

Appeal Decision

Site visit made on 4 February 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/Y9507/W/22/3301038

Land West of The Flying Bull, London Road, Rake, Rogate GU33 7JB

- 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 Ian Newman, REL 2 Ltd & Hawthorn Leisure against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/21/04484/FUL, dated 30 August 2021, was refused by notice dated 14 January 2022.
 - The development proposed is the erection of 4 no. dwellings (including 1 no. affordable unit).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area including the effect on the South Downs National Park (NP);
 - whether the proposal would include adequate and safe car parking arrangements;
 - whether the proposal would adequately address climate change; and
 - whether the proposal would provide the necessary affordable housing.

Reasons

Character and appearance

3. The proposal is for a group of four detached houses around a short cul-de-sac off London Road to the south-west of The Flying Bull in Rake, a roadside village on the old A3 (now the B2070) in Rogate Parish within the South Downs NP. The appeal site, not clearly delineated on the ground, consists of grassland and scrub/woodland.
4. The proposal takes as its starting point the allocation of a housing site on the road frontage under Policy H6B of the Rogate and Rake Neighbourhood Development Plan 2021 (the NDP). The NDP expresses the view that in Rake there is an unmet demand for smaller, ideally affordable, houses that would enable young people brought up in the area to stay and older people to downsize to a more manageable house. The NDP also says that the site partially fills a gap in development on the north side of London Road and would complement a similar row of housing on the south side.

5. The intention, as expressed in the submission version of the NDP and including an indicative layout, was for a scheme comprising two pairs of semi-detached properties on the road frontage, two 2 bed and two 3 bed with one of these being affordable. In order to provide rear gardens for these properties the site included some land to the rear in Liss Parish¹, but the NDP examiner had to exclude this as falling outside the plan area, for this technical reason reducing the allocation to two dwellings. However, the examination report makes clear that a planning application could include the land to the rear so that four dwellings could be achieved. The SDNP officer delegated report also accepts the principle of a four dwelling scheme.
6. Contrary to the views of SDNP design and landscape officers, the site for the proposal need not be arbitrarily limited by the parish/county boundary², and indeed, particularly given arboricultural constraints, it is not clear how the most appropriate width for the site frontage has been established through the NDP. The fact that the appeal application site includes land within Liss parish to the rear and additional land along the road frontage beyond the allocated site is not therefore necessarily a problem and could be an advantage provided the scheme is well designed, incorporates any important trees and meets identified local housing needs as required by NDP Policy H5.
7. However, in contrast to the linear roadside character of Rake, particularly in the vicinity of the appeal site, with its detached, semi-detached and terraced housing lining the road frontage, the proposal is for an informally laid out group of detached houses around an in-depth cul-de-sac. The houses would be poorly related to each other, oriented in different directions, with Plot 4 isolated to one side with its own individual access. Plots 1-3 would also fail to relate satisfactorily to the road, Plot 1 presenting a tall, unfenestrated side elevation on rising ground, whilst the unrelieved flank elevation of Plot 3 would be hard up against the field behind. The scheme makes inefficient use of land with an excessive area devoted to hardstanding for turning and manoeuvring, and an unduly large rear garden for Plot 1 which would most likely be domestic in character with ornamental trees, outbuildings and garden paraphernalia.
8. The overall result would be a low density, suburban style cul-de-sac of primarily large detached dwellings which would be unsympathetic in its setting and contrary to the objective of the NDP for smaller, ideally affordable housing that would complement the row of housing on the other side of the road.
9. For these reasons the proposal would significantly harm the character and appearance of the area and the South Downs NP of which it forms part. This would conflict with Policies SD1, SD4 and SD5 of the South Downs Local Plan 2019 (the SDLP) and NDP Policies NE1 and BE1. These seek to conserve the landscape, protect the settlement pattern and identity of settlements, require high quality proposals that contribute to local distinctiveness and schemes to take account of their immediate setting. There is no clear conflict with the other policies listed in the decision notice. Although not a reason for refusal, it is not clear that the proposal would comply with NDP Policy H5 which requires a mix of homes commensurate with the needs of the parish.

¹ with the support of Liss Parish Council

² the boundary also arbitrarily cuts through development further south-west and north-east

Car parking

10. The 3 bed dwelling on Plot 4 would be served by two car parking spaces in a tandem arrangement, with no space to turn within the site to leave in forward gear. This would lead to highway safety risks, with vehicles having to reverse out into the busy London Road when leaving and when switching cars between the two spaces.
11. The Authority also argue that the overall scheme would have too few parking spaces, particularly visitor spaces, with 9 spaces compared to a requirement of 10.92 derived from the 'parking calculator'. However, the layout shows ample hardstanding where visitors could park temporarily and, whilst not ideal, there is a large lay-by on the opposite side of the road.
12. Thus, whilst the overall number of car parking spaces would be adequate, the tandem arrangement off the main road for Plot 4 would be unsafe leading to highway safety risks in conflict with SDLP Policy SD19 and NDP Policies T2 and T3. These require the continued safe operation of the local road network, the safety of road users and safe access/egress to and from the public highway.

Climate change

13. SDLP Policy SD48 requires the achievement of a 19% reduction in carbon dioxide emissions against Part L (2013) of the Building Regulations 2010, water consumption of no more than 110 litres per person per day, the use of zero/low-carbon technologies and sustainable design and construction. Whilst details could helpfully have been provided as part of the application, these requirements could be secured by use of pre-commencement conditions.

Affordable housing

14. SDLP Policy SD28 requires a four dwelling scheme to include one affordable home and the appellant proposes that Plot 4 would be allocated for this purpose. However, no Section 106 obligation has been submitted to ensure the delivery of the dwelling and it is not possible to require this by condition. The proposal would not therefore provide the necessary affordable housing in conflict with Policy SD28.

Other matter

15. It is not clear that the proposal provides a footpath to connect London Road to the village hall grounds to the rear as required by NDP Policy H6B.

Conclusion

16. The proposal would provide four additional dwellings which would make a useful contribution to local housing needs and have economic and social benefits for the village. However, these benefits are significantly outweighed by the harm that would result to the character and appearance of the area, highway safety and the lack of affordable housing provision.
17. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR