



Appeal Decision

Site visit made on 17 December 2020

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/Z3825/W/20/3257617

Smithers Farm, Guildford Road, Rudgwick, HORSHAM RH12 3BX

- 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 Stuart Heath against the decision of Horsham District Council.
 - The application Ref DC/20/0257, dated 7 February 2020, was refused by notice dated 22 July 2020.
 - The development proposed is 'change of use of existing dwelling to estate office and the erection of a two storey dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is in a suitable location for a new dwelling relative to the planning strategy for the area.
 - The effect of the proposal on the character and appearance of the countryside.
 - Whether the proposal would result in adverse highways and parking impacts.

Reasons

Location

3. Smithers Farm is located in the countryside on the north side of the A281 (Guildford Road) and about a kilometre to the east of the settlement of Rudgwick.
4. The Smithers Farm complex is centred on an access drive which runs in a north-westerly direction from the A281. This leads to a cluster of buildings and open yard areas. Based on the submissions before me, these include a dwelling (referred to as 'the main dwelling'), further ancillary residential accommodation (the ancillary dwelling) tied by a Planning condition to the main dwelling, and an extensive collection of barns, structures and yard areas, which are used for a variety of commercial and storage uses. The drive also appears to afford rear access to 6 cottages which front the main road.

5. The appeal site is an irregularly shaped part of the wider complex and landholding. The red lined area is defined to include the access road, the main dwelling, a former riding arena, and part of a small orchard area. When I visited, the former riding arena was in use for the parking of vehicles including minibuses, caravans, commercial vehicles and cars.
6. The appeal proposal comprises 2 elements. The first is to change the use of the main dwelling to an 'estate office'. The second element is the construction of a large detached house which would be sited within the former riding arena area and fronting towards the A281. A driveway is proposed from the access road leading through the existing orchard area to garaging and parking on the east side of the dwelling. The house design is 2 storey with pitched roofs and whilst the plans indicate 3 bedrooms internally, the room sizes are very large and the overall internal floorspace of the dwelling is stated as being 320 square metres¹.
7. The Horsham District Planning Framework (November 2015) (HDPF) sets out the Horsham District Council's (the Council) strategic approach to development, which generally encourages new development to take place within the built-up area boundaries of settlements defined in a hierarchy under policy 3. Policy 4 sets out the limited circumstances where settlements may be allowed to expand beyond their defined boundaries, but none of these would apply in this case. The supporting text to policies 3 and 4 explains that land outside these boundaries is considered to be in the countryside, where development will be more strictly controlled.
8. Policy 26 states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development and any proposal must be essential to its countryside location and must, additionally, meet one of 4 identified criteria being: (i) support the needs of agriculture or forestry, (ii) enable the extraction of minerals or the disposal of waste, (iii) provide for quiet informal recreational use, or (iv) enable the sustainable development of rural areas. The policy also requires proposals to be of a scale appropriate to its countryside location and character.
9. The appeal site is located in the countryside and is a significant distance outside the defined settlement boundary of Rudgwick. In addition to the distance from the nearest settlement, I observed that there are no footways or street lighting along the main road, meaning that future occupants would be likely to be heavily reliant on the use of the private car to access day to day services and facilities. As such, it is an unsustainable location for a new dwelling house and the proposal would conflict with HDPF policy 3 and policy 4.
10. Due to this conflict with the settlement strategy, the proposal would need to satisfy policy 26 as an allowable exception in the countryside, i.e. that it was 'essential' to its countryside location and that it met the policy's related criteria. I have considered the appellant's submissions regarding the growth in employment at the wider site in recent times and the scope for further expansion, and the support for the rural economy found in policies 7, 9 and 10. I have also noted the appellant's desire to better manage the site and the suggestion that the dwelling might be tied' to the complex of rural businesses.

¹ Application drawing no 19/112/4

11. However, there is no compelling evidence before me to demonstrate that the change of use of the main dwelling to an estate office is essential, or that it would necessarily satisfy one of the 4 policy 26 criteria, including that relating to enabling the sustainable development of rural areas. Indeed, there is no meaningful evidence concerning the role and functions of the 'estate office', the inadequacy of the existing facilities, employee numbers and roles within the office, or why it is essential to accommodate it within the main house, rather than other options that may be available. Following on from that lack of justification, there is no evidence to demonstrate that the proposed large new house is essential to this countryside location and that it would meet the stringent tests of policy 26. Accordingly, the requirements of policy 26 have not been satisfied.
12. On this main issue, I conclude that the proposal would conflict with the Council's settlement strategy and would be contrary to HDPF policies 3 and 4. I further conclude that it would not satisfy policy 26 as it has not been demonstrated that it is essential to its countryside location. As a result of these policy conflicts, it would therefore also conflict with strategic policy 1, which sets out the HDPF's presumption in favour of sustainable development.

Character and appearance

13. The existing main dwelling is a relatively low rise structure, located at the top of the access drive such that it is some distance from the road and sits relatively discreetly within the wider cluster of other buildings and structures. By contrast, the proposed house would be of an imposing scale and design. Its much larger size compared to the cottages to the south west, along with its siting forward of the Smithers Farm complex on essentially open land (the former riding arena and the orchard), and sweeping front driveway and front courtyard, would make it appear as a prominent and discordant feature, out of place with its open rural setting and wider landscape character.
14. I conclude on this main issue that the proposal would cause significant harm to the open rural character and appearance of the countryside. This would mean that the proposal would conflict with HDPF policies 25, 26, 28 and 33, which seek to protect landscape character; protect the countryside from inappropriate development; control replacement dwelling proposals; and apply development principles to conserve the natural environment. The Council's second reason for refusal also refers to policy 29, but this relates to equestrian development and there is no conflict with this policy.

Highways and parking

15. The Council's third reason for refusal relates to its concern that insufficient information has been received to demonstrate that there would not be any adverse highway impacts and that parking provision would be adequate to serve the proposal. I agree with the Council that there is a lack of information on this matter and the limited submissions appear to include some contradiction. For example, the application form indicates no new employment² would be created, whereas the appellant's statement of case states that the new development will create 'a minimum of 12 full time staff'.

² Planning application form question 18.

16. Whilst the proposed dwelling would have on plot parking and turning and is unlikely to generate significant highways impacts, the office use could generate new trips. The Council quotes the latest highway authority standards, which would suggest a need for about 10 spaces to serve the office space proposed in the main dwelling. However, the submitted plans do not show any parking space provision for the office use which would sit in the midst of what appears to be a busy commercial site, with associated commercial vehicle movements. Moreover, based on my site inspection, it would appear that the proposed house would require the displacement of a significant amount of existing vehicle parking space, although it is unclear to me whether the parking on the former riding arena is a permanent or lawful land use.
17. Overall, there is considerable uncertainty about likely additional trips and how parking demands will be properly managed on the appeal site and the wider Smithers Farm complex. As a result, there is insufficient information to reach a conclusion on whether the relevant HDPF policies are satisfied, which are, specifically, policies 33 (principle 8) and 41 concerning appropriate parking provision, and policy 40 concerning sustainable transport requirements.

Other matters

The ancillary dwelling

18. The Council included a fourth reason for refusal, which related to the effect the proposal may have on the existing ancillary dwelling. This residential accommodation was approved with an occupancy tie to the main dwelling. The Council is concerned that, should the main dwelling be changed to the proposed office use, it would be 'tantamount to the annex becoming a new unfettered dwelling in the countryside'. Whilst I have noted this concern, the annex is outside the appeal site and, given that I have found that the appeal should fail for other reasons, I do not consider it necessary to explore this matter further.

Sustainable construction

19. I have noted the appellant's desire to construct a 'self build' home using sustainable materials. However, these matters do not outweigh the harm I have found under the main issues.

Officer discussions

20. I have noted the appellant's submissions regarding earlier discussions with different officers concerning proposals at this site and the resultant reduction in scale of the house from over 600 square metres to its currently proposed form. However, I must make my assessment and decision on the basis of the proposal before me.

Housing delivery test results

21. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results for Horsham District Council do not have a bearing on the operation of paragraph 11 of the Framework and I did not therefore consider it necessary to ask the appeal parties to comment on this matter.

Conclusion

22. I have found that the location of the proposal would conflict with the Council's settlement strategy and would be contrary to policies 1, 3, 4 and 26 of the HDPF. I have also found that the proposed house would cause significant harm to the open rural character and appearance of the countryside, contrary to HDPF policies 25, 26, 28 and 33. I have further found that the proposal is not supported by sufficient information on highways and parking matters to reach a conclusion on whether the relevant HDPF policies 33, 40 and 41 are satisfied. For the above reasons, the appeal is dismissed.

P. Staddon

INSPECTOR