Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2025

Appeal Ref: APP/Z3825/W/24/3352708
Lancasters Cottage, Littleworth Lane, Partridge Green, West Sussex RH13 8EJ

- 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 S Brewer against the decision of Horsham District Council.
- The application Ref is DC/24/0669.
- The development proposed is demolition of one bedroom annexe and garden buildings and erection of a three bedroom detached dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers in this decision.

Main Issue

3. The main issue is whether the site is a suitable location for a dwelling with regard to the spatial strategy for the district.

Reasons

Suitable Location

4. The appeal site comprises part of the residential garden of Lancasters Cottage, a detached property set in a large garden. There are some ancillary structures, including an annexe, in the garden which would be removed to facilitate the proposed development.

5. Horsham District Planning Framework (2015) (HDPF) Policies 2, 3 and 4 seek to direct development to within settlements with defined built-up areas or as expansions of those settlements. HDPF Policy 26 sets out that proposals must be essential to their countryside location and meet one of a series of criteria.

6. HDPF Policy 3 identifies Partridge Green as a medium village which is a level of settlement identified as providing a moderate level of services and facilities. The outskirts of the settlement are approximately 1 mile from the appeal site. While the site is not isolated for the purposes of paragraph 84 of the Framework, it is nonetheless not in dispute that the site lies beyond any built-up area boundary.

7. Littleworth is closer to the appeal site than Partridge Green. At present, it would be considered as an unclassified settlement, to which no development would be directed. The Council is in the process of preparing a new local plan which may alter the settlement hierarchy. However, given the uncertainty that exists regarding the progress of the local plan, I do not attach any weight to the emerging plan.

8. Littleworth Lane is unlit and subject to the national speed limit leading from the site to Littleworth. There is no footpath, nor is there a separate cycleway. Even if traffic levels are low, it is still unlikely that this would be an attractive walking or cycling option for future occupiers, particularly in the dark or in poor weather. It is unlikely that future occupiers would use the bus services that would also require travelling this route. While there is a public right of way opposite the site, it is still some distance until the next village. Although there is a footpath from Littleworth to Partridge Green, this would not overcome the issues that exist between the site and Littleworth.

9. There is no substantive evidence before me that the surrounding walking routes would provide a realistic option to meet the day to day needs of future occupiers, irrespective of the choices of the current occupiers of Lancasters Cottage. The provision of electric vehicle charging points would not ensure that future occupiers of the property would have an electric vehicle. The distance of other settlements to Partridge Green does not alter my assessment of this site. Even taking account of its rural location, the appeal site is not in a location which would allow for ready use of means of travel other than the private car.

10. The Council has issued a 'Facilitating Appropriate Development' document which includes criteria where it would take a less restrictive approach to housing development given the inability to demonstrate a five year supply of deliverable housing land. However, this would not provide any support for the proposed development as it would not adjoin a settlement edge, and the document requires development to meet all of the identified criteria.

11. I therefore conclude that the proposal would not be a suitable location for the proposed development with respect to the spatial strategy. It would therefore be contrary to HDPF Policies 2, 3, 4, and 26 which taken together seek to direct housing development to settlement types identified the settlement hierarchy and protect the countryside against inappropriate development.

Other Matters

12. There would be a benefit from the delivery of an additional dwelling. Windfall sites contribute to housing supply, and small and medium sized sites can often be delivered quickly. There would also be economic benefits arising during the construction and occupation stages. It would also have a lift to provide access to the first floor. These would be of limited weight given the proposal is for a single dwelling and there is no mechanism before me to ensure the dwelling would be occupied by a person who would require a lift.

13. Sufficient parking would be provided onsite. The proposal would give rise to a limited number of additional vehicle movements and I have no reason to think these would have an adverse effect on the operation of the highway or on highway safety. There would not be any harm to the character and appearance of the area and there would be suitable living conditions for future occupiers of the proposed dwelling and the existing occupiers of the neighbouring properties. The Council

has not raised any concerns with regard to the effect of the proposal on the character and appearance of the area, and I have no reason to reach a different conclusion. The proposal would comply with the policies of the development plan as they seek to address climate change through construction and energy use. The site is not in an area at risk of flooding. There would not be prejudice to comprehensive long term development. However, these are to be expected of any well designed development and would be neutral in my assessment.

14. I have not been directed to any specific policies in the West Grinstead Neighbourhood Plan (made 24 June 2021) that would alter my assessment of the proposal. It has been put forward that the proposal would comprise self build development. However, there is no mechanism before me to ensure that this would be the case. There is no substantive evidence before me to demonstrate that there would be a benefit from the removal of the existing annexe. Although the site comprises previously developed land, the glossary to the Framework confirms that it should not be assumed that the whole of the curtilage should be developed

15. I note there have been previous applications and appeal decisions on the site. However, I have no reason to reach a different overall conclusion to the previous Inspectors. Both parties have referred me to several other appeal decisions in the area. However, the written evidence identifies several distinctions between these sites, and the proposal before me, most notably with respect to the relationship of the site to surrounding settlements, and the position of those settlements in the hierarchy established by HDPF Policy 3. Those decisions are not of sufficient weight to justify my reaching in a different conclusion in this appeal.

16. The appeal site is within the Sussex North Water Supply Zone. The Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site are vulnerable to pressures arising from groundwater abstraction from this supply zone. The appellant has submitted a water neutrality statement in mitigation. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats site and if the mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue, as a finding that the proposal would not have an adverse effect on the integrity of the habitats site, with or without any mitigation, would be at best a neutral matter.

Planning Balance

17. It is not in dispute that the Council cannot display a five year deliverable supply of housing land and that this supply would at best be 2.9 years. The results of the most recent housing delivery test show a rate of 62%. There is some uncertainty around the emerging local plan. In such circumstances, paragraph 11d) of the Framework is engaged. For the reasons given above, paragraph 11d)i is not engaged with respect to habitats sites.

18. Consequently, paragraph 11d) ii applies. This sets out that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having regard to key policies.

19. There would be a benefit from the delivery of an additional dwelling and I attach moderate weight to this given the shortfall in housing land supply and the failure to

meet the requirements of the housing delivery test and the fact it is capable of being delivered quickly. I attach limited weight to the economic and accessibility benefits of the proposal given its limited scale.

20. The site would be contrary to the locational policies of the development plan. It would not be well located in relation to settlements within the settlement hierarchy and the ability to access any settlements by means other than private car. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

21. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR