



Appeal Decision

Hearing held on 8 February 2022

Site visit made on 9 February 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2022

Appeal Ref: APP/Z3825/W/21/3268147

Perrets, Smithers Hill Lane, Shipley RH13 8PP

- 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 N Millard against the decision of Horsham District Council.
 - The application Ref DC/20/0805, dated 27 April 2020, was refused by notice dated 30 September 2020.
 - The development proposed is for the removal of a mobile home and the erection of a replacement dwelling for a rural worker.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. The appellants comments related to Paragraph 11 of the Framework are noted. In addition, all references to the Framework in this decision relate to the updated document.
3. The appeal site is located in the Arun Special Area of Conservation (SAC) and Special Protection Area (SPA). As such, in accordance with the position statement provided by Natural England, any proposals in the SAC/SPA must demonstrate water neutrality. Therefore, subsequent to their Decision Notice dated 30 September 2020, the Council wish to elevate this matter to a main issue in respect of the proposal before me. I have found no reason to disagree. However, given that the matter was raised by the Council at a relatively late stage, in the interests of fairness the appellant was provided the opportunity to submit written representations addressing water neutrality matters subsequent to the Hearing.

Main Issues

4. The main issues are:
 - whether there is justification for the replacement of a rural workers dwelling on the appeal site, with particular reference to size,
 - the effect of the proposal on the character and appearance of the surrounding area, and;
 - water neutrality.

Rural workers dwelling

5. The area surrounding the farm holding of 'Perrets' is typified by agricultural and paddock type fields across which a limited number of traditional type dwellings can be seen. 'Perrets' is an equine and agricultural establishment that lies at the end of a driveway and is in close proximity to a number of public footways. There is an open-fronted barn to the northern end of the site which has a paddock-type field to its side and rear that accommodates horses. The barn has a turning head to its front which looks onto a parcel of land that slopes down to a stream before rising up again to a mobile-home and a barn/stable as well as an equestrian sand-school and a rotating horse exercise compound.
6. The proposal is to construct a four-bedroom, traditional Sussex-style dwelling with parking to the left-hand side of the open-fronted barn that would accommodate the appellant, his family and a rural worker. The existing mobile-home adjacent to the stables would be removed.
7. I heard at the Hearing that while the appellant and his family currently live off site at approximately one mile distance from 'Perrets' the need for an agricultural workers dwelling on the appeal site has already been proven, which is provided for in the form of the existing mobile-home. Indeed, I concur that at certain times, for example, during lambing and foaling, that the need for a full-time rural worker on the site is likely to be critical. Moreover, that any stock-based emergencies or security breaches could not reasonably be monitored by technology alone, including the use of CCTV.
8. I also heard that as a consequence of the simplicity of the mobile-home it has been difficult at times for the appellant to employ a rural worker. Therefore, the appellant argues that the proposed dwelling, which includes a separate office and laundry, is likely to be more attractive to potential employees in comparison to the older-style mobile-home. However, whether the shared accommodation arrangements would be appealing to potential employees or not, the fact remains that the proposal would represent a substantial increase on the previous approval¹ for a three-bedroom dwelling for a rural worker at 'Perrets', and also the low-key mobile-home.
9. Nonetheless, putting aside the absence of a formal business plan, the appellant contended that the operation of the establishment has changed since the previous permission. Specifically, that the level of care associated with the thoroughbred horses in combination with the numbers of sheep that are already, or are projected to be at 'Perrets', has risen to a level in order to justify that his family should live on site in addition to a rural worker. Moreover, he calculates in his submitted 'Agricultural Justification Statement' that approximately 4-5 workers are now required to manage and care for the stock.
10. In contrast, Reading Agricultural Consultants (RAC) contested on behalf of the Council that this guideline figure for workers has not been proven. Furthermore, that the actual level of stock at 'Perrets' is lower than suggested by the appellant with little evidence to demonstrate that it will be higher in the future. Indeed, I noted at my site visit that while there were numerous horses and an active stable yard at 'Perrets', there were only a small number of sheep, a few chickens and hay bales in the surrounding fields.

¹ DC/18/1326

11. As such, the level of stock at the time of my site visit brings in to question the appellants' calculation for numerous workers. However, even if I were to accept that the number of sheep on site fluctuates from time to time due to 'foot-rot' or other circumstances, and that thoroughbred horses require extra and particular care, the recorded and observed level of activity on the farm, in my view, would still be insufficient to necessitate the need for the family to live at 'Perrets' on a full-time basis. Indeed, were the family to live on site, it is unlikely that there would be the need for additional help in order to justify a rural workers dwelling at all, as supported by the RAC letter dated 30 July 2020.
12. Furthermore, notwithstanding that the special care of thoroughbred horses is most likely to be undertaken by the family, the desire to live on site seems to be one of convenience and personal choice, namely to limit journeys to and from the current family home, to host visiting specialist trainers and to enable private equestrian leisure pursuits. Whereas it appears to me that the more familiar activities of a rural worker, such as the feeding and watering of sheep, lambing and general health checks appear to be a secondary consideration in this case.
13. Indeed, notwithstanding that any size and type of accommodation in West Sussex is relatively costly, that the existing family home would be sold and returned to the Council's overall housing land supply, and that the number of journeys to and from the appellants' current home would be reduced, the dwelling would nonetheless be in excess of what is typically provided as rural worker type accommodation.
14. As such, I heard no persuasive evidence to convince me that a larger dwelling should be built in order to accommodate both the appellants' family and a rural worker. Furthermore, while the appellant suggested that the proposal would reduce the risk of a second dwelling being constructed in the countryside, I find to the contrary, should the proposed arrangements within the dwelling prove to be undesirable it is very likely that a need for an additional dwelling such as, but not necessarily, an upgraded mobile-home would arise.
15. Accordingly, I find no justification for the replacement dwelling of the size proposed. Therefore, the proposal is contrary to Policies 20 and 26 of the Horsham District Planning Framework 2015 (HDPF), and the Framework when read as a whole.

Character and appearance

16. The main parties agree that the style and design of the proposal is acceptable. Indeed, I noticed at my site visit that the proposal would broadly accord with the dwellings nearby. However, I cannot be certain if the nearby dwellings were permitted under the same development plan or not. Therefore, I have considered the proposal in this respect on its own planning merits.
17. As such, the two-storey proposal, which would be readily seen across the surrounding fields and pathways to the north and south of the appeal site and starkly contrast with the adjacent rural-type structures. Indeed, notwithstanding the mature trees on and surrounding the appeal site, and whether the footfall and passing traffic is limited or not, the bulky dwelling would be readily visible from a number of vantage points on the sloping topography, particularly at times of year when leaf cover is less dense.

18. Moreover, there is substantial scope for the introduction of a range of domestic-type activities associated with the proposed rural workers dwelling. For example, washing lines, barbeques, sheds, informal play-areas, seating and so on. Therefore, while I note the absence of a size limit for rural workers dwellings within the Framework, I conclude that the scale and mass of the proposal would harm the character and appearance of the area.
19. Consequently, the proposal would not meet the aims of Policies 25 (i), 26, 32 and 33 of the HDPF which require, amongst other things, that the natural environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development.
20. For similar reasons, the proposal does not meet the aims of Paragraph 130 (c) of the Framework which says that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Water neutrality

21. Natural England's position statement makes clear that, given the requirements of the Conservation of Species and Habitats Regulations 2017, proposals for development must demonstrate water neutrality within the SAC and SPA. If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and the likely effectiveness of any mitigation measures, including amongst other things the contents of the appellants' initial water neutrality statement. However, as I have found against the appellant on the main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Other Matters

22. The appellant has brought to my attention a recent appeal in support of his case. However, as I have little detail of that scheme, which relates to a proposal in the East Riding of Yorkshire, I afford this very minimal weight.
23. I acknowledge that there have been no recorded objections to the proposal, that there has been a number of letters received by the Council in support of the scheme, and that there are other new developments nearby. Moreover, I note that an existing family home would not be lost from the Council's housing land supply, and that there would be some limited social and economic benefits associated with the provision and construction of a new dwelling.
24. I find that these matters, even in combination, do not outweigh the harm I have found above.

Conclusions

25. Having considered all matters raised in support of the development I find that the other considerations in this case do not clearly outweigh the harm that I have identified. The proposed development would conflict with the adopted development plan and the Framework, and there are no material considerations indicating a decision otherwise than in accordance with those Policies. Therefore, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR

APPEARANCES:

For the Appellant:

- Mr Neil Millard and Mrs Sarah Millard (Appellant)
- Mr Nik Antoniou (NJA Town Planning Ltd)
- Mr Robert Schiller (Agricultural Consultant)

For the Local Planning Authority (Horsham District Council):

- Ms Amanda Wilkes – Planning Officer
- Ms Angela Moore – Senior Planning Officer
- Mr Adrian Smith – Team Leader (Major Projects)
- Ms Olivia Wojniak – Reading Agricultural Consultants

Others/Observers:

- Mr Gareth Jones – IT support (Computer Systems) Horsham District Council
- Observer – The Planning Inspectorate