



Appeal Decision

Site visit made on 5 January 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/Z3825/W/21/3276369

Land South of Dukes Row, Pulborough Road, Cootham RH20 4JR

- 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 Miss Olivia Haskell against the decision of Horsham District Council.
 - The application Ref DC/20/1805, dated 21 September 2020, was refused by notice dated 5 March 2021.
 - The development proposed is two bedroom bungalow and associated gardens, access and carport.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.
3. The Council, in its appeal statement, has introduced an additional reason for refusal in respect of the effect of the proposal upon the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites. This is a matter to which I later return.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises a roughly triangular-shaped vacant plot of land, located on the north side of Pulborough Road. It contains no built development and is given over to grass. It is bounded by mature hedging and close-boarded fencing. There are gates providing vehicular access in the northwest corner.
6. Whilst the site lies within the designated edge of the built-up area of Storrington and Sullington, and is not a designated 'green space', it does, however, have a strongly rural appearance. As such, it makes a positive contribution to the semi-rural character of the western edge of the settlement, due to its verdant and undeveloped nature. In particular, it forms a pleasant green soft-landscaped wedge which separates a row of terraced houses in

Dukes Row from the A283 Pulborough Road, providing an attractive rural setting to the front of these dwellings.

7. The position of the site in close proximity to similarly undeveloped and soft-landscaped grassed land to the west, which also has a verdant road frontage, acts to reinforce the perception of the site as being located within the countryside. As such, the site plays a significant role as an important green transitional area on the settlement fringe, between the more built-up development of the settlement and the open countryside.
8. The site lies in a visually prominent position adjacent to the busy A283 Pulborough Road, from where it is perceived by passing road users approaching and leaving the town, as forming part of the rural edge of the settlement. It is also seen as encompassing part of the rural surroundings of the town in views from public footpaths which bound its north, west and east boundaries.
9. Having regard to the above, I concur with the views of the appeal inspector when dismissing the most recent previous appeal ¹ (the 2017 appeal) in respect of a proposed garage on the appeal site, that the site's undeveloped nature affords the area a strong, spatial and semi-rural character and provides an attractive setting to development along Dukes Row, and that these semi-rural qualities of the appeal site are reflective of, and complement, an area of paddock to its west.
10. The garage, the subject of the 2017 appeal, was a modest structure, occupying a small part of the appeal site, and sited within the area of the currently proposed carport/parking area. It was designed to have a traditional rustic appearance with natural materials comprising weatherboarding walls under a low-pitched slate roof, to reflect the design detailing of other buildings within the area. As such, the design approach was similar to that of the current appeal proposal. The scheme also sought to similarly retain boundary landscaping.
11. In dismissing the appeal, the previous inspector found that the garage would introduce a visible and prominent form of development that would erode considerably the spatial qualities of the appeal site, exerting an urbanising character onto the appeal site, diminishing its semi-rural characteristics, and would bring built form forward of the established building line along Dukes Road in a manner that would be at odds with the prevailing pattern of development in the area.
12. The currently proposed hipped roof dwelling would have a notably greater width, depth and ridge height than those of the previously proposed garage. It would result in a significantly greater amount of built development on the site, including the bungalow, patio and footpaths, carport, and car parking turning area. It would bring new built development closer to the eastern, tapering, end of the site, where the dwelling would be sited close to the front, rear and east side boundaries, rather than in the more visually discrete north-west corner location of the previously proposed garage.
13. As such, I find that the current proposal would have an even greater urbanising impact on the site than that of the previous garage, having regard to the greater amount of built form and the position of the dwelling in a less set-back

¹ Ref APP/Z3825/W/17/3177759

position within the site. Moreover, it is also reasonable to expect that the proposed residential use of the site would include the introduction of domestic paraphernalia and additional garden buildings and structures associated with the occupants' enjoyment of the garden, that would not have been associated with the previous garage proposal. This would further reduce the open rural character of the site.

14. I acknowledge various differences between the current scheme and those of the previously dismissed appeals² in respect of a new dwelling, including a reduction in building scale, and changes to the position of the proposed dwelling. I also note the appellant's intention to site the property so that it would better connect with the neighbouring properties in Dukes Row, and to open up part of the footpath in front of these buildings.
15. However, notwithstanding that the new dwelling would be aligned to sit parallel to the frontages of properties to the north of the site, I find that, due to a combination of the proposed siting of the dwelling in front of these houses, together with its detached nature, wide and C-shaped footprint, and single storey hipped roof design, the new building would relate poorly to the established urban grain of Dukes Row, which comprises tight-knit, two-storey terraced, long and narrow dwellings.
16. The proposal would impinge upon the established front building line, and, notwithstanding that timber cladding features on some buildings within the locality, and the new building would incorporate elements of design detailing found on properties elsewhere within the area, the proposal would appear as a typically suburban form of dwelling, with a layout which would appear incongruous in relation to the neighbouring properties which it would directly face. Neither would the layout or design of the proposal reinforce the existing pattern of built development fronting onto Pulborough Road, onto which it would turn its back.
17. As such, the combined scale, massing, appearance and layout of the proposal would not respect the prevailing character of built development immediately surrounding the site. This would be particularly visually apparent in views from some of the properties in Dukes Row and from the public footpath which runs adjacent to the northern site boundary, due to the proposed restricted height hedging along part of the northern site boundary which would enable a large part of the dwelling to be visible from the neighbouring houses and the public realm, including its roof and part of the walls. The new built development would also be evident in views from the footpath to the west of the site through the proposed open field gate at the vehicular access point.
18. I acknowledge that the current scheme is accompanied by a comprehensive Landscape and Visual Impact Assessment (LVIA), which was not the case with the previous appeal schemes, and that this concludes that the proposal would have a negligible effect upon the wider landscape character of the area in terms of how the site would be perceived in wider views, largely due to the proposed landscaping scheme.
19. I find that the proposed retention/reinforcement of existing boundary hedgerows and mature trees, including enhancement with native species, would reinforce the existing character of the site as a small, mostly well-

² APP/Z3825/A/12/2176118 and APP/Z3825/W/15/3028978

- hedged pasture field, which fits in with the Council's landscape character assessment for the surrounding area, particularly to the west of the site.
20. However, notwithstanding the appellant's willingness to secure the future provision and subsequent maintenance of the proposed landscaping scheme, by means such as a planning condition or legal agreement, I do not consider it appropriate to rely upon sufficiently high boundary landscaping to screen new built development of an inappropriate design and layout for its surroundings.
21. Moreover, given the proposed siting of the dwelling in relation to the southern site boundary, and its proposed south-facing fenestration serving principal rooms, including floor to ceiling glazing, together with a south-facing patio, I consider it reasonable to expect that there would be future pressure from occupiers of the property to reduce the height of the boundary landscaping in this part of the site, to allow more sunlight to enter, thereby raising the visibility of the new built development.
22. I am not persuaded by the appellant's assertion that benefits arising from the proposal would include the removal of rubbish and fly tipping from the site, repairs to damage to the northern boundary and the planting up of an untidy area of land. I saw nothing during my site visit, to suggest that the site has been neglected or has taken on an unsightly appearance, and I find that any unmanaged and natural growth of the boundary landscaping adds to the highly rural nature of the site. This includes the road frontage of the site, where trees and hedging spill over onto the footpath-less roadside grass verge, thereby enhancing the rural appearance of this part of the road.
23. The previous appeal decisions are material considerations to which I have had regard, given the similarities between the nature of the current and previous development proposals, and the largely unchanged character of the appeal site and its surroundings. Whilst the previous housing appeals were determined under a different development plan, the thrust of the relevant development plan policies remains consistent in terms of the location of the site within the defined settlement edge and the requirement to protect the character and appearance of the area.
24. For the above reasons, I therefore conclude that the proposal would result in significant harm to the character and appearance of the area. As such, it would be contrary to the aims of Policies 25, 32 and 33 of the *Horsham District Planning Framework* (2015) and Policy 14 of the *Storrington Sullington and Washington Neighbourhood Plan 2018 – 2031* (2019). These policies, amongst other things, seek to ensure that new development comprises high quality design, protects, conserves and enhances the character of an area, complements local distinctiveness, and relates sympathetically with its surroundings.
25. For similar reasons, the proposal would also be contrary to Policies of the Framework which seeks to ensure high quality design as set out in Chapter 12.

Other Matters

26. Since the refusal of the planning application and the submission of the appeal, the Council, in its appeal statement, has confirmed that Natural England has issued a Position Statement in respect of planning applications within the Sussex North Water Supply Zone. This states that it cannot be concluded, with

the required degree of certainty, that existing abstraction within this zone is not having an adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites. Natural England's advice is that new development within this zone should not add to this impact, and that it should not be approved unless it can be demonstrated that it is 'water neutral' and/or would not result in a significant effect. This applies to the appeal scheme, which falls within this water supply zone and would result in an increase in water abstraction from the appeal site.

27. This matter has arisen at a late stage in this appeal process, and the Council does not yet have an adopted scheme of mitigation which has been agreed by Natural England by which applicants can satisfactorily address this matter. Whilst the appellant has confirmed willingness to comply with any necessary requirements, no proposed mitigation has been put forward as part of this appeal.
28. Within the context of the appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, by seeking further comments from both main parties. I would also need to undertake an Appropriate Assessment of the implications of the appeal scheme for the European designated sites.
29. However, as the main issue provides clear reasons for dismissing the appeal, the outcome of any such Appropriate Assessment would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision.
30. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), I am, as the decision maker, required to consider the effects of the development on the designated heritage assets of two Grade II listed buildings which lie within the site vicinity.
31. In determining the application, the Council has not found any harm to the significance and setting of the buildings known as Rising Sun Cottage and Crown Cottages, which are located on the south side of Pulborough Road. Based on my site visit, which included consideration of the separation distances between the appeal proposal and these listed buildings, together with the intervening mature landscaping and busy Pulborough Road, I have no reason to disagree with the Council in respect of this matter. The appeal scheme would be sufficiently distant, and screened from the settings of these two storey dwellings, so as not to harm their significance.
32. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. As such, paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or 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 or specific policies in the Framework indicate that development should be restricted.
33. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be within a designated settlement policy boundary where access to facilities and public transport connections is likely to be greatest. It would make a small contribution towards the Council's housing supply, and it could be built-out relatively quickly, having regard to paragraph 69 of the Framework.
34. There would also be modest economic benefits as a result of the construction of the built development and the landscaping scheme, and the occupation of the new dwelling. By providing a small, single storey unit, which would suit first time buyers, elderly downsizers, or mobility-impaired occupants, the proposal would also contribute to the Framework objective of creating mixed and balanced communities.
35. The appellant has stated the intention to provide a self-build home, and has put evidence to me that there is a need for additional self-build housing within the District. There is positive support for the provision of such units in national policy, and this weighs in favour of the scheme. However, the weight I attach to this is significantly diminished by the absence of a legal agreement or other mechanism before me to secure the delivery of the proposal as a self-build unit.
36. The Council has not confirmed the extent of the 5 year housing land supply shortfall. However, whilst noting that the proposal would provide a size of dwelling for which there is a local demand, one additional dwelling would make a very modest contribution towards addressing the housing supply deficit. Moreover, a high standard of design is also a key aspect of sustainable development. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development of fostering well-designed and beautiful places, would not be achieved.
37. Whilst the Framework encourages the effective use of land in meeting the need for homes, and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified, and would not address or outweigh the aforementioned harm that I have identified to the character and appearance of the area.
38. The Council has raised no objection to the appeal scheme in respect of matters including biodiversity, highway safety, parking, neighbour living conditions, living conditions of future occupants, energy efficiency, flood risk and drainage. quality. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal in respect of the character and appearance of the area.
39. I acknowledge the incorporation of sustainable design elements and the appellant's intention to enhance on-site biodiversity and landscaping, including the submission of a landscape ecology management plan, and that these elements of the proposal did not feature so highly within the previously refused schemes. However, these are requirements of current national and local

planning policies in any case, and do not outweigh my conclusions on the main issue.

40. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits, and the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.
41. Given my conclusions in respect of the main issue, there is no requirement for me to consider the appellant's request for a split decision removing the car port from the scheme, since this would not alter overall the decision.

Conclusion

42. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR