving onto a habitable room. Whilst it is likely that the two buildings may, at times, be occupied by linked groups, this would not necessarily always be the case. The two buildings lie in close proximity and the openings would provide intervisibility between the habitable rooms, resulting in overlooking and an unacceptable loss of privacy for occupiers of both of the holiday lets.
41. Furthermore, the intrusion of noise emanating from the larger of the holiday lets, which I have considered above, would be experienced by occupiers of other units on the site. This noise is likely to intrude upon the quiet enjoyment of external amenity space by future occupiers of the proposal.

42. I conclude that the proposal would not provide acceptable living conditions for future occupiers of the site. The proposal would therefore be contrary to Policy 33 of the HDPF in as much as it would fail to ensure the avoidance of unacceptable harm to the amenity of occupiers through overlooking and noise.

Other Matters

43. Both parties have brought to my attention several other recent decisions of the Council in regard to development in the countryside and holiday lets. Whilst some of these relate to holiday lets, others relate to other forms of development. None are within the immediate vicinity of the proposal and they are not part of the site context of the appeal scheme. I do not, therefore consider that they provide direct contextual comparisons to the case before me. I have, in any case, determined this appeal on its own merits.
44. I note that the proposal would re-use an existing building and re-use materials to fulfil an up-cycling objective. This together with the provision of holiday accommodation to United Kingdom residents wishing to holiday in the country would provide environmental benefits. However, these limited benefits do not outweigh the harm that I have identified above to the Council's spatial strategy, the countryside and the failure to provide acceptable living conditions that I have identified above.

Conclusion

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

I Dyer

INSPECTOR