
Appeal Decision

Site visit made on 14 December 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2022

Appeal Ref: APP/Z3825/W/21/3271070

Barnwood Stables, Hurston Lane , Storrington, RH20 4HF

- 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 Stuart Tizzard against the decision of Horsham District Council.
 - The application Ref DC/20/2019, dated 19 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is change of use from a 3 box stable yard with tack room and barn to a 3 bedroom residential lodge for living purposes. Concrete base is already in place. Build to include installing a septic tank for waste and the installation of an oil tank to provide heating for the property. The location has mains supply water and is in the process of obtaining an electricity supply through UK Power Networks.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In September 2021 Natural England (NE) published a Position Statement for Applications within the Sussex North Water Supply Zone (Position Statement), within which the appeal site is located. The Statement sets out an interim approach to such applications to ensure that proposed developments within the Supply Zone do not add to the impact of water abstraction on the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar Site. The main parties were given the opportunity to comment on the implications of this Statement for this appeal and I return to the matter below.

Main Issues

3. The main issues are:
 - i) whether the site is in an appropriate location for housing having regard to local and national policies and the accessibility of facilities and services;
 - ii) the effect of the proposed development on the character and appearance of the area;
 - iii) the effect of the proposed development on biodiversity; and
 - iv) the effect of the proposed development on the safe and convenient use of the highway, with particular regard to walkers and cyclists.

Reasons

Location

4. The appeal site is located in an area of sporadic development along Hurston Lane to the north-west of Storrington. The site is outside any built up area identified in the Horsham District Planning Framework (excluding South Downs National Park) (2015) (HDPF). The nearest built-up area is Storrington, from which the appeal site is separated by open fields. It is therefore within the countryside for the purposes of planning policy.
5. Policies 2, 3 and 4 of the HDPF set out the Council's spatial development strategy, primarily directing residential development to within and around the edge of existing settlements in the district. This approach is reflected in Policy 1 of the Storrington, Sullington and Washington Neighbourhood Plan (2019) (SSWNP), to which reference is made within the Delegated Report. Policy 4 of the HDPF sets out that the expansion of settlements outside built-up area boundaries will be permitted if all of five criteria are met. The proposal fails to meet the first criterion in that the appeal site does not adjoin an existing settlement edge nor is it allocated in the HDPF or in the SSWNP.
6. Policy 26 of the HDPF protects the rural character and undeveloped nature of the countryside outside built-up area boundaries against inappropriate development. Amongst other things, it requires any proposal to be essential to its countryside location. I have no reason to doubt that the horses and other animals the appellant contends are kept on the land associated with the appeal site need daily care, but it has not been demonstrated that a permanent dwelling on the site is essential for this care to be provided.
7. Paragraph 79 of the National Planning Policy Framework (the Framework) sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. However, with the nearest facilities and services being in Storrington, this would not be the case for this proposal.
8. Furthermore, the appeal property is significantly physically and perceptually separated from Storrington and, notwithstanding the appellant's contention that the site is surrounded by properties to all sides, from the other dwellings in the wider locality by pastures and woodland. Although there are other dwellings and businesses in the wider area, these are too dispersed to constitute a settlement. The appeal site is therefore within an isolated location in terms of paragraph 80 of the Framework.
9. This paragraph sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more specified circumstances apply. The appellant does not suggest that the proposed dwelling satisfies any of the exceptions set out in the paragraph. The proposal would therefore conflict with the Framework in this respect.
10. Storrington has a range of facilities and services, including public transport. However, Hurston Lane is narrow with no footway, street lighting or, in the vicinity of the appeal site, a verge to provide a safe pedestrian refuge. Whilst the lane provides an attractive route for an occasional recreational walk or cycle ride in fair weather, these factors would give rise to consequent likely concerns over safety and so discourage walking and cycling on a frequent

basis. This would be particularly so for the less able or anyone with young children or in the dark or in inclement weather.

11. Realistically, therefore, future occupiers of the proposed dwelling would be reliant on the private car to access facilities and services in Storrington or elsewhere. The vehicle movements associated with a single dwelling would be limited and I acknowledge the appellant's contention that the site is currently visited at least twice a day to attend to animals. Nevertheless, in the absence of evidence to the contrary, it is reasonable to expect that with potential trips for facilities and services such as employment, shopping, recreational, medical and educational, the overall level of vehicle movements by future occupiers of the proposed dwelling would be greater than the existing limited level.
12. Hurston Lane provides access to existing dwellings and businesses. The additional vehicle movements from the proposed dwelling would not be such as to have a severe impact on the road network. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, this reliance on the private car would be contrary to the Framework's policies for limiting the need to travel, prioritising pedestrian and cycle movements, promoting walking, cycling and the use of public transport and facilitating access to high quality public transport as far as possible.
13. I therefore conclude that the appeal site is not an appropriate location for housing having regard to local and national policies and the accessibility of facilities and services. The proposal would therefore not represent sustainable development and would undermine the Council's spatial strategy. In this respect the proposal would conflict with Policies 2, 4 and 26 of the HDPF and, although not cited in the reasons for refusal, Policy 1 of the SSWNP. However, Policy 3 of the HDPF is not directly relevant to the proposal as it sets out a settlement hierarchy with development being permitted in built-up areas.

Character and appearance

14. The appeal site is located in an area of countryside characterised by pastures and woodland. It lies within the 'Green Gap' between Storrington and West Chiltington identified in the SSWNP. The site currently accommodates a stable block with a rear projection, animal pens and an informal parking area. It is surrounded by paddocks to the south, woodland to the north and east and Hurston Lane to the west, which has an enclosed, secluded nature at this point.
15. The proposed dwelling would be slightly higher and deeper than the existing stable block but its overall size would be relatively modest. It would be of materials sympathetic to its countryside location and, notwithstanding the proposed fenestration, would be acceptable in form, scale and appearance.
16. However, the block plan submitted with the application has limited details of the layout of the proposed development in respect of parking / turning and garden areas. Of particular concern is the proposed treatment of the area to the north and its relationship to the woodland. Whilst landscaping could be the subject of a condition were planning permission to be granted, as a full application, a satisfactory layout is fundamental to the proposal's acceptability.
17. The provision of a parking and turning area for potentially more than one vehicle and garden areas with domestic paraphernalia would detract from the

current rural character and appearance of the site and Hurston Lane. Domestic activity associated with a dwelling would further detract from the character of the site.

18. The appellant draws my attention to the use of land between the appeal site and Storrington for 'glamping' with permanent structures approved under reference DC/20/1923. However, the seasonal use of land for 6 camping pitches is of a materially different nature and character to the appeal proposal. Whilst the proposed buildings on that site would be permanent, the permission is conditioned to ensure that they would be appropriate to a rural area and the associated activity would be low key. This development does not unacceptably detract from the rural character of the area.
19. I therefore conclude that the proposed development as a whole would be harmful to the character and appearance of the area. Accordingly, in this respect, it would conflict with Policies 25, 32 and 33 of the HDPF which protect the natural environment and landscape character of the district and require high quality design. The proposal would also conflict with the aim of Policy 26 of the HDPF which, although not cited in the reasons for refusal relating to character and appearance, is referenced in the Delegated Report in relation to this issue.
20. Given the modest scale of the proposal I find limited conflict with Policy 27 of the HDPF and Policy 9 of the SSWNP, also referenced in the Delegated Report, which seek to avoid the coalescence of settlements, including Storrington and West Chiltington.

Biodiversity

21. It has not been put to me that either the site or the woodland to the north and east are specifically recognised for their ecological interest. However, the woodland and the water bodies within it have the potential for a significant degree of biodiversity. In the absence of any preliminary ecological appraisal or other evidence from the appellant I cannot be sure of the likely effects of the proposed development on the biodiversity interest of the area e.g. through any removal of vegetation, lighting or increased activity.
22. I therefore cannot conclude that the proposed development would not be harmful to biodiversity. Accordingly, in this respect, it would conflict with Policies 25, 26 and 31 of the HDPF which, in summary, protect the biodiversity of the district.

Highway safety

23. No specific details are given of the proposed parking and turning arrangement on the site nor of visibility splays for the egress from the site. However, I am satisfied that there is adequate room on the site to allow vehicles to turn and exit in forward gear. If otherwise acceptable in terms of character and appearance, details and the provision / retention of the parking and turning arrangement could be secured by condition.
24. Visibility to the south when exiting the site is partially obscured by existing vegetation but there is greater visibility to the north-west. Whilst Hurston Lane is subject to the national speed limit, its restricted width and geometry are likely to cause vehicles to be travelling more slowly. Together with the fact that the access already exists and the proposal is for only one dwelling, I am

satisfied that the proposed development would have a sufficiently safe and suitable access for vehicles.

25. However, given the restricted width of Hurston Lane and the absence of a footway, lighting and verge, the proposed development would not provide a safe and suitable access for walkers or cyclists. Reducing the speed limit along the lane as suggested by the appellant would not fully overcome these safety concerns, even if it could be achieved through a planning permission.
26. I therefore conclude that the proposed development would be unacceptably harmful to the safe and convenient use of the highway for pedestrians and cyclists. Accordingly, in this respect, it would conflict with Policy 40 of the HDPF which sets out that development will be expected to minimise conflicts between traffic, cyclists and pedestrians and provide a safe and suitable access for pedestrians and cyclists.

Other Matters

27. NE's Position Statement explains that it cannot be concluded, with certainty, that groundwater abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley designated habitats sites. Developments within the Zone must not add to this impact. The appellant has suggested measures to minimise water consumption and wastage to address this matter. I again return to this matter below.
28. The appellant refers me to the planning permission granted under reference DC/19/2524 for the demolition of an existing barn and erection of a detached dwelling. However the Council advises that the site of the approved scheme was significantly closer to the built-up area of West Chiltington and permission had previously been granted for the residential conversion of the building, which represented a 'fall-back' position. No such position exists for the appeal proposal, and it therefore differs significantly from the approved scheme. As such, this approval does not set a precedent for the scheme before me.
29. Neither the lack of an objection to the proposal from a local resident nor the appellant's unsuccessful attempts to find a property more local to their animals outweigh the concerns I have identified above, which are predominantly shared by other representors.

Planning Balance

30. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. Based on the conclusions of other Inspectors for recent appeals elsewhere in the district¹, the supply is between 4.2 - 4.4 years.
31. Paragraph 11 d) of the Framework is therefore engaged and so the most important policies for determining the appeal, Policies 2, 4, 25, 26, 27, 31, 32, 33 and 40 of the HDPF and Policies 1 and 9 of the SSWNP, are deemed to be out of date. Although the Council's spatial strategy is broadly consistent with the Framework's emphasis on reducing the need to travel, the housing land supply position means that the proposal's conflict with Policies 2 and 4 of the HDPF and Policy 1 of the SSWNP attracts only moderate weight in this appeal.

¹ APP/Z3825/W/20/3257700, APP/Z3825/W/20/3266503 and APP/Z3825/W/20/3261401

32. However, the other policies of the HDPF and SSWNP listed above are also generally consistent with the policies of the Framework on the protection of the character of the countryside, biodiversity and highway safety. I attach significant weight to the conflict with these policies and the proposal conflicts with the development plan taken as a whole. Nevertheless, as paragraph 11 d) i) of the Framework is not applicable to this proposal, in accordance with paragraph 11 d) ii), 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.
33. The location of the proposal would conflict with paragraphs 79 and 80 of the Framework. Whilst paragraph 124 promotes the efficient use of land, account has to be taken of the scope to promote sustainable travel modes that limit future car use and the desirability of maintaining the area's prevailing character. The reliance on the private car by future occupiers would conflict with the Framework's policies on sustainable travel.
34. The proposal would also fail to comply with paragraphs 130 c) and 174 b) of the Framework on character and paragraph 174 c) on biodiversity. In failing to provide a safe and suitable access for all users and minimising the scope for conflicts between pedestrians, cyclists and vehicles, the proposal would not accord with paragraphs 110 b) and 112 c) of the Framework.
35. These harms are to be weighed against the benefits of the proposal. These include its contribution to the housing stock of the district, consistent in principle with the Government's objective of increasing the supply of homes as set out in paragraph 60 of the Framework. The proposal also gains support from paragraphs 69, 119 and 123 of the Framework on small sites, alternative uses of currently developed land and making effective use of land.
36. However, the proposal is for a single modest dwelling and so the consequent social and economic benefits of the proposal would be minimal. Therefore, on balance, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of an additional dwelling. Consequently, the presumption in favour of sustainable development does not apply in this case.
37. Paragraph 14 of the Framework applies in situations where paragraph 11 d) is engaged for applications involving the provision of housing. Whilst I have found conflict with the SSWNP, the SSWNP became part of the development plan more than two years before the date of this decision. Accordingly the policy statement set out in paragraph 14 is not applicable to my determination. As I am dismissing this appeal for other reasons, there is no need for me to consider further the effect of the proposal on the integrity of the Arun Valley designated habitats sites.

Conclusion

38. I have found above that the proposed development would conflict with the development plan taken as a whole. There are no considerations, including the policies of the Framework, that indicate that a decision should be made other than in accordance with the development plan. For this reason, and having regard to the other matters raised, the appeal is dismissed.

Martin Small INSPECTOR