



Appeal Decision

Site Visit made on 19 October 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/Z3825/W/21/3272691

Lower Batchelors Emms Lane, Barns Green, Horsham RH13 0QH

- 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 Christian John against the decision of Horsham District Council.
 - The application Ref DC/20/2463, dated 9 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is the erection of two self build dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issues

3. The main issues are whether or not the proposed development a) is within the defined settlement boundary of Barns Green; b) causes harm to the character and appearance of the area; c) raises highway safety implications; and d) contributes to the enhancement of biodiversity.

Reasons

Settlement Boundary

4. Policies 2 and 3 of the Horsham District Planning Framework (HDPF) 2015, seek to focus development on existing towns and villages, in order to allow for growth that maintains and enhances the district's settlement pattern as well as the character of the rural landscape. Inset Map 2 of the HDPF establishes the settlement boundary of Barns Green, with the railway line forming the village's southern boundary. The appeal site is located to the south of the railway line and therefore outside the defined settlement boundary.
5. Development outside settlement boundaries is only permitted by the HDPF in certain circumstances. Policy 4 allows for the expansion of villages but only if sites are allocated within the development plan. The appeal site is not allocated within the development plan for village expansion. Policy 26 identifies specific

¹ National Planning Policy Framework (2021)

instances where development outside a settlement boundary might also be considered more favourably, for example where it is related to the needs of agriculture or forestry. I have no evidence before me to indicate that the proposal would meet the criteria set out in this policy.

6. Accordingly, I find that the proposal would represent unjustified development outside the defined settlement boundary of Barns Green. As such, it would be contrary to Policies 2, 3, 4 and 26 of the HDPF, which amongst other things, seek to ensure that except in certain instances, development outside settlement boundaries is not permitted.

Character and Appearance

7. The proposed dwellings would reflect local building styles and utilise appropriate materials. However, even with the first-floor accommodation being contained within the roof, they would be sizable buildings that, notwithstanding the boundary planting along Emms Lane, would be noticeable from outside of the site. In addition, the dwellings would be positioned around a shared access and turning area and as such, the orientation of the houses and site layout would not reflect the prevailing linear pattern of development along this part of Emms Lane.
8. Extending the ribbon of development that is south of the railway line in this way would create an incongruous form of development that would be harmful to the character and appearance of the site's rural location. Accordingly, the proposal would be contrary to Policies 25, 32 and 33 of the HDPF, which amongst other things, seek to ensure that local character is protected, and that new development complements its setting and context.

Highway Safety

9. The submitted drawings indicate partial visibility splays for the site's access but do not demonstrate the proposal could fully comply with the Highway Authority's requirements. I also note that the crossover would not be wide enough to allow two vehicles to pass, which in turn may have highway safety implications.
10. Unlike the existing houses to the north of the site, the visibility for the proposed access would be significantly compromised by the existing boundary planting and limited grassed verge. Therefore, based on the lack of substantive evidence to demonstrate that the proposal would not have implications for highway safety, I find that the proposal would be contrary to Policy 40 of the HDPF. This policy, amongst other things, seeks to ensure that developments provide safe and suitable access for all vehicles.
11. The Council also considered the proposal to be contrary to Policy 41 of the HDPF but as this policy relates to parking, I am satisfied that it is not relevant to my decision.

Biodiversity

12. The appeal site is an existing field. The site is not subject to any formal environmental designations but given the surrounding countryside and woodland, it would no doubt provides some contribution towards local ecology and wildlife. The appellant highlights a number of environmentally friendly features which are said to be incorporated within the proposed development,

but there are no details or information explaining how the issue of biodiversity would be addressed.

13. The loss of the field and its replacement with two new dwellings, access and turning areas would appear to represent a net loss in terms of biodiversity. It is not clear what consequences, if any, this might have for species and habitats or if it would have implications for the integrity of The Mens Special Area of Conservation (SAC), given its proximity to the site. However, as I am dismissing this appeal for other reasons, it is not necessary for me to have regard to the Conservation of Habitats and Species Regulations 2017, which would otherwise require me to consider whether the project would result in significant effects on The Mens SAC.
14. Nevertheless, based on the information before me, I must conclude that the proposal has not demonstrated that it would appropriately address the issue of biodiversity. The proposal would therefore be contrary to Policies 25 and 32 of the HDPF, which amongst other things, seek to ensure that biodiversity is protected, and that development contributes to its enhancement.

Other Matters

15. The appellant proposes to use locally sourced materials and traditional building methods, and although there are no specific details provided, a zero-carbon footprint and the use of energy efficiency technologies are cited as further factors in support of the proposal. However, they would represent a lack of harm and accordingly would be neutral in any balance.
16. The appellant has also suggested that conditions could be used to secure such matters as cycle parking, drainage, car charging points and water usage. The use of any conditions would secure those matters which were necessary for the development to proceed. As such, they would similarly represent a lack of harm and so would be neutral in any balance.
17. The appellant has pointed me towards the Framework's support for the need to make use of small sites and the role windfall sites can play in providing housing. Accordingly, I give this matter some weight.
18. The Government attaches importance to the supply of self-build and custom build housing and the appellant has described the dwellings as being for self-build purposes. However, I have not been provided with any details regarding the supply or demand for such housing in the area. Furthermore, there are no details as to how it would be secured were the appeal to be allowed. I therefore attach limited weight to this issue.
19. The appellant refers to other sites which have received planning permission for residential development, but I do not have the details of those schemes before me and therefore cannot be sure that they represent a direct parallel with the appeal proposal. In any case, I have determined the appeal on its own merits.
20. In view of my findings, it is not necessary for me to take any action in relation to Natural England's position statement regarding development within the Sussex North Water Supply Zone. However, in the event of another application being submitted there may be a need for further investigation at that time regarding any potential effect upon the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site.

Planning Balance and Conclusion

21. The Council acknowledge that, based on recent appeal decisions, they have between 4.2 and 4.4 years supply of deliverable housing land. Accordingly, I must have regard to paragraph 11 of the Framework as in this context the most important policies are considered out of date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. I have found that the proposed dwellings would undermine the Council's planned approach to the delivery of housing, represent inappropriate development in the countryside that would cause harm to the character and appearance of the area. In addition, there is no substantive evidence to demonstrate that the proposal will maintain highway safety or avoid harm to biodiversity. This would lead to conflict with the Framework, in particular paragraphs 15, 69, 110, 130 and 180, which amongst other things, seek to prevent such harms from occurring.
23. The Government's objective is to significantly boost the supply of housing and the proposal would provide two dwellings with adequate access to some local services. The proposal would also accord with the Framework's support for windfall sites. Given the scale of the proposal, the provision of these additional houses would attract moderate weight. The scheme would also lead to some, albeit time-limited, economic benefits during the construction phase, which may give rise to extra local employment.
24. As such, the adverse impacts of granting a planning permission would, in this case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It would not therefore be sustainable development for which the presumption in favour applies.
25. 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.

Stewart Glassar

INSPECTOR