



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: 10 June 2021

Appeal Ref: APP/Z3825/W/20/3263985

Lockyers Farm, Polecat Lane, Copsale, RH13 6QR

- 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 & Mrs Chas and Linda Taylor against the decision of Horsham District Council.
 - The application Ref DC/20/1832, dated 23 September 2020, was refused by notice dated 18 November 2020
 - The development proposed is conversion of barn to a dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the Appellant against Horsham District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the proposed development would be acceptable having regard to local and national planning policies on the location of housing; and,
 - whether the proposed development would provide a satisfactory living environment for future occupiers, with particular regard to the use of the site and provision of amenity space.

Procedural Matters

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

Suitability of location

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. The policy requires new development to be focused in and around the key settlement of Horsham and to allow for growth in the rest of the district in accord with the identified settlement hierarchy. Policy 4 continues by stating that the expansion of settlements to meet the identified need for new housing outside of their built-up area boundaries will be supported where development complies with the five criteria listed under the policy. All five criteria must be met, the first of which is that the site is allocated in the local plan or a Neighbourhood Plan.

6. These policies must be considered in conjunction with policy 1 of the Nuthurst Neighbourhood Plan (August 2015) (NNP), which states that new development will be permitted on allocated sites or within the built-up areas of the defined settlements. Outside of these locations, the policy continues by stating that new development will need to conform with the development plan policies (those of the HDPF) that control new development in the countryside.
7. Combined, the above policies set out the overreaching approach to locating new development within the district, based on a settlement hierarchy where development will be permitted within the towns and villages of the district which have defined built up areas. That strategy seeks to ensure, therefore, that the district housing needs are met through sustainable growth and access to local services, facilities and employment.
8. 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. The site is not allocated for housing and does not form part of a proposed settlement expansion. The appeal proposal is not seeking to meet an identified local (affordable) housing need. The appeal site is, therefore, in a location where new housing is not supported and would conflict with policies 2 and 4 of the HDPF and policy 1 of the NNP.
9. Policy 26 of the HDPF states that outside of the built-up area boundaries new development will only be permitted where it is essential to its countryside location. The clear objective of the policy is to protect the rural character and undeveloped nature of the countryside from inappropriate development. As well as being essential to its countryside location, any development must meet one of the four criteria to the policy. The appeal proposal is for market housing and does not meet any of the criteria to the policy. Furthermore, there is no substantive evidence before me to demonstrate that the development is essential to its countryside location. Therefore, the appeal proposal would also conflict with policy 26.
10. With regard to the appeal site's accessibility, the closest services and facilities appear to be in Southwater, to the west of the appeal site. As I observed on my site visit, these facilities are located some distance from the appeal site and would involve a considerable distance to walk or cycle, with the A24 providing a significant physical barrier inbetween. The routes would largely involve narrow country lanes or tracks with no pavements or street lighting.
11. 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 housing to be sustainable, it should be easily and safely accessible, on foot or bicycle or public transport, to local facilities and services

at any time of the day or night and whatever the weather, which the appeal proposal would not be.

12. The appeal proposal would not, therefore, accord with policies 1 and 2 of the HDPF in requiring development to take place in the most sustainable locations. In this respect, the appeal proposal would also conflict with the environmental objectives of paragraphs 8 and 102 of the National Planning Policy Framework (February 2019) (Framework).
13. In relation to paragraph 78 of the Framework, this seeks to promote sustainable development by locating housing where it can enhance or maintain the vitality of rural communities. There is no evidence before me to suggest that the new dwelling would be required to maintain or enhance local facilities, and, therefore, the proposal would not accord with paragraph 78.
14. The Appellant has referred to paragraph 79 c) of the Framework. However, this paragraph relates to the exceptions that apply to 'isolated' homes in the countryside. The proposed dwelling adjoins existing built development that includes residential accommodation and would not be 'isolated'. Paragraph 79 does not, therefore, apply in this case.
15. I note that there is no policy in the development plan that relates to the conversion of existing buildings within the countryside. Whilst I accept, however, that the proposal would involve the use of previously developed land, that does not affect the findings I have reached. Paragraph 117 of the Framework states that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment. It goes on to say that strategic policies should set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed land (brownfield land).
16. Paragraph 118 of the Framework continues by stating that, amongst other requirements, planning policies and decisions should give substantial weight to the value of using brownfield land within settlements for housing and other identified needs, and promote and support the development of under-utilised land and buildings especially where this would help to meet identified needs for housing where land supply is constrained.
17. The policies of the Framework seek, therefore, to guide development to previously developed land within settlements, where it is considered to be more sustainable. Moreover, the Council's spatial strategy is to locate new housing within defined built-up area boundaries. Within this context, the Appellant has not provided any compelling evidence to demonstrate that there is an overriding need for market housing on the appeal site that would outweigh the harm to the countryside location, its poor accessibility and conflict with the development plan. Similarly, the fact that the site could be viewed as 'windfall' does not outweigh the conflict I have identified with the development plan when read as a whole.
18. Furthermore, I note that the Council's ability to demonstrate a 5-year supply of housing land has not been challenged by the Appellant. As a consequence, the housing policies of the HDPF are up to date and I have accorded them significant weight as they are also consistent with those of the Framework. For these reasons, paragraph 11 d) of the Framework is not engaged.

19. The Appellant has referred specifically to the approach taken by the Inspector in allowing an appeal at Copped Hall Farm (Ref. APP/Z3825/W/20/3246693). In response, paragraph 3.12 of the Council's Appeal Statement lists five recent appeal decisions which they contend support the approach they have taken, including a decision to convert a barn to a dwelling at The Old Piggery in Storrington (Ref. APP/Z3825/W/20/3250265). The findings I have reached on this issue are supported by and consistent with those of the Inspectors in the five decisions provided by the Council. In my judgement, those decisions set out the correct interpretation and application of the strategic and spatial housing policies of development plan that apply to the appeal site.
20. In relation to the existence of other housing in this location, that does not in itself provide justification for further dwellings in this rural location. Clusters of houses, buildings and associated uses, such as those that occur on Lockyers Farm and nearby are not an uncommon feature in the countryside and are often the result of historic development or older less restrictive planning policies or uses that are appropriate within a countryside location.
21. 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. Paragraph 15 of the Framework states that the planning system should be genuinely plan led and the HDPF settlement strategy is a key part of the way that the development plan seeks to achieve sustainable growth. That approach is consistent with the policies of the Framework and should be accorded significant weight. Permitting new housing in the countryside, as proposed, would result in harm to the achievement of this planned strategy and none of the material considerations or other circumstances advanced by the Appellant would be sufficient, in my judgement, to outweigh that harm.
22. Accordingly, I find that the appeal proposal would be contrary to Policies 1, 2, 4 and 26 of the HDPF, Policy 1 of the NNP and the corresponding policies of the Framework.

Living conditions – future occupiers of the development

23. The location plan that accompanies the appeal appears to show that the site would extend beyond the footprint of the existing barn. Even so, whilst a proposed floor plan has been submitted, no other information has been provided, in the form of a site layout plan, demonstrating how any the external areas would be utilised for car parking, landscaping or amenity space. I note that the Appellant's Design & Access Statement does refer to the provision of amenity space, parking, landscaping and boundary fencing to support the proposed dwelling. However, as I confirmed above, the submitted plans do not show any of this detail. As the level of detail required would, in my view, be substantial and would need to be assessed in terms of its acceptability and compliance with any local design guidance, these are not matters, as the Appellant suggests, that could be dealt with by way of conditions.
24. As a consequence, the proposal as submitted does not, in my view, demonstrate whether appropriate, usable and private amenity space could be provided for future occupiers of the proposed dwelling.

25. With regard to the location of the existing barn, I agree with the Council that its proximity to the existing access and equestrian facilities would be likely to result in noise and disturbance that would potentially harm the living conditions of future occupiers of the proposed dwelling. The comings and goings and general activities associated with the existing buildings and an equestrian use would take place in full view of the principal aspect of the new dwelling. Whilst I accept that the horse walker could be relocated, there is no proposal or plan before me to show this.
26. Moreover, whilst, on my site visit, I observed very little activity on the farm and it is unclear, therefore, as to the precise extent, if any, of the equestrian use that currently takes place, I note that in question 6 to the Application Form that the existing use is described as a barn that forms part of a complex of buildings that includes equestrian facilities, and that the site is not currently said to be vacant. It is on this basis that I have, therefore, determined this aspect of the appeal.
27. The Appellant suggests that these issues were not raised by the Council in determining a prior approval application (Ref. DC/20/0432) submitted in relation to Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, the Council have confirmed that this application was refused as the site appeared to be in equestrian and not agricultural use. The Council also point out that Class Q does not require an assessment of issues such as the provision of amenity space and they were, therefore, not raised by the Council in determining that application. I see no reason to question that approach. As the Council have also confirmed, it is entirely reasonable for those issues to be raised in the context of an application that seeks full planning permission for a new dwelling.
28. Accordingly, based on the evidence before me, I find that the proximity of the proposed dwelling to the existing access and equestrian facilities, and absence of any detail of private amenity space to support the proposed dwelling, would result in harm to the living conditions of future occupiers of the proposed dwelling contrary to Policy 33 of the HDPF and paragraph 127 f) of the Framework.

Other Matters

29. The Appellant has queried the failure of the Council to carry out a planning balancing exercise in determining the application. I have already confirmed above that paragraph 11 d) of the Framework is not engaged in this case as the Council can demonstrate a 5-year supply of housing land and the relevant policies of the HDPF are, therefore, up to date.
30. Even so, I accept that the appeal proposal would boost housing supply, but this would only be for one new dwelling and as such its contribution would be very limited. There would also be the benefit of reusing previously developed land and contributing towards 'windfall' provision within the district. Combined and for the reasons set out above, I would attach only limited weight to these benefits.
31. On the other hand, the appeal proposal would be located in an unsuitable and unsustainable location for a new dwelling, 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 limited benefits of the appeal scheme when assessed against the policies in the development plan and Framework taken as a whole.

Conclusions

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

G Roberts

INSPECTOR