
Appeal Decision

Site visit made on 11 January 2022

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Appeal Ref: APP/Z3825/W/21/3274266

Oak House, Stane Street, Five Oaks, RH14 9AG

- 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 Colin Parker against the decision of Horsham District Council.
 - The application Ref DC/20/2111, dated 28 October 2020, was refused by notice dated 28 April 2021.
 - The development is the change of use of land from equestrian to residential allowing it to be included in the curtilage of the owners adjacent and connected property. Erection of a garage and a workshop/garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The change of use of the land appears to have already taken place, the garage is erected and the workshop/garage was partially erected at the time of my site visit. I have determined the appeal on this basis.
3. In September 2021 Natural England (NE) published a Position Statement for Applications within the Sussex North Water Supply Zone, 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 this matter below.

Main Issues

4. The main issues are:
 - i) whether the development is essential to its countryside location; and
 - ii) the effect of the development on the character and appearance of the area.

Reasons

Countryside location

5. Five Oaks is an unclassified settlement in the Horsham District Planning Framework (excluding South Downs National Park) (2015) (the HDPF). The appeal site therefore lies outside any of the built-up area boundaries identified

in the development plan and is within the countryside for planning policy purposes. Policy 26 of the HDPF protects the countryside of the district by restricting inappropriate development. It requires, among other things, any proposal to be essential to its countryside location and to meet one of four criteria.

6. The garage and garage / workshop would provide storage and workshop space for the appellant's collection of vintage cars. Such a use could take place within a built-up area and consequently the buildings are not essential to their countryside location. Oak House is already served by an existing garden and garaging such that further provision is not essential.
7. I therefore conclude that the development is not essential to its countryside location. Accordingly, in this respect, it conflicts with Policy 26 of the HDPF.

Character and appearance

8. The appeal site is located to the east of a ribbon of residential development along Stane Street that forms the southern extent of the small settlement of Five Oaks. These properties predominantly face the road, set back to varying extents with front gardens and hardstandings. Whilst there are outbuildings and dwellings to the north-west and south-west of the site behind the main ribbon of dwellings fronting Stane Street, these generally maintain the distinctive linear pattern of development.
9. The site comprises a paddock to the east of Oak House on the east side of Stane Street, accessed via a track that also provides access to the existing rear garden and garaging of Oak House. The site is, however, separated from the existing garden of Oak House by the garden of White Cottage, bounded by a close boarded fence. The site accommodates an existing sand school and stable block, both currently unused. To the north is the rear garden of The Paddocks, separated from the site by a post and wire fence and hedge. To the south is rough pasture whilst to the east and further to the south are areas of new woodland planting by the Woodland Trust. The eastern and southern boundaries of the site are marked by post and rail fencing.
10. The site is set back from Stane Street and although the site is glimpsed from the road, the garage and garage / workshop are not visible. I have not been advised of any rights of way in the area from which the development would be seen. The main views of the development are therefore from nearby private dwellings. Consequently, the development has a limited effect on the appearance of the area. Given the modest size of the site and buildings, the development would not necessarily result in a significant increase in the overall level of activity in the countryside.
11. However, the site relates physically and visually to the countryside to the east and south rather than to the domestic gardens to the north and west. The site is located within the Slinfold and Five Oaks Wooded Farmlands (G3) Character Area in the Horsham District Landscape Character Assessment with a largely rural character notwithstanding the A29 (Stane Street) and the development along it. Key sensitivities of the Character Area include the cumulative effect of small scale change.
12. The appellant has indicated that the existing stable block and sand school are to be retained. Whereas the equestrian use of the site is appropriate to its

countryside location, the siting of the two buildings, particularly in combination with the existing stable block, would represent an incursion, formalisation and consolidation of built development in the countryside beyond the established ribbon of development along Stane Street. The development would therefore fail to protect, conserve and / or enhance the development pattern of the area.

13. Furthermore, the residential use of the site could lead to additional domestic paraphernalia that would further erode the informal character of the site and area. These concerns could not be satisfactorily addressed by conditions as the appellant suggests. I note the appellant's willingness to replace the metal garage with a timber construction but this is not the development before me and would not overcome the fundamental concerns identified above.
14. I therefore conclude that the development is harmful to the character and, to a lesser extent, the appearance of the area. Accordingly, in this respect, it would conflict with Policy 26 of the HDPF which, among other things, protects the development pattern of the area. The development would also conflict with Policies 25, 32 and 33 of the HDPF. Although not cited in the reason for refusal, Policy 25 is referenced in the Planning Officer's Report. These policies, amongst other things, protect landscape character and are broadly consistent with the policies of the National Planning Policy Framework on conserving and enhancing the natural environment.

Other Matters

15. I note the appellant's concern over the handling of the planning application, including the alleged inconsistency over whether the site and the plot owned by the occupiers of White Cottage to the west are part of a residential curtilage. However, the application for a change of use to residential curtilage has been made. The manner in which the Council determined the application is not for me to consider in the context of this appeal which is confined to assessing the development on its individual planning merits.
16. As I am dismissing this appeal for other reasons, there is no need for me to consider the effect of the development on the integrity of the Arun Valley designated habitats sites.

Conclusion

17. I have found above that the development conflicts with the adopted development plan, taken as a whole. There are no considerations that indicate that a decision should be made other than in accordance with the development plan.
18. For this reason, and having had regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR