



Appeal Decision

Site visit made on 21 November 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/Z3825/W/23/3314333

Upper Swaynes Barn, Guildford Road, Rudgwick, West Sussex RH12 3JD

- 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 Greg Lowe against the decision of Horsham District Council.
 - The application Ref DC/22/1190, dated 24 June 2022, was refused by notice dated 30 December 2022.
 - The development proposed is the change of use for two pods for holiday accommodation with associated parking and access improvements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner head above I have used the property name confirmed by the appellant, even though it differs from the name listed on the application form and decision notice. Additionally, the description of development has been taken from the decision notice, although I have removed the details that are not acts of development, as it more accurately describes the proposed development.
3. The application form confirms that the proposed development has commenced but has not been completed. Therefore, I have determined the appeal based on the submitted plans.
4. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

5. The main issues are:
 - whether the location is suitable for the development having regard to the rural economy and its accessibility to local services and facilities;
 - the effect of the development on the character and appearance of the area; and
 - whether the proposed access would prejudice the highway safety of users of the proposed development and Guildford Road.

Reasons

Location

6. The appeal site is located outside the settlement of Rudgwick, within the countryside where Policy 10 of the Horsham District Planning Framework (HDPF) supports, in principle, sustainable rural economic development and enterprise where it is appropriate. Whilst it does not preclude new buildings or development, Policy 10 requires such development to result in substantial environmental improvement and support sustainable economic growth. Although reference has been made to applying for the Mid-Tier Stewardship Scheme, or similar, no further substantive information is before me confirming the appellant has been successful in this application. As such, it has not been demonstrated that the proposed development would result in substantial environmental improvement.
7. Acknowledging that the attraction of glamping pods is often their countryside location where the choice of modes of transport will be limited, nevertheless, Policy 40 of the HDPF supports development in areas where there are or will be non-car alternatives. Furthermore, this policy seeks to minimise the distance people need to travel and conflicts between traffic, cyclists and pedestrians.
8. Given the nature of the type of accommodation proposed, some guests may be walkers or cyclists, and therefore may not arrive by private vehicle. However, as parking is also proposed, this would not necessarily discourage the use of private vehicles by guests. Nor would the installation of electric charging points. Although a network of public rights of way, including the Downs Link public bridleway, are located in the surrounding area, there are no direct or off-road pedestrian or cyclist connections to it. Therefore, guests would be required to cross and ride along the A281 Guildford Road or walk on its narrow verge between the carriageway and roadside hedgerows. This part of Guildford Road is subject to the national speed limit restriction and, while a snapshot in time, during my site visit an intermittent but frequent flow of vehicles, including large lorries, passed the site in both directions.
9. Based on the evidence before me, a bus route operates between Horsham and Guildford along Guildford Road, stopping at unsigned bus stops near the entrance of Upper Swaynes Barn. Even though a bus timetable would be provided to guests, no indication of the level of service has been provided in the appeal documentation. Regardless, to catch a bus to access the shops, services and facilities in the nearest settlement of Rudgwick guests, would be required to cross the road without the benefit of a formal crossing. This would be difficult when vehicle movements are at their highest or outside hours of daylight. Bus travel would also involve waiting close to the carriageway, without cover and either on the verge or within the access to nearby properties which could lead to conflict with vehicles entering or exiting these locations.
10. Guests may have the option of walking across other parts of the appellant's land to gain access to the bus stops, should they wish to travel to other locations or at other times, they would be required to walk on the roadside verge. Despite the lack of recorded injury accidents over ten years within the vicinity of the site, the amount of traffic, and lack of pavements and lighting in the road corridor would not encourage walking.

11. Guests may also cycle across the field to this location to reduce the distance required to travel along the road to access the Downs Link. However, it would still be necessary to cross onto the other side of Guildford Road and cycle along the carriageway due to the width of the verge and lack of pavements. Even if bikes were provided for guests, electric or otherwise, they would be under no obligation to use them.
12. In support of the proposed development, Policy 11 of the HDPF encouraged tourism facilities, including recreation-based rural diversification. Further, in areas outside built-up boundaries, Policy 26 seeks to protect the rural character and undeveloped nature of the countryside by only permitting development which is essential to its location. Additionally, as relevant to the appeal scheme, support for quiet informal recreational use is indicated. The proposed holiday accommodation would enable the diversification of the land holding which would be beneficial to the rural and tourist economy. A countryside location is necessary to allow guests to experience the tranquillity of the area on a year-round basis. Therefore, the location of the proposed development would not conflict with Policy 26 of the HDPF.
13. Whilst acknowledging the attempts to provide a choice of transport modes to guests, their use would be limited by the lack of direct or convenient connectivity to the existing public rights of way network, the condition of the road environment and the public transport provision. The potential for guests to avoid the use of the private vehicle when accessing local services and facilities, including local food and drinks festivals, regular markets, regional events and other tourist attractions in the area is therefore limited.
14. I conclude that the appeal site would not be a suitable location for the proposed development, having regard to the rural economy and its accessibility to local services and facilities. It would conflict with policies 10 and 40 of the HDPF which, amongst other provisions, support sustainable economic development in areas where there is a choice in the modes of transport available, whilst protecting the character and undeveloped nature of the area.

Character and appearance

15. The site is located in the Rowhook and Rudgwick Wooded Ridge landscape character area. This is characterised by small to medium size pastures with straight boundaries, influenced by densely wooded areas and the undulating topography in the surroundings. The medium-sized fields within which the appeal site is located display these characteristics with straight, the field boundaries lined with mature trees that soften the edges and create a sense of seclusion to the pastures.
16. Although they would be technically removable or movable, the glamping pods with hot tub, log burner, terrace and hardstanding, this would not be likely to be undertaken on a regular basis, as conceded by the appellant. Moreover, the various outdoor equipment that would be available to the guests, in addition to the hot tub, terrace and hardstanding, including a barbecue and fire pit, would establish a sense of permanence to the pods. The timber construction would not alter this effect, nor would the imposition of a condition restricting the use of the development to four months per year.
17. The proposed development would introduce built form into the otherwise undeveloped countryside, irrespective of the ability to see the pods from

Guildford Road or the public rights of way. The proposed access and parking area would also be visible from the road, particularly after leaf fall, along with any activity associated with guest movements between the parking area and the glamping pods. Consequently, the proposed development would erode the tranquillity and undeveloped nature of the countryside.

18. The Site Plan¹ indicates that part of the existing hedgerow along Guildford Road would need to be cut back to accommodate the required visibility splays necessary for the access. However, the positioning of the landscape features on this boundary has not been mapped using a topographical or arboricultural survey, nor have the parts of the hedgerow to be removed identified. Based on my observations during my site visit, the existing hedgerow occupied the majority of the verge depth between the carriageway and the fence line. As a result, the impact of the access to the proposed parking area on the existing landscape features has not been fully defined. As such, I am unable to conclude with certainty that, in order to accommodate the required visibility splays, the amount of hedgerow to be cut back would not be detrimental to the character of the area.
19. I conclude that the proposed development would harm the character and appearance of the area, contrary to policies 25, 32 and 33 of the HDPF. In combination, these policies support development that protects, conserves, complements and enhances the locally distinctive landscape character by setting out the principles necessary to achieve this objective.

Highway safety

20. Access to the proposed development for vehicles, pedestrians and cyclists would be provided through formalising the existing double-width gated access off Guildford Road. Pedestrian and cyclist access would also be possible from the entrance to Upper Swaynes Barn across the field. No other pedestrian or cyclist connections to the network of public rights of way in the surrounding area are permissible, although attempts have been made to establish these.
21. As already highlighted, although the required visibility splays have been drawn on the Site Plan, it has not been demonstrated that the hedgerow can be cut back to accommodate the splays without unacceptably affecting the character and appearance of the area. Furthermore, the ownership status of the verge alongside the highway has not been confirmed. Therefore, I cannot conclude with certainty that the proposed access works, including the required visibility splays, can be implemented. Without this certainty, the safety of users of the proposed development and Guildford Road would be prejudiced, despite the lack of recorded injuries close to the site.
22. Even though the consultation response from West Sussex County Council concluded that, on balance, it would be difficult to substantiate a highway objection citing pedestrian access requirements, the Council are within their rights to come to a different conclusion. Regardless, I have found that the ability to implement the visibility splays is uncertain, even though the number of parking spaces and turning space provided in the parking area would be acceptable.

¹ Drawing no: 168/2021/3

23. I conclude that the proposed access would prejudice the highway safety of users of the proposed development and Guildford Road, contrary to policies 40 and 41 of the HDPF. These policies, amongst other provisions, require development to meet the needs of all users and provide safe and suitable access for all vehicles, pedestrians and cyclists.

Other Matters

24. As identified above, the proposed development would provide economic and social benefits resulting from the support to the rural economy from farm diversification and tourist economy from the guests occupying the accommodation. However, given the scale of the development, these economic and social benefits would be limited and, concerning the tourist economy, there is no guarantee guests would visit local attractions or increase spending in the area.
25. From an environmental perspective, limited substantive detail has been provided to justify the proposed development would include improvements to the local environment. The use of a UK manufacturer, low-energy LED lighting, environmentally friendly cleaning products, insulation and energy-efficient white goods would provide some environmental benefits. However, these benefits would be limited by the scale of the development. As not all guests would have access to an electric vehicle nor be able or willing to use any bikes provided, these would not be environmental benefits applicable to all.
26. I have been referred to the potential for the site to be used for camping under the provisions of the GPDO². However, this would be limited to a specified number of days per year and involves the temporary erection of accommodation. Even if this would involve a substantially larger number of guests on the site or the number of days permissible extended, the undeveloped nature of the area would be retained.
27. The appeal site is located within the Sussex North Water Supply Zone (WSZ), as defined by Natural England, which draws its water supply from groundwater abstraction at Hardham. The proposed development would increase the amount of groundwater abstraction. Whilst not within the 5km Zone of Influence for functionally linked habitats of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites, there is uncertainty around the impact the WSZ has on these sites. As the SAC, SPA and Ramsar sites are European Designated Sites they are afforded protection under the Conservation of Habitats and Species Regulations 2017. If the circumstances leading to the grant of planning permission had been present, it would have been incumbent on me as the competent authority to consider whether the development would be likely to have a significant effect on the integrity of the SAC, SPA and Ramsar sites. However, as I have found that the appeal scheme is unacceptable for other reasons, it is not necessary for me to further consider the development's implications on these sites.
28. The popularity of glamping, as evidenced by the representations made by interested parties who have stayed at the appeal site, does not outweigh the harm I have identified above.

² Town and Country Planning (General Development Permitted Development) Order 2015

Conclusion

29. The development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh this conflict.
30. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR