
Appeal Decision

Site Visit made on 8 November 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/Z3825/W/21/3269819

Land at the Junction of East Street, Burnt House Lane and Lamb's Green Road, Chowles, Rusper, West Sussex RH12 4RG

- 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 Thames Water Utilities Ltd. against the decision of Horsham District Council.
 - The application Ref DC/20/0618, dated 24 March 2020, was refused by notice dated 8 January 2021.
 - The development proposed is Installation of surfaced highway lay-by.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of surfaced highway lay-by at Land at the Junction of East Street, Burnt House Lane and Lamb's Green Road, Chowles, Rusper, West Sussex RH12 4RG, in accordance with the terms of application Ref: DC/20/0618, dated 24 March 2020, and subject to the conditions in the attached Schedule.

Preliminary Matters

2. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published. The main parties were consulted in relation to this, and any responses received have been factored into my assessment of the appeal.

Main Issues

3. The main issues are:
 - i) whether a need for the proposed development has been demonstrated;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) whether the proposal would give rise to anti-social behaviour.

Reasons

Need

4. The appeal site is prominently located at a T-junction of three converging roads. Accordingly, the proposed lay-by would enable Thames Water Operations personnel to park off the road when visiting the pumping station for routine maintenance or in relation to emergency call-outs.

5. No specific highway safety evidence has been provided to demonstrate that such provision would be entirely necessary. However, in my judgement, the location of the site is such that removing vehicles from the highway would be a sensible approach. It would ensure that vehicles approaching the appeal site from all directions would do so in a safe manner without having visibility unduly compromised or having to move onto the wrong side of the road to pass parked vehicles. This would be demonstrably beneficial for all users of the highway, as well as to those undertaking work at the pumping station itself.
6. Accordingly, in the interests of highway safety, I conclude that there is a demonstrable need for the proposed development. On this basis, the proposal would comply with Policies 32 and 33 of the Horsham District Planning Framework (2015) (HDPF). Taken together, these policies seek amongst other things, high quality and inclusive design based on a clear understanding of context.

Character and appearance

7. The appeal site is primarily laid to grass and is bounded by a close-boarded fence with mature landscaping beyond. It is located within a rural environment although the recently installed pumping station is a prominent structure. The proposal would introduce a lay-by adjacent to the pumping station. Accordingly, the proposal would result in the loss of some of the verdant surroundings and see its replacement with an area of hardstanding that would have the effect of widening the existing carriageway.
8. Despite this, the proposal has been supplemented by a landscaping scheme that would see the planting of native hedgerow to define the proposed lay-by as well as the pumping station itself. In addition, native woodland edge planting would also be located beyond the hedgerow. In my judgement, the proposed landscaping scheme would be suitably complementary to the prevailing rural environment in which the appeal site is located. It would increase the variety and interest of planting on the appeal site and demonstrably soften the appearance of the proposed lay-by so that it would appear as a contextually appropriate alteration to the road. It would also likely enhance the ecological value of the appeal site.
9. As a consequence, I conclude that the proposal would not harm the character and appearance of the area. It would therefore comply with Policies 32 and 33 of the HDPF which taken together, seek amongst other things, high quality design which conserves the natural and built environment.

Anti-social Behaviour

10. The proposal would generate an area of hardstanding within a rural environment with limited natural surveillance. Accordingly, the Council's concern is the opportunities that such an environment would provide for potential fly-tipping and other anti-social behaviour. I acknowledge that the proposal could provide the ability for anti-social behaviour as well as unauthorised car parking. However, simply because opportunities are afforded does not mean that they would occur. Fly-tipping is a criminal offence and if it were to occur, it could be readily enforced under different legislation. Such enforcement is a matter that could be assisted through the provision of CCTV and parking restrictions, matters which both parties agree to be necessary, and

which could be secured through a suitably worded planning condition. Such restrictions would also enable enforcement against unauthorised car parking.

11. On this basis, I am entirely satisfied that the reservations of the Council could be adequately mitigated against. Accordingly, I conclude that the proposal would not give rise to anti-social behaviour. It would therefore comply with Policies 32 and 33 of the HDPF which taken together, seek amongst other things, high quality design which incorporates measures to reduce any actual or perceived opportunities for anti-social behaviour.

Conditions

12. In light of my findings set out above, conditions are necessary in the interests of precision and clarity to establish the time limit for the commencement of development as well as to list the approved drawing numbers. In addition, condition 3 is necessary in the interests of safeguarding and enhancing the ecological value of the site, and condition 4 is necessary to ensure suitable landscaping is implemented.
13. Condition 5 is necessary to safeguard against anti-social behaviour and conditions 6 and 7 are necessary to safeguard the amenity of adjacent occupiers.
14. The Council recommended an additional condition regarding ecological enhancement, however, I am satisfied that the Ecological Impact Assessment provided with the original application deals with this matter in a suitably proportionate manner.

Conclusion

15. For the reasons identified above, the appeal should be allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be implemented in accordance with the following drawing numbers: D332_A10-B2-AB-00602_C; D332_A10-B2-AB-00603_D; D332_A10-B2-AB-00607_A; D332_A10-B2-AB-20040_A; D332_A10-B2-AB-00605_B; and D332_A10-B2-AB-25103_A.
- 3) The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Impact Assessment (EcIA) Stantec-AMP6 Rusper Intermediate Pumping Station Option4; dated 17.03.2020.
- 4) The landscape works detailed on drawing number D332_A10-B2-AB-25103_A shall be implemented within the first planting season after the commencement of development unless otherwise agreed in writing by the Local Planning Authority.
- 5) Prior to the first occupation (or use) of any part of the development hereby permitted, details of signage and CCTV to be erected to discourage anti-social activities including fly-tipping and overnight parking shall be submitted to and approved by the Local Planning Authority in writing. The facilities shall be fully installed prior to the first occupation (or use) of any part of the development permitted and thereafter be retained as such.
- 6) No works relating to the construction of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- 7) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.