



Appeal Decision

Site visit made on 23 May 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023

Appeal Ref: APP/Z3825/W/21/3287175

**Meadow House, Brighton Road, Woodmancote, Henfield, West Sussex
BN5 9ST**

- 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 Green against the decision of Horsham District Council.
 - The application Ref DC/19/1783, dated 30 August 2019, was refused by notice dated 10 June 2021.
 - The development proposed is the erection of four bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address as stated on the planning application form reads 'Meadow House, Land south of Brighton Road'. This is incomplete and therefore in the interests of clarity, I have there taken the site address, as indicated in the banner heading from the appeal form. This is largely consistent with the Council's decision notice.

Main Issues

3. The main issues in this appeal are:
 - whether the appeal site would provide a suitable location for housing having regard to its position within the countryside and the spatial strategy for the district;
 - whether any harm in respect of the first issue would be outweighed by other material considerations, such as to justify a decision otherwise than in accordance with the development plan.

Reasons

Suitability of the site location

4. The appeal site comprises a rectangular parcel of agricultural land and adjoins a small cluster of dwellings. Woodmancote is characterised by loose knit linear development along both sides of Brighton Road interspersed with parcels of agricultural land. Henfield lies approximately 1.5km to the northwest.
5. In determining a previous application¹ for a dwelling on the site, the Council concluded that the proposal would constitute isolated development in the countryside. However, based on my reading of the evidence, it is understood

¹ DC/17/1274

that its position in this regard subsequently changed. A significant volume of evidence has been provided by the appellant which seeks to demonstrate that the design approach would be exceptional quality for the purpose of Paragraph 80 of the National Planning Policy Framework (the Framework) in that it would be truly outstanding, reflecting the highest standards in architecture and would significantly enhance its immediate setting. However, having regard to relevant case law, given the physical location of the appeal site and the proximity of other built form, I am not persuaded that the proposed dwelling could be reasonably described as isolated. Consequently, Paragraph 80 of the Framework is not relevant to this appeal.

6. Underpinning the Horsham District Planning Framework (excluding South Downs National Park) 2015 (Local Plan) is a spatial strategy for the district which seeks to ensure that development is distributed to the most sustainable locations. Local Plan Policy 2 seeks to ensure that development takes place in a manner that safeguards the distinctive settlement pattern and rural landscape character of the district whilst also ensuring that the needs of the community are met through sustainable growth and suitable access to local employment and services.
7. Policy 3 of the Local Plan thereafter sets out that development will be permitted within towns and villages which have defined built-up areas, while Policy 4 outlines that outside of built-up area boundaries, the expansion of settlements will be supported subject to several criteria, including that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. Policy 26 of the Local Plan relates to development within the countryside and includes a requirement that any proposal for development outside of built-up area boundaries must be essential to its countryside location.
8. For the purposes of Policy 3 Woodmancote is an unclassified settlement and does not have a built-up area boundary. Therefore, in policy terms, the appeal site is located in the countryside and is subject to stricter control. This is not a matter in dispute between the main parties.
9. The designation of built-up area boundaries is based on an assessment of the role of a settlement and how it functions, considering factors such as access to employment, the presence of services and facilities including schools, shops and health care and accessibility (including public transport). Unclassified settlements are those with few or no facilities or social networks and limited accessibility, that are reliant on other villages and towns to meet the needs of residents. Indeed, the evidence before me indicates facilities within the settlement are limited to the Church and former Parish Hall. A bus service to and from Horsham via Henfield operates hourly throughout the week from a stop on Brighton Road which is within reasonable proximity of the appeal site. The road is subject to varied speed limits, and whilst there are some pedestrian footways along the main road, these are inconsistent and are poorly lit.
10. Given the lack of facilities, future occupiers of the development would need to travel further afield daily to reach healthcare services, employment, leisure facilities, bulk shopping, and public transport in other areas of the district resulting in a greater need to travel. Furthermore, whilst facilities in Henfield could be accessed via other means of transport including walking and bike, for the reasons discussed above, there would likely be a greater reliance on private vehicles for the essential day to day journeys.

11. Under these circumstances, and in the absence of any substantive evidence to demonstrate that the proposal is essential to its countryside location, I find that the location of the development would undermine the Council's spatial strategy for the distribution of housing within the district. The site would therefore not provide a suitable site for housing and would conflict with Policies 1,2,3,4 and 26 of the Local Plan. The proposal would also be inconsistent with Policy 2 of the Woodmancote Parish Neighbourhood Development Plan 2016-2031 in so far as it would result in unnecessary encroachment of built form into the countryside. The proposal would also be inconsistent with the Framework's sustainable housing objectives, where they seek to direct new development to locations with access to services and sustainable transport modes thus reducing the need to travel by private motor vehicle.
12. I will return to consider the weight to be given to the conflict with these policies in light of the supply of housing within the district later in this decision.

Other material considerations

13. The design approach has evolved to take account of the opportunities and constraints of the appeal site and the appellant has invested a significant amount of effort in seeking to overcome the Council's concerns. Whilst I have found that the test of exceptional quality design as set out in Paragraph 80 is not determinative to the appeal, Paragraph 134 of the Framework nevertheless confirms that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in the area so long as they fit in with the overall form and layout of its surroundings. On this matter, I have had full regard to the findings of the Design Review Panel and the Council's assessment as set out within the officer's report.
14. The appellant submits that the proposed dwelling would promote high levels of sustainability. The Sustainability Statement sets out an intention to construct the dwelling to a high-performance standard and utilise technologies that should, in theory be able to demonstrate a high design performance. There is however a lack of detail in relation to how the design could be implemented in practice, the approach to construction, commissioning, and completion. Consequently, it is not clear from the information before me that these measures would provide for significant benefit over what would be in any case necessary to comply with the requirements of the development plan and building regulations. This therefore carries limited weight.
15. The appeal proposal would contribute to the local economy and viability of local services in the surrounding settlements and would bring short-term benefits in terms of construction expenditure and employment. However, the economic and social benefits that the additional household would provide would be limited. Moreover, given the scale of the proposed development, it would make little meaningful difference to the overall supply of housing within the district.
16. The landscape proposals would enhance natural features across the site through the implementation of native species planting. The appellant submits that the scheme would provide additional habitat for biodiversity which would amount to an overall net gain. However, based on the evidence, the extent of the benefit in comparison to leaving the site undeveloped is not clear. I therefore give this limited weight.

Other Matters

17. Natural England's Position Statement for Applications within the Sussex North Water Supply Zone (NEPS) was published in September 2021. Therein, Natural England (NE) advised that it cannot be concluded that the existing abstraction of groundwater within the Sussex North Water Supply Zone (the zone) is not having an adverse impact on the integrity of the Arun Valley sites which includes the Arun Valley Special Area of Conservation, the Arun Valley Special Protection Area and the Arun Valley Ramsar Site.
18. The appeal site lies within the zone and therefore, in accordance with the NEPS, mitigation measures are required to make the development acceptable and avoid an adverse effect on the integrity of the designated site. I have had regard to the appellant's submissions on this matter including the signed Unilateral Undertaking. Additional information would be required in relation to rainwater harvesting but, I can see no reason why this could not be secured by a suitable condition. However, as I am dismissing the appeal, there is no need for me to conduct an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended).
19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for a development which affects a listed building, or its setting, the decision maker must have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Framework also makes clear in paragraph 199 that great weight should be given to the conservation of designated heritage assets and their setting.
20. St Peter's Parish Church is Grade II* whilst Kenton's Farmhouse and buildings and Hole Farmhouse are both Grade II listed. These lie within reasonable proximity of the appeal site. The significance of these listed buildings is their architectural appearance and historic value. By reasons of their positioning and enclosure, it appeared to me that the setting of each of these listed buildings is largely informed by their immediate curtilage which contributes positively to their significance. No harm to the setting of these listed buildings is alleged by the Council, and based upon my own assessment, I have no reason to conclude otherwise.
21. My attention has been drawn to several appeal decisions which are located outside of the district which the appellant contends are similar to the appeal proposal in either their physical location or design approach. The schemes at Thorpe Farm² and Rutters Hall³ were regarded as isolated development in the countryside and the test of exceptional quality design was applicable. Thus, they do not compare to the appeal proposal. Further, the residential scheme at Little Hautbois⁴ met the Passive Haus standard which was attributed significant weight by the Inspector. This scheme was therefore materially different. Consequently, whilst I have regard to these decisions, they do not lead me to a different conclusion. The Council's decision notice in relation to Rye Farm has also been provided. However, in the absence of any explanation, its relevance to this appeal is unclear.

² APP/N2535/W/16/3149772

³ APP/R3705/W/21/3275107

⁴ APP/K2610/W/20/3259971

22. Although the appellant submits that the development is capable of being made acceptable by conditions, given the nature of the harm that I have identified, I am not convinced that this would be the case.

Planning Balance and Conclusion

23. The Council is unable to demonstrate a five-year supply of deliverable housing sites. The current supply is 4.3 years. Whilst this shortfall could not be reasonably described as substantial, there is nevertheless a shortfall. In such circumstances, paragraph 11 of the Framework directs that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. Paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Council's housing land supply position means that the site's location outside of a built-up area boundary is attributed limited weight. However, the Framework seeks to manage growth patterns by promoting sustainable housing development which enhances and supports rural communities. Further, it seeks to reduce travel and promote sustainable transport including walking, cycling and public transport to manage and mitigate the effects of climate change. Policies 2, 3 and 4, although deemed to be out of date are relevant to informing decisions on the proximity to services and facilities. Therefore, I find the conflict between the proposal and Policies 2, 3 and 4 of the Local Plan should be given significant weight in this appeal. Policy 1 also reflects the presumption in favour of sustainable development as set out in Framework paragraph 11.
25. Future occupiers of the dwelling would be heavily dependent on private vehicles day to day contrary to the sustainable housing and transport objectives set out within the Framework. Therefore, even if I were to accept that the design of the scheme satisfied paragraph 134 of the Framework and attached significant weight accordingly, in the overall balance, I find that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.
26. The proposal would conflict with the development plan as whole and there are no other material considerations, including the provisions of the Framework, which would justify a decision otherwise than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

H Wilkinson

INSPECTOR