



Appeal Decision

Site visit made on 2 February 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 FEBRUARY 2024

Appeal Ref: APP/Z3825/W/23/3321982

Moat Cottage, Worthing Road, Dial Post, Horsham, West Sussex RH13 8NS

- 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 Mr McHale against the decision of Horsham District Council.
 - The application Ref DC/22/1830, dated 21 September 2022, was refused by notice dated 22 November 2022.
 - The development proposed is erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline permission, with details of access and layout submitted for consideration. I have considered the appeal on this basis and have treated any plans in relation to matters of appearance, landscaping and scale as illustrative.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2023 version of the Framework.

Main Issues

4. The main issues are: whether the site is suitably located for new housing having particular regard to the Council's spatial strategy, and; whether the proposal would provide an acceptable standard of accommodation with regard to noise disturbance.

Reasons

Location for Housing

5. Policy 2 of the Horsham District Planning Framework 2015 (the HDPF) sets out the Council's growth strategy which seeks to focus development in the main settlement of Horsham, while allowing appropriate growth across the rest of the District in accordance with the settlement hierarchy set out in Policy 3. That hierarchy lists settlements according to their level of services and facilities, including public transport links, and Policy 4 relates to the expansion of settlements outside built-up area boundaries. The appeal site is located outside any built-up area boundary and is some distance beyond the boundaries of Dial Post. As such the proposal would not comprise an extension to a settlement.

6. The main parties agree the appeal site is previously developed land (PDL), and the reuse of PDL is supported by one of the criteria of Policy 2. The supporting text, however, makes clear that this is an overarching policy which covers location and amount of development. As such, despite being compliant with one of its criteria, the proposal would conflict with Policy 2 when read as a whole.
7. Policy 26 relates to development in the countryside, stating it should be essential to its countryside location and meet one of four criteria listed. It has not been demonstrated that the proposal would comply with this policy.
8. For these reasons, the proposal would conflict with the Council's spatial strategy and would not be a suitable location for new housing. The proposal would conflict with policies 2, 3, 4 and 26 of the HDPF. I return to the matter of the weight to be given to this conflict below.

Standard of Accommodation

9. The appeal site is close to the edge of the A24, which is a busy dual carriageway which runs to the south coast and towns including Worthing. I observed this road to be heavily trafficked and its users included heavy goods vehicles. While I appreciate this was only a snapshot of time, there is not substantive evidence to suggest that this is not also characteristic of other times of day. Given the proximity of the proposed house to the road, there is a strong likelihood of noise and disturbance which could create unacceptable living conditions for future occupants.
10. There may be solutions which could assist in reducing the effects of the road noise. However, in the absence of evidence to ascertain how severe the effects would be, it cannot be established what sort of mitigation would be required nor how effective it may be. The trees which exist to the edge of the site may provide some screening of the noise effects, however, again the extent of their effects are not known. Some would also appear to lie outside the boundary of the appeal site, which adds to my concerns if they were to be relied upon in the longer term. Given the uncertainty surrounding the matter and its importance to the acceptability of the proposed development, it would not be reasonable to delay submission of these matters until a later date by planning condition.
11. Overall, in the absence of substantive evidence, it cannot be established that the occupants of the new property would experience acceptable living conditions in respect of noise. The proposal would conflict with HDPF Policy 24 which requires developments to minimise exposure to factors including noise, as well as the Framework insofar as it requires decisions to ensure healthy living conditions.
12. Insofar as this main issue is concerned, I do not find conflict with Policy 33 of the HDPF, which refers among other things, to the effects of development on the occupiers of nearby properties.

Other Matters

13. The appellant has highlighted other residential developments close to the A24 of varying ages. These would appear to be close to existing settlements and there is not information to suggest that the circumstances were the same as the appeal site in terms of likely noise disturbance and any mitigation. As such

it cannot be established with certainty that they are similar to the appeal scheme.

14. The grade II listed building of Woodmans Stud exists to the rear of the site. This is a farmhouse set back from the A24, set among other farm buildings and its own landscaped areas. It is separated from the appeal site by dense trees and hedgerows, and by the garden of Moat Cottage. In the absence of evidence to the contrary, the proposal would not form a part of its setting, within which Woodmans Stud is experienced.
15. The appeal site lies within the Sussex North Water Supply Zone as defined by Natural England, and draws its water supply from groundwater abstraction at Hardham. Natural England advise that it cannot be concluded with the required degree of certainty that new development in this area would not have an adverse effect on the integrity of the Arun Valley Special Protection Area, Special Conservation Area and Ramsar Sites. The absence of information on the effects of the proposal on these areas formed a reason for refusal. However, Regulation 63(1) of the Habitats Regulations¹ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not therefore necessary to address this in any further detail.

Planning Balance

16. The Council accept that it cannot demonstrate a 5-year land supply for housing and state that it has a supply of 4.3 years. As such, the provisions of paragraph 11d) of the Framework are relevant to the appeal. If the outcome of the Appropriate Assessment was unfavourable then the policies in the Framework, insofar as they protect habitat sites, would provide a clear reason for refusing the development proposed. If this were not the case, then it should be considered if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. In terms of the adverse impacts, the Council accept that, given the absence of a five year housing land supply, policies 2, 4 and 26 of the HDPF should now carry only moderate weight. The restrictive approach of Policy 26 to development in the countryside is also not entirely consistent with the Framework. For these reasons in combination, I give only moderate weight to the conflict of the proposal with the spatial strategy. However, and in the absence of evidence to the contrary, the proposal would provide an unacceptable standard of accommodation for its future occupants in terms of noise disturbance. The effects of this could be significant and long lasting and would present conflict with the Framework. As such I give substantial weight to this adverse effect.
18. In terms of benefits, the proposal would contribute an additional residential unit to the Council's housing stock, and this is particularly pertinent given the absence of a 5 year housing land supply. As a single unit, however, its contribution to the shortfall would be very small. The proposal would use PDL which has a degree of support in the Framework, although paragraph 124 refers to the use of PDL within settlements, which is not the case here. PDL is

¹ The Conservation of Habitats and Species Regulations 2017

also referenced among local policy 33. However, the HDPF refers to Policy 33 as a design policy and I do not consider that compliance with that part of the policy adds additional weight in favour of the proposal. There would be some economic benefit arising from the proposal, in particular from the construction process and ongoing expenditure by future occupants. Taken together, given the scale of the proposal, these benefits attract moderate weight.

19. The proposal could reduce the amount of hard surfacing on the site where tennis courts currently exist. However, as landscaping is not a matter for consideration at this stage this cannot be established with certainty. Where the proposal has been found to be policy compliant in other respects, including potential visual effects, these are neutral in the planning balance, and do not weigh in favour of the development.
20. The adverse impacts of granting planning permission would therefore significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not benefit from the presumption in favour of sustainable development. This finding is consistent with Policy 1 of the HDPF, which also relates to the presumption in favour of sustainable development.

Conclusion

21. The proposal would conflict with the development plan when read as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal is dismissed.

C Shearing

INSPECTOR