



Appeal Decision

Site visit made on 11 February 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/Z3825/W/19/3241006

Upper Bottle House, Stane Street, Slinfold, Horsham RH13 0RE

- 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 Michael Chambers against the decision of Horsham District Council.
 - The application Ref DC/19/0905, dated 26 April 2019, was refused by notice dated 16 September 2019.
 - The development proposed is the erection of a detached dwelling and stables following demolition of existing agricultural building.
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This decision is issued under section 56(2)(a) of the Planning and Compensation Act 2004 and supersedes that issued on 23 April 2020.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether the proposed dwelling would be acceptable when consideration is given to local and national policy regarding the location of development and its effect on the character and appearance of the surrounding area.

Reasons

3. The appeal site is an agricultural field that sits along the A29. It is adjacent to, and shares an access with, Upper Bottle House which is a detached dwelling that currently also accommodates a day nursery and is in the same ownership. The proposed development would construct a new dwelling in the approximate location of an existing barn. The majority of the remaining site would be used for equestrian purposes and includes the construction of a new stable building.
4. 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 appeal site is also not allocated for development in a Local or Neighbourhood Plan, so does not meet the criteria for settlement expansion in Policy 4. I note that the text supporting these policies states that areas outside boundaries are considered to be in the countryside and development will therefore be more strictly controlled.

5. Beyond the day nursery, there is no access to day to day services such as shops in the immediate vicinity of the site. The A29 carries fast moving traffic and, where it passes the site, it has no footway or street lighting. As such, I consider that access to and from the site by foot is not safe and convenient for pedestrians. There is a footpath network close by that includes a path leading to the village of Slinfold where more day to day services are available. The condition of the footpaths is variable, they appear mostly unlit, and are likely to be quite muddy in places following inclement weather.
6. The site is located along a bus route that provides a link with the bigger settlement of Horsham. However, for the most part I judge that the occupiers of the proposed dwelling are likely to be reliant on the private motor car to access local services, including the business parks and other services that the appellant mentions. I accept that existing residents nearby may already be reliant on cars, but this does not provide enough justification for allowing greater intensification of residential development in this location.
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). Although the site may not be physically isolated from other dwellings, there is a clear hierarchy for the location of new development within the district, generally confined to within and close to defined areas.
8. In light of the accessibility factors discussed above and having considered the appellant's other points on this matter, I am not persuaded in this instance that this small number of dwellings along the A29 constitutes a non-isolated settlement in its own right. The intended future development adjacent to the appeal site mentioned by the appellant is noted. However, based on the information provided, this does not alter my conclusions.
9. I have considered arguments about whether the new dwelling, in combination with the proposed equestrian use, would provide for an identified local housing need, or support a quiet informal recreation use as provided for in Policy 26 of the District Planning Framework.
10. I note that the Council raise no objection to the equestrian use as it is considered to be compatible with the countryside location of the site. Whilst not essential for equestrian uses, I can understand that a house with stables attached would be attractive to some. However, the equestrian use could provide for quiet informal recreation without the need for a new dwelling. Should permission be granted later for an equestrian use, the existing dwelling of Upper Bottle House could provide for this market.
11. The appellant makes wider arguments about housing needs in the District, specifically in relation to delivery of smaller homes away from the main settlements. As there is no firm evidence available to verify whether the Council is, or is not, delivering a suitable mix of housing to meet local needs, I cannot judge whether the proposed dwelling would make a positive contribution to the extent that its conflict with strategic policies about the location of new development should be set aside.

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

12. My attention is drawn to paragraphs 5.11 and 5.12 of the made Slinfold Parish Neighbourhood Plan. As the site is not allocated in the Neighbourhood Plan, is not within a defined built up area of the Village, and would not result in the conversion of a rural building, I can attribute limited weight to the contents of these paragraphs. The appellants comments that the site was not considered for inclusion at the time that the Neighbourhood Plan was produced are noted. However, I attach limited weight to this and the matter could be better considered as part of future plan making processes.
13. Turning to the effect of the proposed dwelling on the character and appearance of the area. Built forms, including small groups of dwellings, along this stretch of the A29 are generally scattered. As such, there are lengthy breaks of open countryside between built forms, which is a positive feature of the character and appearance of the area.
14. I find the scale and general design of the dwelling to be appropriate. I also note that that curtilage of the dwelling is not extensive. However, notwithstanding its proximity to Upper Bottle House and other curtilage buildings, the location of the proposed dwelling would represent an encroachment on the open countryside. The domestic characteristics and activities associated with residential use would alter the relationship between the built environment and the countryside in a way that would have a harmful effect on the character and appearance of the area.
15. The existing barn building, whilst of not of great value to the character of the area, is agricultural in appearance and generally has a neutral impact. For the reasons discussed above, I conclude that replacing the barn with a dwelling in this location would result in a harmful, rather than positive, effect on the open countryside.
16. The appellant argues that there is a potential fallback position where, if the proposed dwelling was not constructed, the appellant would convert the existing barn to a house using permitted development rights. Notwithstanding arguments about whether the condition of the existing barn would allow the rights to be utilised, I have concluded that the barn makes a neutral contribution to the open countryside and character and appearance of the area. This is in contrast to the harmful effect of the proposed development. As such, I attach limited weight to the presence or otherwise of the argued fallback position.
17. My attention is drawn to the removal of existing buildings and other development in and near to the site, including the erection of a new nursery school building. As I do not have detailed evidence on these matters and each appeal must be considered on its own merits I attribute limited weight to these matters.
18. For the reasons discussed 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.

19. Consequently, I find conflict with policies in the Horsham District Planning Framework, in particular Policies 3, 4, 26, 32, and 33 which together set out an approach to the location and design of development. I also find conflict with Policy 5 of the Slinfold Neighbourhood Plan which aims to ensure that development proposals respect the surrounding area.

Conclusion

20. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR