



Appeal Decision

Site visit made on 15 June 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2022

Appeal Ref: APP/L3815/W/21/3277901

Land at Loxwood Hall West, Loxwood, Billingshurst RH14 0QP

- 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 and Mrs Gilbert against the decision of Chichester District Council.
 - The application Ref LX/21/00300/FUL, dated 26 January 2021, was refused by notice dated 06 May 2021.
 - The development proposed is 'Erection of a detached dwelling'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether a residential development in the location of the appeal site is acceptable in principle,
 - The effect of the proposal on the character and appearance of the area, including the effect of the proposal on the significance of undesignated heritage assets; and,
 - Whether the proposal would be of an acceptable standard of sustainable design and construction, in line with local requirements.

Reasons

Principle of development

3. The appeal site is an area of land to the west of Loxwood Hall West. Loxwood Hall West is part of a semi-detached property which was formerly one property. Loxwood Hall West and East have a grand scale and design. Together with the surrounding buildings, it has the appearance of a small former country estate. The surrounding buildings are either former subservient buildings to Loxwood Hall or have been constructed within its grounds within generous plots, at a scale which is subservient to Loxwood Hall. All of the properties within the former grounds of Loxwood Hall share a driveway and access from the B2133 Guildford Road or Loxwood Road.
4. There are other buildings, predominantly dwellings, situated in drives and lanes which off-shoot the B2133, close to the Loxwood Hall grounds. This area is collectively known as Alfold Bars. Alfold Bars it has a typically rural, sporadic

and non-linear, non-nucleated pattern of development, and as such, it does not have an easily definable envelope of development. The Alfold Bars area features a variety of building styles; some are former historic agricultural or equestrian buildings, converted for residential use. The area has a strong rural character. It is physically separate from the more definable development envelopes of Alfold and Alfold Crossways to the north and Loxwood to the south. It is within the Loxwood Parish area.

5. The Chichester Local Plan (CLP), adopted in 2015, sets out a settlement hierarchy and defines the settlement boundaries for those settlements identified within the hierarchy. Policy 2 of the CLP supports development within the settlement boundaries of existing settlements and therefore does not apply to the appeal site. Policy 45 relates to development in the countryside and is the relevant development plan policy for development outside of those development boundaries.
6. The Appellant argues that Alfold Bars is a settlement within its own right and therefore, that development in the appeal site location is in accordance with policy 2. However, the appeal site is, as a matter of fact, outside of any of the listed settlements within the CLP and is not within any defined settlement boundary. As such, policy 2 does not apply to the appeal proposal. Policy 45 is the relevant policy as it applies to all sites outside of those defined settlement boundaries.
7. Policy 45 supports development within the countryside where such development requires a countryside location, and it meets the essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements. To garner the support of policy 45, development must be well related to an existing farmstead or group of buildings, located close to an established settlement, be complementary to and not prejudice any viable agricultural operations, and ensure its scale, siting, design and materials would have a minimal impact on the landscape and rural character of the area.
8. Whilst the appeal scheme would make a limited contribution to local housing needs in general, there is no evidence to suggest that it would make a contribution to a specific need arising in the proposed location, nor, that it would require the countryside location to meet this need, nor that such a need could not be met within a settlement elsewhere. In this respect, the appeal scheme conflicts with policy 45 and it is therefore not acceptable in principle, in accordance with the development plan.
9. Although the appeal scheme does accord with elements of the criteria for policy 45, such as the site being related to an existing group of buildings and not prejudicial to existing agricultural operations, it nonetheless does not accord with the spatial and sustainable aims of the policy, and therefore the development plan taken as a whole. Moreover, for the reasons outlined below, the proposed development also does not relate *well* to the buildings which surround it, nor do its scale, siting, design and materials have only a minimal impact on the surrounding character.
10. At the time that the application was determined, the Council could not demonstrate a five-year supply of deliverable sites for housing (5YHLS). This would be a material consideration which could indicate that the appeal should be determined other than in accordance with the development plan and that

the 'tilted balance' in favour of sustainable development should apply¹. However, the Council has since reviewed its 5YHLS and, as at 24 November 2021, it identified a supply of 5.3 years.

11. The Appellant has questioned whether this supply calculation is truly accurate, as the 5YHLS was previously identified as only 4.3 years, and the increase in supply appears to be a significant shift in position. The Appellant has, however, provided no specific evidence to suggest that the sites included within the supply calculation would fail to meet the requirements of the Housing Delivery Test or Framework for inclusion in the supply.
12. The Appellant has referred to the Department for Levelling Up, Housing and Communities (DLUHC) letters to chief planners, dated 16 March 2022 and 21 July 2022, relating to nutrient pollution and had suggested that this could significantly delay delivery of sites, affecting supply. The March letter advised that planning applications and plans affecting habitat sites in an unfavourable condition as a result of nutrient pollution should be carefully considered and mitigation should be used to ensure there are no adverse effects in order to meet the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended). For planning applications, the March letter advised that Local Planning Authorities (LPAs) should consider the possibility of adverse effects as a result of nutrient loads as part of a Habitat Regulations Assessment (HRA). The letter recognised that this advice would have an immediate impact on planning applications and appeals in affected areas, as well as the potential for implications for the Housing Delivery Test and the 5YHLS, particularly in newly affected areas.
13. However, Chichester District Council was one of several areas already identified in respect of nutrient pollution prior to 2018 and as such, it is possible that the Council will have already identified measures in respect of mitigation and delivery issues with its supply, as part of its 5YHLS assessment, as it has stated that it takes a precautionary approach. The Appellant has not identified any particular sites which make up the 5YHLS which would become undeliverable within the 5 year period and has not submitted detailed supporting evidence to counter the Council's assessment that it does have a 5YHLS.
14. The parties have both made submissions regarding compliance with the development plan, as well as the 'tilted balance', roles of sustainability (and local interim guidance in the event of no demonstrable 5YHLS) and to this end, whether the site should be regarded as 'isolated' for the purposes of the Framework. However, for the reasons outlined above there are no material considerations which suggest the appeal should be determined other than in accordance with the development plan.

Character and appearance

15. The character of the site and its immediate surroundings are defined by its rural location and its relationship with Loxwood Hall West and Loxwood Hall East. The subservience of the surrounding buildings to Loxwood Hall is clearly communicated by their scale, siting and functional appearance. The established sense of subservience to the larger grandeur of Loxwood Hall is important both

¹ National Planning Policy Framework (the Framework) paragraph 11(d) and fn8.

- aesthetically in terms of local character, and in reinforcing the social and cultural significance of Loxwood Hall, an undesignated heritage asset.
16. The appeal proposal would subdivide the garden of Loxwood Hall West and would replace the existing single storey flat-roofed garage building with a two-storey dwelling. Necessarily due to its proposed siting and the size of its proposed plot, the dwelling would be smaller in scale than Loxwood Hall and it would to an extent, appear subservient to it. In this sense, it would be akin to the other dwellings in the vicinity. It is also clear that the Appellant has endeavoured to draw influence from the design of Loxwood Hall and the surrounding dwellings in terms of the detailed design of the appeal scheme. However, the closer proximity of the appeal scheme to Loxwood Hall would draw attention to its design proportions, which would appear discordant with those at Loxwood Hall.
 17. Moreover, the proposal would subdivide the plot for Loxwood Hall West and would therefore encroach into the space surrounding it, which would erode its outstanding and dominant character. The appeal scheme would create an incongruous tighter spatial pattern with a smaller sized plot. Whilst the other dwellings in the vicinity are also markedly smaller in scale than Loxwood Hall West and East, they have spacious plots with generous gaps between dwellings. The appeal scheme would infill an area between Loxwood Hall West and two other dwellings, creating a more regular, formal and built-up frontage which is more typical of a suburban area, and which would be wholly out of character with the Loxwood Hall vicinity and out of keeping with the wider sporadic, spacious rural character of the area.
 18. Whilst an existing garage building is sited in the same location as the appeal scheme would be, its low profile, utilitarian appearance and small scale avoids any sense of prominence, tightening of grain and formally arranged streetscene.
 19. As such, the appeal scheme would have an adverse effect on the character and appearance of the area, and it would cause harm to the significance of Loxwood Hall East and West, an undesignated heritage asset. The scheme would result in a single additional home towards local need, which is a limited public benefit. However, the adverse impact on the character and appearance of the area and the harm to the significance of the undesignated heritage asset clearly outweigh that benefit.
 20. Therefore, the appeal scheme does not accord with policies 33 and 45 of the CLP, policy 10 of the Loxwood Neighbourhood Plan (LNP) and the Framework. These policies seek, amongst other things, development of a high-quality design which is in keeping with the character of the surrounding area, with an appropriate design, scale and density of development, which relates well to the surrounding rural character and which conserves or enhances the significance of heritage assets.

Sustainable design

21. Policy 40 of the CLP requires that new development complies with standards of sustainable design in respect of, amongst other things; water use, Building for Life Standards, sustainable building techniques, energy consumption, adaption to climate change, biodiversity, tranquillity, traffic, and pollution.

22. The Appellant has provided some information in respect of the design and access of the scheme and therefore its impacts on some of these elements in the Design and Access Statement (DAS), DAS Supporting Statement and the Surface Water Strategy. This is an appropriate level of information given the scale and individual circumstances of the scheme, and I am satisfied that any further information and subsequent necessary and reasonable mitigation could be secured by way of appropriate planning conditions. Such conditions would be capable of meeting the necessary tests.
23. For these reasons, the appeal scheme would accord with the informational requirements of policy 40 of the CLP, subject to the imposition of necessary conditions.

Other Considerations

24. Water neutrality and nutrient pollution were raised as issues in respect of the appeal scheme itself. However, since the appeal is dismissed on grounds other than nutrient neutrality, there needs to be no determination in respect of the particular circumstances of the appeal scheme.
25. Third parties have also raised issues relating to traffic, the site's accessibility to sustainable modes of transport and the impact of parking at the site in terms of amenity. As I have found that the appeal scheme conflicts with the relevant policies of the development plan and it is unacceptable in principle, it is not necessary to assess the detailed impact of the scheme in these terms.
26. Third parties have also raised issues which are private matters, and which do not relate to planning control, such as ownership and access rights to the nearby lake.

Conclusions

27. For the reasons stated above, the appeal proposal is contrary to the relevant policies of the Development Plan, would be out of keeping with the character and appearance of the area, and it would cause harm to the significance of an undesignated heritage asset. This harm is not outweighed by the limited public benefits arising from the proposed development. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR