
Appeal Decision

Site visit made on 13 July 2022

by Sandra Prail MBE, MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/Z3825/W/21/3281884

Land east of Furzedown, Kithurst Lane, Storrington, West Sussex RH20 4LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made by Mr Philip Orpwood of Norbertine Order against the decision of Horsham District Council.
- The application ref DC/21/0177 dated 25 January 2021 was refused by notice dated 18 March 2021.
- The development proposed is construction of single storey dwelling and garage.

Summary of Decision: the appeal is dismissed

Preliminary Issue

1. The decision the subject of this appeal was made before recent amendments to the National Planning Policy Framework (the Framework) came into effect. The parties have had the opportunity to address any changes in the course of their submissions. I shall determine this appeal in accordance with the latest version of the Framework.

Main Issues

2. The main issues in the determination of this appeal are (i) the suitability of the site for housing, (ii) the effect of the development on the character and appearance of the area and (iii) biodiversity.

Suitability for housing

3. The appeal site is part of a field, laid to grass with some trees. It is located outside the built up area boundary. The proposed dwelling would be accessed from the existing private site access track from Kithurst Lane which leads to the cemetery to the south of the site. The access also provides access to a timber storage barn for the storage of agricultural equipment and shelter of volunteers in conjunction with the maintenance of adjacent land. To the east of the site is an area of woodland known as Matts Wood, private land to which the public are granted access. To the west of the site is a detached bungalow and to the north are detached properties. The

boundary of the South Downs National Park lies some distance from the appeal site.

4. The Framework provides that isolated homes in the countryside should be avoided unless one or more specified circumstances apply. Policies (including policy 2,3, and 4) of the Horsham District Planning Framework 2015 (the HDPF) together set out the Council's overarching approach to new development. They provide a hierarchy which grants development generally to defined built up areas or allocated sites in order to protect rural character and distinctive settlement patterns whilst meeting local need and balancing other planning considerations. Policy 26 of the HDPF requires that any proposal outside the built up area boundary must be essential to a countryside location and meet one of four listed criteria for development. I have also taken into account the Storrington, Sullington and Washington Neighbourhood Plan. The emerging Horsham District Local Plan is at an early stage of preparation and therefore attracts only limited weight.
5. The site sits outside any of the settlements as defined in the development plan and adjoins the built up boundary of Storrington and Sullington. The development does not concern heritage assets or re-use redundant or disused buildings or involve the sub division of an existing residential dwelling. The plans before me do not show a design of exceptional quality that is truly outstanding or innovative or would significantly enhance its immediate setting.
6. The appeal site is not allocated for residential development in the development plan or allocated for development in the Storrington, Sullington & Washington Neighbourhood Plan. Although described in the application as a 'gardeners cottage and garage' it is not argued that it meets an essential need for a rural worker. I am not satisfied that the single dwelling is essential to a countryside location.
7. I find that the appeal site is not a location where new development is generally supported in policy terms. I have considered the exceptions to the policy position but do not find any of them to apply on the facts.
8. There have been various applications for housing development on the site all of which have been refused. The most recent application (DC/20/1710) for construction of a four bedroom detached chalet bungalow with garage and hardstanding was refused and dismissed on appeal. One of the reasons for that refusal was that the site would not provide a suitable site for housing. I agree with the reasoning of that earlier Inspector and there is no material change in circumstances since the date of that decision that alters my conclusions.
9. I conclude that the development would not provide a sustainable location for housing having regard to the location of the development within the countryside and the spatial strategy of the District. It would conflict with relevant policies in the HDPF.

Character and appearance

10. The development plan mirrors the Framework in seeking to ensure that development respects its setting.

11. The proposal would not affect any important views within the National Park or the setting of the Storrington Conservation Area. Its visibility outside of the site is limited and set in the context of other development nearby. But the dwelling would be visible along the access when travelling to and from Matts Wood and the cemetery.
12. I recognise that the proposal the subject of this appeal has more modest dimensions and changes to the roof design compared to the earlier application for a detached dwelling and garage (DC/20/1710) which was refused and dismissed on appeal. But the alterations do not overcome the identified harm. The dwelling with its associated hardstanding and residential paraphernalia would extend the built form beyond the defined settlement boundary and create adverse localised visual harm to its countryside location. Residential features would create an urban character at odds with the rural character of the site and its wider setting.
13. I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area contrary to the Framework and development plan policies including policy 32 and 33 of the HDPF.
14. I have considered whether conditions could overcome the harm but I do not consider any would do so.

Biodiversity

15. The appeal site is within The Mens Special Area of Conservation (SAC) where the Council requires a Habitats Regulations Assessment screening report so that any impact on bats is identified. None has been submitted. The supporting information submitted with the application includes a 2017 Preliminary Ecological Appraisal Report which recommends a reptile presence/absence survey be carried out together with environmental tests on the ponds. This is the same report as was submitted with the earlier application and no additional survey data is before me. I agree with the earlier Inspector that there is a reasonable likelihood that protected species may be present on site.
16. Policy 31 of the HDPF states that proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigate or compensate for this loss and ensure that the ecosystem services of an area are retained. I acknowledge that the Appellant has referenced a range of ecology features and a desire to encourage wildlife including reptile shields, bird boxes but no additional survey data has been provided.
17. The Appellant invites me to control this matter through the imposition of a condition. But I am not persuaded this would be reasonable. Given the significant uncertainty to these matters which are fundamental to the acceptability or otherwise of the site I do not consider that it would be appropriate to impose a planning condition.
18. I conclude that there is insufficient evidence before me to enable me to conclude with any certainty that the development would not adversely impact protected species and habitat. The proposal fails to satisfy policy 31

and the Framework and no material considerations justify an alternative conclusion.

Benefits of the development

19. The Appellant claims that the Council does not meet its 5 year housing supply target. The Council says that it does and references its latest Annual Monitoring Report 2018/19. I have no evidence before me that casts doubt on the Council's stated position.
20. I recognise that the proposed development would likely create direct and indirect social, environmental and economic benefits. I recognise the modern construction methods proposed and that it is proposed to meet passive house standards that contribute towards carbon savings and reduced use of carbon resources. The work of volunteers in managing nearby land, including providing public access to Matts Wood and enhancing woodland creates environmental benefits which are admirable. But I am not satisfied that the proposed development is necessary for the continuance of such work. In the context of a single dwelling the potential benefits are modest and do not overcome the identified harm.

Other matters

21. The Appellant draws attention to other development approved outside the development boundary. But there is nothing before me that alters my conclusions on this appeal.
22. The Appellant criticises the conduct of the Council but this is not a matter within my remit to consider in this appeal.
23. There are other appeals concerning nearby land but for the avoidance of doubt I have determined this appeal on its individual merits.

Conclusion

24. The proposal would provide a new dwelling with associated social and economic benefits. But the benefit of one unit albeit self build and passive design does not outweigh the identified potential harm to protected species on a site that is not in principle suitable for housing and would cause undue local harm to the character and appearance of the area.
25. On balance taking all matters before me into account I conclude that the development does not accord with the development plan or the Framework and there are no material considerations that warrant a decision otherwise than in accordance with the development plan. For the reasons given I conclude that the appeal is dismissed and planning permission is refused.

Formal Decision

26. The appeal is dismissed and planning permission is refused.

S. Prail

Inspector