



Appeal Decision

Site Visit made on 3 November 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 NOVEMBER 2021

Appeal Ref: APP/Z3825/W/21/3270495

19 Gardeners Green, Rusper RH12 4QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Lex Holmes of Denton Homes Ltd against the decision of Horsham District Council.
 - The application Ref DC/20/1933, dated 2 October 2020, was refused by notice dated 22 December 2020.
 - The development proposed is five new residential dwellings plus ten parking spaces to be accessed off the existing access onto Gardeners Green (to be widened).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with the matter of access to be determined at this stage. I have determined the appeal on this basis.
3. During the course of this appeal Natural England issued advice that it cannot be concluded that existing groundwater abstraction in this area is not having an impact on the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. I have sought the main parties' views on this matter and I will return to it later in my decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and whether the site is a suitable location for housing including with regard to accessibility by sustainable transport modes.

Reasons

Character and Appearance

5. Gardeners Green is a residential road characterised by mainly pairs of semi-detached dwellings of a similar appearance with open gaps between houses and modest rear gardens. No 19 differs in that it has a substantial garden area to the side. However, the character of the garden area closest to the house is more formal with planting, garden furniture and a patio, whereas the area to the west is open grassed land. Consequently, it makes a positive contribution to the pattern of development in Gardeners Green.
6. The appeal site is surrounded on the other three sides by mainly open countryside land. There is some sporadic development nearby including the

generous residential properties set in their own grounds of Dial Post Barn and Dial Post Farmhouse which is Grade II listed. Their notably different character means that these houses are clearly distinct from Gardeners Green and sit within the wider rural setting. The open land at the appeal site therefore makes a positive contribution to the pleasant rural surroundings.

7. The proposed development would introduce five dwellings to this open rural land. This urban form and scale of development would harmfully erode the undeveloped countryside character of the site. Consequently, the proposed development would be harmful to the rural character and appearance of the site and its surroundings.
8. Furthermore, although the appeal is in outline, based on the constraints of the site, the proposed development would be likely to include dwellings and plots which are significantly smaller than others nearby. This would harmfully erode the pattern of development and existing sense of spaciousness. Therefore, I am not persuaded that five dwellings could satisfactorily be accommodated on this site in this regard.
9. The proposed development indicatively shows a hedge and trees to Horsham Road, which would partially screen the development. However, the dwellings would be likely to be visible from within Gardeners Green and from neighbouring dwellings and when vegetation is not in leaf. Therefore, the harm identified would be experienced.
10. The Council did not refuse the application on the grounds that it would have a harmful effect on the setting of the listed building at Dial Post Farmhouse and I am not presented with evidence which would lead me to conclude otherwise.
11. Consequently, the proposed development would result in a harmful effect on the character and appearance of the area. As such it would be contrary to Policies 25, 26, 32, and 33 of the Horsham District Planning Framework November 2015 (HDPF) which together require high quality design including with regard to the protection of the landscape and townscape character and the rural and undeveloped nature of the countryside.

Location for Housing

12. Policy 3 of the HDPF encourages development within towns and villages which have a defined built up area boundary. Outside of these areas, Policy 4 sets criteria where expansions to settlements would be supported, including that the site is allocated in a neighbourhood or local plan, and that landscape and townscape character features are maintained and enhanced. Furthermore, Policy 26 sets criteria for development in the countryside including that it must be essential to its countryside location.
13. The proposed development is outside but adjacent to the built up area boundary of Rusper and it is beyond the scope of this appeal to alter these boundaries. Therefore, the site is in the countryside for the purposes of the development plan.
14. There is no dispute that the proposed development would be appropriate to the scale and function of Rusper. However, the site is not allocated in a Local or Neighbourhood Plan. Additionally, I have found harm to the landscape and townscape character features in this area. Consequently, the proposed development does not represent an appropriate expansion to the settlement of

Rusper. Nor is there justification that these open market dwellings are essential to this countryside location.

15. The site is located close to the centre of Rusper and access to the services in this village is along pavements, albeit that they are unlit. There is also some limited public transport in the area. Consequently, the proposed development would be reasonably accessible to day to day services by modes other than the private car.
16. Although I have not found harm with regards to the accessibility of the site, this does not diminish the conflict identified with regards to the settlement pattern in this area. Consequently, the proposed development would be contrary to policies 3, 4 and 26 in this respect.

Other Matters

17. The proposed development would provide the social and economic benefits of the development of five new homes. Furthermore, it would make effective use of previously developed land.
18. I am provided with a local plan assessment which concludes that development of this site would have a neutral impact. However, this considers a limited number of matters at a high level. I have taken its findings into account, however these have not altered my assessment which is based on the detailed evidence submitted with this appeal.

Planning Balance

19. The appellant suggests that the Council cannot meet its local housing need. If this were the case, paragraph 11(d) of the Framework would be engaged.
20. The proposed development would provide 5 new houses which would contribute towards the Government's target to significantly boost the supply of homes. Given its scale, the benefits in this regard would be modest. However, it would cause notable permanent environmental harm with regard to the harmful effect on the intrinsic character and beauty of the countryside and also that it would not be sympathetic to local character, including the surrounding built environment and landscape setting.
21. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the modest benefits, when assessed against the policies in the Framework as a whole. Therefore, even if paragraph 11d were engaged, the appeal scheme would be contrary to the aims of the Framework and Policy 1 of the HDPF, and the presumption in favour of sustainable development does not apply.

Arun Valley SPA, SAC and Ramsar site

22. The Arun Valley SPA, SAC and Ramsar site is a habitats site that has a high level of protection. Natural England have advised that for development to show that it will not contribute further to an existing adverse effect from groundwater abstraction it would have to demonstrate water neutrality. A Water Neutrality Statement is not provided although the appellant confirms the approach of minimising water use in the new build houses at 85L/pp/day could be achieved, with a mix of water saving measures.

23. Nevertheless, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

24. 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 set out above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR