



Appeal Decision

Site visit made on 17 June 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/Y9507/W/23/3328273

Land west of The Flying Bull, London Road, Rake, West Sussex GU33 7JB

- 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 Andrew Scott (REL 2 and Hawthorne Leisure) against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/22/04782/FUL.
 - The development proposed is erection of 2 no. dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the South Downs National Park (NP); and
 - whether the proposal would result in a balanced mix of housing or the houses would meet local needs.

Reasons

Character and appearance

3. The appeal site is in the countryside in the NP, which is a nationally designated protected landscape. It is on the edge of Rake Village on the north side of London Road, part of a wide undeveloped gap on a long incline between linear development in either direction along this side of the road. This includes some large houses in large plots to the west whereas the appeal site faces a frontage of mainly small houses, closer spaced in smaller plots in the opposing more continuously built-up linear frontage along the south side of the road.
4. Most of about half of the depth of the appeal site is overgrown ferns or brambles and slopes steeply up behind a grass verge next to a pavement. The rest of this part of the site is one end of the garden of The Flying Bull pub at a flatter, lower level. This front part of the appeal site is backed at the top by a visually distinctive row of trees, with some other trees lower down towards the road. Beyond the row of trees, at the rear, the appeal site is part of a field that separates development along this road corridor from Rake Village Hall, an equipped playground and a tennis court.
5. Except for the grass verge the appeal site includes a smaller parcel of land that has been allocated for development for two dwellings by Policy H6(B) of the

Rogate and Rake Neighbourhood Development Plan August 2021 (RRNP). It is as a result an acceptable form of housing in the countryside under RRNP Policy H2(a). The appeal site is deeper than the allocated site and wider along London Road, especially to the east. A previous appeal decision established that using some additional land to deliver the allocated site (which might also allow more dwellings) was not necessarily a problem subject to, amongst other things, a well-designed scheme and incorporating any important trees¹.

6. The two tall, large, detached houses would broadly face the road, within the bounds of some variation in orientation of other dwellings along it and incorporate some appropriate high quality external materials. Although set back from the roadside and front boundary of the allocation site, they would be close to the front of the appeal site. There is variety in dwelling types and sizes along sections of both sides of London Road but in overall design and layout the proposed houses would have more in common with the looser knit pattern of larger houses further to the west, on the north side of the road. There would be no visual or spatial interrelationship with those houses so they do not set a relevant context for development on the appeal site.
7. The low density and layout of the large, essentially square floorplans for each house sited in large, widely spaced plots would not complement the prevailing tighter grain and more uniform layout and pattern of the generally modest terraced or semi-detached houses in mostly narrow plots along the facing south side of London Road. Although part inset into the slope of the appeal site, both houses would still be on elevated land. As a result, their significant scale and massing would have an unduly prominent and overly conspicuous visual and spatial presence in public views along this part of the streetscene. Moreover, in form and bulk they would appear unduly dominant in relation to the houses opposite which nestle into the lower, south side of the road.
8. A shared means of vehicular access is not unusual along either side of this part of London Road. However, there is no apparent precedent for the extensive, irregular shaped layout of the proposed drive and parking spaces which would require some significant excavation and ground remodelling. As such, although gravel surfaced, this somewhat arbitrary, overengineered central cul-de-sac and car centric space between the two houses would be a highly visible discordant feature more akin to a suburban estate style development. It would also sub-divide the appeal site in an incongruous way, leaving a significant area of 'green open space' no-man's land between the two gardens with no obvious function, purpose or responsibility for upkeep.
9. Most of the trees surveyed by the appellant are not on or next to the appeal site. It is therefore unsurprising that these trees would be retained as they would not be harmed by the proposal. More relevant is that to accommodate the proposed houses and layout, including means of access and parking, all of the surveyed trees on the site would be removed. This includes two individual trees located towards the front of the appeal site. One is a higher category B Oak tree which is early mature, in good condition with 40 plus years life expectancy and is protected by a Tree Preservation Order²; the other is a category C Hawthorn which is semi-mature and in fair condition with more than 10 years life expectancy. In addition, the entire group of category C Hazel and Sycamores that form the row of trees along the top of the slope, which are

¹ APP/Y9507/W/22/3301038

² SDNP/TPO/00003

early mature and in good condition with 20 plus years life expectancy. As such, all of these trees have significant public visual amenity value but would be lost.

10. A landscaping condition could include new trees. But given the inherent siting and design of the dwellings and site layout, such planting would largely endorse or screen a fundamentally inappropriate proposal to begin with, rather than be led by and respect these important features of the site. Consequently, the siting, layout and size of the dwellings and proposal overall would not be well-designed or incorporate important trees.
11. In a small but significant way, I find that the proposal would have a negative effect on the character and appearance of the area on this edge of Rake and this part of the landscape in the NP, so undermine the integrity of the NP overall. It does not therefore comply with Policies SD1, SD4 and SD5 of the South Downs Local Plan July 2019 (LP) or with RRNP Policies NE1, BE1 and (in these respects) H6. These include that development should conserve the distinctive character of the landscape, natural beauty, wildlife and cultural heritage in the NP. In addition, not undermine the pattern and individual identity of settlements and make a positive contribution to the overall character and appearance of the area, including in respect of height, massing, setting, space between buildings and existing trees.

Housing mix

12. LP Policy SD27 and RRNP Policy H5 include that residential development should provide a balanced mix of market housing, with a clear focus on 2 and 3 bedroom sized dwellings. That is unless there is evidence of a local housing need for a different mix or site specific considerations suggest otherwise. The proposal is for two houses so providing the full range of 1, 2, 3 or 4+ bedroom market housing mix set out in LP Policy SD27 is not possible in this case.
13. Although 4+ bedrooms are not excluded under LP Policy SD27, these two 4 and 5 bedroom houses would comprise the entire development and result in a manifestly disproportionate skew towards large dwellings. The required housing mix would not even be broadly met. There is no objective evidence of an acute local deficiency in large dwellings or of a local housing need for this mix. The proposal would not, therefore, meet the most pressing aims of these policies for small and medium sized homes or meet household needs in this local area, including for younger people or older people downsizing.
14. The proposal was promoted by the appellant to meet a local 'standout' demand for family homes. While a 4 or 5 bedroom dwelling is a family home, there is no objective evidence of a compelling need for such large family homes. The appellant contends that the mix is also driven by financial viability. However, none of the matters outlined, about market information obtained from local agents on values and alleged punitive build costs, has been substantiated with an appraisal by a suitably qualified competent person or tested independently. Accordingly, the claims made in this regard are little more than conjecture and no other exceptional reason has been given. In these circumstances, there is no apparent reason why the site could not be developed with some smaller dwellings.
15. I find that the proposal would not result in a balanced mix of housing nor meet the most important local housing needs. It therefore does not comply with LP Policy SD27 or RRNP Policy H5.

Other Matters

16. The Authority considers that it can currently demonstrate a 6.58 year supply of deliverable housing land. The appellant does not dispute this.
17. Nevertheless, the appeal site includes the allocated site and in principle is suitable for housing development. The proposal would support facilities and services in Rake village, including The Flying Bull pub. It would therefore be aligned with objectives of the National Planning Policy Framework (NPPF) to significantly boost the supply of homes to meet people's living needs, including families, and help to maintain or enhance the vitality of this small rural settlement. There would also be ecology enhancement at the site in accordance with aims of the NPPF to conserve the natural environment including by biodiversity net gain. Though these are all important considerations, the proposal for two dwellings would make a limited contribution in these regards, so these benefits have modest weight in support of the proposal.
18. Subject to conditions, there is no apparent fundamental reason why the proposal could not achieve the Authority's objectives with respect to ecosystem services or sustainable drainage systems.
19. The appeal site is in the setting of The Sun Inn grade II listed building, formerly a pub now converted as two semi-detached dwellings (the LB). Its significance includes a historic early C19 sitting alongside the south side of London Road, facing this thoroughfare. The proposal would result in a westward extension of buildings along the north side of the road, closer to the LB and opposite it. This would not, though, alter the visual or spatial presence or experience of the LB in relation to the road corridor. The proposal would, therefore, have a neutral effect on the setting of the LB so preserve the setting of the LB. The appeal site is not in the setting of the Rake Memorial or Combe Farmhouse grade II listed buildings because of distance and intervening landscape features or buildings.
20. The proposal is a revised scheme which the appellant considers overcomes the previous appeal decision. I have considered it and the appeal on its individual planning merits.

Conclusion

21. The proposal conflicts with relevant policies of the development plan. These are broadly consistent with equivalent objectives of the NPPF for housing in rural areas that reflects local needs. Also, to protect valued landscapes, recognise the intrinsic character and beauty of the countryside and ensure development is sympathetic to local character, including the surrounding built environment and landscape setting.
22. There are no other material considerations to indicate that the decision should be made other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above, the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR