
Appeal Decision

Site visit made on 11 February 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/Z3825/W/19/3240276

Meadow House, Billingshurst Road, Ashington RH20 3AZ

- 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 D Eaton against the decision of Horsham District Council.
 - The application Ref DC/19/0459, dated 29 October 2018, was refused by notice dated 3 May 2019.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline form with all matters reserved - layout, access, scale, appearance and landscaping. For the purposes of this appeal I am treating the submitted drawings as only indicative of the proposed development.

Main Issues

3. The main issues are:
 - Whether the proposed dwelling would be acceptable when consideration is given to local and national policy in respect of the location of development and its effect on the character and appearance of the surrounding area.
 - The effect of the proposed development on protected species and habitats.

Reasons

Location and character and appearance

4. The appeal site is a narrow strip of land that fronts the B2133 on the outskirts of Ashington. An access road that serves 2 dwellings to the rear separates the site from the adjacent large detached property known as Meadow House. A footpath that also provides vehicular access to other properties runs adjacent to the other side of the appeal site.

5. The proposed dwelling would fall outside the areas set out in the hierarchy of settlement types in Policy 3 of the Horsham District Planning Framework, which is designed to provide the focus for new development. The site is thought to be some 100 metres away from the Ashington settlement boundary and is also not allocated for development in a Local or Neighbourhood Plan, so it does not meet the criteria for settlement expansion in Policy 4.
6. Ashington village provides a level of day to day services and access to a bus network that connects it with larger settlements. The main pedestrian route from the site to the village centre would be along the B2133, which in many parts has no footway and is unlit. Despite the 30 mile per hour limit along this stretch of road, I observed faster moving vehicular traffic transitioning between the different speed limits. As such, I consider that pedestrian access between the site and village centre is neither safe nor convenient for pedestrians and that the occupiers of the proposed dwelling are likely to be reliant on the private motor car to access many local services.
7. My attention is drawn to the Court of Appeal judgement in *Braintree*¹ and whether the appeal site is isolated in the sense given in paragraph 79 of the National Planning Policy Framework (the Framework). Given the location of the site on the outskirts of Ashington, I do not consider it to be isolated in the respects imagined by paragraph 79 of the Framework. As such, paragraph 79 has limited bearing on the consideration of this appeal.
8. However, this does not remove the need to consider the proposed development against other policies and the clear hierarchy for the location of new development within the district, which is generally restricted to within and adjacent to defined areas. I note that the Ashington development boundary was reviewed in 2018 and considered to be appropriate. In light of the accessibility and other factors discussed above and having considered the appellants other points on this matter, I am not persuaded that the appeal site is a sustainable location for new development.
9. Turning to the effect of the proposed dwelling on the character and appearance of the area. Built forms, including dwellings, along this stretch of the B2133 are generally less dense than closer to the village centre. Dwellings that face the road are mixed in appearance but mostly detached, large, and sit in generous plots. This is consistent with the site being on the outskirts of the village and moving towards the open countryside and contributes to both the general form of the village and the character and appearance of the area.
10. As this is an outline application, I do not have plans that indicate the scale, location or detailed design of the proposed dwelling. In any event, such details are to be regarded as indicative only. However, the appeal site as it faces the road is very narrow compared to the plots of nearby properties. As such, I find that any dwelling that sits on this site, along with its accompanying curtilage, would be inconsistent with and disrupt the prevailing pattern of development along this part of the B2133. As such, the proposed development would be harmful to the character and appearance of the area.

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610.

11. In light of the above, I conclude that the location of the proposed dwelling would not be acceptable when consideration is given to local and national policy and that it would have a harmful effect on the character and appearance of the surrounding area. Consequently, I find conflict with policies in the Horsham District Planning Framework, in particular Policies 2, 3, 4, 26, 32, and 33 which together set out an approach to the location and design of development.

Wildlife habitats

12. I note that the Council considers that insufficient information has been provided to establish whether protected species or habitats are present on the site. Given the nature of the statutory duties relating to protected species, such work should be carried out to a satisfactory level prior to the granting of outline planning permission. It is not appropriate to control such matters using conditions.

13. As such, I conclude that the proposal provides insufficient information to identify the presence of protected species and habitats. Consequently, I find conflict with Policy 31 of the Horsham District Planning Framework relating to the assessment of sites to establish their ecological impacts.

Other Matters

14. Representations from other parties are noted. These mostly relate to the Council's reasons for refusal and the matters discussed above.

Conclusion

15. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR