



Appeal Decision

Site visit made on 11 May 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021.

Appeal Ref: APP/Z3825/W/20/3264279

Malthouse Farm, Malthouse Lane, Ashington, RH20 3BU

- 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 G Hall against the decision of Horsham District Council.
 - The application Ref DC/19/1752, dated 23 August 2020, was refused by notice dated 4 November 2020.
 - The development proposed is construction of detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be acceptable having regard to local and national planning policies on the location of housing, and whether it would be sustainably located in relation to local services and facilities.

Procedural Matters

3. The appellant has raised concerns over the conflicting advice received from Planning Officers during the determination of the application. These are not matters that I can comment on in relation to an appeal that has been made under section 78 of the Town and Country Planning Act 1990. Any outstanding concerns in this respect would need to be taken up directly with the Council.
4. The emerging Horsham District Local Plan was subject to Regulation 18 consultation in February and March 2020. However, a Regulation 19 version of the plan, that responds to the comments received during the Regulation 18 consultation, has yet to be published. The emerging plan has also not been examined. For these reasons and as the plan is still at an early stage in its preparation, I have only accorded any relevant emerging policies limited weight in the determination of this appeal.

Reasons

5. Policy 2 of the Horsham District Planning Framework (HDPF) (November 2015) sets out the spatial strategy for the District in meeting, amongst other requirements, identified housing needs. Policy 3 continues by stating that development will be permitted within the defined built-up areas of towns and villages and confirms that Ashington, located to the north east of the appeal site, is defined as a 'Medium Village'. Policy 4 states that the expansion of settlements to meet the identified need for new housing outside of their built-

- up area boundaries will be supported where, amongst other criteria, the site is allocated, the expansion is appropriate in scale and meets an identified local housing need. Finally, Policy 26 states that outside of the built-up area boundaries new development will only be permitted where it is essential to its countryside location.
6. The appeal site does not fall within any defined settlement boundary or built-up area or adjoin any designated settlement edge and is, therefore, within the countryside. Also, the site is not allocated for housing and does not form part of a proposed settlement expansion. Whilst the Appellant has referred to the proximity of the appeal site to Ashington, it is, in my judgement, physically and visually separated from that village. It is not located on the outskirts of Ashington but some distance from the southern extent of its defined built-up area.
 7. The appeal proposal is not seeking to meet an identified local (affordable) housing need and does not meet the exceptions that would justify a countryside location. Even so, the Appellant has referred to the Planning Practice Guidance and National Planning Policy Framework (February 2019) (Framework) references to the importance of rural housing in supporting local services and that the proposal would make a contribution towards 'windfall' provision within the District. However, the Framework states that planning policies and decisions should support housing in rural areas that reflect local needs, in particular, identified affordable needs on exception sites. The appeal site is not an exception site and there is no evidence before me that the proposal would meet an identified local/affordable need.
 8. In addition, Paragraph 78 of the Framework emphasises that development should be located where it would enhance and maintain a rural community and that planning policies should seek to identify opportunities where villages can grow and survive especially where this would support local services. The emphasis is on promoting new development through a planned strategy. That approach is consistent with the housing policies of the HDPF, which, overall, do not provide support for the appeal proposal.
 9. Similarly, the fact the site could be viewed as a 'windfall' (as in the case of the July 2020 appeal decision at Copped Hall Farm included in the Appellant's appendices to their Statement) does not affect the above findings. Whilst the Appellant also suggests that the Council's ability to show a 5-year supply of housing land is borderline, the evidence before me is that they can and that the housing policies of the HDPF are, therefore, up to date.
 10. The existence of other development in this location, does also not provide justification for further development that would result in the intensification of built development in this rural location. Clusters of buildings and uses, such as those that occur in this location, are not an uncommon feature in the countryside and are often the result of historic development or older less restrictive planning policies or involve uses that are appropriate within a countryside location.
 11. Based on the above, the appeal proposal would, in my view, conflict with the up to date housing policies/strategy of the HDPF, which are consistent with those of the Framework.

12. The Appellant has referred to paragraph 79 of the Framework, but this is not a matter that the Council have raised and I agree that the proposal is not 'isolated' within the context of this paragraph. Even so, the appeal proposal would not be compliant with Policy 26 of the HDPF, which specifically applies to development outside the defined built-up boundaries and seeks to ensure that the countryside is protected from inappropriate development.
13. The Appellant has referred to the high quality design of the appeal proposal and that it would not be harmful to the character and appearance of the area. That may be so and whilst these are considerations in support of the appeal proposal, they do not affect the findings I have reached.
14. Reference has also been made to the planning permission for 7 new dwellings at Lodge Farm (ref. DC/19/1788), to the north of the appeal site. However, I note from the Planning Committee report to that application, included in the appendices to the Appellant's Statement, that this site benefitted from prior approvals to convert existing buildings into 9 residential units. There was, therefore, a legitimate fall-back option and the planning permission for 7 units not only resulted in a reduction in the number of permitted units, but also an improved design, appearance and landscaping. As a consequence, the Council concluded that the fall back and benefits outweighed the conflict with Policy 4 and 26 of the HDPF. The circumstances surrounding that site were, therefore, very different to those on the appeal site.
15. With regard to the appeal site's accessibility, it is located some distance from local services and facilities. The closest facilities are in Ashington, which can only be accessed on foot or cycle via Malthouse Lane and then the A24 or via a public right of way at the northern end of Malthouse Lane. As I observed on my site visit, both involve a considerable distance to walk or cycle, in some cases over unmade tracks/paths, with no pavements and no street lighting. Whilst there is a pavement on the route that goes via the A24, it is narrow, there is no apparent street lighting and it is a very busy road with, as I experienced, vehicles travelling at high speed on the dual carriageway. Whilst there is a bus stop at the southern end of Malthouse lane, the lack of a footpath and street lighting restricts access to these services.
16. Overall, the accessibility of the appeal site is, in my view, poor. I consider it highly likely, therefore, that a large proportion of trips generated by the proposed dwelling, even for day to day needs, would be undertaken by car. Moreover, for new development to be sustainable, it should be easily and safely accessible to local facilities/services at any time of the day or night and whatever the weather, which the appeal proposal would not be. Furthermore, Policy 3 of the HDPF states in villages of Ashington's size they have a moderate level of facilities and whilst some serve day to day needs, residents remain reliant on the smaller market towns and larger settlements to meet a number of their requirements.
17. In summary, the objective of the housing and spatial policies of the HDPF is to secure a distribution of development that is focused on the defined built-up areas of the District so as to support the vitality of those settlements and villages, ensure that car reliant development is restricted and that unnecessary development in the countryside is prevented. That planned strategy should, in my view, be accorded significant weight. Permitting new dwellings in the countryside, as proposed, would result in harm to the achievement of this

planned strategy and the Appellant has not advanced any material considerations or other circumstances that would be sufficient, in my judgement, to outweigh that harm. Accordingly, I find that the appeal proposal would be contrary to Policies 2, 3, 4 and 26 of the HDPF.

18. I also find that the appeal site is not within a sustainable location and would be contrary to Policy 1 of the HDPF and paragraphs 102 c) and 150 b) of the Framework. These seek to promote sustainable development, mitigate the impact of climate change and ensure that new development is accessible on foot, cycle and by public transport to local services and facilities.

Other Matters

19. The Council have indicated that the appeal site lies within the setting of Malthouse Farmhouse a Grade II Listed Building. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special regard must be had to the desirability of preserving the buildings setting. Similar advice is to be found in the Framework. The Council concluded in their Delegated Report that the appeal proposal would not result in any harm to this building's setting. Based on my observations on site, the design of the proposed development, the physical separation and lack of intervisibility between the Farmhouse and appeal site, I am satisfied that the appeal proposal would not result in any harm to the setting of this heritage asset.
20. The appeal proposal would boost housing supply, but is only for one new dwelling and its contribution would, therefore, be limited. In addition, the proposal is not seeking to address a specific local housing need identified in the development plan. There would be economic benefits resulting from the construction of the new dwelling, but that benefit would be short term. There may also be social benefits from increased local spend. Combined, I would attach moderate weight to these benefits.
21. On the other hand, the appeal proposal would be located in an unsuitable and unsustainable location for new housing, and would result in significant harm to the development plan's strategy that seeks to restrict new development within the countryside and distribute new housing to the defined built-up areas and settlements that are more accessible and sustainable. In my judgement, the significant harm I have identified would outweigh the moderate benefits of the appeal scheme when assessed against the policies in the development plan and Framework taken as a whole.

Conclusions

22. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR