



Appeal Decision

Site visit made on 16 December 2020

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/Z3825/W/20/3255354

Highgate, Hammerpond Road, Plummers Plain, RH13 6PE

- 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 Elaine Banter against the decision of Horsham District Council.
 - The application Ref DC/20/0317, dated 17 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is the demolition of kennels and rehoming buildings and construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are whether the proposed dwelling would be acceptable when consideration is given to local and national planning policy regarding:
 - a) the location of development and access for occupants of the proposed development to shops and services and;
 - b) the provision of employment development.
3. A further issue is the effect of the proposed development on the character of the rural area.

Reasons

a) Location of development

4. The Horsham District Planning Framework 2015 (HDPF) contains the strategy for development in the District. Policies 2, 3 and 4 sets out a hierarchy of settlements, where development will be permitted within the defined built-up areas of towns and villages. In the countryside, outside those areas, development will be more strictly controlled, with Policy 26 restricting development in such areas to those essential to a countryside location.
 5. The appeal site is within the countryside and is not allocated for development in a Local Plan or a Neighbourhood Plan. It is therefore in a location where new development is not generally supported by Policies 2, 3 and 4 of the HDPF. As the proposal is for an open market house, and is not a development essential
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to a countryside location, it would not be consistent with Policy 26 of the HDPF; the Policy states that any proposal must meet one of four specified criteria, but these are stated as being in addition to the first test of the proposal being essential to its countryside location. Thus, housing on the land would be contrary to the general strategy for development in the District as set out in the development plan.

6. The appellant has drawn my attention to paragraph 78 of the National Planning Policy Framework, which promotes sustainable development in rural areas by allowing for housing to be located where it will enhance or maintain the vitality of rural communities. The Framework states that planning policies should identify opportunities for villages to grow and thrive.
7. It is evident to me that the HDPF contains such policy objectives, with Policy 4 allowing the expansion of settlements outside built-up area boundaries in certain circumstances. As noted, the appeal site does not comply with Policy 4. Nonetheless, I have given consideration to whether the proposal would promote sustainable development. The site is in a rural location, east of Mannings Heath and north of Lower Beeding where there are very limited facilities. I consider it more likely that future occupants would be more dependent on the full range of services in the main town of Horsham, around 6km away. This is confirmed by the identification of Lower Beeding in the HDPF as a 'Smaller Village' which, I am informed, states such villages have limited services but good accessibility to larger settlements, and that residents are reliant on larger settlements to access most of their requirements.
8. I am informed there is a bus stop 1.6km to the east connecting to Faygate and Horsham once a day. Hammerpond Road is a narrow, winding and unlit country road with no footway. I am mindful of the guidance in paragraph 102 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. But on the basis of what I have read and seen I concur with the local planning authority that future occupants would rely on the private car as their means of transport, and would be travelling to Horsham for shops and services. Due to the paucity of local services I also have little doubt this is likely to be the situation for most existing residents in the vicinity.
9. I have been referred to an appeal decision from June 2016 relating to the conversion of a building into a dwelling on Winterpit Lane, to the west of the appeal site and closer to Mannings Heath (ref. APP/Z3825/W/15/3134415). In that decision the Inspector found a distance of 500-600m from the appeal site to the edge of the built-up area of Mannings Heath did not make the site unsustainable, and that there was anecdotal evidence of local people walking and cycling along Winterpit Lane. In the current appeal the site is notably further from any settlement and, based on what I have read and seen, I have little confidence future occupants of the proposed house would walk or cycle to local villages. I have also not been made aware of any reasonable range of local services in those local villages that would provide for a variety of needs of future occupants; distance from a settlement boundary can only be one factor in considering whether a site is sustainable or not. Thus, the decision of the Inspector in the Winterpit Lane case does not affect my observations in this appeal.

10. Based on the evidence before me, it is therefore apparent that, as with existing residents in the area, future occupants of the proposed house would be most reliant on services in the town of Horsham and so housing here would not enhance or maintain the vitality of the rural community, which is the test set out in paragraph 78 of the current Framework.
11. Paragraph 79 of the Framework seeks to avoid the development of isolated homes in the countryside unless one or more of certain specified circumstances apply. Whilst I concur with the appellant that, due to housing along Hammerpond Road, the appeal site is not isolated, none of the circumstances apply in this instance; specifically, criterion c) relates to the re-use or buildings, and the proposal is for redevelopment. The proposal is thus not consistent with paragraph 79.
12. The appeal site is previously developed land, and I acknowledge that the Framework seeks to make the more efficient use of land in meeting the needs for homes and other uses, and the development of under-utilised land and buildings. However, the fact that the land is previously developed does not outweigh the development strategy of the HDPF, which sets out where housing will be located.
13. The proposed development would therefore conflict with the strategy for development set out in the HDPF. Future occupiers will be reliant on the private car, and the proposed dwelling will not support the vitality of the rural community. Thus, on the first issue it is concluded that the proposal would be contrary to local and national planning policies regarding the location of development and future occupants of the proposed development would not have adequate access to shops and services. This would conflict 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, and would conflict with Policy 1 of the HDPF and with the Framework that set out a presumption in favour of sustainable development.

b) Employment development

14. Policy 9 of the HDPF permits the redevelopment of employment sites and premises outside Key Employment Areas where it has been demonstrated that the site or premises is no longer needed, and/or is viable for employment use. The Council consider the site to be in a commercial use and that this requirement of the Policy has not been satisfied.
15. The existing buildings on the site and the use as kennels and re-homing centre for dogs has been confirmed through a Certificate of Lawfulness (ref. DC/17/2086). The appellant states that this is not a commercial use as it is a dog rescue and re-homing centre, as well as some element of horse rescue, and is reliant on fundraising, sponsorship and donations. It is stated that the appellant undertakes the rescue activities with various helpers. This general pattern of use is confirmed in submissions from third parties.
16. The Council have not disputed these submissions and that they are the operations being undertaken by the appellant. Based on the evidence presented to me it therefore appears the site is not being operated for employment use, but provides a rescue and re-homing facility run by the appellant, with help from others and from various donations. I am satisfied that

the loss of the use would not be contrary to Policy 9 as it would not lead to the loss of an employment site.

c) Effect on character

17. The existing buildings on the site are modest structures, rural in appearance and scale, and fairly typical of what might be expected in a countryside location. They do not intrude in views from Hammerpond Road, nor in longer views from the south across fields.
18. The proposed new house is larger in scale and, with the southern elevation being effectively two storey due to a drop in levels, it would have more of a visual presence in the landscape. However, as it would sit between two existing large houses this increased visibility would not be unduly intrusive into the area. On balance, the design, scale and siting of the proposal would conserve the landscape character of the area and so, in this regard, would not conflict with Policy 25 of the HDPF that seeks to protect, conserve and enhance the landscape of the District.

Other considerations and conclusion

19. The appellant states that redevelopment of the site will allow the dog rescue and re-homing facility to be relocated to an alternative site and so continue to operate. But I have not been provided with any robust information on where this might be, how this might happen or the precise way in which such intentions will materialise. I therefore place little weight on this aspiration.
20. The proposed development would provide a short term economic benefit during the construction of the dwelling, consistent with one aspect of the Framework's economic objective set out in paragraph 8. The protection of the natural landscape is also consistent with one aspect of the environmental objective. However, the longer term consequence would be to provide a dwelling not in the right place due to not being accessible to services, and hence I consider the proposal inconsistent with the other aspects of the Framework's economic objective and its social objective. On balance, the proposed development would therefore not represent sustainable development as set out in paragraph 8.
21. The proposal would lead to an additional dwelling in the District. The Council's Annual Monitoring Report (AMR) of December 2019 showed a 5.54 housing land supply. Windfall supply will be part of this supply, but this will be part of the HDPF's overall strategy for the location of development in the District. As the dwelling proposed in this appeal would not be consistent with that strategy, for the reasons given earlier, the proposal cannot be seen as a windfall site that should be part of this housing land supply and so I attach limited weight to this matter.
22. The appellant states that the future housing provision expected in the AMR is lower than the objectively assessed local housing need as set out in the Horsham District Local Plan 2019-36 Public Consultation (February 2020). This future provision is at an early stage of consultation and subject to review, and I have not been provided with any assessment as to the extent of any shortfall that may exist and that differs from the latest 5.54 years figure I have from the AMR. Even if I were to conclude there is a shortfall in the five- year housing land supply, the adverse impacts of granting permission arising from the

conflict with the HDPF and with the Framework in relation to the first issue would significantly and demonstrably outweigh the benefits.

23. I have found the proposed development would not conflict with the development plan in respect of two issues in the appeal. However, it would be contrary to the development plan and the Framework as a whole. This conflict is not outweighed by other material considerations, including the provision of one dwelling. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

C J Leigh

INSPECTOR