The Planning Inspectorate

Appeal Decision

Site visit made on 1 December 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/Z3825/W/20/3253186
Downsview Paddock, New Hall Lane, Small Dole BN5 9YJ

- 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 R Lockett and Ms G Henshaw against the decision of Horsham District Council.
- The application Ref DC/19/2034, dated 4 October 2019, was refused by notice dated 31 March 2020.
- The development proposed is construction of detached dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - whether the appeal site is an appropriate location for new housing development with reference to local and national planning policy; and
    - the effect of the proposal on the character and appearance of the area.

Reasons

Site and Proposal

3. The appeal site is an open grassed paddock, located on the southern side of New Hall Lane just outside the defined built-up area boundary of Small Dole and within the countryside. It is enclosed by fencing and hedging and a field shelter and mobile home are stationed within the site.

4. There are properties along both sides of New Hall Lane from its junction with the A2037, however the amount of development reduces towards the western end of the road. Downsview occupies the plot to the east of the site and is the last property in the ribbon of development on the south side of New Hall Lane. Opposite the site, on the northern side of New Hall Lane, there are open fields and to the rear of the site, to the south, there are nursery buildings which the appellants say are being used as a builder's yard. To the west of the site are mature trees, beyond which is New Hall, a substantial property set well back from the road.

5. The proposal is for the erection of a detached two storey dwelling with associated parking and outside amenity space.

Location of development

6. Based on the evidence before me the appeal site is not allocated for development.

7. 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.

8. Policy 2 states that to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment, the spatial strategy to 2031 is to, amongst other things, focus development in and around the key settlement of Horsham and allow for growth in the rest of the district in accordance with the identified settlement hierarchy. Policy 3 sets out the development hierarchy and states that development will be permitted within towns and villages which have defined built-up areas. Small Dole is identified as a 'smaller village' settlement type.

9. Policy 4 states that outside built-up area boundaries, the expansion of settlements will be supported where criteria 1 to 5 of the policy are all met. In order to adhere to criteria 1 of the policy a site must be allocated in the Local Plan or in a Neighbourhood Plan and adjoin an existing settlement edge. Although the appeal site lies immediately adjacent to the built-up area boundary of Small Dole, it is not allocated for development in the Local Plan or in a Neighbourhood Plan. The proposal would not, therefore, adhere to criteria 1 of Policy 4. Taking into account that it must meet all the criteria of Policy 4 it is not necessary for me to consider whether the proposed development would also adhere to criteria 2 to 5 of the policy.

10. In summary, taking into account that the appeal site is within the countryside in policy terms and is not allocated for development in the Local Plan or a Neighbourhood Plan, it is not, therefore, in a location where new development is generally supported by Policies 2, 3 and 4 of the HDPF.

11. Policy 26 of the HDPF seeks to ensure that, outside built-up area boundaries, the rural character and undeveloped nature of the countryside is protected against inappropriate development. Amongst other things it states that any proposal must be essential to its countryside location. The proposal is for market housing and as I have not been presented with any substantive evidence to indicate that the proposed dwelling would be essential to its countryside location, in this regard, it would not comply with Policy 26.

12. In respect of paragraph 79 of the Framework, as the proposed dwelling would be in proximity of surrounding built form, I accept the appellant's view that it would not represent an 'isolated' home in the countryside.

13. The main access to a good range of services and facilities from the site, in Henfield, Bramber and Upper Beeding or Steyning would be via New Hall Lane, a relatively quiet cul-de-sac, before joining the A2037, from where bus services operate to the aforementioned settlements and other settlements further afield. Furthermore, taking into account that there is a pavement and some street lighting along the A2037 and the highway is subject to a 30 mph speed limit within the settlement, access to Small Dole where there is a convenience

store, public house and a post office would not present any significant physical restrictions for pedestrians or cyclists.

14. Thus, whilst future occupiers of the proposed dwelling would likely travel by private motor vehicle for some journeys to access services and facilities there would, nonetheless, be some sustainable travel options. Consequently, future occupiers would have reasonable access to services and facilities to meet their day to day needs by means of transport other than a private motor vehicle.

15. However, whilst the proposed dwelling would be in an accessible location outside the defined built-up area boundary, it would nevertheless conflict with the overarching development hierarchy and settlement expansion strategy set out in Policies 2, 3, 4 and 26 of the HDPF. Taken together, and amongst other things, these policies seek to direct growth to existing settlements with development focused within built-up area boundaries and require that development in the countryside is essential to its location.

16. Furthermore, as the proposal would conflict with development plan policy for the location of housing and would undermine the Council's plan-led approach, it would be contrary to paragraph 15 of the National Planning Policy Framework (the Framework) which makes clear that the planning system should be genuinely plan-led.

17. The appellants refer to details of a dwelling permitted[1] on land adjacent to 'Jandola' in New Hall Lane close to the appeal site. However, the evidence indicates that the development is within the defined built-up area boundary of Small Dole and is not therefore directly comparable to the proposal before me. The appellants also refer to previous permissions[2] in regard to the present dwelling (Jandola), which is a replacement dwelling. They contend that the original dwelling was located within the settlement boundary, whereas the replacement dwelling is located outside of the settlement boundary. I am not aware of the full circumstances that led to the Council approving planning permission for the replacement of a dwelling at Jandola. Notwithstanding that, I note that the proposal was determined under the provisions of an earlier development plan. In any event, I have determined the appeal proposal based on the circumstances of the site and the evidence before me and the existence of the referenced permissions do not lead me to reach a different conclusion on this main issue.

Character and appearance

18. By virtue of it being an open grassed area with some boundary hedging, the appeal site positively contributes towards the intrinsically rural and open character of the countryside and the transition from the built-up area of Small Dole to its rural surroundings.

19. Despite the hedging along the front of the site, by virtue of its position within the centre of the site and its scale and massing, the proposed dwelling would be very readily visible in views from New Hall Lane. Although the field shelter and mobile home would be removed, the proposed dwelling would be far greater in scale and mass than the two existing structures on the site. Along with the likely introduction of associated domestic paraphernalia, the proposal would significantly reduce the openness of the site.

[1] Planning application reference DC/19/0532
[2] Planning application references DC/05/0480 and DC/05/1210

20. Consequently, the proposed development would adversely affect the positive contribution that the site makes to the rural character at the settlement fringe of Small Dole. It would, in this regard, represent the extension of a suburban grain of development to the detriment of local character.

21. I recognise that in comparison to an earlier proposal dismissed at appeal[3] for the construction of two dwellings at the site, the proposal is for only one dwelling. However, the development would still significantly erode the contribution that the site makes to the open countryside around Small Dole. Overall, the proposal would unacceptably reduce the existing sense of openness at the site and would represent an intrusive addition detrimental to the undeveloped rural character of the site. Therefore, the proposed development would be significantly harmful to the character and appearance of the area.

22. Consequently, the proposal would conflict with Policies 25, 26 and 33 of the HDPF. These policies seek to ensure, amongst other things, that development proposals protect, conserve and enhance the natural local landscape character, and outside built-up area boundaries the rural character and undeveloped nature of the countryside is protected against inappropriate development. The proposed development would also not accord with paragraph 170 of the Framework which requires recognition of the intrinsic character and beauty of the countryside.

Other Matters

23. I have taken into account the reasons why the appellants want to downsize from their current home with an acre of land to a smaller home with a smaller garden. Moreover, their wish to build a dwelling that meets their specific needs in terms of providing space for when members of their family come to stay. However, these personal circumstances are not sufficient to outweigh the harm that I have identified.

Planning Balance and Conclusion

24. Against its five-year housing supply requirement, the appellants contend that the Council has consistently had a marginal supply and have referred me to an appeal decision[4] 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 its latest Authority Monitoring Report (December 2019), which post-dates the October 2019 appeal decision, represents the latest and most comprehensive analysis of the Authority's housing land supply and evidences that the Council can demonstrate a 111% five-year supply.

25. The appellants refer to the housing targets contained within the draft Local Plan[5], 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". Moreover, the appellants contend that as the Council failed to meet its target substantially in 2011/12 and 2012/13 due to the recession, it is reasonable to assume that the Council

[3] Appeal reference APP/Z3825/A/11/2166467
[4] Appeal Reference: APP/Z3825/W/19/3227192
[5] Horsham District Local Plan 2019-36, Public Consultation (Regulation 18), February 2020

could find itself in the same predicament again as a result of the present recession and therefore the projections for 2020/21 cannot be relied upon.

26. However, the appellants have 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.

27. The proposed development would seek to boost the supply of housing, which is a clear aim of the Framework. I recognise that the proposal would contribute towards the Council's provision of windfall units, and that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, given that they are often built-out relatively quickly. However, the proposal is only for one new dwelling and therefore its contribution to future housing provision would be very small.

28. I do not doubt that the occupiers of the proposed dwelling would support local services and facilities, which would at least help to maintain the vitality of Small Dole and surrounding communities. In this regard, the proposal would accord with the rural housing aims of paragraph 78 of the Framework. However, the economic contribution from the occupiers of one dwelling would not in itself be a very significant benefit. The proposal would lead to some employment at construction stage, although this would be a short-term benefit.

29. I have found that the proposal would not accord with the overarching development hierarchy and settlement expansion strategy set out in Policies 2, 3, 4 and 26 of the HDPF. In addition, I have found that the proposal would cause significant harm to the character and appearance of the area. I afford significant weight to these matters in my decision, noting conflict with both development plan and Framework policies.

30. In conclusion, I find that the benefit afforded by the provision of one new dwelling would not outweigh the conflict that I have found with policies in the development plan and the Framework.

31. Even if the Council did not have a five-year supply of housing land and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting planning permission that I have identified would significantly and demonstrably outweigh the aforementioned benefits, when assessed against the policies in the Framework taken as a whole.

32. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR