



Appeal Decision

Site visit made on 16 June 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2020

Appeal Ref: APP/Z3825/W/20/3247183

New Brook Farm, Nuthurst Road, Maplehurst RH13 6RB

- 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 Ms Georgina Sparks against the decision of Horsham District Council.
 - The application Ref DC/19/2551, dated 19 December 2019, was refused by notice dated 5 February 2020.
 - The development proposed is change of use of a former dairy building to a residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Within their evidence, the Council refer to policies of the emerging Local Plan Review 2018 (LPR). While I have had regard to these, the emerging LPR has not undergone examination and is subject to change. Consequently, and with regard to paragraph 48 of the National Planning Policy Framework (the Framework), the emerging plan carries limited weight in my decision.

Main Issues

3. The main issues in this appeal are:
 - i) whether or not the proposed development would provide a suitable location for housing, having regard to the accessibility of facilities and the provisions of the development plan; and
 - ii) whether or not the proposal would provide acceptable living conditions for occupiers of the proposed dwelling with particular regard to noise and odour.

Reasons

Location of Development

4. The appeal relates to a building described as a former milking parlour which is set within a hardsurfaced yard to the south of Maplehurst. The site is accessed by an unmetalled track from Maplehurst Road, and is set to the rear of New Brook Farmhouse and Brook House as they front the road.
5. Policies 1, 2, 3 and 4 of the Horsham District Planning Framework 2015 (HDPF) provide the Council's overarching approach towards new development. They define a settlement hierarchy which guides development in order to maintain and protect the district's rural character and distinctive settlement pattern,

while meeting local needs and ensuring access to services and reducing the need to travel. The Nuthurst Parish Neighbourhood Plan 2015 (NPNP) also steers new development to established settlements within the area. Within the confines of settlements including Maplehurst, Policy 1 of the NPNP allows for very small scale infill development.

6. Under HDPF Policy 3, Maplehurst is an 'unclassified settlement' which are noted as settlements with few or no facilities or social networks and limited accessibility that are reliant on other villages and towns to meet the needs of residents. Maplehurst does not have a defined built-up area but is focussed around the junctions of Copsale Road and Park Lane with Maplehurst Road. The appeal site is separated from the main cluster of development by intervening open fields, and is within the countryside in policy terms. It is not therefore a location where new development is generally supported by Policies 2, 3 and 4 of the HDPF or Policy 1 of the NNP.
7. Within the countryside, Policy 26 of the HDPF seeks to protect the rural character and undeveloped nature of the area against inappropriate development and requires that any proposal must be essential to its countryside location. It additionally requires that proposals meet one of 4 listed criteria which include supporting the needs of agriculture or forestry and enabling the sustainable development of rural areas. The appellant comments that the site is part of a smallholding which would be brought back into use as a result of the proposal. However, no substantive evidence has been submitted to demonstrate that the proposal is required to support the needs of agriculture or forestry, or that it is otherwise essential to its countryside location.
8. The site would be within reasonable walking distance of Maplehurst, but this would involve journeys along narrow unlit roads without footpaths, limiting the attractiveness of routes, particularly for the elderly, those with a disability or with children; and at times of darkness and bad weather. Moreover, Maplehurst provides few facilities and would not offer a full range of services to meet the day-to-day needs of future occupiers. Opportunities to access services and facilities by means other than the private vehicle would accordingly be very limited. I recognise that the Framework comments that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that sites to meet business and community needs in rural areas may have to be found in locations that are not well served by public transport. Even so, I find that future occupiers of the development would be likely to rely heavily on private vehicles.
9. I accept that the site is close to other dwellings which would be similarly constrained. Given these nearby dwellings, I am also satisfied that the proposal would not result in an isolated dwelling in the countryside which paragraph 79 of the Framework seeks to avoid. Nevertheless, the appeal site is in the countryside and it has not been demonstrated that the proposal is essential to its countryside location. The development would be contrary to the overall spatial strategy of the development plan and the way in which it provides for the growth of existing settlements to protect the district's rural character and reduce the need to travel.
10. For these reasons, I conclude on this main issue that the development would not provide a suitable location for housing with regard to the accessibility of facilities, and it would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF. It

would also be contrary to requirements within the Framework seeking the provision of accessible services to meet needs, and active management of patterns of growth to support objectives including promoting opportunities for walking, cycling and public transport use.

