
Appeal Decision

Site visit made on 8 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/Z3825/W/21/3269125

Lancasters Cottage, Littleworth Lane, Partridge Green RH13 8EJ

- 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 S Brewer against the decision of Horsham District Council.
 - The application Ref DC/20/2086, dated 26 October 2020, was refused by notice dated 8 January 2021.
 - The development proposed is removal of garage and garden buildings. Construction of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to the comments from the appellant regarding any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.
3. The Council's draft Horsham District Local Plan 2019-2036 (the draft Local Plan) has not reached submission stage or been independently examined and so it carries minimal weight.
4. The West Grinstead Parish Neighbourhood Plan 2019-2031 (the Neighbourhood Plan) was approved at referendum on 6 May 2021 and was formally made on 23 June 2021. This document, which was still emerging at the time the Council issued its decision, now forms part of the development plan and I have determined the appeal on this basis.
5. Following the recent *Bramshill* Court of Appeal judgment¹ regarding isolated homes in the countryside, I have sought further comments from the main parties on any implications this judgment may have for this appeal. I have had regard to the comments from the appellant in reaching my decision.

Main Issue

6. The main issue is whether the appeal site would be an appropriate location for new housing development having regard to local and national planning policy.

¹ City & Country Bramshill Limited v SSHCLG [2021] EWCA Civ 320

Reasons

7. The appeal site consists of the northern part of the garden of Lancasters Cottage, and the proposal is to remove garage and garden buildings and erect a detached dwelling. The proposed dwelling would be sited between Lancasters Cottage to the south and Birchfield to the north. The appeal site is located outside the built-up boundary of any settlement and is therefore in the countryside for planning purposes. The area is rural in character, with only sporadic residential development along Littleworth Lane.
8. Policies 2, 3 and 4 of the Horsham District Planning Framework 2015 (the HDPF) set out the Council's spatial strategy for the District. Policy 2 aims to maintain the area's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. To achieve this, it seeks, amongst other things, to focus development in and around the key settlement of Horsham and allow for growth in the rest of the District in accordance with the settlement hierarchy. Policy 3 sets out the development hierarchy and states that development will be permitted within towns and villages which have defined built-up areas. Policy 4 supports the expansion of settlements outside built-up area boundaries where five specific criteria are all met. This includes that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.
9. The Neighbourhood Plan does not allocate sites for housing but instead sets out a 'Community Aim' to encourage the commercial land uses at Huffwood Trading Estate to relocate to land south of Star Road in order to facilitate residential development at the site. West Grinstead Parish Council has agreed to undertake a review of the Neighbourhood Plan in order to take account of any revised housing numbers which are allocated to the Parish in the emerging Local Plan, and paragraph 9.4 of the Neighbourhood Plan states that this will commence within 12 months of the adoption of the Local Plan or by early 2023, whichever is sooner.
10. The appeal site is not allocated in the HDPF or the Neighbourhood Plan and it does not adjoin an existing settlement edge. Furthermore, the proposed market dwelling is not identified in the development plan as an appropriate use in the countryside. Consequently, the location of the proposed dwelling in the countryside would conflict with the spatial strategy set out in the above policies.
11. Policy 26 of the HDPF states that outside the built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. The policy requires that any proposal must be essential to its countryside location, and in addition meet one of four listed criteria. The proposal is for market housing and there is nothing substantive before me to demonstrate that the proposed development would be essential to its countryside location. The proposal would therefore conflict with Policy 26 of the HDPF.
12. The National Planning Policy Framework (the Framework) sets out the approach to rural housing in paragraphs 78 to 80. In order to promote sustainable development in rural areas, paragraph 79 states that housing should be located where it will enhance or maintain the vitality of rural communities. Opportunities for villages to grow and thrive should be identified especially

where this supports local services. Development in one village may support services in another village nearby.

13. Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless specific circumstances apply (none of which are relevant to this proposal). The Framework does not define isolated, but the more recent *Bramshill* judgement has clarified the previous *Braintree* judgement² that 'isolated' should be taken to mean remoteness from a settlement rather than from other buildings.
14. The appeal site is approximately 1.2 miles north of the built-up boundary of Partridge Green, which is characterised in Policy 3 of HDPF as a medium village with a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day-to-day needs for residents but rely on small market towns and larger settlements to meet a number of their requirements. The appeal site is also around 0.7 miles north of Littleworth, which is an unclassified settlement characterised in Policy 3 as having few or no facilities and limited accessibility.
15. I acknowledge that Policy 2 of the draft Local Plan places Partridge Green higher on the settlement hierarchy within the category of small towns and larger villages, reflecting good service provision and reasonable passenger transport facilities. Furthermore, the draft Local Plan proposes to include Littleworth as a secondary settlement, characterised as very small villages and hamlets that generally have some limited local employment, services or facilities and/or evidence of a defined local community.
16. Littleworth Lane provides the route from the appeal site to Partridge Green and Littleworth, which is a narrow, un-lit road with no pedestrian footway. This discourages walking and cycling, particularly at times of darkness and bad weather. Furthermore, the appeal site has poor accessibility to bus stops due to the distances involved and the nature of the pedestrian route.
17. I appreciate that the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that sites to meet business and community needs in rural areas may have to be found in locations that are not well served by public transport. However, given the distances to the nearest settlements and the nature of the road, it is likely that future occupiers of the proposed dwelling would be heavily reliant on use of the private car for day-to-day needs. I therefore find that the proposal would represent an isolated home in the countryside, contrary to paragraph 80 of the Framework. It follows that the location, set away from existing rural communities and villages, would also be contrary to paragraph 79 of the Framework.
18. The appeal site is in the countryside and it has not been demonstrated that the proposal is essential to its countryside location. The development would be contrary to the overall spatial strategy of the development plan and the way in which it provides for the growth of existing settlements to protect the District's rural character and reduce the need to travel.
19. For these reasons, I conclude that the appeal site would not provide an appropriate location for housing development. It would be contrary to Policies

² *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

1, 2, 3, 4 and 26 of the HDPF, the aims of which are set out above. It would also be contrary to paragraphs 78 to 80 of the Framework relating to the location of rural housing, as well as paragraph 15 which makes clear that the planning system should be genuinely plan-led.

Other Matters

20. The appellant has drawn my attention to two previous planning permissions at Abbots Lea, Littleworth Lane. The first relates to a proposal allowed on appeal in July 2014³ for the demolition of glass housing and removal of a former car park and the erection of 2 detached dwellings on land to the rear of Abbots Lea. The second application⁴ comprises the erection of a detached dwelling on land to the side of Abbots Lea, which was approved by the Council in August 2020.
21. Those proposals are in a more accessible location in the settlement of Littleworth, and so I find that they are not comparable to the appeal scheme before me. Regarding the 2014 appeal decision, the Inspector said that whilst the site lies outside the boundary of the built-up area, Littleworth has the character of a hamlet and the number of houses is sufficient that the proposed dwellings would not be isolated from an existing settlement. Furthermore, there is a pavement on the west side of Littleworth Lane providing a relatively easy walking route for most people from the site to Partridge Green, which has a good service provision. She stated that future residents would not be dependent upon their cars for access to everyday services, which is not my finding in respect of the current appeal.
22. I have had regard to the appellant's reference to a possible strategic site identified in the draft Local Plan at Buck Barn, West Grinstead, however this is not located in the immediate vicinity of the appeal site. As the draft Local Plan has not reached submission stage or been independently examined, this carries minimal weight. Furthermore, assessments relating to the suitability of strategic allocations are a matter for the local plan process and I am required to assess the current appeal on its own merits.

Planning Balance and Conclusion

23. The appellant has submitted two appeal decisions⁵ during the course of the appeal relating to sites within the district, which indicate a housing land supply of between 4.2 – 4.3 years. As such, the information before me indicates that the Council is unable to demonstrate a 5 year deliverable supply of housing. The most important policies for determining the application are therefore out-of-date. In light of paragraph 11 d) ii of the Framework, planning permission should be granted 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.
24. Paragraph 60 of the Framework sets out an objective to significantly boost the supply of homes. The proposal would make effective use of previously developed land and contribute towards the supply of housing in the District. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in

³ Appeal Ref. APP/Z3825/A/14/2213010

⁴ Council Ref. DC/20/0592

⁵ Appeal Refs. APP/Z3825/W/21/3266503 & APP/Z3825/W/20/3257700

paragraph 69 of the Framework. Furthermore, some economic advantages would arise from the construction of the proposed dwelling and the long-term economic benefit through the increased population and use of local services. However, the benefits would be limited by the modest scale of the development for a single dwelling.

25. Notwithstanding these benefits, the location of the site would be contrary to the development plan's spatial strategy, which seeks to protect the District's rural character and to steer housing to locations that are close to services, facilities and public transport. It would also conflict with the Framework which looks to manage patterns of growth in ways to promote sustainable transport for social and environmental reasons. This weighs significantly against the scheme.
26. Overall, I find that the adverse impacts of the development would significantly and demonstrably outweigh its benefits when considered against the Framework taken as a whole. Consequently, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.
27. The proposal would conflict with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR