



Appeal Decision

Site Visit made on 28 April 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 JULY 2021

Appeal Ref: APP/Z3825/W/21/3267327

Priory Fields, Monastery Lane, Storrington, West Sussex

- 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 Philip Orpwood of Norbertine Order against the decision of Horsham District Council.
 - The application Ref DC/20/1710, dated 7 September 2020, was refused by notice dated 31 December 2020.
 - The development proposed is construction of gardeners cottage and garage.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. There are other appeals made by the appellant on nearby sites. For the avoidance of doubt, I have determined these appeals on their individual merits.

Main Issues

3. The main issues are whether the proposed development would provide a suitable site for housing having particular regard to the effect of the proposed development on the character and appearance of the area, and its effect on biodiversity.

Reasons

Character and Appearance

4. The appeal site is part of an open, mainly undeveloped field which is laid to grass with numerous trees. This field is adjoined to the side and rear by mainly open land and woodland. There is residential development along Kithurst Lane and to the north. However, given the rural character of the appeal site and its separation from Kithurst Lane due to the landscaped boundary, it relates more closely to the surrounding countryside land. Priory Fields makes a positive contribution to this rural setting. Development nearby has been approved including a three storey block of flats and 9m high retail unit and clinic, although there is no evidence that these would result in a change to the character of this surrounding countryside.
5. The construction of a dwelling along with the domestication of the site through the introduction of residential features including parking, formal landscaping, garden equipment and driveways would result in a developed urban character to the appeal site. This would harmfully erode the important undeveloped countryside character of the land which, in turn, would have a negative effect on the wider surroundings.

6. The dwelling would be highly visible along the access when travelling to and from Matt's Wood and the cemetery. Although this land is privately owned it is currently accessible to the public. As such, this harm would be experienced.
7. Consequently, the proposed development would have a harmful effect on the character and appearance of the surrounding area. Therefore, in this respect, it would be contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (November 2015) (HDPF) and Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan (September 2019) (NP) which together seek to protect the natural environment and landscape character of the borough, as well as setting criteria to achieve high quality design for new development including a sympathetic relationship with the surroundings.

Suitability of the site for housing

8. It is not in dispute that this land is outside the defined built-up area and is not currently allocated for development. Together, Policies 2, 3, 4 and 26 of the HDPF and Policy 1 of the NP set out the aims for the strategic pattern of development in Horsham and Storrington. The development hierarchy seeks to focus development within the defined built-up areas and sets specific criteria where development outside these areas would be supported. They further require that development in the countryside must protect its rural character and undeveloped nature and must be for a specified use. These policies are required in order to maintain rural landscape character and to provide suitable access to services for new development.
9. The allowances to build outside the boundary are said to apply to this proposal. However, a single dwelling would not appear to be essential to its countryside location and I am not provided with specific evidence as to how this development would meet the policy exceptions. Furthermore, even if revisions to the development boundary are under consideration that is a matter that will be determined by future plan-making rather than by an individual appeal.
10. The appellant did not apply for an agricultural worker dwelling and consequently no detailed information has been provided to support such a use. Therefore, this policy exception does not apply and Policy 20 of the HDPF which relates to rural workers accommodation is not one of the most important policies for determining this appeal.
11. There is no specific detail about other developments outside the built-up area approved by the Council and therefore no indication that they would be so similar to the proposal as to have a bearing on this decision.
12. Therefore, due to its location outside the areas which are the main focus of new development and because it would not maintain the undeveloped nature of the countryside or its rural character, the proposed development would not provide a suitable site for housing. Consequently, it would be contrary to the development plan policies referred to above.

Biodiversity

13. The application was accompanied by a Preliminary Ecological Appraisal Report dated December 2017. It states that terrestrial and aquatic conditions on site were found to have potential to support reptiles and amphibians and the site has moderate potential to support great crested newts. It concludes that

further studies in the form of a reptile presence/absence survey and environmental DNA tests for great crested newts should be carried out.

14. National guidance on this matter is clear. Circular 06/2005 "Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system" advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been taken into account. It goes on to say that the need to undertake further ecological surveys should only be left to coverage under planning conditions in exceptional circumstances.
15. There have been surveys in the past that have not identified these species. However, the appellant is actively trying to encourage wildlife. Therefore, even though these species may not have been present in the past, there is a possibility that such results could change. Consequently, I am not persuaded that the exceptional circumstances which would allow this matter to be dealt with via condition exist.
16. The appellant seeks to increase planting on and near the appeal site and has improved the soil and provides public access to Matt's Wood. A reptile barrier around the site has also been proposed although I am provided with limited detail. These objectives are admirable. However, in the absence of the survey work outlined above, the effectiveness of such measures, in terms of mitigation and potentially off-setting any harm to biodiversity, cannot be fully assessed. Consequently, they attract little weight in favour of the appeal scheme.
17. I therefore conclude that there is a reasonable likelihood that great crested newts may be present at the site. Against this background, the proposal would be contrary to Policy 31 of the HDPF and Policy 15 of the NP which together seek to refuse development that would have an adverse effect on biodiversity and to protect the green infrastructure assets of Storrington.

Other Matters

18. The proposal would provide a new dwelling with the associated social and economic benefits. The dwelling is also said to be self-build housing, although there is no evidence that the initial owner of the home has had primary input into its final design and layout or how this would be secured. Considering the scale of the development (a single new house), the benefits of the proposed development would be limited.
19. There is no dispute between the main parties in terms of its detailed design or regarding highways matters. There are also no objections from conservation officers or in relation to harm to the setting or views to and from the South Downs National Park. The lack of objections in these respects is nonetheless a neutral factor that does not weigh in favour of the development.
20. On the other hand, I have identified substantial permanent harm to the character and appearance of the area and potentially to protected species, contrary to the development plan. As such, the limited benefits would not outweigh this harm. The appellant states that this would represent the best use of land, however I find it to be harmful for the reasons set out above, contrary to the development plan.

21. While I have noted the appellant's concerns regarding the Council's handling of the planning application and their previous performance, that does not alter my assessment of the planning merits of the proposal.

Conclusion

22. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR