



Appeal Decision

Site visit made on 9 April 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/L3815/W/23/3324659

Loxwood Hall, Guildford Road, Loxwood, West Sussex RH14 0QP

- 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 and Mrs Rupert and Jo Warmington against the decision of Chichester District Council.
 - The application Ref is LX/22/01216/FUL.
 - The development proposed is the erection of dwelling along with associated parking, landscaping, and ancillary structures.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted as part of this appeal. It includes an obligation in respect of water neutrality. I will return to this matter later in this decision.
3. The Council's Decision notice does not reference policy 33 of the Chichester District Council Chichester Local Plan: Key Policies 2014-2019 (the Local Plan). However, conflict with this policy has been identified within the Council's delegated report. The appellants have had the opportunity to comment on the delegated report. They would not therefore be prejudiced by my consideration of Local Plan policy 33.

Main Issues

4. The main issues are;
 - whether the appeal site is a suitable location for the proposed development, with particular regard to the local development strategy and accessibility to services and facilities; and
 - the effect of the development on the character and appearance of the area.

Reasons

Local development strategy

5. The appeal site is located outside of any settlement boundaries defined within either the Local Plan or the Loxwood Neighbourhood Plan 2013 to 2029 (the Neighbourhood Plan). As such, and even if it is within a hamlet, for planning policy purposes the appeal site is regarded as being within the countryside.

6. Policy 1 of the Local Plan provides a presumption in favour of sustainable development. Policy 2 then contains a development strategy and settlement hierarchy for the delivery of sustainable development within the District. In terms of scale, function and character, this policy seeks to ensure that new development supports the roles of various named settlements. For those sites outside of the settlement boundaries of Chichester and other named settlement hubs and service villages, policy 2 indicates that development be restricted to that; which requires a countryside location, meets an essential local rural need, or, supports rural diversification, in accordance with Local Plan policies 45-46.
7. Local Plan policy 45 also indicates that development outside of settlement boundaries must require a countryside location. In addition, it expects such development to meet the essential, small-scale and local need, which cannot be met within or immediately adjacent to existing settlements.
8. Amongst other things policy 25 of the Local Plan provides support for development that would safeguard existing local facilities and improve accessibility to facilities in nearby centres outside of the North of the Plan area.
9. Located close to a series of other dwellings, the appeal site is not isolated. That being the case, paragraph 84 of the Framework is not directly relevant to the main issues in this appeal.
10. While put forward as self-build, and even if on previously developed land, the above policies do not include these as exceptions to justify for new housing in the countryside. Furthermore, it has not been demonstrated that a countryside location is essential, or that there is an essential and local rural need for a single dwelling that could not be met within or adjacent to a settlement. Nor would the development support rural diversification.
11. It is feasible to walk or cycle the distance between the appeal site and the nearby bus stops and public house next to the B2113 and other services and facilities within the more distant service village of Loxwood. However, there is no street lighting, pavement, cycleway, or dedicated footway alongside the B2113 close to the entrance to the appeal site. Moreover, I have no reason to doubt that the frequent traffic I observed on the B2113 during my site visit was typical. Nor does the appeal scheme include measures to meaningfully improve accessibility between the appeal site and local services and facilities. For these reasons, it is unlikely that future occupiers would commonly choose to walk or cycle to access the closest services and facilities, especially not during periods of darkness or during inclement weather. Instead, occupiers would be likely to rely heavily on the use of private vehicles to access those services and facilities that are reasonably required for everyday living.
12. For these reasons, the appeal site would not be a suitable location for the proposed development with particular regard to the local development strategy and accessibility to services and facilities. Consequently, in respect of this main issue, it would conflict with policies 1, 2, 25 and 45 of the Local Plan. It would also conflict with the parts of Chapter 12 of the Framework that seek to ensure high-quality sustainable places that are inclusive and accessible.
13. In terms of this main issue, conflict with policy 48 of the Local Plan and chapter 15 of the Framework - which primarily relate to the natural environment, have not been clearly demonstrated.

Character and appearance

14. The dwelling would be constructed on a modestly sized parcel land that is nestled between a series of residential buildings accessed off the Loxwood Hall driveway and the Coach House building to the North. Both the appeal site and these surrounding buildings form part of a wider collection of mainly residential properties which are located between the settlements of Alford to the North and Loxwood to the South. This collection of properties is mainly separated from these neighbouring settlements by a series of fields and open spaces.
15. The proposed development would infill a small and well enclosed gap between nearby buildings and residential properties. So sited, there would be no reduction in the gaps between the wider collection of buildings it would form part of and the neighbouring settlements. Although within the countryside, the construction of a single dwelling on the appeal site would not therefore, harmfully undermine the integrity of open and undeveloped land between the closest settlements.
16. The small complex of buildings accessed off the Loxwood Hall driveway are of a range of sizes. Although Loxwood Hall has been subdivided, the building retains a large scale and massing. The neighbouring Clock House building is also relatively imposing due to the height and vertical emphasis of its clock tower. However, the other buildings within this complex are of more modest height and/or scale. Furthermore, parts of some of these other buildings, including the neighbouring Cedar House, have a distinctly horizontal emphasis. Notwithstanding the variety in the scale, massing, and design detailing between and within buildings in the complex, the common use of bricks and plain roof tiles and the proximity of the buildings to each other, provide a pleasing thread of consistency between them.
17. The ground floor of the dwelling would at least partially, be lower than the existing site levels. It would also be set further back from the driveway than either Cedar House, the Clock House or Loxwood Hall. As such, when viewed from the driveway, the eaves and ridge heights of parts of the dwelling would appear to be lower than corresponding parts of much of the neighbouring buildings. Furthermore, and for similar reasons, in terms of its massing and scale, the dwelling would not be prominent in such views.
18. The proposed dwelling would include circular and arched windows, as well as roof-lights. It would also have brick walls and a roof of plain tiles. In these respects, it would emulate the qualities and some of the distinctive features of neighbouring development. Furthermore, the variety in design detailing of nearby buildings, means that; any irregularity in the positioning of openings in the eastern elevation; windows at ground level; and greater number of roof-lights than is typical of nearby buildings, would not be incongruous.
19. For the reasons given above, the development would not cause harm to the character and appearance of the area. Consequently, in respect of this main issue, it would comply with policies 33, 45, and 48 of the Local Plan and policy 10 of the Neighbourhood Plan. Amongst other things, these policies seek to ensure that the individual identity of settlements is maintained; that the development is well related to existing groups of buildings; that the proposals respect and enhance the landscape character of the area; and that they reflect the character of existing development within the parish. It would also comply with the parts of paragraph 135 of the Framework, which require development

to function well, to be visually attractive and to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

20. In respect of this main issue, I have found no direct conflict with Local Plan policy 3, which relates to the economy and employment provision.

Planning balance

21. In terms of housing land supply, the main parties agree that the Council is unable to demonstrate a five-year supply of deliverable housing sites. Nevertheless, on the basis that the provisions within paragraph 226 of the Framework are met, the application of paragraph 77 of the Framework would require the Council to identify and update annually a minimum of four years' worth of housing.
22. Planning Practice Guidance¹ confirms that the 4-year housing land supply should consist of deliverable housing sites demonstrated against the authority's five-year housing land supply requirement, including the appropriate buffer.
23. The evidence indicates that the Council has an emerging Local Plan² which has reached Regulation 19 stage. This plan includes proposed housing allocations towards meeting housing need, and an associated policies map. Moreover, the Council has indicated that it has a 4.72-year housing land supply within its statement of case. While various other figures have been cited, I have no reason to doubt that the supply exceeds 4 years. Consequently, I am satisfied that the Council can demonstrate a 4-year housing land supply as required by the Framework.
24. Even if there have been poor housing delivery rates within the Parish of Loxwood and/or the North of the plan area in the past, it has not been demonstrated that this is the case for housing delivery within the District as a whole.
25. My attention has not been drawn to any policies within the Development Plan that make specific provision for self and custom-build housing. Nevertheless, while I note the findings of the Inspector in appeal reference APP/R1845/W/21/3284761, Framework paragraph 11 d) says that where there are no relevant Development Plan policies, or the policies most important for determining the application are out-of-date permission should be granted unless the criteria at 11. d) i. or 11. d) ii. apply.
26. In this case, there are relevant Development Plan policies about the location of housing and character and appearance. Moreover, I have assessed the main issues in this appeal against these policies. These policies are, therefore, the most important ones for my decision.
27. I have found that the development would conflict with policies 1, 2, 25 and 45 of the Local Plan. These policies are generally consistent with the Framework which seeks to promote sustainable development, and which says that local planning authorities should identify annually a supply of deliverable sites to provide a minimum of 4 years' worth of housing. They also broadly conform with the parts of the Framework which affirm the importance of a sufficient

¹ Paragraph: 056 Reference ID: 68-056-20240205

² Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19)

- amount and variety of housing land coming forward where it is needed, and, which seek to ensure that developments create places that are inclusive and accessible.
28. Policies 33 and 48 of the Local Plan, and policy 10 of the Neighbourhood Plan are also in general accordance with the parts of the Framework that seek to achieve well-designed places.
29. Therefore, when taken as a whole, these most relevant policies cannot be regarded to be out of date for the purposes of this decision, and full weight can be accorded to them. Framework paragraph 11 d) is not therefore engaged in this case.
30. The development would contribute towards the Government's objective of significantly boosting the supply of homes. Benefits would also result from the creation of a home that could be quickly delivered, and which would incorporate measures to minimise energy consumption. Any biodiversity net gain resulting from the development would also be beneficial. In addition, the development would contribute towards the local economy; help to support and safeguard existing services and facilities in the area; and help to support a vibrant community. However, given the small scale of the scheme, the weight that can be attributed to each of these benefits is limited.
31. I have no reason to doubt that there is an unmet need for self-build housing within the District. Great weight may therefore be attributed to the delivery of self-build housing in such circumstances. Nevertheless, even if I was satisfied that the development would be delivered as a form a unit of self and custom build housing, one such dwelling would make a small contribution to reducing the shortfall in the District.
32. The site is within the Sussex North Water Supply Zone and the zone of influence of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site (the protected site). Notwithstanding the UU, which contains obligations to implement measures to secure water neutrality, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons. Nevertheless, even if harm to the protected site could be suitably mitigated by the implementation of the measures within the submitted UU, this would be a neutral consideration, which would not weigh in favour of the appeal scheme.
33. I have found that the development would not accord with the local development strategy contained within the Development Plan, and that future occupiers would be heavily reliant on the use of private car to access local services and facilities. I attribute substantial weight to the conflict with the Development Plan in these respects. While I have also found the development would not cause harm to the character and appearance of the area, this is a neutral consideration.

Other matters

34. My attention has been drawn to an appeal decision at Earnley Concourse³. However, in that case the Inspector found that the site would have reasonable accessibility to local services and facilities via the provision of a proposed footway. No such footway has been proposed in this case, and as such the

³ Appeal Ref: APP/L3815/W/20/325583

schemes are not directly comparable. The Earnley Concourse appeal does not therefore lead me away from my previous findings.

Conclusion

35. The development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually or in combination that outweigh the identified harm and associated development plan conflict.
36. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR