
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: 13 September 2021

Appeal Ref: APP/Z3825/W/21/3269430

Marringdean Barn, Marringdean Road, Billingshurst RH14 9HF

- 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 D Price against the decision of Horsham District Council.
 - The application Ref DC/20/2128, dated 29 October 2020, was refused by notice dated 5 January 2021.
 - The development proposed is 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 main parties 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 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 Billingshurst 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 main parties in reaching my decision.

Main Issues

6. The main issues are:
 - 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

- the effect of the proposal on the character and appearance of the area.

Reasons

Location

7. The appeal site consists of open grassed land located to the rear of the residential dwelling at Marringdean Barn, which is enclosed by a post & rail fence and hedges. It is located outside the defined built-up area of Billingshurst and so it is in the countryside for planning purposes. There is nearby ribbon development on the western side of Marringdean Road outside the defined built-up area. The appeal site is served by an existing track that provides access to Marringdean Barn, Marringdean Oak and Tall Trees.
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. Policy Bill 1 of the Neighbourhood Plan aims to focus development within the proposed built-up area boundary. It states that development proposals outside the proposed built-up area boundary will only be supported where: i) it is in accordance with the development plan policies on appropriate uses in the countryside; or ii) it relates to necessary utilities; or iii) it represents the appropriate provision of tourism facilities, accommodation, attractions and activities; or iv) it is on sites allocated for those uses in the HDPF.
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 nearest settlement to the appeal site is Billingshurst, which is characterised in Policy 3 of the HDPF as having a good range of services and facilities, and reasonable passenger transport services. Whilst the proposal would be close to other residential dwellings, it would be around 1 kilometre from the built-up boundary of Billingshurst. Marringdean Road provides the route to the settlement, which is a narrow, un-lit road and a long stretch has no pedestrian footway. This discourages walking and cycling, particularly at times of darkness and bad weather. I am also unaware of any nearby bus stops.
15. 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 distance to the settlement 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.
16. 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.
17. For these reasons, I conclude that the appeal site would not provide an appropriate location for housing development. It would be contrary to Policies 1, 2, 3, 4 and 26 of the HDPF and Policy Bill 1 of the Neighbourhood Plan, 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.

Character and appearance

18. The area has a green, rural character due to the loose knit nature of development and views of mature trees and vegetation. The open nature of the appeal site to the rear of the dwellings at Marringdean House and Marringdean

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

Barn contributes positively to the intrinsic rural qualities of the area. The pattern of development moving away from Billingshurst is predominantly ribbon development along Marringdean Road. Marringdean House is at the end of the ribbon development on the western side of the road, and the land to the south is largely fields. There is a short row of houses on the opposite side of the road that extends further to the south.

19. The proposal consists of a large dwelling of significant width and bulk that would be set back considerably from Marringdean Road, behind Marringdean House and Marringdean Barn. The scale of the proposed dwelling, along with the associated parking and domestic paraphernalia, would significantly erode the openness of the appeal site. Furthermore, whilst there is a limited amount of development at depth in Marringdean Road, the set-back location would appear divorced and poorly related to the above existing buildings, and it would visually encroach into the countryside.
20. Whilst I note that the trees along the south-eastern boundary would provide some screening of the proposal from the public realm, this would be less so during months when vegetation is not in leaf. The incursion of the proposed dwelling into the countryside would be perceptible from the south in Marringdean Road and from the nearby public footpath to the north. Consequently, the scale and siting of the proposed dwelling would cause visual intrusion in the countryside and harm the positive contribution that the appeal site makes to the rural character of the area.
21. The proposed development would therefore cause significant harm to the character and appearance of the area. It would therefore conflict with Policies 25, 32 and 33 of the HDPF and Policy BILL 2 of the Neighbourhood Plan. These policies require developments, amongst other things, to achieve high quality design; respect the character of the surrounding area; and, protect the natural environment and landscape character of the District. The proposal would also be contrary to paragraph 174 of the Framework, which requires decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

22. The duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. There are Grade II listed buildings at Marringdean Manor and Marringdean Cottage to the north and east respectively. The Council states that the proposal would not interfere with an appreciation of the relationship between the historic house and the farm complex, or an understanding of the functional relationship with a historic worked landscape. I see no reason to take a different view, and so the proposal would preserve the setting of the listed buildings.

Planning Balance and Conclusion

23. The appellant has submitted two appeal decisions³ 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. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing. The most important

³ Appeal refs. APP/Z3825/W/21/3266503 & APP/Z3825/W/20/3257700

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 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 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 conflict with the Framework which looks to manage patterns of growth in ways to promote sustainable transport for social and environmental reasons. Furthermore, the proposal would cause significant harm to the character and appearance of the area. These factors weigh significantly against the proposal.
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