



Appeal Decision

Site visit made on 26 June 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2023

Appeal Ref: APP/Z3825/W/22/3297687

Land South of Mayfield Nursery, West Chiltington Lane, Billingshurst, West Sussex RH14 9EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Miss Everlyn Perry-Mason against the decision of Horsham District Council.
- The application Ref DC/21/2299, dated 7 October 2021, was refused by notice dated 3 February 2022.
- The development proposed is two new dwellings designed as two storey 3 to 4 bedroom residential homes.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with the principle of the development and the highway access point to be considered at this stage. Details of access, appearance, landscaping, layout and scale are reserved for future determination. The footprint and siting of two dwellings shown in the submitted plans represent one possible way that the site could be developed.
3. With the appeal the appellant submitted a protected species walkover survey. The main parties agree that subject to a condition to secure a biodiversity enhancement strategy there would be no harm to the ecological interest of the site. Consequently, the Council no longer pursues RfR2. I have, therefore, determined the appeal on this basis.

Main Issue

4. The main issue in this appeal is whether the proposal would provide a suitable location for housing having regard to its location and the Council's spatial strategy.

Reasons

5. The appeal site contains remnants of a stand of conifer trees and pockets of open grassland. It was part of a Christmas tree farm but greenhouses have been demolished and it is not in active use. The site would be redeveloped for two dwellings. The appellant and her brother live with family at Mayfield Nursery, next to the site, and would each occupy one of the dwellings with their respective partners.
6. Policy 2 of the Horsham District Planning Framework 2015 (the HDPF) includes a spatial strategy to maintain the unique rural character of the district, whilst

ensuring that the needs of communities are met through sustainable growth and suitable access to services and local employment. It focuses development at Horsham and then elsewhere in the district in accordance with a settlement hierarchy. This is set out in HDPF Policy 3 which permits development in towns and villages within their defined built-up areas.

7. Outside of these built-up area boundaries, HDPF Policy 4 supports development to grow settlements including for identified local housing need provided, amongst other things, a site is allocated in a development plan and adjoins an existing settlement edge. Elsewhere in the countryside outside the built-up area boundaries, HDPF Policy 26 seeks to protect the rural character and undeveloped nature of the countryside. It requires that development must be essential to its countryside location and additionally meet at least one of four criteria, including to enable the sustainable development of rural areas.
8. The HDPF 'key diagram' does not show the site as located in a village. Nor is it in the built-up area boundary of a settlement or does it adjoin a settlement edge, as defined by the development plan, and is not allocated for development. The settlement hierarchy is how the Council provides most new housing in rural areas, focussed at larger more sustainable settlements. This reduces the need to travel, especially by car, so a built-up area boundary is not dependant on good road accessibility. While occupants of existing dwellings may drive to meet their needs, this is beyond the control of the development plan. The appellant does not agree with the Council's approach in these respects, but it is nonetheless the adopted development plan. I am required to determine this appeal in accordance with it unless material considerations indicate otherwise¹.
9. The site is in a distinctly rural area where individual or clusters of buildings are scattered or sporadic in the landscape. The dwellings would not, though, be isolated insofar as not remote from Mayfield Nursery or some other nearby houses which are sufficient to render the site part of a hamlet at Broadford Bridge. However, there is no evidence that it is an 'unclassified settlement'. This would anyway be a place with few or no facilities and limited accessibility, reliant on other villages and towns to meet residents' needs. Aside from a Parish Council notice board and a Royal Mail post box there is no evidence of other facilities or services at Broadford Bridge, nor that it is served by buses or any other public transport.
10. Villages or towns that I have been referred to, with services and facilities, public transport and employment, are at least 'a couple of miles' from the site. Some of the intervening roads have no pavements, no street lighting and mostly narrow or uneven grass verges tight against hedgerows or fences. These would not be safe for pedestrians, especially along the fast and busy B2133 Adversane Lane. These destinations are therefore not conducive to walking from the site. While some cyclists could travel to these places, the occupants of the dwellings would be reliant on cars.
11. Even if this helped to enhance or maintain the vitality of these or any other settlements, two households would have a limited proportionate effect in these regards. Although the appellant and the other future occupants already live at Mayfield Nursery there are no services or facilities at Broadford Bridge that

¹ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended)

would be maintained by the proposal and no evidence that two dwellings would bring about services or facilities at Broadford Bridge, including bus services.

12. The proposal would not, therefore, grow the hamlet in a sustainable way to meet the needs of its community or give the future occupants suitable access to services or facilities, including public transport. The dwellings are not essential in the countryside for any reason recognised by the development plan and do not enable the sustainable development of any rural area. In these circumstances, albeit in a small way, the proposal would not protect or maintain the innate rural character and undeveloped nature of the countryside.
13. The future occupants are self-sufficient in some aspects of day-to-day living at 'the existing property' at Mayfield Nursery and generate vehicle traffic, such as for their employment in the local area. However, that activity is not on the site. Nor is there any evidence that the existing property is more than one separate dwelling or that all these people do not currently live together as an extended single-family household.
14. On this basis, daily or weekly food shopping activity could intensify by additional vehicle journeys at each dwelling. There is no mechanism to restrict food shopping to on-line, which would anyway not be reasonable or enforceable, and in any event could result in additional food deliveries beyond that which may already occur at Mayfield Nursery. The appellant and the other occupants are young couples who intend to have their own families and if so, this would increase occupancy in one or both dwellings. Even if infrequent or short distance there would be additional travel demands for health, education, leisure or socialising. There is no evidence this could be achieved by travel other than primarily using vehicles. Children could eventually own a vehicle, including for employment, so add to traffic movement.
15. The site was last occupied by agricultural or forestry buildings, or was part of their curtilage, so it is not previously developed land as defined in the National Planning Policy Framework (the Framework)². A West Chiltonton Neighbourhood Plan 'call for sites' seeks to establish the availability of land to meet recognised local need for housing as part of the plan-making process. It does not mean that a site will be allocated for development or meantime should be granted planning permission, including the site in this appeal.
16. Taking all the above into account, I find that the proposal would not provide a suitable location for housing having regard to its location and the Council's spatial strategy. Consequently, it is contrary to HDPF Policies 2, 3, 4 and 26 for the reasons explained above.

Other Matters

Personal circumstances

17. The appellant and her brother would continue to live where they grew up, close to family, work and socialise in the local area and live independent lives with the other occupants. I sympathise with these aspirations but they are private benefits. These would endure only while they lived in either dwelling, which could be sold at any time, or while Mayfield Nursery was occupied by a family member; whereas the dwellings would be permanent. As such, these considerations have little weight in favour of the proposal.

² Annex 2: Glossary

Self-build homes (SBH)

18. HDPF Policy 16 seeks a mix of housing types and sizes. The Framework and related Planning Practice Guidance (PPG) support SBH. Although the appellant's description of development does not refer to this, it is what is intended and some of the future occupants have building or environmental qualifications, skills or trades. However, there is no evidence of unmet need for self-build plots at Broadford Bridge in the Council's SBH register or that the appellant (or any future occupant) is entered on it. There is no mechanism before me to ensure that the appellant would have a primary input into the final design and layout of the dwellings with this purpose in mind, or to ensure initial occupation as owner³. The proposal does not, therefore, meet the definition of SBH⁴. In any event, the duty to grant planning permission for SBH relates to land that is 'suitable' for housing⁵, which the site is not as explained earlier above. SBH are therefore not a benefit in this appeal.

Affordable housing (AH)

19. The dwellings could be affordable or more affordable than others at Broadford Bridge or nearby and meet the appellant's need for market housing. But there is no evidence that the dwellings would comply with the Council's AH development plan policies, meet the Framework definition of AH⁶ or an acknowledged local need for AH, including as a rural exceptions site to help younger or less affluent people enter the housing ladder in rural areas. There is anyway no mechanism before me to ensure that the dwellings would be occupied by persons identified by the Council as in need of AH or to retain the dwellings as AH. AH is, therefore, not a benefit in this appeal.

Water neutrality (WN)

20. The site is in the Sussex North Water Supply Zone (SNWSZ) and a zone of influence of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site (the protected sites). A likely significant effect on the integrity of habitat and species in the protected sites would occur from the proposal alone, or in combination with other development, in an area which is sensitive to increased abstraction of drinking water and already failing conservation objectives. Natural England's position statement⁷ sets out that development in the SNWSZ must not add to this impact. One way of achieving this is to demonstrate WN so that the use of water before the development is the same or lower after the development is in place.
21. The appellant's WN statement claims a net reduction in water demand for the dwellings compared to the historic use of the site. Additionally, that water saving measures would be incorporated in both dwellings and that the occupants already live at Mayfield Nursery, so to that extent already off-set impact on water use. By these means the appellant considers WN of the proposal would not adversely affect the integrity of the protected sites and overcome the Council's RfR3.

³ PPG 016: 57-016-20210208

⁴ Self-build and Custom Housebuilding Act 2015 (as amended) and Housing and Planning Act 2016 (as amended)

⁵ PPG 023: 57-023-201760728

⁶ Annex 2: Glossary

⁷ 14 September 2021

Other considerations

22. An outline application can establish certain parameters of proposed development, including two dwellings in this case and a point of access to the highway which the Highway Authority has supported. There is no objective evidence that if outline planning permission were granted, subject to conditions, satisfactory details of the reserved matters (and other relevant details) could not subsequently be resolved to otherwise allow the site to be developed as proposed, including considerations referred to by statutory consultees and some interested parties. There is no evidence, beyond assertion or speculation, that it is necessary to grant planning permission for the proposal as the only means to prevent dereliction of the site. The appellant considers that the Council did not engage positively during its consideration of the application but this is not within the remit of this appeal, which I have determined on its individual planning merits.

Planning Balance

23. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites and in this appeal suggests it was 4 years. The development plan policies most important for determining the appeal are therefore out-of-date and Framework paragraph 11(d) is engaged. The starting point is that planning permission should be granted.
24. Two dwellings on this small windfall site, making use of existing utilities infrastructure, could be built relatively quickly and make efficient use of this land. This would be aligned with objectives of the Framework to significantly boost the supply of homes. Carrying out the proposal would support the local building industry and associated trades and the future occupants would nonetheless likely use facilities and services in villages or towns elsewhere. The Council would secure additional Council Tax receipts. While notable, these would though be modest social, economic and environmental benefits from the construction and occupation of two dwellings so have limited weight.
25. On the other hand, the site is not a suitable location for the proposed residential development, fundamentally at odds with the Council's spatial strategy. Given the housing land supply position, reduced weight applies to this conflict with the development plan.
26. Nevertheless, the proposal would not promote walking, cycling or public transport in any meaningful way or result in a pattern of development that supported these aims or the safety of pedestrians and to a lesser extent, cyclists. While transport opportunities vary between urban and rural areas, the dwellings would not be in a location that is, or could be, made sustainable by limiting the need to travel or offer a genuine choice of travel modes. It is a significant development for these reasons and because it would undermine the Council's objectives in these respects, which remain consistent with rural housing and sustainable transport objectives of the Framework. As such, these social, economic and environmental considerations have compelling weight.
27. As the competent authority in this appeal, it would ordinarily be necessary for me to undertake appropriate assessment with respect to WN and the protected sites. However, since I intend to dismiss the appeal there is no need for me to consider these matters any further. Even if the proposal did not adversely affect the integrity of the protected sites, so not provide a clear reason for

refusing the proposal, the adverse impacts of granting planning permission would, in my view, significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In these circumstances the presumption in favour of sustainable development does not apply so WN and the protected sites would not affect my decision or alter the outcome of the appeal.

28. I recognise that dismissing the appeal would interfere with the appellant's and the other future occupants' private rights to enjoyment of their possessions, to family life and their home⁸. I have also had due regard to the age, sex and potential future pregnancy or maternity protected characteristics in this appeal for the purposes of the Public Sector Equality Duty⁹, including the need to eliminate discrimination and advance equal opportunity. However, these factors must be weighed against the wider public interest. The proposal would be at odds with local and national planning policy for the location of this new housing development. I am satisfied that this legitimate aim can only be adequately safeguarded by the refusal of permission for the proposal. I therefore consider that dismissing the appeal for this reason would be a proportionate outcome.

Conclusion

29. The proposal does not accord with the development plan taken as whole and conflicts with relevant provisions of the Framework. There are no other material considerations which override these findings. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR

⁸ Article 1 of the First Protocol and Article 8(1) of the Human Rights Act 1998

⁹ Section 149 of the Equality Act 2010