
Appeal Decision

Site visit made on 20 June 2020

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: Monday, 03 August 2020

Appeal Ref: APP/Z3825/W/20/3247463

Land west of Brookhill Cottage, Horsham Road, Cowfold RH13 8AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Scott Christensen against the decision of Horsham District Council.
 - The application Ref DC/19/1547, dated 29 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is the erection of 4-6 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The scope of permission in principle is limited to location, land use and amount of development. To determine the appeal the main issues are:
 - whether the proposal complies with the development plan;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the setting of nearby heritage assets.

Reasons

The development plan

3. The proposal is for 4-6 dwellings on part of a grass field to the east of the A281 Brook Hill on the northern outskirts of Cowfold. The village is classified as a 'medium village' in the Horsham District Planning Framework 2015 (HDPF) with a moderate level of services and facilities and some access to public transport, where development of a suitable nature and scale is permitted in principle under HDPF Policy 3. However, the site lies just to the north of the built-up area boundary of the village as defined in the HDLP and consequently in the countryside for planning policy purposes. Policy 26 therefore applies, which protects the rural character and undeveloped nature of the area by restricting proposals to those categories where a countryside location is essential, none of which apply in this case. Policy 4 appears to allow some flexibility for the expansion of settlements, but in fact only applies when an allocation is made and four other criteria are met.
4. The draft Cowfold Neighbourhood Plan proposes some new housing beyond the existing built up area of the village but the appeal site is not suggested for

allocation. Whilst the plan is at pre-examination stage and thus can only be given very limited weight, a site on the opposite side of the A281 is currently preferred for development.

5. The Council claims 5.54 years housing land supply as at 31 March 2019 based on their annual monitoring report (AMR) published on 31 December 2019. However, this figure has not been tested at appeal and a decision on 7 October 2019 following an inquiry in early August concluded there was only 4.8 years supply at that same date¹. It is not clear that the Inspector's decision has been taken into account in the AMR so for the purposes of this appeal the appellant should be given the benefit of the doubt and paragraph 11(d) of the National Planning Policy Framework (NPPF) potentially applies.
6. The appellant puts forward the proposal as 'self/custom-build, discount market sales housing' which is a form of affordable housing as defined by the NPPF and potentially allowed for as an 'exceptions housing scheme' under HDLP Policy 17. However, the proposal is not supported by a detailed housing needs survey of the village or the Parish Council². In addition, whilst 'permission in principle' does not allow for a planning obligation to ensure affordable housing would be provided, no draft obligation is submitted for subsequent execution at technical details stage.
7. For these reasons the proposal conflicts with the provisions of the development plan, in particular Policies 4 and 26 of the HDLP with the requirements for a potential scheme under Policy 17 not being met.

Character and appearance

8. The appeal site comprises half of the first undeveloped field on the eastern side of Brook Hill when leaving the village northbound along the A281. The access to the site in the south west corner is at the brow of a hill; to the south of this there are a series of detached houses lining one side of the road back to the village centre and three scattered houses and Thornden, a spacious housing estate, on the other. To the north however, outside the 30 mph speed limit, the character of the road changes with only sporadic development set amongst open fields. Beyond the site lies a group of buildings including Brook Farm with an associated car dealership and three or four houses, but these are separated from the village by a lengthy tree belt which screens the appeal site from the road. The new houses, lying behind this tree belt, would not therefore 'complete the existing settlement pattern fronting the A281 road' as claimed in the planning statement.
9. Rather, the appeal site field is visually well enclosed with thick tree belts both along the roadside and the northern boundary, and to the east is a further area of woodland encompassing a pond. The southern boundary is formed by the access drive to Brookhill House running between an avenue of Oak trees and is more open, but public views of the new houses would be limited to an oblique glimpse through the bellmouth entrance and perhaps through the frontage trees in winter³. Whilst not part of a designated landscape, the site contributes to an attractive rural area with only individual houses and their associated buildings visible, the Lodge at the entrance, Brookhill Cottage at the end of the

¹ APP/Z3825/W/19/3227192

² The only justification provided relates to the district as a whole.

³ Assuming the access to the new houses is via the existing drive.

drive and Brookhill House in its grounds beyond. The proposed group of 4-6 houses, however well designed, would fundamentally change the nature of this area, suburbanising the site by introducing new residential buildings, access drives, parked cars and domestic gardens. The appreciation of the avenue of Oak trees, the subject of a tree preservation order to protect their significant amenity value, would also be adversely affected.

10. As a result the development would significantly harm the rural character and appearance of the area contrary to Policies 25, 32 and 33 of the HDPF. These seek to protect the landscape, landform and development pattern of the district from inappropriate development; ensure development complements the locally distinctive character; and require a high standard of design which relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.

Heritage assets

11. The proposal would affect the setting of two listed buildings, Brookhill House and the associated Brookhill Cottage which have important group value and are currently experienced in a rural context at the end of the tree lined avenue from Brook Hill. Brookhill House is a substantial Grade II listed building dating from the 1830s in the Tudor Gothic style set in extensive grounds mainly to the north, east and south of the property but with its principal elevation looking west. Brookhill Cottage, also Grade II, was built slightly later as the lodge to the main house, much smaller but picturesque with attractive detailing, notably elaborate bargeboards on the gable ends, entrance porch and dormer windows.
12. The stone entrance piers on Brook Hill announce one's arrival at Brook House and the impressive entrance drive lined by mature Oak trees with grassland on either side makes an important contribution to the appreciation of the historic importance of the building in its wider setting. Brookfield Cottage, in the position of a lodge just prior to the principal house, sits within this setting at the end of the drive, with its attractive side elevation greeting visitors as they approach the main house. The significance of the two buildings is their interest as an unspoilt example of a small country house with ancillary lodge set apart from the village, with the tree lined approach and the buildings appreciated in sequence important to understanding that significance.
13. Whilst only involving the first half of the field on one side of the avenue the proposal would significantly encroach into the open space which gives the tree lined access drive its character. The new houses would adversely affect half of the tree lined drive, detracting from its impressive visual effect and diluting the current experience of a rural approach to Brookfield House and its associated Cottage. The House was envisaged as a 19th century country residence clearly outside and apart from the village, however the proposal would introduce a significant quantum of built development into its setting and amount to a noticeable encroachment of the village towards the two listed buildings.
14. The ability to understand the significance of these heritage assets as a country house and lodge is much enhanced by their current rural setting. The proposal would significantly harm this setting and would therefore detract from the appreciation and understanding of the two listed buildings. This would conflict with Policy 34 of the HDPF which requires proposals to retain and improve the setting of heritage assets including views, trees and landscape features.

15. In terms of the NPPF great weight should be given to the conservation of heritage assets albeit in this case it would be classified as 'less than substantial harm'. Under paragraph 196 this harm should be weighed against the public benefits of the proposal; in this instance these are limited to the provision of 4-6 dwellings which would be a relatively modest contribution to local housing supply and could be delivered elsewhere. The proposal thus fails the test in paragraph 196 and conflicts with policies in the NPPF that protect assets of importance. This clear reason for refusing the development means that the potential 'tilted balance' in NPPF paragraph 11(d) does not apply.

Conclusion

16. The proposal would provide 4-6 additional dwellings (potentially self/custom build, discount market sales housing) which would constitute a windfall site⁴, make a contribution to local housing needs and bring important social and economic benefits to the village. The site lies about 320 m from the village centre with its services and facilities so is within easy walking distance and accessible along a continuous footway. However, even taken together, these material considerations do not outweigh the conflict with the development plan and the conclusions reached in relation to the three main issues. The appeal should therefore be dismissed.

David Reed

INSPECTOR

⁴ Towards a total of 750 such sites envisaged in the HDPF.