

Appeal Decision

Site visit made on 24 November 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/Z3825/W/22/3298009

Land to the rear of Hillside Farm, Billingshurst Road, Coolham, Horsham, West Sussex RH13 8QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr S Doughty against the decision of Horsham District Council.
 - The application, Ref. DC/22/0166, dated 25 January 2022 was refused by notice dated 25 April 2022.
 - The development proposed is permission in principle for the demolition of the existing outbuildings and the erection of residential development of 4 No. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. I have taken the address of the appeal site as that given on the application form as it more accurately describes the site's location than the appeal form. Conversely, I have used the description of development on the appeal form which uses the wording on the Council's decision and is more exact.
3. The proposal is for permission in principle. The Government's Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

5. Within the parameters identified above the main issues are firstly whether the location is suitable for housing having regard to (i) the site's accessibility to services and facilities; (ii) the effect of the proposal on the character and appearance of the area, and (iii) any other considerations.
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Reasons

Suitability of Location

6. The appeal site is in the open countryside on the south side of the A272 and about 3km from the boundary of the built-up area of Billingshurst. The site comprises a main commercial building and hardstanding; a storage container; a workshop and store, and equine related buildings with further hardstanding and a menage. The immediate context is a cluster of seven houses and a community hall. There is a footpath to Coolham village approximately 0.4km to the west and this comprises about four dozen houses, a school, and a public house. The appellant estimates these facilities to be under a 10-minute walk from the site.
7. The main parties to the appeal agree that the site is located in the countryside. Accordingly, whilst noting its position on the periphery of an informal and loose-knit residential cluster, I am satisfied that the appeal site falls outside the scope of Policy 3 of the Horsham District Planning Framework 2015 ('the HDPF') which only permits development within towns and villages that have defined built up areas. As regards HDPF Policy 4, the site does not adjoin an existing settlement edge and neither is it an allocated site in the Shipley Neighbourhood Plan made on 23 June 2021.
8. Furthermore, although Policy Ship HD1 in the Neighbourhood Plan permits new housing development subject to all five criteria in the policy being satisfied, this policy only applies to development within Shipley and Coolham villages and the hamlets of Dragons Green and Brooks Green. Nor is there any suggestion for the appellant that the scheme would be for anything other than market housing, thereby placing the proposal in contravention of criterion 3 of the policy which requires affordable housing.
9. In light of the above conflict with the HDPF and Neighbourhood Plan, the location of the development requires justification as an exception to Policy 26, the Council's strategic policy for the protection of the countryside against inappropriate development. However, in applying the provisions of that policy there is no basis in this case for claiming that a countryside location is essential for the four houses.
10. The other stipulation of Policy 26 is the enabling of sustainable development in rural areas, and the appellant acknowledges that '*Coolham lacks the basic services which would avoid use of the private car by prospective residents of the proposed houses*'. Whilst to some extent this would be offset by the bus service, public house, village hall and primary school in Coolham, all of which can be accessed by a footpath along the A272, I consider that future residents of any development would have to rely on car trips to Billingshurst for most of their day-to-day needs.
11. In the National Planning Policy Framework 2021 ('the Framework') Paragraph 79 says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the appellant argues that the appeal site would be a case in point, I consider that the HDPF spatial strategy has been formulated to achieve this objective. Accordingly, HDPF policies 3 and 4 are the mechanism under which the objectives of paragraph 79 can be achieved.

12. Paragraph 80 of the Framework says that subject to the stated exceptions, the development of isolated homes in the countryside should be avoided. Following the Court of Appeal judgement in *Bramshill v SSHCLG [2021]* EWCA Civ 320, the definition of 'isolated' is remoteness from a settlement rather than other buildings. In this regard I am unable to agree with the appellant's suggestion that the cluster of seven houses near the appeal site can be regarded as a settlement. In this locality it is Coolham village that would be the nearest settlement, albeit unclassified in the Development Hierarchy in HDPF Policy 3. The evidence in the HDPF, the Neighbourhood Plan and in this appeal is not entirely clear, but it would appear that the cluster of housing adjoining the site is not regarded either as part of Coolham village or as a named hamlet. This suggests that the appeal site would fall within the definition of 'isolated' in Paragraph 80 of the Framework.
13. From the above application of the HDPF and Framework policies to development, I am satisfied that on the first main issue the site proposed for the development would not satisfy the Local Plan's definition of sustainable location in the countryside. In addition, the appeal scheme is not essential as regards its countryside location. I do not interpret the Framework as a whole as altering this position and consider that these findings merit significant weight.

Character and Appearance

14. The site's status is one of a 'brownfield site' or 'previously developed land'. The application is accompanied by a proposed site plan (Ref. MLP/03) showing four detached dwellings in a cluster at the end of the existing access drive. However, this is an indicative plan on which it would be inappropriate to rely as regards layout at this permission in principle stage.
15. Nonetheless, the development of four houses on a site of this limited size would result in curtilages of modest dimensions and in my view the Council is correct to observe that this would not be in keeping with the sporadic and informal nature of the surrounding built form of individually designed dwellings on large plots.
16. However, infill or supplemental development whether in the town or countryside is almost always of a higher density than its surroundings given the need to ensure that development makes an effective use of land, and this applies to brownfield sites or previously developed land which the appeal site clearly is. Moreover, although the development pattern would be more 'suburban' than the rural character and appearance of its surroundings because of houses being grouped at the head of a cul-de-sac, I consider that subject to a carefully considered design and the use of external materials sympathetic to the rural surroundings there would be no reason why a residential development would not adequately harmonise with the existing cluster of seven dwellings.
17. Furthermore, the existing site includes buildings of a poor design and extensive areas of hardstanding. It is a commercial site, including storage, and as such generates lorries and other commercial vehicles. Even the menage is likely to result in lorries and trailers for the transport of horses. To some degree therefore the site is already a 'bad neighbour' to nearby residential property and the extent of noise, disturbance and overall nuisance has the potential to intensify.

18. The Council considers that a noise assessment should be submitted at this stage. However, the site is well back from the A272 and the buildings of Hillside Farm would have a shielding effect. And from my visit to the site, I am not convinced that any noise assessment and mitigation measures would be such as to affect the principle of development. I therefore consider that noise mitigation and attenuation can reasonably form part of stage two in the process.
19. Overall on this issue, I conclude that the existing commercial site's replacement by four houses would improve the appearance of the site and reduce any harmful effect of the traffic on the residential properties on both sides of the access and close to its junction with the A272. On this issue I therefore conclude that although not in keeping with the existing houses in the cluster, the appeal scheme would, on balance, have a beneficial effect on the character and appearance of the appeal site and therefore comply with HDPP Policies 25, 32 & 33 and with Policies Ship HD1 and Ship HD3 in the Neighbourhood Plan.

Other Matter

20. The Officer's report on the application explains that the site falls within the Sussex North Water Supply Zone and Natural England has stated that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley, SAC, SPA and Ramsar sites. Paragraphs 180-182 of the Framework also provide guidance on the determination of planning applications for such sites.
21. In the absence of cogent evidence to the contrary, or clear and demonstrable ways that harm could be mitigated and secured to ensure water neutrality through the inclusion of on-site measures and/or offsetting measures, I find that the proposed development would likely have a significant effect on these habitat sites. Consequently there is conflict with HDPP Policy 31, the above-mentioned paragraphs of the Framework and the requirements of the Conservation of Habitats and Species Regulations 2017. Accordingly, I am unable to accept the appellant's contention that this matter is for consideration under the second ('technical details consent') stage 2 of the permission in principle consent route. In short, it is an aspect of 'location', a stage one issue.
22. As habitats development, permission in principle under Article 5B(1) of the Town and Country Planning (Permission in Principle) Amendment Order 2017 cannot be granted.

Conclusion

23. In view of the above, despite a positive finding related to the effect of the development on the character and appearance of the area and noting all the other matters that would normally go into a planning balance, such as the Council being unable to demonstrate a five-year housing land supply, permission in principle cannot be granted. Consequently, the appeal must be dismissed.

Martin Andrews

INSPECTOR