



Appeal Decision

Site visit made on 17 April 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/Z3825/W/23/3328384

1 Worthing Road, Dial Post, West Sussex RH13 8NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr L & Mr J Stacey against the decision of Horsham District Council.
 - The application Ref is DC/23/0234.
 - The development proposed is the erection of a single detached dwelling plus detached garage with home office above, and provision of landscaping and off-street parking. Provision of a new vehicular access, driveway to serve 1 Worthing Road.
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Decision

1. The appeal is dismissed insofar as it related to the erection of a single detached dwelling plus detached garage with home office above, and provision of landscaping and off-street parking. The appeal is allowed insofar as it related to the provision of a new vehicular access, driveway to serve 1 Worthing Road at 1 Worthing Road, Dial Post, West Sussex RH13 8NQ in accordance with the terms of the application, Ref DC/23/0234, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Layout Plan - 2043.S02 (10 October 2022)

Preliminary Matters

2. In the description of development, I have omitted the reference to the works to No.1 Worthing Road being retrospective, as this is not an act of development.

Main Issues

3. The main issues are a) whether or not the proposed development would accord with policies regarding the location of housing; b) the effect of the proposed development on the character and appearance of the area; and c) the effect of the proposed development on a protected tree.

Reasons

Location

4. Policies 1 and 2 of the Horsham District Planning Framework 2015 (HDPF) outline its strategic aims, which include a presumption in favour of sustainable development, and specifying growth outside of the settlement of Horsham should be, amongst other things, in accordance with the settlement hierarchy.

5. Policy 3 of the HDPF sets out this hierarchy, allowing development within those towns and villages which have defined built-up areas, provided the proposal is of an appropriate nature and scale. Policy 4 of the HDPF supports the expansion of settlements under specific circumstances, including that the site is allocated for development.
6. These policies are broadly consistent with the National Planning Policy Framework (the Framework) both in terms of allowing villages to grow and thrive whilst limiting development in the open countryside.
7. As an unclassified settlement, Dial Post does not comprise a built-up area where development is supported by Policies 1, 2 and 3. The appeal site has not been allocated for development within the development plan and the proposal therefore fails to accord with Policy 4 too.
8. Policy 26 only permits development in the countryside where such a location is essential, and the proposal meets one of four criteria. I have not been presented with any evidence to suggest that the location is essential for a new dwelling.
9. The main parties agree that the site is not isolated within the terms of the Framework and given the existence and positioning of nearby housing I have no reason to come to a different conclusion.
10. The Draft Horsham District Local Plan 2020 (DHDLP) has now reached the Regulation 19 stage and Dial Post continues to be promoted as a 'secondary settlement' (Strategic Policy 2) where new development may be permitted. This would potentially help to deliver housing, in accordance with the Framework. Whilst the progress of the DHDLP provides some weight in favour of the development I am also mindful that the Sussex North Water Supply Zone (SNWSZ) has been a major cause of delay in the plan's progress. Therefore, at present, it remains unclear how the effect of development on the SNWSZ will be addressed on a strategic basis and how this might affect the pattern of development and/or expansion of settlements more generally.
11. Therefore, notwithstanding whether individual sites may be able to demonstrate water neutrality, the adoption of a revised local plan which includes promoting the growth of Dial Post, must remain somewhat uncertain. Furthermore, whilst the Council appears reasonably content that Dial Post could become a secondary settlement, I have no evidence before me as to whether there are any other unresolved objections to this policy. I am also not aware that there is any timescale for an examination of the Plan.
12. Therefore, whilst acknowledging the need to allocate land for housing, at present my assessment is that there must remain some doubt as to whether the policy in its current form would be formally adopted as part of any new development plan. Therefore, it is my judgement that at present I should not apply significant weight to this emerging policy. Consequently, I give preference to the policies in the HDPF.
13. By failing to accord with Policies 1, 2, 3, 4 and 26 of the HDPF, the proposed development is contrary to the strategic aims of the Council's development plan. These principally seek to ensure the sustainable delivery of housing through its provision in the most appropriate locations.

Character and Appearance

14. The application site comprises the side garden of No.1 Worthing Road. At the time of my site visit it has been fenced off from the rest of the garden serving the host property and was accessible via the existing vehicular entrance off Worthing Road.
15. The area generally comprises a mix of detached and semi-detached dwellings that have a variety of sizes and styles. Buildings generally sit comfortably within well sized plots and it is the combination of plot sizes, the positioning of buildings within those plots, the space around buildings, together with planting within gardens and the area generally that all positively contribute to the area's spacious and verdant character.
16. The proposed plot would be well sized but irregular in shape. As a result, the dwelling would sit slightly further forward in its plot than Nos. 1 and 2 Worthing Road and Oak House, which would provide the building's principal street scene context.
17. The proposed dwelling would be a large building. It would have a width greater than many neighbouring individual dwellings but as a single structure its width would not appear out of keeping when compared to the combined width of the semi-detached dwellings nearby. Whilst a higher eaves and ridge height might not in itself necessarily be harmful, when combined with the noticeably wide front gable and its position within the plot, the dwelling would have a dominating scale and presence that is not evident elsewhere within the immediate locality.
18. The detached garage would be positioned at the western end of the site. Although it could be conditioned to remain ancillary to the dwelling, its size and position close to the road would make it highly conspicuous within the wider street scene.
19. The proposal incorporates some elements that would reflect the prevailing style and appearance of dwellings in the area and the overall ratio of footprint to site is said to be comparable to neighbouring dwellings. Nonetheless, taken as a whole, I find the proposed dwelling and garage to represent development that would be unsympathetic to the receiving environment and so would be harmful to the prevailing character and appearance of the area.
20. The proposal is therefore contrary to Policies 25, 32 and 33 of the HDPF which, amongst other things, seek to ensure developments respect their environment and in particular have regard to their context and character.

Protected Tree

21. There is an existing oak tree close to the site's frontage which is the subject of a Tree Preservation Order. The proposed dwelling would encroach into the tree's recommended root protection area (RPA). This could potentially have some effect on the tree's health and longevity.
22. The appellant identifies a number of approaches which could be utilised in this case to protect the tree from harm. Furthermore, it is suggested that the proposals would result in a 9.3% incursion into the unsurfaced part of the RPA but that 5.2% of existing hard surface would be removed. Although I have not

been provided with any existing or proposed land level data to show what changes may result, I would not expect them to be significant.

23. I understand that the site layout has been altered since a previous proposal, allowing the access path to route around the RPA. It is suggested that the routing of services could be conditioned to similarly avoid encroaching upon it.
24. I don't doubt that the tree would curtail some light and outlook to the windows on the front of the building. However, only the entrance hall and WC would be noticeably affected on the ground floor as the main living accommodation would be served by extensive glazing on the southwestern elevation. On the first floor, one of the two bedrooms affected would have dual outlook.
25. I also note that the layout does not position car parking close to the tree, thereby limiting the nuisance from leaf or twig fall. Therefore, in this particular instance, there is not sufficient substantive evidence to indicate that there would be pressure to remove or reduce the tree from future occupiers.
26. In light of all of the above, I find that the proposal would, subject to conditions, suitably protect the oak tree in compliance with Policies 31 and 33 of the HDPF. These policies require, amongst other things, that important trees are retained and the green infrastructure or landscape of the area is not harmed.

Other Matters

27. I have been directed to the decision to permit the redevelopment of the Blakers Yard site, which is said to indicate new housing in Dial Post is acceptable in principle. This site has had a previous permission for redevelopment and from the information provided it appears that there were a number of particular factors which led to the balance tipping in favour of that site being redeveloped. However, that decision does not mean that current development plan policies are not relevant, and it does not mean that the proposal before me is necessarily acceptable.
28. Other appeal decisions were also put before me by the Council but none of this absolves me from making an assessment as to the effects of the proposal in regard to the main issues of the case. Accordingly, I have considered the appeal on its own merits and with regard to the site's specific circumstances.
29. Several eco-features are incorporated into the appeal scheme. However, there is little in the way of detail and no firm evidence to demonstrate to what extent, if any, they would be in excess of what would otherwise be necessary to comply with the requirements of the current building regulations and development plan policies. Nevertheless, I give them a small amount of positive weight.
30. The proposed scheme also includes revised access arrangements for the host property. These works already appear to have been undertaken. The Council does not object to the works per se and the highway authority has not identified any concerns regarding visibility or intensification of movements to or from the site. From the evidence before me and from my own observations on site, I have no reason to come to any different conclusions.
31. If I were to dismiss the proposal for the dwelling, a split decision to allow the retention of the new access would be a possible and logical outcome. This has no bearing on whether the future sub-division of the site is acceptable.

Planning Balance

32. There is no disagreement between the main parties that the Council cannot demonstrate a five-year supply of housing. Therefore, paragraph 11d of the Framework is engaged.
33. The proposal would make a small numerical contribution to reducing the housing supply deficit but would nevertheless accord with the Government's objective outlined within the Framework to boost the supply of homes from a variety of sites. Given the current under-provision of housing, this attracts considerable positive weight. However, the extent of the benefit would be very modest given the small scale of the development.
34. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. I have also noted that the proposal would incorporate some eco-features. However, all these additional benefits, when associated with a single dwelling would be limited, and collectively I therefore give them a small amount of weight.
35. There would be no unacceptable effects on the protected tree, but this represents compliance with policy rather than a benefit, so is a neutral factor.
36. Conversely, the support in the Framework for new housing is not at the expense of ensuring that all development is appropriately located. The site is not in a location that is currently deemed appropriate for new dwellings. Whilst it is possible that this will change in due course, the current situation does not provide me with a sufficient level of certainty to conclude that this location is appropriate at present. Furthermore, I have found the proposal to be harmful to the character and appearance of the area. This harm would be significant and long lasting. The need to protect the character and appearance of an area is perennial and in direct compliance with the Framework.
37. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the new dwelling would significantly and demonstrably outweigh the benefits. The scheme would not therefore be sustainable development.

Conclusion

38. As set out above, there are no reasons why the appeal should not succeed in relation to the new access for the host dwelling, No. 1 Worthing Road. Accordingly, I conclude that the appeal is allowed in relation to this element of the scheme. I have attached a plans condition as this provides certainty.
39. Whilst there would be some beneficial aspects of a new dwelling, considered overall such development would cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine this part of the appeal other than in accordance with the development plan. Therefore, I conclude that the appeal for the new dwelling should not succeed.

Stewart Glassar

INSPECTOR