

Appeal Decision

Site visit made on 17 September 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2024

Appeal Ref: APP/Z3825/W/24/3342051

Land east of Coolham Road, Coolham, West Sussex RH13 8QD

- 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 Harriet and Victoria Martin-Bird against the decision of Horsham District Council.
 - The application Ref is DC/23/1151.
 - The development proposed is demolition of an agricultural building and the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Harriet and Victoria Martin-Bird against Horsham District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located outside of any defined built up area as identified by the Horsham District Planning Framework 2015 ('the HDPF'), within countryside to the south of Coolham. The Horsham Landscape Character Assessment 2003 ('the HLCA') indicates that the site is part of the Broadford Bridge to Billingshurst Farmlands Landscape Character Area ('LCA') which is described as having a predominantly rural character except for some suburban influences extending into the countryside near Ashington and around Coolham. Key characteristics of the LCA identified in the HLCA include many scattered woods and copses, a mostly small scale pattern of fields with a strong sense of enclosure but larger arable fields in parts, and small historic farms and some small scale ribbon development along lanes. Key sensitivities are noted as including large scale farm buildings and small scale incremental changes eroding character. The HLCA further sets out planning and land management guidelines including, broadly, to conserve the mostly rural character of the area, to restore hedgerows and to ensure that any appropriate new development responds to the historic settlement pattern and local design and materials.

5. The appeal site is located to the south of a public right of way which includes a section of unmade track providing for vehicular access from Coolham Road. Apart from a sewage works site, land to the north side of the track predominantly comprises open fields, woodland and bodies of water which provide for separation to development at Coolham. Other countryside around Coolham includes some scattered buildings, including loose ribbons of dwellings along roads and some farm complexes, but much of the area around the site comprises open fields or paddocks which are typically marked by belts of trees and hedgerows, or areas of woodland. The fields closest to the site are large, with the historic field pattern having been lost following use as an Advanced Landing Ground airfield during World War II. Nevertheless, the area reflects many of the key characteristics of the LCA and overall, there is a spacious and distinctly rural character and appearance to this part of the countryside.
6. The site includes an agricultural barn which was in use for storage including of hay at the time of my visit but which the appellants indicate is used to house livestock during wetter months of the year. I agree with the main parties that the barn is not of any particular architectural merit, but insofar as it is of modest height, clearly agricultural form and appearance and sits within open pasture, it reinforces the open and rural qualities of the area. On that basis, I consider the site to make a positive contribution to the character and appearance of the surroundings.
7. The appeal proposes two detached dwellings in a courtyard-style arrangement. The combined footprint of the dwellings would be smaller than the existing barn. However, there would be an increase in floorspace. The dwellings would also be two-storey properties of significantly greater maximum height than the barn and while I appreciate that the additional height would largely be within their pitched roofs, the main bulk of the dwellings would still sit at greater height than the eaves of the existing building. Despite the set down sections and a car port element to House 1, I consider that the dwellings would appear as large buildings and their significant mass and scale, particularly at the upper level relative to the existing building, would result in erosion of the present impression of openness on the site.
8. While dwellings may not be an alien or exceptional feature in the area, the encroachment of residential development onto a currently agricultural site would also be urbanising. In this regard, I note that prior approval has been granted for change of use of the existing building to two dwellings¹ ('the Prior Approval') and I acknowledge that this would similarly introduce residential use on the site. However, the dwellings in that case would sit within the form of the existing barn. From the details before me, I consider the appearance would clearly be of a converted agricultural structure and the modest height of the building would help to moderate the visual impact of the addition of fenestration and other alterations to facilitate residential use. While the development may not reflect the characteristic form, features and appearance of dwellings in the area, I find in this context that it would be relatively unobtrusive in the landscape.
9. In contrast, I consider the proportions of the dwellings that are now proposed in combination with features such as the projecting gables would give them a far more obviously domestic appearance. While I note their traditional

¹ Application ref DC/22/0024

architecture and the use of external materials typical of the area in accordance with guidance in the Shipley Parish Design Guidance, I am not persuaded from the details before me that they would be clearly read as converted farm buildings as the appellants suggest. In my view, the appearance of the dwellings together with their greater height and upper bulk and the presence of windows to the upper floors means that the domestication of the site would be far more distinct than under the Prior Approval scheme.

10. Moreover, the dwellings now proposed would sit within much more generous grounds than the Prior Approval scheme which includes a fairly tightly defined curtilage around the building. I note that part of the site is shown to be planted as wildflower meadow, but the parking, hardstanding and residential gardens associated with the dwellings would occupy a far larger part of the site than would occur under the Prior Approval and would impart a strong domestic quality which would contrast sharply with the surrounding pasture, fields and woodland. Accordingly, I find that there would be a significantly greater encroachment of residential development into the countryside than under the Prior Approval.
11. A landscaped mound is proposed to the site frontage, and new planting including of boundary hedgerows and trees is suggested but these would be unlikely to conceal the development. Views from the east would be restricted by the woodland copse adjacent to the site, but I consider based on my observations that the development would be clearly appreciable including in views from sections of the network of footpaths and bridleways which track part of the historic airfield perimeter to the south, west and immediate north of the site. Glimpsed views, particularly of the upper parts of the dwellings, would also be likely to be possible from Coolham Road. Although there are other dwellings in the wider area, the appeal site stands apart from these, set well back from ribbon development along Coolham Road. In this position, I consider that the height and mass of the dwellings would stand very prominently and incongruously when seen against their immediate open context.
12. I acknowledge that the proposed new planting and landscaping would respect guidelines in the HLCA and is suggested to include poppies and a plaque intended to reflect the history of the airfield. This would not be part of the Prior Approval scheme. However, I consider the benefit of the landscaping to be small relative to the increased urbanising effects of the appeal development and insufficient to offset or outweigh the adverse effects identified above.
13. Taking these factors together, I cannot agree with the Council's Landscape Officer that there would not be adverse effects over and above the Prior Approval scheme. Nor looking at the scheme as a whole can I agree with the appellants' contention that there would be a significantly higher design quality. In my judgement, the development would result in a conspicuous and unwelcome encroachment of residential development into this part of the countryside and it would exacerbate the suburban influence around Coolham noted in the HLCA with marked detriment to the rural character and appearance of this part of the landscape.
14. For these reasons, I conclude that the proposal would cause significant, albeit relatively localised, harm to the rural character and appearance of the area and it would conflict with Policies 25, 26, 32 and 33 of the HDPF. Amongst other things, these policies include requirements seeking broadly to conserve and

enhance landscape character and characteristics; as well as sympathetic development that respects and complements local distinctiveness and that protects the rural character and undeveloped nature of the countryside. It would also be contrary to Policy Ship HD3 of the Shipley Neighbourhood Plan 2019-2031 insofar as it seeks development of a size and scale which respects and where possible enhances the character of the area.

Other Matters

15. In circumstances where a proposal is likely to have a significant effect on a European Site designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), there is a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment.
16. In refusing the application, the Council determined that there was insufficient information to demonstrate with a sufficient degree of certainty that the proposal would not adversely affect the integrity of the Arun Valley Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Ramsar sites ('the Arun Valley Sites'). The SAC and SPA are European Sites designated under the Habitats Regulations, and the National Planning Policy Framework ('the Framework') indicates that Ramsar sites should be afforded equivalent protection to European Sites. The Council's concern relates particularly to whether or not the development would be 'water neutral' so as not to add to requirements for groundwater abstraction within the Sussex North Water Supply Zone which cannot be ruled out as adversely affecting the Arun Valley Sites.
17. I acknowledge the appellants' evidence seeking to demonstrate water neutrality, including an Updated Water Neutrality Statement dated March 2024 which provides additional information in respect of the site's baseline water demand and the source of water supply for the existing building. I also note references to the Prior Approval scheme as a fallback position for the purposes of water neutrality. Had I found the appeal to be otherwise acceptable, I would need to consider these matters further within the framework of an Appropriate Assessment in accordance with the requirements of the Habitats Regulations. However, because I am dismissing the appeal for other reasons and it would not be determinative in this case, I have not pursued this matter further as it could not alter my decision.
18. I have noted additional concerns raised by interested parties including in respect of effects of the development on protected species, effects on highway safety and safety for rights of way users, odour effects on future occupiers and effects on the Advanced Landing Grounds and memorial. I have also noted comments in support of the proposal including in respect of the design and quality of the dwellings and the benefit of housing provision. However, none of the matters raised alter my conclusions on the main issue or overall planning balance.
19. The appellants advise that initial indications from the Council were that the application was to be recommended for approval, and that when the decision was issued, the second reason for refusal was a surprise with no objections having been raised by the Council's landscape or conservation consultees. However, these are not factors that alter my assessment of the planning merits

of the proposal which I have considered having regard to the evidence before me.

Planning Balance

20. The Council has not disputed the appellants' comments that it is able to demonstrate only a 2.9 year housing land supply. Paragraph 11 d) of the Framework is therefore relevant and indicates that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. The proposal would add two dwellings to the supply of housing locally. The Framework seeks to significantly boost the supply of housing, and recognises that small sites can make an important contribution to meeting the housing needs of an area. In light of the clear objectives within the Framework, the provision of housing is an important factor and I note that Policy 15 of the HDPF also includes an allowance for windfalls such as this in the identified strategy to meet housing needs. That said, the very modest scale of the proposal would limit the contribution made to the overall supply of housing.
22. The appellants refer to the proposal as providing for self-build housing for which there is an identified local need. However, while the dwellings may be intended to be occupied by individuals on the self-build register allowing them to remain in the area and I note submitted self-build exemption claims, there is no mechanism before me to ensure that the dwellings were occupied in this manner and in accordance with the legal definition of self build or custom housebuilding. Even if the Council is not currently meeting its duties in respect of providing for self-build and custom housing, this does not therefore weigh in favour of the proposal.
23. Moreover, the Prior Approval scheme would also provide for two additional dwellings on the site which could be similarly occupied and there is no compelling evidence before me that these dwellings would not be delivered in the absence of the appeal scheme. Indeed, the appellants indicate that the Prior Approval scheme would be implemented. This factor significantly limits the weight that I give to the benefit of the provision of additional dwellings.
24. There would be social and economic benefits associated with construction and occupation of the development including support for local businesses and services. However, construction-stage benefits would be temporary and limited by the small scale of the development and the Prior Approval scheme would be likely to offer similar benefits on occupation. I therefore afford limited weight to these factors.
25. The proposal would enhance biodiversity as sought by Policy 31 of the HDPF, providing for a biodiversity net gain of 142%. The appellants also indicate that the dwellings would be more energy efficient than the Prior Approval scheme. However, while I give significant weight to these factors, the small scale of the site and development means that the benefits would be relatively limited in real rather than percentage terms.

26. Conversely, I have found that the development would cause significant, albeit localised, harm to the character and appearance of the area. It would be contrary to the Framework insofar as it seeks, amongst other things, recognition of the intrinsic character and beauty of the countryside and developments that add to the overall quality of the area and that are sympathetic to local character including the surrounding built environment and landscape setting. I consider the harm in these respects to attract significant weight.
27. In my judgement, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Even if I were satisfied that policies in the Framework that would protect the Arun Valley Sites would not provide a clear reason for refusal, the presumption in favour of sustainable development at paragraph 11 d) of the Framework does not therefore indicate that permission should be granted in this case.
28. In addition, I have identified conflict with a number of policies of the development plan and given the importance of the matters raised, I consider that the proposal would conflict with the development plan when it is read as a whole. In my judgement, the benefits of the proposal would not outweigh this conflict and would not justify a decision otherwise than in accordance with the development plan.

Conclusion

29. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations, including the Framework, do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR