
Appeal Decision

Site visit made on 15 July 2020

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/Z3825/W/19/3243113

Land at Tanglewood, Honeywood Lane, Okewood Hill RH5 5QA

- 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 & Mrs J Smith against the decision of Horsham District Council.
 - The application Ref DC/19/1375, dated 5 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is erection of detached two storey 3-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to local and national policy on housing, and access to services and facilities.

Reasons

3. The appeal site is outside the built-up area boundary (BUAB) of any settlement and as such, according to the supporting text of the Horsham District Planning Framework 2015 (HDPF), is in the countryside. The area around the appeal site is predominantly woodland and fields with scattered houses and farms. The nearest villages of Rudgwick and Warnham are approximately 2.5 miles away.
4. HDPF Policy 2 sets out the Council's strategic approach to development and Policy 3 seeks to focus development in existing settlements. The HDPF recognises that, in order to allow some communities to grow and thrive, it will be necessary for them to be able to expand beyond their current form, which it states would be done by allocating sites in the Local Plan or in Neighbourhood Plans.
5. Policy 4 allows for the expansion of settlements outside BUABs where the proposal meets 5 identified criteria. The site is not allocated in the HDPF or a Neighbourhood Plan and does not adjoin an existing settlement edge, and there is no compelling evidence before me to demonstrate that the proposal would meet an identified local housing need. Consequently, the proposal would conflict with that Policy.
6. Policy 26 states that outside BUAB, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any

- proposal must be essential to its countryside location and must meet one of 4 criteria. There is no substantive evidence before me to demonstrate that the proposed dwelling is essential to its countryside location and therefore, the proposal would also conflict with Policy 26.
7. Future residents of the proposed dwelling might use local services and facilities in surrounding villages, however all are several miles from the site. There is no evidence before me that any are under threat, or that one additional household which might use services and facilities across several different villages would result in any material benefit to those services. As such, the proposal would not be located where it would enhance or maintain the vitality of rural communities as required by paragraph 78 of the National Planning Policy Framework (the Framework).
 8. Given the distance and the lack of footways, residents are unlikely to walk to local villages and, as there is no street lighting nearby, cycling would not be an attractive option outside daylight hours. There are no details before me of public transport options close to the site that would provide a realistic option to access these services. As such, residents are likely to be reliant on the private car. While the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, nevertheless the location of the site would make it more difficult to access sustainable transport modes. This weighs heavily against the sustainability of the location.
 9. There are a number of scattered dwellings in the area around the appeal site, accessed from Honeywood Lane. They are well spaced apart and several, including Tanglewood are set back from the road and screened from view by mature vegetation. As such, they are encountered in turn when travelling along Honeywood Lane and do not appear as a cluster or settlement. The appeal site is approximately 185 metres away from Tanglewood within an area of woodland and I saw at my site visit that very little other development was visible from the site, with Tanglewood and a nearby farm only glimpsed through significant tree cover. Consequently, given the separation distance and surrounding woodland, the site appears as part of the countryside, and is physically separate and remote from any settlement. Therefore, the proposal would result in an isolated home in the countryside, which Framework paragraph 79 seeks to avoid unless one or more of 5 circumstances apply, none of which are relevant to this appeal.
 10. Accordingly, the appeal site is not an appropriate location for the proposed development having regard to local and national policy on housing, and access to services and facilities. For the reasons above it would conflict with HDPF Policies 4 and 26, would not support the sustainable development of settlements as required by Policy 2, or benefit from the support for development in BUAB set out in Policy 3.

Planning Balance

11. For the reasons above, the proposal would conflict with the settlement strategy of the HDPF and would not be a sustainable location for new housing development. It would not conflict with policies in relation to design, the living conditions of neighbours, highway safety, biodiversity or landscaping. However, the Framework sets out that the planning system should be genuinely plan-led, and the settlement strategy is a key part of the way in which the HDPF seeks

to achieve sustainable growth. Therefore, overall I find that the proposal would conflict with the policies of the development plan as a whole.

12. The Council suggests that its latest Authority Monitoring Report (AMR) shows that it can demonstrate a 5.54 year housing land supply. The appellants have however drawn my attention to an appeal¹ where, based on the evidence before him, the Inspector concluded that the Council had a 4.8 year supply of deliverable housing sites. That conclusion was reached using data which post-dated that used in the AMR. Therefore, the appeal represents the most up-to-date housing land supply evidence before me and as such, I find that the Council cannot currently demonstrate a Framework compliant 5-year supply of housing land. Consequently, Framework paragraph 11d) is engaged and the policies which are most important for determining the appeal are out-of-date.
13. In such circumstances, Framework paragraph 213 requires due weight to be given to those policies according to their degree of consistency with the Framework. HDPF Policies 2, 3, 4 and 26 seek to achieve sustainable growth and development, maintain the character of the district, meet the needs of the community and encourage the effective use of previously developed land (PDL). They do not include any blanket restriction on development in the countryside, but set out specific criteria designed to support development outside BUAB that meets specific needs and respects the natural environment. Therefore, those policies are highly consistent with the Framework and consequently, I afford the conflict with them substantial weight.
14. The proposal would deliver 1 dwelling on a windfall site, and as such would contribute to meeting housing needs. However, while all dwellings make a valuable contribution to housing supply, in the context of the limited housing shortfall identified, the benefits of one additional dwelling would be commensurately limited.
15. There would be economic benefits through construction of the dwelling and spending from a new household, and additional benefits from further council tax income and a new homes bonus (NHB). However, no schemes upon which the NHB would be spent have been identified. In accordance with the Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for the Council in the absence of evidence to demonstrate how that money would be used to make this particular development acceptable in planning terms. Moreover, the economic benefits of the proposal would be generic and would arise with any housing development. Therefore, I give them limited weight.
16. Although the appellants suggest that the site is used as residential garden for Tanglewood, I saw at my visit that it was a clearing in the midst of woodland, containing piles of logs and rough vegetation. Garden furniture and a rope swing were present but there was no other sign of domestic use. In contrast, the garden of Tanglewood was landscaped and well maintained, and separated from the appeal site by an area of woodland and a fence. Therefore, based on the evidence before me, the site did not appear to be used as residential garden. As such, there is no compelling evidence before me that the site is PDL and it does not therefore benefit from the support for re-use of PDL in national and local policy.

¹ APP/Z3825/W/19/3227192

17. While the appellants wish to downsize into the dwelling to stay in the area, there is no evidence before me that their personal circumstances require this type of dwelling in this location, and as such I give this minimal weight.
18. The proposal could make adequate provision for outdoor space for future residents, car and cycle parking, bin storage and for energy efficiency measures, including renewable energy, and it would not harm the character of the area. However, the absence of harm, and the provision of features required to make the development acceptable in planning terms are neutral matters in the planning balance, and do not weigh in favour of the proposal.
19. The proposal would boost housing supply on a small, windfall site as encouraged by the Framework. However, it would not accord with Framework policies for the location of rural housing. Consequently, the adverse impacts of a dwelling in this location would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development in the Framework of in HDPF Policy 1.

Conclusion

20. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I find that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan. The appeal is therefore dismissed.

L McKay

INSPECTOR