



Appeal Decision

Site visit made on 19 March 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021.

Appeal Ref: APP/Z3825/W/20/3256023

Toll Cottage, Brighton Road, Shermanbury, RH13 8HB

- 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 F Matthews against the decision of Horsham District Council.
 - The application Ref DC/20/0563, dated 15 January 2020, was refused by notice dated 15 May 2020.
 - The development proposed is the demolition of existing 2 storey garage with a new replacement oak framed garage and associated new drive etc, together with construction of 2 three bedroom cottages with single oak framed garages.
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Decision

1. The appeal is dismissed.

Main issues

2. The first main issue in this appeal is whether the proposed dwellings would be acceptable when consideration is given to local and national planning policy regarding the location of development. The further main issues are the effect of the proposed development on the character of the rural area, the setting of the adjacent listed building, and on highway safety.

Reasons

Location of development

3. The settlement strategy for Horsham District is set out in Policies 2, 3 and 4 of the Horsham District Planning Framework 2015 (HDPF). These policies see development to be permitted following a hierarchy of settlements, which is to be within the defined built-up areas of towns and villages. In the countryside, outside those areas, the HDPF states 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 locating housing where it would enhance or maintain the vitality or rural communities.
 4. The appellant claims the appeal site is within an existing settlement and defined built-up area, but the evidence presented to me demonstrates it is in fact shown in the HDPF as lying within the countryside. It is not a site 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
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- 4 of the HDPF. As the proposal is for two open market houses 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.
5. I note that the settlement boundaries within the District are under review as part of the Horsham Local Plan Review, and that Shermanbury is proposed to have a settlement boundary. However, this emerging review still shows the appeal site as lying outside the settlement boundary, and the Local Plan review process is at an early stage of preparation. I therefore place little weight on this matter.
 6. The proposal would see the redevelopment of the existing garage building, and the appellant has drawn my attention to the National Planning Policy Framework's objective that seeks the effective use of land to meet the needs for housing and to make as much use as possible previously-developed land. However, it is evident to me that the broad strategy set out in the development plan, namely the HDPF, does seek to follow that objective, and the development plan must be read as a whole. Thus, whilst that statement in the Framework is a material consideration, it does not outweigh the conflict with the strategy of the development plan policies which would arise as a result of the appeal proposal.
 7. My attention has been drawn to housing that has been permitted in the vicinity. The Council have demonstrated to me that those examples were either on sites allocated in the development plan or where within a defined settlement boundary. I therefore place little weight on those examples as any precedent in favour of the current scheme.
 8. On the first issue I have found that the appeal site lies within a countryside area, which is a location where the settlement strategy for the District seeks to avoid new housing (except in defined circumstance) in order to promote sustainable development. From what I have read in submissions to me, and seen at the site visit, the appeal site is poorly located for local shops and services. I have therefore not been made aware of any circumstances to suggest other than it being likely future occupiers will be reliant on the private car. The proposal would therefore be in conflict with Policies 2 and 3 of the HDPF which, amongst other matters, seek to ensure that development takes place in the most sustainable locations as possible.

Effect on rural area

9. Policies 2, 25, 26, 32 and 33 of the HDPF, and Policies 4 and 5 of the Wineham and Shermanbury Plan 2017 (WASP) require any development to be of high quality and, in countryside areas, protect the rural character and landscape of the District.
10. The existing garage building is set back from the road amongst trees, with the first floor accommodation being contained within the roof slope. There is a good degree of spacing around the building. These features mean the building has limited visual presence in the street scene.

11. The proposed development would see a pair of semi-detached houses, being two storeys with accommodation in the roof space, along with two detached garages. This would be a very substantial increase in built development on the site and lead to a significantly greater degree of urbanisation into the rural area.
12. Furthermore, the new houses would be sited very close to the boundaries of the site, with extremely small rear gardens for the size of houses, which would also be dominated by trees. These features would emphasise the cramped nature of the development and its incongruous design and layout.
13. On the second main issue it is therefore concluded clear harm would arise to the character of the rural area, contrary to the policies of the development plan referred to earlier.

Setting of listed building

14. Toll Cottage is a Grade II listed building dating from the early 19th Century, which was associated both with the nearby turnpike and the introduction of the universal penny postage service. The building is a simple form, which is appreciated even with a single storey extension, and the existing garage is sited distant enough from the property to not be a detractor. The significance of the listed building as a heritage asset derives from the simple appearance and the historic importance as a rural turnpike house.
15. Under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to have special regard to the desirability of preserving the setting of a listed building. Policy 34 of the HDPF and Policy 6 of the WASP contain similar objectives. The size of the proposed houses, the spread of development from the houses and garages towards Toll Cottage, and the cramped appearance of the new housing would all have a negative effect on the setting of the house. Harm would thereby be caused to the significance of the heritage asset, and I attach considerable importance and weight to this harm.
16. Paragraph 194 of the Framework states that any harm to the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification. The harm arising in this appeal is less than substantial, and in these circumstances paragraph 196 of the Framework says such harm should be weighed against the public benefits of the proposal. Whilst two houses would be provided as a result of the proposed development, I have found earlier that these would be provided in a fashion contrary to the Council's housing strategy. The clear harm arising to the heritage asset would therefore not be outweighed by the provision of the dwellings.
17. On the third issue it concluded that the proposed development would harm the setting of the listed building, contrary to the development plan referred to earlier and the advice in the Framework.

Highway safety

18. The Highways Authority has raised concerns regarding the visibility from the proposed access to Brighton Road and the space on site for cars to turn. I saw at my site visit that A281 Brighton Road is busy and the access is on a curve in the road, whilst to the north is the junction of Partridge Green Lane. Policies 40 and 41 of the HDPF and Policies 4 and 10 of the WASP seek to ensure, amongst

other matters, that adequate parking provision is made in new development and that safe access is provided. It is evident from the location of the appeal site that these matters are important to secure in this appeal.

19. The appellant states that there is sufficient visibility but has not provided any technical evidence for this, arguing that it is not required as there is good sight and sufficient width to the proposed driveway. I do not share this confidence from my observations at the site visit. As noted, Brighton Road is busy, with frequent turning traffic, and there are trees and hedgerows to the north and south of the proposed access. In my view it is vital to establish that safe visibility would be provided to ensure any vehicles entering or leaving the appeal site could do so without harm to highway safety.
20. Equally as important is to ensure that vehicles would be able to turn around on the site, in order to enter and leave the site onto the A281 in forward gear; that was also a concern of the Highways Authority. The two new houses, and the retained Toll Cottage, are said to provide a total of 8 car parking spaces (although the Highways Authority point to the garages for the proposed houses being undersized so not accommodating cars). The submitted layout shows a limited amount of hardstanding and turning area for the use of vehicles accessing all three properties. There is no technical evidence to demonstrate that vehicles could enter the appeal site and safely turn, and so avoid conflict with other vehicles on the site or trying to access the site. This would be worsened further if there is inadequate on-site parking provision, as observed by the Highways Authority.
21. Based on the information before me I therefore share the concerns of the Highways Authority that the proposed development does not provide sufficient visibility to Brighton Road, nor sufficient on-site parking provision and turning on site. This would be harmful to highway safety and hence conflict with the policies of the development plan referred to earlier.

Conclusions

22. For the reasons given, the proposal conflicts with the development plan and the Framework and hence the appeal is dismissed

C J Leigh

INSPECTOR