



Appeal Decision

Site Visit made on 8 June 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/Z3825/W/21/3269251

Garden Corner Blackhouse Road, Colgate, Horsham RH13 6HS

- 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 J Cobbett against the decision of Horsham District Council.
 - The application Ref DC/20/1350, dated 20 July 2020, was refused by notice dated 15 September 2020.
 - The development proposed is "construction of detached dwelling (resubmission of DC/18/0780)"
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location of the proposed development is acceptable, considering the strategic aims of the development plan.

Reasons

3. The appeal site is a large garden located between its parent dwelling ('Garden Corner') and No.4 Blackhouse Road. It is proposed to erect a detached dwelling with off-street parking to the front and a garden to the rear. The site is located within the open countryside in a designated Area of Outstanding Natural Beauty, outside of any defined settlement boundary. It forms part of the village of Colgate, which is an 'unclassified settlement' within the development hierarchy set out in the HDPF¹.
4. Policies 1 and 2 of the HDPF outline its strategic aims, which include a presumption in favour of sustainable development, specifying growth outside of the settlement of Horsham should be in accordance with the settlement hierarchy, amongst other things. Policy 3 of the HDPF defines the settlement hierarchy, which comprises the built-up areas of the 'Main Town' of Horsham followed by 'Small Towns and Larger Villages', where development will be permitted when of appropriate nature and scale. Policy 4 of the HDPF supports the expansion of settlements under specific circumstances, including where the site is an allocated site and it adjoins an existing settlement edge, amongst other things. As an unclassified settlement, Colgate does not comprise a built-up area where development is supported by Policies 1, 2 and 3. The appeal site has not been allocated for development within the development plan and the proposal therefore fails to accord with Policy 4 too.

¹ Horsham District Planning Framework (2015)

5. Policy 26 of the HDPF specifies the relevant criteria that apply to development proposals located outside built-up areas, including that the development must be essential to its countryside location. I have not been presented with any evidence to suggest the proposal satisfies this requirement.
6. As the appeal site forms part of the garden of Garden Corner and it lies outside of a built-up area, it constitutes previously developed land, as defined in the Framework². Paragraph 78 of the Framework supports housing located where it will enhance or maintain the vitality of rural communities and Paragraph 84 encourages the use of previously developed land outside of existing settlements to meet local business and community needs. The proposal would enhance or maintain the vitality of Colgate, but it would not meet any identified local business or community need. Paragraph 79 of the Framework advises that development of isolated homes should be avoided. The proposal does not relate to the development of an isolated home, and therefore this part of the Framework does not weigh in favour or against the proposal.
7. In their submissions, the appellant has placed great weight on the Council's Regulation 18 Draft Local Plan³ and the Secondary Settlement Boundary Review⁴. These do not form part of the development plan and remain open to amendment prior to adoption. I have not been provided with full copies of the draft policies as part of the appeal submissions, but the appeal site is shown to remain outside of any defined settlement in the Secondary Settlement Boundary Review and it would remain an unallocated site. Based on the submissions made, I therefore see no changes currently proposed which would make the proposal compliant with any future development plan to suggest I should apply any significant weight to those emerging policies.
8. By failing to accord with Policies 1, 2, 3, 4 and 26 of the HDPF, the proposed development is contrary to the strategic aims of the Council's development plan. These seek to ensure the sustainable delivery of housing through the provision of housing in the most appropriate locations, amongst other things. The proposal's partial compliance with some aspects of some policies and some parts of the Framework would not outweigh the harm that would be caused by failing to respect those strategic aims.

Other Matters

9. The appellant has referred to instances where the Council have approved dwellings in locations which are currently located outside of designated settlements, but are shown to be sited within designated settlement boundaries in the Secondary Settlement Boundary Review. The circumstances of those examples are therefore very different to the proposed development and I have reached a different conclusion based on the individual merits of this case. Reference has also been made to a domestic outbuilding permitted at a neighbouring site; however, as that building did not comprise a residential unit, different circumstances would have applied, and its existence at a neighbouring site does not lead me to a different conclusion on the main issue in this appeal.
10. The appellant has highlighted the contribution that the proposed dwelling would make to housing supply within the District. This would be a modest benefit,

² National Planning Policy Framework (2019)

³ Draft Horsham District Council Local Plan 2019-2036 (Regulation 18, February – March 2020)

⁴ Local Plan Review – Background Paper: Secondary Settlement Boundary Review (February 2020)

but as the Council's most recent AMR⁵ demonstrates a 111%, or 5.54 years' housing land supply this benefit would not outweigh the harm I have identified, even based on the appellant's claims relating to potentially stalled permissions due to the COVID-19 pandemic.

11. I note support for the proposal from a neighbouring resident who has suggested the proposal would help Colgate remain sustainable and allow the appellants to continue residing in the village, while also referring to large scale developments approved in the locality. I have not been provided with details of those other developments, where different circumstances may apply, and I have concluded that although the proposal would enhance or maintain the vitality of Colgate, this benefit would not outweigh the harm caused by failing to accord with the development plan as a whole. I have also not been presented with any detailed personal circumstances relating to the appellants which may weigh in favour of the proposal to assess as part of this appeal.
12. I acknowledge the previous appeal decision⁶ relating to a similar development at the appeal site and that the appellants have sought to address the issues identified at that time. However, my decision is made having regard to that decision and all the other information before me.

Conclusion

13. The proposed development would fail to accord with the Council's development plan and I have not been convinced that there are any material considerations that indicate planning permission should otherwise be granted. The appeal is therefore dismissed.

L Douglas

INSPECTOR

⁵ Horsham District Council – Authority Monitoring Report 2019/20

⁶ APP/Z3825/W/18/3210699