The Planning Inspectorate

Appeal Decision

Site visit made on 18 August 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal Ref: APP/Z3825/W/20/3251377
Shiprods Manor, Bashurst Hill, Itchingfield RH13 0PD

- 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 Mrs D Robson against the decision of Horsham District Council.
- The application Ref DC/19/2132, dated 16 October 2019, was refused by notice dated 4 December 2019.
- The development proposed is demolition of squash court and removal of tennis court. Construction of dwelling and new driveway.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed dwelling would be acceptable when consideration is given to local and national planning policy regarding the location of development, and (ii) the effect of the proposed driveway on the character and appearance of the area.

Reasons

Site and proposal

3. The appeal site is located to the west of Bashurst Hill outside of any defined built-up area boundary and within the countryside. It comprises a detached building providing squash court facilities and a tennis court, located to the south east of the main dwelling, Shiprods Manor. Based on the evidence before me the site is not allocated for development in a Local or Neighbourhood Plan.

4. The proposal is for the demolition of the existing squash court building and the removal of the tennis court, and the erection of a detached two storey dwelling and the creation of a new access driveway that would link the proposed dwelling to the existing driveway to Shiprods Manor from Bashurst Hill.

Dwelling - location of development

5. Paragraph 78 of the National Planning Policy Framework (the Framework) seeks to promote sustainable development in rural areas by locating housing where it would enhance or maintain the vitality of rural communities. Policies 2, 3 and 4 of the Horsham District Planning Framework 2015 (HDPF) are strategic policies which, amongst other things, set out the Council's overarching approach to locating new development. They establish a

settlement hierarchy where development will be permitted, in principle, within towns and villages which have defined built-up areas. The spatial strategy being to ensure that the needs of the community are met through sustainable growth and suitable access to services and local employment.

6. The supporting text to Policies 3 and 4 explains that the priority is to locate appropriate development within built-up area boundaries, whereas land outside these boundaries is considered to be in the countryside and development will be more strictly controlled. Taking into account that the appeal site is not allocated for development in a Local Plan or a Neighbourhood Plan, and is within the countryside in policy terms, it is not, therefore, in a location where new development is generally supported by Policies 2, 3 and 4 of the HDPF.

7. Policy 26 of the HDPF seeks to restrict development outside of the District's built-up area boundaries. It establishes that any proposal must be essential to its countryside location and in addition, amongst other things either support the needs of agriculture or forestry or enable the sustainable development of rural areas. The proposal is for market housing. Furthermore, I have not been presented with any substantive evidence to indicate that the proposed dwelling would have any functional connection to the working of the surrounding land. Thus, it cannot be reasonably regarded as being essential to its countryside location.

8. In respect of paragraph 79 of the Framework there is no indication from either of the main parties that the proposal would lead to an isolated home in the countryside. Indeed, the dwelling would not be physically isolated from other buildings by virtue of the proximity of Shiprods Manor and Shiprods Farm, and other development to the south of the appeal site at The Wedges and The Coopers.

9. Whilst not physically isolated the appeal site is located well away from any settlements where a day to day range of services and facilities are located. Some distance away to the west of the appeal site is the settlement of Five Oaks, but other than a convenience store within the petrol filling station there are few other services available. The settlement of Barns Green is larger than Five Oaks and offers a moderate range of services and facilities but lies approximately 3 miles away. Other settlements, such as Billingshurst, Broadbridge Heath and Southwater offer a good range of services and facilities but are further away again from the appeal site.

10. Access to the settlements where there is a range of services and facilities from the site would be via mainly unlit country roads with no pavements and in places subject to the national speed limit and so carries fast moving traffic. So, for future occupiers of the proposed dwelling, cycling or walking the distances to a settlement where there is a range of services and facilities would not be a safe or attractive prospect, especially outside the hours of daylight.

11. Furthermore, I have not been presented with any evidence of the nearest bus stop or indeed any evidence that there are any public transport facilities available from or to the site. There is a train station at Christs Hospital, but it is located around 3 miles from the site.

12. Thus, by virtue of its location, the proposed dwelling would be detached from a range of services and facilities in the aforementioned settlements and in terms of accessibility any future occupiers would have a high dependency on the use

of a private motor vehicle. Consequently, in this regard, the proposal would not adhere with Policies 2 and 3 of the HDPF which, amongst other things, seek to ensure that development takes place in the most sustainable locations as possible. It would also conflict with the environmental aims of paragraphs 8 and 102 of the Framework.

13. In conclusion on this main issue, for the reasons outlined above, the appeal site would not be appropriate for the proposed dwelling having regard to its location in the countryside and its poor accessibility to a range of services and facilities.

14. Consequently, the proposed dwelling would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF. Taken together, and amongst other things, these policies seek to ensure that the needs of the community are met through sustainable growth and suitable access to services and local employment, with development focused within built-up area boundaries and require that development in the countryside is essential to its location. It would also conflict with the environmental aims of the Framework, and the relevant parts of the Framework which support a plan-led approach to new development including the use of strategic policies to address priorities for the development and use of land.

Driveway - character and appearance

15. The proposed driveway would be approximately 80.0 metres in length and about 3.0 metres wide. The submitted plans indicate that it would be a hard-surfaced access driveway linked to a proposed hard landscaping area adjacent to the proposed dwelling.

16. The proposed driveway would be located on a grassed area alongside some large mature trees. Thus, the site of the driveway positively contributes to the rural landscape character of the area. However, notwithstanding its length, as a result of its proximity to Shiprods Manor and its associated areas of hardstanding and the existing access drive to Shiprods Manor from Bashurst Hill, the proposed driveway would be sited within the wider grounds of the appeal site and so not extend into open countryside. Furthermore, it would be significantly shorter in length than the existing driveway. Consequently, it would not appear out of place within the wider rural landscape in the context of its immediate surroundings.

17. The hard form of the proposed driveway would be similar to that of the existing driveway and areas of hardstanding associated with Shiprods Manor. Consequently, it would not be a more formal or urban form of development when compared to these features.

18. Taking into account the screening afforded by substantial mature trees to the south and east of the appeal site, and the distances involved, the proposed driveway, which would be formed at existing ground level, would not be a prominent feature readily visible in public views from either Bashurst Hill or surrounding public footpaths/bridleways.

19. For the above reasons, I conclude that the proposed driveway would not cause material harm to the character and appearance of the area. Consequently, it would not be contrary to Policies 25 and 26 of the HDPF or the relevant parts of the Framework which collectively, amongst other things, seek to conserve the

rural landscape character and protect the undeveloped nature of the countryside from inappropriate development.

Other Matters

20. Both main parties agree that the site of the proposed dwelling comprises previously developed land. Paragraph 117 of the Framework states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It goes on to say that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

21. Paragraph 118 of the Framework states, amongst other things, that planning policies and decisions should encourage multiple benefits from both urban and rural land; give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.

22. Whilst the site of the proposed dwelling comprises previously developed land, the spatial strategy and directive of the Framework guides development to previously developed land within settlements, where it is considered to be more sustainable. Furthermore, in the context that the Council's spatial strategy is to locate appropriate development within built-up area boundaries, the appellant has not presented me with any compelling evidence to demonstrate, in this case, that there is an overriding need for market housing at the appeal site that would otherwise outweigh the harm to the countryside location.

23. The appellant points out that the footprint and scale of the proposed dwelling would not be dissimilar to that of the existing building. Furthermore, I acknowledge that the design features and appearance of the proposed dwelling would reflect the existing dwelling of Shiprods Manor. However, the design and appearance of the proposed dwelling is not a matter in dispute. The lack of harm in this respect does not make the development acceptable given that I have found that the appeal site would not be appropriate for the proposed dwelling having regard to its location in the countryside and its poor accessibility to a range of services and facilities.

24. The appellant has drawn my attention to other developments in the surrounding area. The development[1] at '4 The Wedges' was for the erection of two outbuildings to provide incidental accommodation in association with the main dwelling and the development[2] at 'Waters Farm' was for the three live work units and associated works. Therefore, based on the information before me they are not directly comparable to the appeal proposal because, unlike the other referenced developments, it is for a single market residential unit. In any event, I have determined the appeal proposal on its individual planning merits and the existence of the other developments referred to by the appellant does not alter or outweigh my conclusion that the appeal site, for the above reasons, would not be an appropriate location for the proposed dwelling.

[1] Local Planning Authority Reference: DC/19/1018
[2] Local Planning Authority Reference: DC/16/0138

25. I have determined the appeal proposal based on the circumstances of the site, on the evidence before me and on its individual planning merits. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Planning Balance and Conclusion

26. The appellant contends that the Council is presently unable to demonstrate a five-year supply of housing land. I have been referred to an appeal decision[3] in October 2019 where the Inspector found for the purposes of that appeal that there was a 4.8-year supply of deliverable housing sites. However, as part of this appeal, the Council has confirmed that it does have a five-year housing land supply as set out in its latest 'Authority Monitoring Report' published on 31 December 2019. It post-dates the October 2019 appeal decision and confirms that the Council can demonstrate a 111% or 5.54 years' housing land supply.

27. The appellant refers to the housing targets contained within the draft Local Plan[4], which has not yet undergone examination and is therefore subject to change, and states that having regard to the projections contained therein, the Council's current housing provision is "borderline". However, the appellant has not presented me with an alternative figure that would lead me to take a different view on the Council's latest published position. I conclude, therefore, that the evidence before me does indicate that more than a five-year supply of deliverable housing sites for the area can be demonstrated. Consequently, paragraph 11 d) of the Framework is not engaged.

28. Paragraph 47 of the Framework states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

29. The appellant considers that the proposal would be a windfall development which would contribute towards meeting the Council's housing requirement. The framework seeks to significantly boost the supply of homes and indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. However, the provision of one new dwelling would be a modest contribution to the Council's housing land supply.

30. Although I have found no harm to arise from the proposed driveway in terms of character and appearance this is a matter of neutral consequence in the overall planning balance. I have found that the site would not accord with the strategic policies of the development plan in terms of the approach to growth in the District, and so would not be an appropriate location for the proposed dwelling. I afford significant weight to this matter in my decision, noting conflict with both development plan and Framework policies.

31. Even if the Council is unable to demonstrate a five-year supply of housing land, the adverse impacts of the proposed development identified above would significantly and demonstrably outweigh the modest benefits, when assessed against the policies in the Framework taken as a whole.

[3] Appeal Reference: APP/Z3825/W/19/3227192
[4] Horsham District Local Plan 2019-36, Public Consultation (Regulation 18), February 2020

32. The proposed development would be contrary to the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework. Accordingly, for the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR