



Appeal Decision

Site Visit made on 10 August 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/Z3825/W/20/3262656

Roseacre, Stall House Lane, North Heath RH20 2HR

- 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 Ryan Saigeman against the decision of Horsham District Council.
 - The application Ref DC/20/0411, dated 28 February 2020, was refused by notice dated 26 May 2020.
 - The development proposed is "Change of use and construction of one 4 bed house".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the principle of the proposed development with specific regard to its location; and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Location of the Proposed Development

3. The appeal site is in the open countryside, adjacent a small cluster of houses that form part of the unclassified settlement of North Heath.
4. Policy 1 of the Council's Planning Framework¹ outlines its strategic aims, which include a presumption in favour of sustainable development. The settlement hierarchy, and thus the Council's priorities to ensure sustainable patterns of development, is identified by Policy 3 which directs development first to the built-up area of Horsham followed by 'Small Towns and Larger Villages', 'Medium Villages', 'Smaller Villages', and then 'Unclassified Settlements'. Policy 3 states development will be permitted within towns and villages which have defined built-up areas.
5. Policy 4 sets out five exception criteria that apply for the expansion of settlements outside of built-up areas to be supported. Criterion 1 refers to sites needing to be allocated for development in the Local Plan and adjoining an existing settlement edge. The appeal site is neither; however, Policy 15 sets out how the Council intends to deliver at least 16,000 homes within the plan period, which includes the provision of 750 windfall units. The appellant has explained how this conflicts with the first criterion of Policy 4, which does not make any allowances for windfall sites.

¹ Horsham District Planning Framework (2015)

6. The proposal would comply with three of the other four criteria by being of a level of expansion appropriate to the scale and function of the unclassified settlement, contributing to meeting housing need, and not prejudicing long-term development. With regard to the fifth criterion, the proposal would be contained within an existing defensible boundary. That said, compliance with this criterion requires development to also maintain or enhance the existing landscape character, which is a matter I shall return to in my assessment of the second main issue.
7. Policy 26 states inappropriate development which is not essential to its countryside location should be resisted outside built-up areas to, amongst other things, ensure that it enables the sustainable development of rural areas. In addition, development should not lead to a significant increase in the overall level of activity in the countryside.
8. The appellant has referred to reasonably close local services in the form of a petrol station with a shop and bus stops located on the A29 offering regular routes to Pulborough and Billingshurst. I was unable to locate any visible bus stops along this section of the A29 but noted these would be short walks along the unpaved and quiet Stall House Lane and Gay Street Lane, followed by a narrow paved section along the A29, which is subject to heavy traffic. This journey would be unsuitable for most people with mobility issues or accompanied by children, but in any other case, I consider it unlikely that walking this route would be an attractive or safe option for future residents, especially in dark or poor weather conditions.
9. The lack of easily accessible local services means most journeys would need to be made to Pulborough, Billingshurst and/or further afield. Although travel from the appeal site to Pulborough and Billingshurst would be possible by foot, bicycle and/or bus, the difficulty of such journeys mean it would be reasonable to expect the vast majority, if not all, trips generated by the proposed four-bedroom house would rely on private motor vehicle use.
10. Brining things together, the appeal scheme would comprise the development of a site in the open countryside which is the least preferred location for new development in the Council's settlement hierarchy. Further to this, future occupiers would have to rely on the use of private motor vehicles for journeys to and from the appeal site which is the least sustainable travel option and as such would be contrary to the aims of the settlement hierarchy as well as Policy 26 for the reasons I have given. It would accordingly encourage unsustainable patterns of new development. There is some support for the proposed development by Policy 15 but the planning merits need to be determined with regard to the development plan as a whole. With that and the above in mind, the principle of the proposed development would not be acceptable with specific regard to its location, which conflicts with the policies I have cited, the aims of which I have set out.

Character and Appearance

11. Stall House Lane is a narrow road serving a small number of dwellings off of Gay Street Lane, where larger clusters of houses are located. Buildings on Stall House Lane are mainly detached houses of varying size and style, set within large plots, but there are examples of single storey domestic

outbuildings and what appear to be equestrian buildings. Most buildings are set back from the highway behind thick planting, apart from Laurel Cottage, which has an open frontage offering clear views of the historic building which now forms part of a cluster of more recent houses. This cluster of houses directly east of the appeal site is an exception to the otherwise distinctly open and pleasant undeveloped rural character of the lane, where spacious verdant gardens ensure views of buildings from the highway are limited.

12. The proposed dwelling would be set within a plot of similar width to the bungalow at Woodside, on the opposite side of the highway. It would be clad in dark charred timber and have a steep composite raised seam steel pitched roof, low eaves and side facing gables. It would comprise a minimalist design in the streetscene, with photovoltaic panels, dormers and large expanses of glazing confined to the rear and side elevations facing away from the highway. The appellant has explained the proposed design seeks to imitate an agricultural building which has undergone changes over time; however, there are no agricultural buildings of comparable size or style along Stall House Lane and it would appear clearly residential in character. Its design, scale, detailing and use of modern contrasting materials mean it would not form a subordinate or sympathetic addition to the rural landscape.
13. The proposed Landscaping Plan shows that a large proportion of the site would be left uncut, retained as wild flower meadow and planted with a mix of trees and hedgerow, but even heavy planting would not sufficiently mitigate the inevitable harmful impact of the substantial dwelling's built form on the open undeveloped rural character of Stall House Lane. It would not continue the existing pattern of development within North Heath or infill a gap between existing residential development. Nor would it complement or be contained within the adjacent cluster of houses set within large plots or the bungalow opposite, which is smaller in scale and orientated away from the road. Although its architectural style would not be objectionable in the right context, it would be sited too close to the highway and occupy too much of its plot in comparison to neighbouring properties on Stall House Lane. Its siting, mass and scale would therefore fail to respect its location on what is a sparsely developed country lane.
14. The proposal would harm the character and appearance of the area, eroding the open rural landscape of Stall House Lane, and would therefore fail to accord with Policies 25, 32 and 33 of the Council's Planning Framework. These require, amongst other things, the protection of landscape character from inappropriate development and the integration of buildings with their surroundings, ensuring that the scale, massing and layout of development relates sympathetically with its surrounding character.
15. By virtue of the above factors, the appeal scheme would also fail to comply with the second part of criterion 5 of Policy 4. As such, and notwithstanding previous findings regarding the first criterion², the appeal scheme would fail to comply with Policy 4 as a whole, given that it is worded to require a proposal to satisfactorily address all of its exceptions, as set out above.

² Appeal reference APP/Z3825/W/16/3150965

Other Matters

16. It has been suggested by the appellant that the appeal site could constitute a brownfield site or previously developed land on account of previous non-agricultural or unneighbourly uses of the land. No evidence has been submitted to support this claim or to demonstrate there is a realistic expectation that the site would be put to such uses lawfully in future. Although I noted the site was overgrown, its current appearance is typical for a countryside location and does not harm the character of the area.
17. During the course of the appeal the appellant submitted details³ which show the Council is unable to demonstrate a five-year housing land supply, contrary to the contents of the Council's earlier officer report and appeal statement. The Council were given an opportunity to comment on these late submissions, but no further representations were made. Should the Council be unable to demonstrate the required supply of housing, the most important policies would be deemed out of date and I would be taken to Paragraph 11(d)(ii) of the Framework⁴ which states that planning permission should be granted for applications involving the provision of housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. I have found harm relating to the failure of the proposal to comply with the strategic aims of the development plan which direct new residential development towards existing towns and villages and the effect of the proposal on the character and appearance of the area, and whilst I may attribute less weight to the most important policies and any conflict therewith by virtue of them being out of date as set out in Paragraph 11 of the Framework, those other planning harms arising out of the proposal would not be as affected. In both cases, the harms would be significant and long lasting. They would accordingly attract substantial weight.
19. The proposal would contribute a single dwelling towards the Council's housing land supply. This would be small in the grand scheme. There would be economic benefits during the course of its construction and from one additional house being occupied in this location but, again, such benefits would be constrained by the scale of the proposed development. The proposed dwelling would incorporate sustainable design features, including photovoltaic panels, battery stores, electric vehicle charging points, and a rainwater harvesting and sustainable drainage system, reducing its environmental impact. These are modest benefits to which I assign moderate weight. The appellant has suggested the tidying up of the appeal site and the removal of potential unneighbourly uses would be benefits associated with the proposal, but I do not consider these to be matters weighing in its favour or indeed tangible benefits of the appeal scheme, as I have explained above.
20. The Framework offers support for residential development on windfall sites within existing settlements, and where proposals would enhance or maintain the vitality of rural communities, but the proposal would have little effect on the vitality of North Heath due to it only providing one house and the lack of local services. There would be limited opportunities to maximise sustainable

³ Statement of Common Ground in relation to appeal reference APP/Z3825/W/20/3261401 dated 24 June 2021 and appeal decision reference APP/Z3825/W/20/3257700 dated 2 August 2021

⁴ National Planning Policy Framework (2021)

transport solutions, as encouraged by the Framework, which would be expected for a rural location, but the lack of sufficiently close local services or easily accessible bus routes suggests journeys to local services would have to be made by private motor vehicles; the proposal would encourage electric private motor vehicle use in this regard, but their use could not be insisted upon. The Framework encourages good architecture and development which is visually attractive and sympathetic to local character, but in this location the proposal would not achieve these aims on account of its siting, size and mass, which would erode the open rural character of Stall House Lane.

21. Taking all the above into account, it is sufficiently clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore constitute sustainable development for which the presumption in favour applies.

Conclusion

22. For the reasons given above I conclude that the proposal would fail to accord with the development plan and there are no material considerations, including the Framework, that would indicate planning permission should otherwise be granted. The appeal should therefore be dismissed.

L Douglas

INSPECTOR