



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: 25 NOVEMBER 2021

Appeal Ref: APP/Z3825/W/21/3270093

Stud Farm, Capel Road, Rusper RH12 4PZ

- 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 Hurtmore Properties Orpington against the decision of Horsham District Council.
 - The application Ref DC/20/1315, dated 10 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is partial demolition and conversion of redundant B8 storage unit to create 4no residential units including associated external alterations. Creation of residential curtilages for both approved and proposed dwellings. Improvements to shared spaces including road surface, and provision of parking areas and bin stores.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. Reference is made to the emerging Horsham District Local Plan 2019-2036, which includes a policy relating to residential conversions outside defined built up areas. However, this plan has not been independently examined and there may be unresolved objections to this policy. As such, I am not satisfied that it will be adopted in the form it is put to me. Therefore, limited weight is afforded to this emerging plan.
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 Issue

4. The main issue is whether the site is a suitable location for housing with particular regard to accessibility.

Reasons

5. Policies 2, 3, 4 and 26 of the Horsham District Planning Framework November 2015 (HDPF) seek to concentrate development within towns and villages with defined built up areas and require that development outside the built up area boundaries (BUAB) must be essential to its countryside location and set out where the expansion of settlements would be supported. This is, in part, in order to provide suitable access to services for new development.

6. The site is not within the defined BUAB, and it is therefore in the countryside for the purposes of the development plan. It does not adjoin a settlement edge. Nor is the site allocated in a Local or Neighbourhood plan. Therefore, it is not considered to be the expansion of a settlement. Nor am I persuaded that open market dwellings, whether or not they involve the conversion of an existing building, are essential to this countryside location.
7. The appeal site is somewhat distant from Rusper and is accessed via unlit country roads with no pavements. Public transport is not available within an easy walk of the site. Consequently, although it may be possible to cycle, it is likely that residents would rely almost entirely on the private car. Therefore, the site would not provide access to services and local employment by sustainable transport modes.
8. Whilst this harm is lesser in scale than a previous proposal for 10 dwellings and a shop, it is harmful, nevertheless.
9. The proposed houses would be located close to the recently converted dwellings on the same site, and as such they would not be isolated. Consequently paragraph 80 of the National Planning Policy Framework (July 2021) (the Framework) is not relevant to the consideration of this case.
10. Policy 10 of the HDPF relates to Rural Economic Development and seeks the conversion of rural buildings to business and commercial use over residential. The barn is close to other homes, however this would not prevent all commercial uses from operating. Therefore, I am not persuaded that this property would be unsuitable for a business or commercial use. As such, there is some conflict with this policy.
11. Consequently, the proposed development would not be a suitable location for housing with particular regard to accessibility. Therefore, it would be contrary to Policies 2, 4, 10 and 26 of the HDPF the aims of which are set out above.

Other Matters

Character and Appearance

12. The land surrounding the site is mainly open fields and woodland. This results in a countryside character to the setting of the appeal site. The Stud Farm was previously a larger equestrian use with barns, stables and the land associated with these, and this use remains to the east and west of the appeal site as well as part of the building that is the subject of this appeal (building B). The appearance of these buildings are typical of this rural use and therefore appropriate in the countryside. A number of the properties on the western part of the Stud Farm, including part of building B, have been converted to residential. Therefore, part of the site has a more residential character. Albeit, given their context, these appear as a small cluster of dwellings in a rural location.
13. The development includes road surfacing, installing entrance gates and other alterations to the spaces between the existing converted homes. Along with the proposed new dwellings this would noticeably expand the urban residential character on this site. This would be at odds with the immediate rural setting. However, the site itself has an element of domesticity through the existing conversions. Therefore, the proposals would not be unacceptable in this regard.

14. Given my findings as to the appropriateness of the existing barn, its partial removal would not be a benefit to the character and appearance of the area. There is also no dispute in relation to the detailed design of the buildings.
15. Taking all the above into account, although the proposed development would not enhance its immediate setting, nevertheless it would not result in harm to the character and appearance of the area. Therefore, the effect of the proposed development is neutral in this regard.

Living Conditions

16. The development would provide private gardens to 4 dwellings already permitted and would formalise the parking arrangements. This would result in benefits to the living conditions of the occupiers of these existing residential units. Albeit, I have no reason to believe that these changes could not be delivered without the new dwellings.
17. This site includes houses which satisfactorily exist alongside the equestrian use without evidence of harm to safety or inappropriate living conditions. The continued use of building B for storage would maintain this existing acceptable relationship. Consequently, the removal of this use would have a neutral effect in these respects. Nor am I persuaded that the living conditions in the adjacent residential units (building C and E) are unacceptable, as such the removal of part of building B would not be a benefit in this regard.
18. Consequently, there is an overall positive effect on the living conditions of existing occupiers.

Other Decisions

19. My attention is drawn to applications at Ghyll House Farm¹, Old Park², Chalk Farm³, Barn Home Farmhouse⁴ and an appeal at Copped Hall Farm⁵. These locations are all somewhat distant from the appeal site. Furthermore, in each of these cases a site specific assessment of the development was undertaken, which variously refer to proximity to shops and services, planning history, the emerging local plan, character and appearance, isolated dwellings and heritage considerations. Many of these matters differ from the case before me now. As such these decisions do not alter my assessment of the appeal proposal which I have determined on its individual planning merits.

Planning Balance

20. The Council cannot demonstrate a 5 year supply of deliverable housing sites, and it states that it has a 4.3 year supply. Therefore, paragraph 11(d) of the Framework is engaged.
21. The proposed development would provide the social and economic benefits associated with the provision of four, one bedroom dwellings, including re-using a building on previously developed land. This would contribute to the Government's target to boost the supply of homes. However, given the scale of the proposed development the benefits in this regard would be modest.

¹ DC/18/2231

² DC/17/1415

³ DC/20/2373

⁴ DC/20/0820

⁵ APP/Z3825/W/20/3246693

22. It would also provide the benefits to living conditions outlined above, creating a higher standard of amenity for existing users. However, these benefits could be delivered without the harm associated with the development of new dwellings and would be restricted to the occupiers of these units. Therefore, the weight I afford to this benefit of the proposed development is minimal.
23. On the other hand, I have identified notable environmental harm with regard to the site's limited access to services by reason of its location. This would be contrary to the aims of the Framework that housing should be located where it will enhance or maintain the vitality of rural communities and encourage the use of sustainable transport modes.
24. Consequently, taking into account that the benefits would only be modest, in this case the adverse impacts identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, 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

25. 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 a development to show that it will not contribute further to an existing adverse effect from groundwater abstraction it would have to demonstrate water neutrality. The appellant has provided a Drainage and SUDs strategy with Water Neutrality Strategy.
26. 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

27. 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