



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: 12TH July 2023

Appeal Ref: APP/Z3825/W/22/3307741

Lutwicke Corner Cottage, Stane Street, Slinfold, Horsham RH13 0RE

- 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 Mrs I Adams against the decision of Horsham District Council.
 - The application Ref DC/21/2469, dated 2 November 2021, was refused by notice dated 1 April 2022.
 - The development proposed is the construction of a detached barn style dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council did not cite any development plan policies in reason for refusal (RfR) 1 in its decision notice. It has in its appeal statement and questionnaire. The appellant considered these policies at application and appeal stages so I am satisfied that no prejudice has been caused.
3. With the appeal the appellant submitted great crested newt and biodiversity net gain reports. The main parties agree that subject to a condition to secure proposed mitigation there would be no harm to protected species and enhanced biodiversity. 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 is part of the garden of Lutwicke Corner Cottage and would be redeveloped with the proposed dwelling.
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, such as Slinfold, 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. The settlement hierarchy is how the Council provides most new housing in rural areas, focussed at larger more sustainable settlements, in this case Slinfold, and reduces the need to travel, especially by car.

8. The site is located about 1.5 miles southwest of Slinfold village, in a distinctly rural area where buildings are scattered and sporadic in the landscape. The dwelling would, though, not be isolated insofar as not remote from Lutwicke Corner Cottage or some other buildings near it. However, while 'Slinfold village' signs appear in Hayes Lane to the south, the site is on the west side of the A29 Stane Street. There is no evidence that it is in the built-up area boundary of Slinfold, adjoins this settlement edge as defined by the development plan or that it is allocated for development. It is clearly visually and spatially separate from even the closest, limited development in this lane and more so from the core of Slinfold, so not even on the fringe of this village. Nor is the site part of any sufficiently recognisable built-up area that 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.
9. Slinfold is a 'medium village' with a moderate level of services and facilities, including employment, with some access to buses. While it meets some day to day needs of its residents they rely on larger settlements for a number of requirements. However, the A29 is a fast (60mph) reasonably busy main road with no pavements, no street lighting and narrow grass verges tight against hedgerows. Visibility to the north for cyclist or pedestrian occupants of the dwelling would be limited by a crest in the road. I saw no bus stops near the site but the A29 would anyway need to be crossed and walked along its edge to use a bus service; also, to get to Hayes Lane which though more sedate also has no pavements or footways and is unlit. As a result, neither road is conducive or safe for pedestrians to walk along for the significant distance into Slinfold. While some cyclists could travel to Slinfold, the occupants of the dwelling would be mainly reliant on the car.
10. Even if this helped to enhance or maintain the vitality of Slinfold, a single household would have a limited proportionate effect in these regards. There is no evidence that the dwelling would support the vitality of Slinfold or any other rural community in a significant way. The dwelling would not, therefore, grow Slinfold or any other settlement in a sustainable way to meet the needs of the community or give the future occupants suitable access to services or facilities. The dwelling is not essential in the countryside for any reason recognised by the development plan and does 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.
11. The appellant's 'case studies' relate to sites in the countryside elsewhere in the district and are for conversion of existing buildings to dwellings. The conclusions reached by the Council (or an Inspector) about location and accessibility in the context of no 5-year housing land supply turn on the specific

circumstances of each case, as did the development in the journal 'articles' I have also been referred to. These examples are not directly comparable.

12. 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

Self-build homes (SBH)

13. HDPF Policy 16 seeks a mix of housing types. The Council's emerging draft Local Plan (the DLP) contains a specific policy for SBH but its preparation has not reached submission stage so I give little weight to it. The National Planning Policy Framework (the Framework) and related Planning Practice Guidance (PPG) support SBH and there is a need for this type of housing in the Council's district.
14. However, there is no evidence of an unmet need for a self-build plot in or around Slinfold in the Council's SBH register or that the appellant is entered on it. Nor was the dwelling described as a SBH at application stage. There is no evidence that the appellant had a primary input into its final design and layout with this purpose in mind, or that as a SBH it would be adaptable to future living needs. There is no mechanism before me to ensure her initial occupation as owner¹. The proposal does not, therefore, meet the definition of SBH². In any event, the duty to grant planning permission for SBH relates to land that is 'suitable' for housing³, which the site is not as explained earlier above. A SBH is therefore not a benefit in this appeal.

Water neutrality (WN)

15. 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 statement⁴ 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.
16. The appellant's updated WN report sets out measures that are said would reduce water demand and to re-use water in the dwelling but concludes would not achieve WN. It also proposes similar measures at Lutwicke Corner Cottage and another dwelling 'within the Horsham area' and suggests this would off-set the impact of the dwelling to achieve WN. On this basis the appellant considers the proposal would not adversely affect the integrity of the protected sites and overcome the Council's RfR3.

¹ PPG 016: 57-016-20210208

² Self-build and Custom Housebuilding Act 2015 (as amended) and Housing and Planning Act 2016 (as amended)

³ PPG 023: 57-023-201760728

⁴ 14 September 2021

Listed building (LB)

17. Lutwicke Corner Cottage is a Grade II LB. Its significance includes that this 17th century building was originally part of a smallholding, situated largely alone in the landscape. Despite some modern development in the area, it remains largely insular in nature and makes a positive contribution to the local environment.
18. The dwelling would appear as a modest size barn converted for residential occupation. The site is part of the LB's setting but it was historically a more discrete, spatially separate part of the smallholding. That association has been lost and this land incorporated as part of an outlying garden to the LB. The dwelling would be a significant distance from the LB and not undermine its primary elevation and aspect towards the A29. As a result, it would not unduly diminish the way in which the LB is experienced from this road or a public footpath and bridleway to the south, including its association with the original, well-defined curtilage. This neutral effect on this peripheral part of the setting of the LB would therefore preserve the setting of the LB and is a neutral factor in my decision.

Other considerations

19. The dwelling would be well-designed and subject to conditions, use high-quality external materials. The proposal would provide satisfactory internal and external living conditions for future occupants and not adversely affect any other living conditions, including at Lutwicke Corner Cottage. It would use an existing vehicular access, provide sufficient parking and turning on site and not generate unacceptable traffic levels. The absence of harm in these regards is also a neutral factor in my decision.

Planning Balance

20. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites and suggests that it was between 4.2 and 4.3-years based on recent appeal decisions⁵. The appellant considers that it was a 3-year supply based on the Council's latest published annual monitoring report⁶. Either way, 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.
21. A single dwelling on this small windfall site, which could be built relatively quickly, would make an efficient use of this previously developed land and 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 Slinfold. While notable, these would though be modest social, economic and environmental benefits from the construction and occupation of the dwelling so have limited weight.
22. 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. I also acknowledge that progress with the

⁵ Council's Refs DC/20/0470 and DC/20/0695

⁶ 1 April 2021 to 31 March 2022

DLP has been delayed and the Council has taken steps to facilitate development meantime⁷, albeit in this appeal these initiatives are not significantly different to relevant development plan policies.

23. 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, including the safety of pedestrians and to a lesser extent, cyclists. While transport opportunities vary between urban and rural areas, the dwelling 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.
24. 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, and the shortfall in housing supply was as acute as the appellant sets out, 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.

Conclusion

25. 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

⁷ Horsham District Council - Facilitating Appropriate Development, October 2022