

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: 22 February 2021

Appeal Ref: APP/Z3825/W/20/3256262

Hill Copse House, Hill Farm Lane, Codmore Hill, RH20 1BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Burnford against the decision of Horsham District Council.
 - The application Ref DC/19/2495, dated 12 December 2019, was refused by notice dated 10 February 2020.
 - The development proposed is the demolition of a residential outbuilding and the erection of a single dwelling with new access from Hill Farm Lane.
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Procedural matters

1. The application was made for outline planning permission, with approval sought for access.
2. The Council's second reason for refusal related to it not having been demonstrated that a safe and suitable vehicular access would be provided to Hill Farm Lane. A plan was submitted with the lodging of this appeal to demonstrate required visibility splays could be provided and the Local Highways Authority have subsequently confirmed this meets their requirements, subject to a planning condition.

Decision

3. The appeal is dismissed.

Main issue

4. The main issue in this appeal is whether the proposed dwelling would be acceptable when consideration is given to local and national planning policy regarding the location of development.

Reasons

Location of development

5. Policies 2, 3 and 4 of the Horsham District Planning Framework 2015 (HDPF) set out the settlement strategy policy in the District: development will be permitted following a hierarchy of settlements, within the defined built-up areas of towns and villages. In the countryside, outside those areas, development will be more strictly controlled. It is evident to me that this broad strategy for development is largely consistent with the National Planning Policy Framework's objective to seek sustainable development in rural areas by
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locating housing where it would enhance or maintain the vitality or rural communities, and this was the recent conclusion of a colleague Inspector¹.

6. 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 one open market house, nor is it a type of development that is essential to a countryside location or to support the needs of agriculture or forestry or enable the sustainable development of rural areas. Thus, it would not be consistent with Policy 26 of the HDPF, which seeks to restrict development outside the District's built-up area boundaries to that reasonably regarded as being essential to its countryside location.
7. The appellant acknowledges the site lies outside the built-up area boundary but states that, due to the location adjoining the settlement, the site should be viewed as if it is within the built-up boundary or as infill development, and so considered under the same hierarchical approach for development allocation that prioritises settlements. However, consistent with other appeals on this matter², I do not agree with this approach: if a site is not within the defined settlement boundary, or not allocated in the development plan, then accepting development on it 'in principle' would be a breach of the Council's plan-led settlement strategy and conflict with Policies 2 and 4.
8. The appellant further states that the site is considered to fall within a sustainable location due to its position on the edge of the settlement. I acknowledge that the site is physically close to the settlement boundary and lies between house of Hill Copse house and a residential estate. However, in my judgement from observations at the site visit, the appeal site is not conveniently located for reaching the adjoining settlement and any associated services by means of transport other than private car: Hill Farm Lane is narrow, winding, unlit, subject to the national speed limit, and with no footway until reaching the A29, where the primary services of the settlement exist further to the south. This is a different situation to the connectivity of the majority of the housing that adjoins to the east, namely that along Masons Way.
9. I therefore consider it likely that future occupiers will be reliant on the private car. The proposal would therefore remain in 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.
10. In addition to the aforementioned spatial strategy of Policies 2, 4 and 26 of the HDPF, these policies also require any development to protect the rural character and landscape of the District. As noted earlier, the appellant has submitted a plan showing proposed visibility splays to address the Council's second reason for refusal. I have serious concerns regarding the visual impact of such splays. I saw at my site visit that the appeal site is appreciably elevated above the height of the road, with hedgerow and trees along the frontage. This mature landscape character sits comfortably with the wooded land on the opposite side of the road, which gives a rural appearance to this

¹ APP/Z23825/W/20/3251377

² APP/Z23825/W/14/3001703 & APP/Z23825/W/19/3227192

approach into the village. The appeal site itself also has a semi-rural appearance.

11. The proposed visibility splays would cover around 70m of this frontage. The impact on the landscape character would be significant due to the opening up of the site and removal of vegetation, with the necessary change in levels up to the new house further emphasising the visual impact. This would have a clear adverse effect on the rural character of the area and hence conflict with the aforementioned Policies. It would also conflict with paragraph 127 of the Framework that states developments should be sympathetic to local character, including the surrounding built environment and landscape setting. Due to the degree of harm to the rural area I am not reassured from the information before me that this could be adequately mitigated by future landscaping.
12. I have further concerns that the extent of removal of hedgerow and trees may have on the natural environment and biodiversity since no assessment has been undertaken on such matters. Based on the evidence before me I therefore consider the proposals to be contrary to paragraph 170 of the Framework.
13. The appellant considers that Policy 15 of the HDPF allows for windfall development outside the defined built up area boundary. Although that Policy makes provision for windfall housing as part of the Council's overall strategy for housing delivery, it does not set out an alternative approach to that spatial strategy. For the reasons given above I have found that the proposals the subject of this appeal would not be consistent with that strategy, or with other policies of the development plan, or the Framework. Hence I see no justification to allow this development on either the basis that it is consistent with the HDPF or that the circumstances of this site justify a departure from the strategy of the Framework.
14. On the main issue it is therefore concluded that the proposed dwelling would conflict with the local and national planning policies referred to above regarding the location of development.

Other considerations and conclusion

15. The appellant has referred to a finding in October 2019 that the Council had a 4.8 year supply of deliverable housing sites³ and that the Council's Annual Monitoring Report (AMR) of December 2019 showed a 5.54 housing land supply. They consider this to represent a marginal supply when considering the preparation of a draft Local Plan and the possible implications of Covid-19. However, the draft Local Plan has not yet undergone Examination and so is subject to change. Furthermore, the appellant has not provided any alternative figures for housing land supply or how Covid-19 might be having any specific impact on housing supply in the District. I am therefore of the view that the Council's AMR showing a 5.54 housing land supply – which post-dates the October 2019 appeal – demonstrates there is more than 5 years' supply of deliverable housing sites. Paragraph 11d) of the Framework is not engaged.
16. As noted earlier, the second reason for refusal relating to highways matters has been addressed to the Highway Authority's satisfaction. I have no reason to come to a different opinion and thus concur safe access could be provided.

³ APP/Z3825/W/19/3227192

However, this does not change my view that such works would have a harmful effect on the character of the area and on the natural environment.

17. The proposed development would be contrary to the development plan and the Framework as a whole. This conflict is not demonstrably and 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