Living Conditions

11. I saw at my visit that the existing stable block to the side of the proposed dwelling was in use, although a second building containing animal stalls which faces the appeal building did not appear to be in active use. I have not been provided with evidence that there is any restriction on the use of either of these adjacent buildings, and although they are indicated to be within the control of the appellant currently, there is no certainty that would always be the case. The nature of any future use of these buildings is not therefore assured, and could include the keeping of livestock.
12. The stables and agricultural building are not of substantial scale, and as a consequence there would be a practical restriction on the type and number of animals that could be held. I also accept that it is not unusual for farmhouses to be located near to agricultural buildings. Nevertheless, the minimal separation between the proposed dwelling and the existing buildings at the boundaries of the site would in my view be unusually limited. No detailed assessment of potential noise or odour effects has been provided, or to show that appropriate mitigation measures could be put in place to address any impacts on the development. Given their very close proximity, I consider that noise and odour associated with the accommodation of livestock within these adjacent buildings, even in fairly small numbers, would have the potential to significantly harm the living conditions of future occupiers.
13. The appellant has referred to the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the GPDO') which relates to changes of use of agricultural buildings to dwellings, and associated advice within the Planning Practice Guidance on the meaning of impractical or undesirable in the context of such proposals. However, the appeal relates to an application for planning permission, and therefore these provisions are of limited relevance and do not alter my assessment of the proposal before me.
14. I therefore conclude on this main issue that the proposal would fail to provide acceptable living conditions for future occupiers of the dwelling. Accordingly, it would conflict with Policy 33 of the HDPF which includes, amongst other things, a requirement that development is designed to avoid harm to the amenity of occupiers. For similar reasons, there would be conflict with the Framework which requires that development provides a high standard of amenity for future users and is not adversely affected by unacceptable air or noise pollution.

Planning Balance

15. The proposal would make use of an existing building which is vacant, and would add to the supply of housing within the rural area. The appellant has referred to an appeal decision which concluded the Council had a housing supply of 4.8 years for the purposes of that appeal¹. However, I have not been provided with the decision and do not know when it was made, nor do I have

¹ Appeal reference APP/Z3825/W/19/3227192

full details of the relevant considerations. Against this, the Council refers to the assessment of housing supply set out within the Annual Monitoring Report published in December 2019 which shows a 5-year supply of deliverable housing sites. The balance of the evidence before me indicates that the Council has a 5-year supply of housing, and together with the small scale of the development, this limits the weight I give to the contribution of the proposal towards the supply of housing.

16. There would also be some economic and social benefits associated with construction and occupation of the dwelling which would offer some support to the rural economy and to maintaining the vitality of the rural community. These are objectives which are supported by the Framework, but the benefits would be limited by the modest scale of the development for a single dwelling.
17. I have no detailed information to support the appellant's assertion that the proposal would result in better quality habitats for wildlife. Although I note the suggestion that the proposal would allow the farming of a smallholding and the repair and maintenance of the existing building, I also have no substantive evidence to demonstrate that these outcomes are dependent on the appeal proposal or that the building would fall into disrepair in the absence of the appeal development. The weight that I can afford to these factors is therefore limited.
18. I accept that the existing building is somewhat utilitarian in appearance, but it is nevertheless unobtrusive and sits comfortably within its rural setting. Although I note scope for landscaping on the site, the proposal would introduce a clearly domestic appearance to the building and appeal site, and from the evidence before me, I am not satisfied that there would be significant enhancement to the visual impact of the appeal site, its relationship with surrounding buildings or to the historic character or significance of the area. This is not therefore a factor which would justify development contrary to the development plan and the spatial strategy for development.
19. The appellant has referred to use of permitted development rights under the provisions of Schedule 2, Part 3, Class Q to allow conversion of the building to a dwelling. However, from the very limited details before me and given the previous use of the building, it is far from clear that such permitted development rights would be applicable to the appeal site. This limits the weight that I can attach to it as a notional fallback position.
20. The appellant has also referred to other potential uses of the site including for agriculture, commercial or office use, or as a trekking centre, but I have not been provided with evidence of any permissions which may support alternative uses on the site. Nor do I have any substantive information demonstrating that an alternative use would be likely to come forward, or that there would be greater harm than would result from the development before me, including in terms of likely levels of traffic. Accordingly, I do not find the appellant's assertion that the appeal proposal would represent an improvement to be compelling.
21. The proposal would conflict with both the development plan and the Framework when each is considered as a whole. I find that the benefits of the scheme, whether considered individually or cumulatively, do not outweigh the harm I have identified and the conflict with the development plan.

Other Matters

22. The appeal site forms part of the wider setting of Brook House which is a listed building. I have therefore had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. The proposal would result in significant alterations to the appearance of the existing building, and would establish independent residential use on the site. I have not been provided with details demonstrating that the appellant has carried out an assessment of the significance of the listed building and the contribution made by its setting as required by paragraph 189 of the Framework. Nevertheless, I am mindful that the effect of the proposal on the listed building is not a reason for refusal of the application and as a result has not been addressed by the appellant as part of this appeal. With this in mind, I confirm that the harm that would arise in relation to the main issues in this case provide compelling grounds to dismiss the appeal.

Conclusion

24. The proposal conflicts with the development plan when read as a whole, and there are no material considerations which suggest the decision should be taken otherwise than in accordance with the development plan. For the reasons given above I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR