



Appeal Decision

Site visit made on 11 October 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/Q3820/W/21/3280643

The Grove, Poles Lane, Langley Green, Crawley RH11 0PY

- 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 David Maxwell against the decision of Crawley Borough Council.
 - The application Ref CR/2020/0800/FUL, dated 3 December 2020, was refused by notice dated 30 March 2021.
 - The development proposed is Erection of 1 proposed dwelling following demolition of existing non-agricultural buildings (previously developed land application).
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - the effect that the proposed development would have on the future expansion of Gatwick Airport
 - the rural character of the countryside
 - the character and appearance of the surrounding area regarding trees, and
 - whether the proposal would make adequate provision for affordable housing.

Reasons

Safeguarded land

3. The appeal site includes an area of land that was formerly part of the garden of The Gatwick Grove, which is now known as The Grove. The proposal includes the removal of 2 outbuildings, which are a barn near the south west corner of the site and a workshop within adjoining land controlled by the appellant. The proposed dwelling would be sited a little further from the site's south and west boundaries than the barn.
4. LP Policy GAT2 identifies land which will be safeguarded from development that would be incompatible with expansion of the airport. The site is within the area safeguarded by Policy GAT2 of the Crawley Borough Local Plan 2015-2030 (LP) for an additional wide spaced runway. Its safeguarding is in accordance with the Aviation Policy Framework 2013 (APF) and the National Planning Policy Framework (Framework), which states that local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen choice. The Policy also

states that minor development, such as changes of use and small scale building works, such as residential extensions, will normally be acceptable.

5. The proposed dwelling in its good-sized grounds would be more valuable than the former outbuildings to The Grove. Because the proposed development along with the new household living there would reasonably be expected to add constraints or increase costs or complexity to the development or operation of an additional runway, it would be incompatible development. The application for planning permission was a 'minor application' rather than a major application. However, because the building works for the new dwelling, which would include all of its services and fittings, would be much greater than the small scale building works for, say, a residential extension, they could not reasonably be considered to be 'minor development' in terms of LP Policy GAT2. Moreover, because the proposal would be incompatible development, and as the Policy's words include 'normally', the proposal, or an application for the change of use of the barn to a dwelling, could reasonably be resisted.
6. The appellant says that Gatwick Airport Ltd is no longer looking to develop the land as part of a second runway, and that it is concentrating on the expansion of the northern runway. However, the site is required to be safeguarded from inappropriate development by the APF, which has not been superseded. The appellant has also suggested that he would forgo the increase in financial value of the proposal if the safeguarded land were to be required, but this would not overcome the additional constraints and complexity relating to the future occupiers of the dwelling having to leave their home. Little information has been put to me about the other matters including the road to the Ifield Development, so they attract little weight. I have also had regard to my colleagues' appeal decisions ref APP/Q3820/W/17/3173443 and APP/Q3820/W/18/3216038, and my findings are consistent with theirs.
7. Therefore, I consider that the proposal would harmfully conflict with the future development of Gatwick Airport. It would be contrary to the APF, LP Policy GAT2, and the Framework.

Countryside

8. The site is outside the Built Up Area boundary designated in the LP, so it is, in policy terms, in the countryside. It is also within the Upper Mole Farmlands Rural Fringe, which is a mainly open rural area that provides an important physical and visual gap between Crawley and Gatwick, and which offers valuable recreational links from the northern neighbourhoods of Crawley into the countryside.
9. The proposed dwelling would be fairly near a few sporadic dwellings in Poles Lane, but, due to its siting towards the south end of the lengthy unlit and unclassified Poles Lane, it would be relatively isolated from shops and services by most sustainable transport modes. Because the proposal would include the subdivision of The Grove's grounds, it would have an urbanising effect on the loose-knit dwelling cluster in Poles Lane. Moreover, due to its hipped roofed C-plan form, bulk and siting, the dwelling would be much more intrusive than the outbuildings that it would replace. Thus, it would harmfully erode the important openness in, and the rural character of, the surrounding countryside.
10. Because there would be 2 dwellings where there had been one before, as well as their increased number and associated hard surfaces and domestic

paraphernalia, there would be an increase in light spill after dark and the additional vehicular activity within the rural area would be likely to increase the damaging incremental erosion of verges and hedge banks that contribute positively to the local character. So, the proposal would unacceptably diminish the rural character of its surroundings, to the detriment of the important countryside gap. The appellant says that there would be no increase in these effects because his family lives at The Grove with other family members, but because the site would be separated from The Grove, its future occupiers would form a separate household.

11. The change of use from a care home to a dwelling at The Grove was permitted some while ago, so the activity related to its present use as a dwelling is relevant. Little information about the warehousing in a nearby field has been put to me, so it attracts little weight. The appellant's suggested conditions to control matters including planting and external materials would not overcome the harm due to the increased activity and lighting at and related to the site.
12. Thus, I consider that the proposal would harm the rural character of the countryside. It would be contrary to LP Policy CH2 which aims to reinforce landscape character, LP Policy CH3 which aims for development to relate sympathetically to its surroundings, LP Policy CH9 which aims to minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, guidance in the Green Infrastructure Supplementary Planning Document (GSPD), and the Framework which seeks to recognise the intrinsic character and beauty of the countryside.

Trees

13. There are some mature oak trees by the west end of the site's south boundary and several tall conifers by the south end of its west boundary, which would be close to the proposed dwelling, and several trees of important amenity value within the site. The proposal would include 3 new trees that would be planted roughly east of the drive, which could reasonably be controlled by condition. However, there is almost no arboricultural assessment, tree constraints plan or other arboricultural evidence to show that the construction of the dwelling would not be likely to adversely affect the health and longevity of the nearby trees. Because the findings of an arboricultural assessment could affect the siting of the dwelling, and other issues including the design of its foundations, and the layout of its services, it is not a matter that could be dealt with by condition if the proposal were to be otherwise acceptable.
14. The nearby trees make an important positive contribution to the character and appearance of the rural area. Even so, the canopies of the nearby oaks would be likely to overhang part of the dwelling. Due to the future occupiers' likely fears about the nearby trees or their branches falling, and the inconvenience of dealing with leaves, twigs and other detritus associated with the trees blocking gutters and so on, the Council is likely to come under pressure in future for the canopies of the trees to be severely reduced or for the trees to be felled. This pressure would be hard to resist if the dwelling were to be permitted.
15. Thus, I consider that the proposal would be likely to harm the character and appearance of the surrounding area regarding trees. It would be contrary to LP Policy CH3 which aims to retain existing trees that contribute positively to the area, LP Policy CH6 which seeks to maintain the green character and

appearance of the Borough, guidance in the GSPD, and the Framework which aims for existing trees to be retained wherever possible.

Affordable housing

16. LP Policy IN1 aims for development to be supported by the necessary infrastructure, and LP Policy H4 seeks a commuted sum towards the provision of 40% off-site affordable housing for sites of 5 or less dwellings. The appellant is content to make a financial contribution towards the provision of affordable housing but no completed planning obligation to secure that contribution has been put to me. However, as the proposal would not be acceptable for other reasons, I have not pursued the matter further with the parties.
17. Thus, I consider that the proposal would not make adequate provision for affordable housing. It would be contrary to LP Policy IN1 and LP Policy H4, and the guidance in the Affordable Housing Supplementary Planning Document.

Other matters

18. The site is within the Sussex North Water Supply Zone. In determining this appeal, I am the competent authority for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended).
19. Natural England has advised that the Sussex North Water Supply Zone includes supplies of groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the Arun Valley Special Area of Conservation, the Arun Valley Special Protection Area and the Arun Valley Ramsar Site (the Arun Valley site). As it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley site, developments within this zone must not add to this impact. One way of dealing with this is water neutrality, that is, the use of water in the supply area is the same or lower after the development has taken place. A strategic approach is being developed to deal with water neutrality.
20. Because the proposal is not directly connected with or necessary for the management of the Arun Valley site, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the Arun Valley site in view of its conservation objectives. I could only grant planning permission if I were to ascertain in that appropriate assessment that the integrity of the Arun Valley site would not be adversely affected. However, as the proposal would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, and so I have not pursued the matter further with the parties.
21. The welcome new home would make efficient use of previously developed land, and its other benefits would include jobs during construction and its future occupiers' likely support for shops and services in the Borough. However, even if an appropriate assessment were to conclude that there would be no significant adverse effect on the integrity of the Arun Valley site, the benefits would not outweigh the proposal's harmful effects on the land that is safeguarded in the national interest for the future expansion of Gatwick Airport, the environmental harm to the rural character of the countryside between Gatwick and Crawley and to trees that are important to the character and appearance of the surrounding area, and the social harm due to the failure to contribute towards affordable housing.

Conclusion

22. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
23. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR