
Appeal Decision

Site visit made on 4 February 2019

by H Miles BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2019

Appeal Ref: APP/Z3825/W/18/3214026

Windacres Farm, Church Street, Rudgwick RH12 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Bailey against the decision of Horsham District Council.
 - The application Ref DC/17/2605, dated 20 November 2017, was refused by notice dated 16 August 2018.
 - The development proposed is siting of a residential accommodation for a temporary 36 month period.
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Decision

1. This appeal is dismissed.

Procedural Matters

2. Following the Council's decision on the application that led to this appeal, a new version of the National Planning Policy Framework (the 2018 Framework) has been published. The main parties had the opportunity to make comments on the bearing of this on the appeal. Whilst there have been further revisions since to the Framework contained in the new version published in February 2019 (the revised Framework), no changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.
3. It is not in dispute between the main parties that the development that is the subject of this appeal has been carried out. Nonetheless, for clarity, I have determined the appeal on the basis of the plans before me.
4. I note that there is another appeal made by the appellant for development at the same address¹. For the avoidance of doubt, I have determined these two appeals on their individual merits.

Main Issues

5. The main issues are whether the location would provide a suitable site for housing having particular regard to the effect on the rural character of the countryside, and the effect of the proposed development on the character and appearance of the area.

¹ APP/Z3825/W/18/3214199

Reasons

Suitability of the site for housing

6. It is not in dispute between the main parties that the site is within the countryside for the purposes of the HDPF². Policy 26 of the HDPF seeks to protect the countryside from inappropriate development to protect its rural character and undeveloped nature. It sets criteria which proposals for development in the countryside should meet. The most relevant to this appeal being that any proposal must be essential to its countryside location.
7. The appeal site sits within an area of mainly open land. This results in an undeveloped rural character and appearance to the area. There is an agricultural barn close by (although I note that this is the subject of current appeals³ including in relation to enforcement action) and building works are visible from the site which I understand to be in connection with a housing development. However, this site takes its character, in the main, from its direct association with the adjoining undeveloped open countryside land.
8. The appellant submits that this dwelling is essential in order to enable him to continue to properly manage his well-established farm on-site and other commercial business activities nearby. However, I am not provided with substantive evidence which justifies the necessity for an on-site presence to undertake these activities. As such I am not persuaded that the proposed dwelling is essential to this location.
9. The introduction of the building providing a use which I find not to be essential to the countryside would result in a more developed character to this site. Furthermore a residential use is likely to be accompanied by car parking and other residential paraphernalia which would further urbanise the existing countryside character. This would be harmful to the open rural character of the area, and as such would represent inappropriate development in the countryside.
10. For these reasons, this location would not provide a suitable site for housing and consequently, in that regard, would be contrary to Policy 26 of the HDPF, the aims of which are set out above.

Character and Appearance

11. The proposed structure appears as a storage container and as such is industrial in appearance. Notwithstanding that the materials and colour may be appropriate to an agricultural location, the industrial appearance, in combination with my concerns set out above in relation to the urbanising character of the development, would be harmful to the character and appearance of this undeveloped rural area.
12. The hedges and trees close to the site offer some screening, however, particularly when trees are not in leaf, the building remains visible in the surrounding landscape.
13. For the reasons above the proposed dwelling would be harmful to the character and appearance of the surrounding area and as such would be contrary to the policies of the HDPF most relevant to this main issue: 25 (Strategic policy: the

² Horsham District Planning Framework (excluding South Downs National Park) November 2015 (the HDPF)

³ APP/Z3825/W/18/3214199, APP/Z3825/W/18/3214026

natural environment and landscape character) and 33 (Development Principles).

Other Matters

14. Permission is sought on a temporary basis. However the proposed 36 month period is relatively lengthy and the identified harm to the rural character and appearance of the area during those three years would be sufficiently significant to justify that this appeal should be dismissed in this respect.
15. The appellant previously lived at Windacres Farm, however this has been demolished as part of a residential development. Consequently, the proposed accommodation is required until a house in this new development is available for the appellant. However, planning is concerned with land use in the public interest, and this benefit would be primarily in the interests of the appellant. Furthermore, I am not presented with substantive evidence to persuade me that these needs could not be met in other ways less harmful to the rural landscape character. As such I afford this benefit limited weight.
16. It has also been put to me that the building has been designed and sited away from existing dwellings, to minimise intrusion to public rights of way, maintain trees, to be accessible to vehicles, and to avoid vandalism/security issues. Nonetheless, the consideration of character and appearance is an important long standing aspect of good planning that is recognised in the Development Plan and the Framework, and therefore these matters do not overcome the harm identified above in this regard.

Conclusion

17. For the reasons above, this appeal should be dismissed.

H Miles

INSPECTOR