Appeal Statement of Case

Outline Application for erection of 1No dwelling to the east of Fairmead with all matters reserved except access

Fairmead, Lyons Road, Slinfold

prepared by

WPS Planning

Planning Appeal Statement
Fairmead

Prepared by:	Doug Wright
Date:	July 2024
Project Number:	133/2024

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1.0 INTRODUCTION

1.1 This Statement of Case is prepared by WPS Planning on behalf of Mr & Mrs Hedger (the 'Appellant') in respect of a planning appeal under the provisions of S.78 of the Town and Country Planning Act (the 'Appeal').

1.2 The Appeal is against the refusal of an application for Outline Planning Permission (the 'Application') by Horsham District Council ('HDC'). The HDC application reference is DC/24/0524.

1.3 The Application was made in relation to Fairmead, Lyons Road, Slinfold (the 'Appeal Site'). The proposed development is for the erection of new dwelling with new access and associated parking.

1.4 The Application was validated on 16 April 2024, and refused under delegated officer powers on 10 June 2024, for the following reason:

> ***The development is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. Consequently, this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. It has not been demonstrated that there are any material considerations of significant weight to justify a departure from this overarching spatial strategy. The proposed development would therefore be contrary to policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework 2023.***

1.5 The documents which make up the Application as originally submitted are as follows:

- Application Form
- CIL Additional Information Form
- Planning Statement
- Water Neutrality Statement
- Drawings:
  - Location plan – 133/2023/1ra
  - Site Plan – 133/2024/2ra

1.6 The consultation responses resulting from the application process which are relevant to the Appeal are as follows:

- No objections have been received from HDC Conservation & Arboriculture, Natural England, Southern Water and WSCC Highways
- Slinfold PC raised an objection to the application

1.7 The representation letters resulting from the application process which are relevant to the Appeal are as follows:

- 1 representation letter was received in support of the application

2.0 SITE AND SURROUNDING AREA

2.1 The appeal site is located on the southern side of Lyons Road and consists of a large residential curtilage, which comprises a two storey detached dwelling along with a number of outbuildings, swimming pool and tennis court. The site has two existing accesses from Lyons Road.

2.2 Neighbouring dwellings are sporadically located along both sides of Lyons Road to the west and east of the application site.

2.3 The appeal site lies outside of the defined built-up area of Slinfold, though lies only approx. 0.8miles to the west. Slinfold consists of shop and facilities and is located within walking distance of the application site. The larger village of Broadbridge Heath is located less than 1km from appeal site, which also provide a good level of services and facilities.

3.0 PLANNING HISTORY OF THE APPEAL SITE

3.1 The appeal site has no relevant planning history

4.0 THE PROPOSAL

4.1 The proposal is described as:

> **"Outline Application for erection of 1No dwelling to the east of Fairmead with all matters reserved except access"**

4.2 The proposal seeks outline planning permission for the erection of new dwelling with all matters reserved with consideration to the proposed access.

5.0 PLANNING POLICY

5.1 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission

be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

5.2 National planning guidance relevant to the determination of the Appeal will be considered with reference to the following documents:

- National Planning Policy Framework (NPPF)
  - Section 5 – Delivering a sufficient supply of homes
  - Section 9 - Promoting sustainable transport
  - Section 11 – Making effective use of land
  - Section 12 – Achieving well-designed and beautiful places

5.3 In terms of the local planning policy context for the Appeal Site, the adopted Development Plan for the Horsham District Council is composed of the following relevant documents:

- Horsham District Council Planning Framework (HDPF) – Adopted November 2017
  - Policy 1 – Sustainable Development
  - Policy 2 – Strategic Development
  - Policy 3 – Development Hierarchy
  - Policy 4 – Settlement Expansion
  - Policy 15 – Housing Provision
  - Policy 26 – Countryside Protection
  - Policy 32 – The Quality of New Development
  - Policy 33 – Development Principles
  - Policy 41 – Parking

- Slinfold Neighbourhood Plan (2014-2031)
  - Policy 5 – Development Principles

- Policy 6 – Housing Mix

6.0 OVERVIEW OF APPELLANT'S CASE

6.1 The application was determined by Horsham District Council following formal consultation responses along with one letter of representation and comment from Slinfold Parish Council.

6.2 When assessed against relevant national and local planning policies, the proposal is considered entirely appropriate in terms of its location and impact upon the surrounding area.

6.3 The appeal proposal seeks planning permission following the refusal of the Local Authority and the following statement would seek to address the reasons for refusal.

National Policy

6.4 Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five-year supply of deliverable housing sites (NPPF footnote 8).

6.5 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The

presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the district (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

6.6 Paragraph 135 of the NPPF states *"Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and"

6.7 It is considered that the proposed development would be in accordance with all of the above paragraphs of the NPPF. The proposal has aimed to make the best use of the site, developing a well-designed layout in keeping with the surrounding development.

6.8 The Council gave one reason for refusal in their determination of the application. Therefore, the focus of this statement will be in respect of this area:

- Principle of development outside the built-up area

Principle of development outside the built-up area

Reason 1

The development is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. Consequently, this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. It has not been demonstrated that there are any material considerations of significant weight to justify a departure from this overarching spatial strategy. The proposed development would therefore be contrary to policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework 2023.

6.9 Policy 4 (Settlement Expansion) in the HDPF states *"The growth of settlements across the district will continue to be supported in order to meet identified local housing, employment and community needs. Outside built-up area boundaries,*

the expansion of settlements will be supported where, the level of expansion is appropriate to the scale and function of the settlement type…. The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced".

6.10 In March 2018, the Court of Appeal (Braintree District Council v Greyread Limited & Anr. Case Number: C1/2017/3292*)* upheld a High Court decision ruling that proposals cannot be considered isolated if there are other dwellings nearby. Mrs Justice Lang noted in her High Court verdict that the term "isolated" is not defined in the NPPF. However, she pointed to its "ordinary objective meaning" of "far away from other places, buildings or people". The council's definition of the policy would "deny policy support to a rural home that could contribute to social sustainability because of its proximity to other homes," she said.

6.11 The appeal site is surrounded by other development, which includes the host dwelling of 'Fairmead' to the north, which is a two storey detached dwelling. Further dwellings are located with neighbouring dwellings to the west of the site. Therefore, on the basis of the above ruling, the appeal site is not in an "isolated" location and therefore should be assessed in this context. The Officer in their report agrees with this assessment.

6.12 The Officer does however states the following in their delegated report *"The application site therefore sits between two built-up settlements with a good range of services; however, as the site sits outside the built-up area there is still a conflict with policies within the HDPF and it is not considered that the kilometre distance between the built-up settlements to the east and west of the application site would outweigh this conflict."*

6.13 An application was allowed on appeal (PINS ref – APP/Z3825/W/22/3303603) following refusal by Horsham District Council (DC/22/0495). The appeal allowed was for a similar proposal, whereby the development comprised a new dwelling within the large plot of the existing dwelling. All documents are included in Appendix A.

6.14 The referenced appeal site is also located outside a defined built up area with the nearest settlement being Southwater, which is defined by Policy 3 of the HDPF as a Small Town/Larger Village. The Planning Inspector (para 5) states in their assessment in reference to a new housing development within Southwater. "*This development, which was partially built at the time of my visit, lies approximately 850m from the appeal site at its closest point*." The Inspector goes on to state "*The site lies roughly 1.5km from the village centre of Southwater. This area, centred around Lintot Square, contains a wide range of services and facilities which include shops, a public house, library and health centre. The trip takes less than 3 minutes by car and slightly longer by bicycle. Although it would be possible for residents of the proposed dwelling to make the journey on foot, the lack of pavements and street lighting along Bonfire Hill and Church Lane would function as a deterrent, notwithstanding the option to use the Downs Link and other public rights of way as an alternative."*

6.15 The two appeal sites are very similar in their proximity to nearby settlements which provide sufficient services and facilities. The Inspector further states "*There can be no doubting that the proposal would lead to some additional vehicle journeys. However, the harm in this regard would be tempered by the short distance to the village centre."* It is noted that the inspector states that although there is no pavement, however stating it would be possible on some occasions to walk into Southwater. In contrast, the Appeal site of Fairmead, Lyons Road has a pavement into Slinfold and Broadbridge Heath. As the prospect of walking is a far safer option than the allowed appeal site.

6.16 Whilst the Council will uphold that their decision is consistent with other decisions, it would appear that this would not be the case, given the appeal decision discussed.

6.17 It is considered that due to the location of the site in close proximity to the built-up area, it is in a sustainable location with easy access to the services and facilities within Slinfold and Broadbridge Heath. Therefore, the proposal would be considered to comply with Policies 3 & 4 of the HDPF and the NPPF.

Other Matters

6.18 The appeal proposal is for outline permission and other matters such as design, trees and landscaping would be reserved for later consideration, as such don't form part of consideration for the appeal proposal. Although the Council have stated "*It is however, considered that the proposed site would be of adequate size to accommodate an additional dwelling, with the size of the site resulting in limited harm to the visual amenities of the street scene*."

6.19 The Officer has raised no issues in terms of neighbour amenity, water neutrality along with parking and access.

7.0 CONCLUSION

7.1 As explained above, the proposal complies fully with relevant national planning policies and local Development Plan policies that concern scale, design and effects on the character of the locality.

7.2 The Appeal is considered to have addressed the Council's reason for refusal in detail and it is considered that the appeal proposal is appropriate in this location, which would not be an unsustainable form of development, which would provide a suitable means of access along with sufficient parking. Additionally, the proposal has met the requirements for water neutrality.

7.3 In taking all matters into account, it is considered that the proposal would result in an inclusive addition to the locality, which would respect the scale and character of the area. Therefore, it is respectfully requested that the appeal is allowed.

APPENDICES

Appendix A

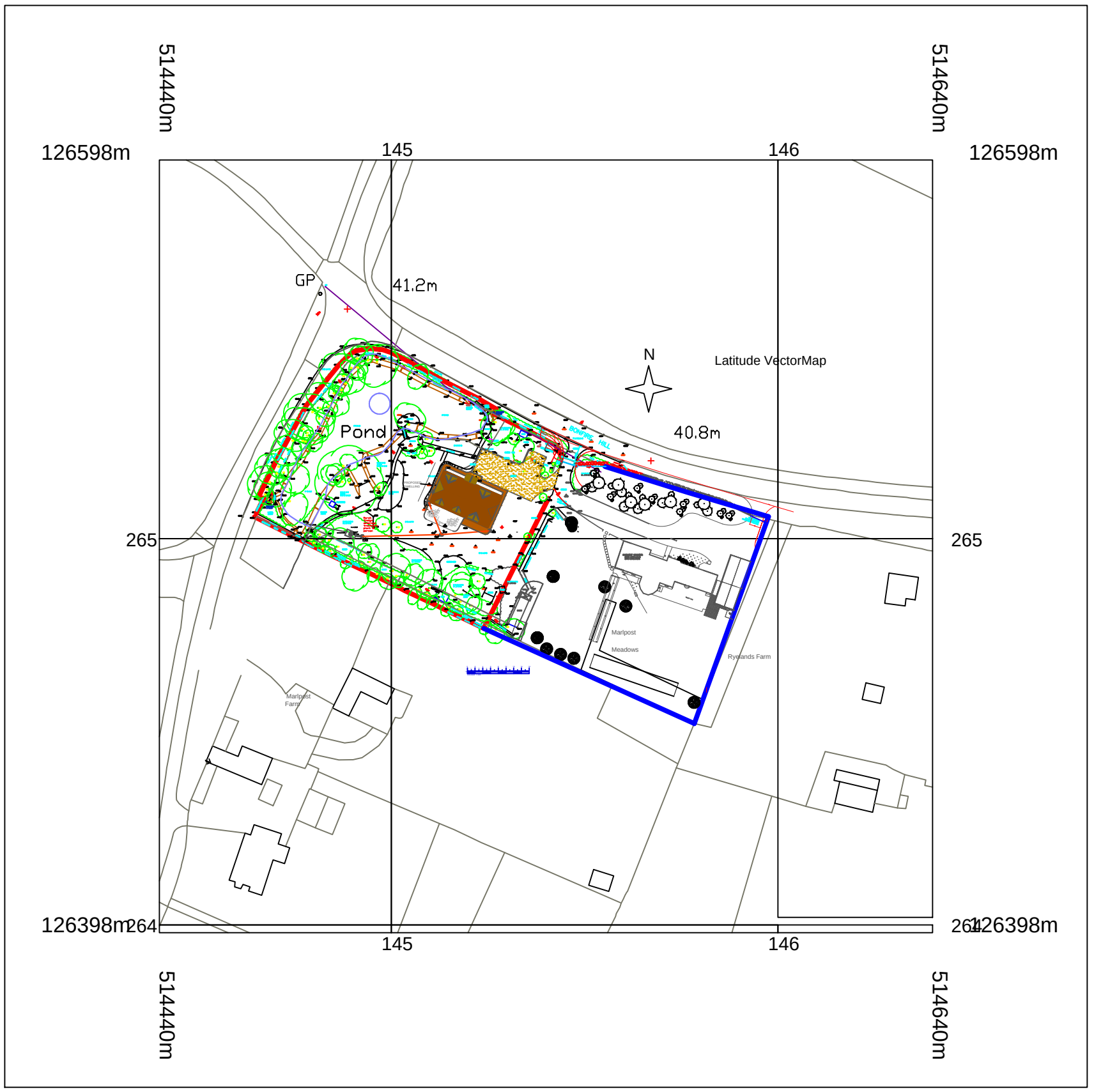
DC/22/0495 - Erection of a two storey chalet style detached dwelling.

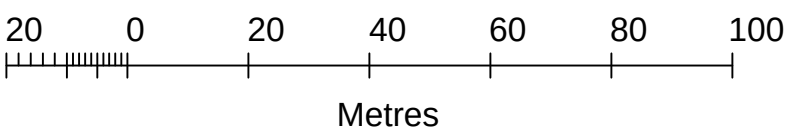
Marlpost Meadows, Bonfire Hill, Southwater, West Sussex, RH13 9BU

- Appeal Decision
- Decision Notice
- Delegated Report
- Plans

APPENDIX A

Latitude VectorMap





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LOCATION PLAN
1:1250 @ A3

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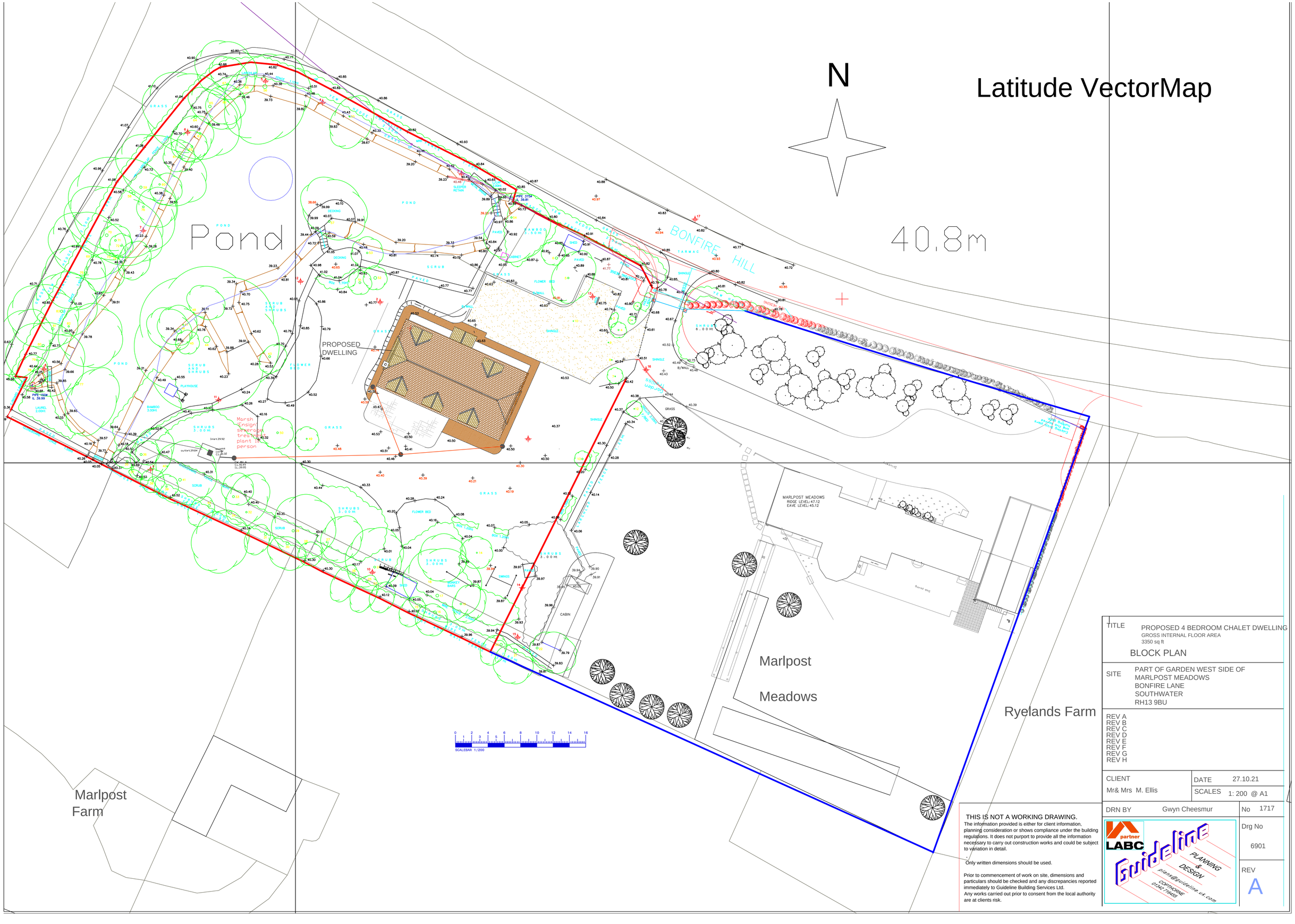

TITLE PROPOSED 4 BEDROOM CHALET DWELLING
GROSS INTERNAL FLOOR AREA
3350 sq ft

BLOCK PLAN

SITE PART OF GARDEN WEST SIDE OF
MARLPOST MEADOWS
BONFIRE LANE
SOUTHWATER
RH13 9BU

REV A
REV B
REV C
REV D
REV E
REV F
REV G
REV H

CLIENT
Mr& Mrs M. Ellis

DATE 27.10.21

SCALES 1: 200 @ A1

DRN BY Gwyn Cheesmur

No 1717

Drg No 6901

REV A

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.
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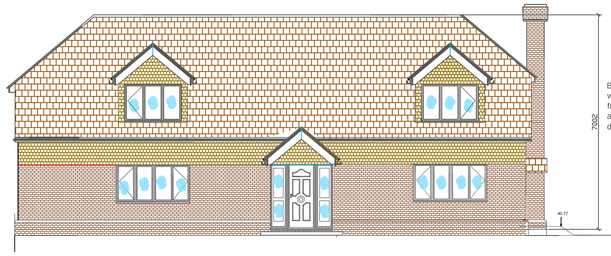
Prior to commencement of work on site, dimensions and particulars should be checked and any discrepancies reported immediately to Guideline Building Services Ltd.
Any works carried out prior to consent from the local authority are at clients risk.

partner LABC
Guideline PLANNING & DESIGN
plans@guideline.uk.com
TELEPHONE 07557 766456

PROPOSED ELEVATIONS SCALE 1:100 @A1



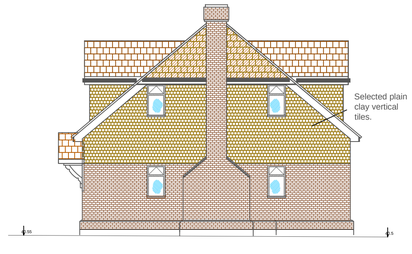
NORTH (FRONT) ELEVATION

Black window frames and doors

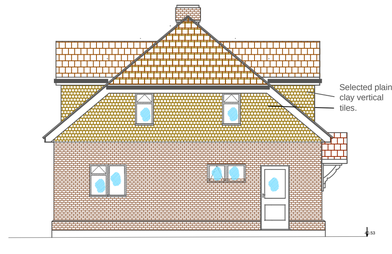
Black uPVC casement windows and doors.



SOUTH (REAR) ELEVATION

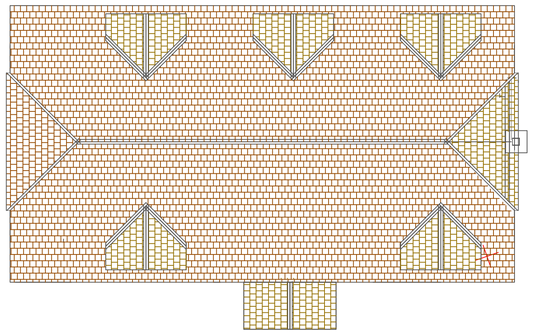


WEST ELEVATION

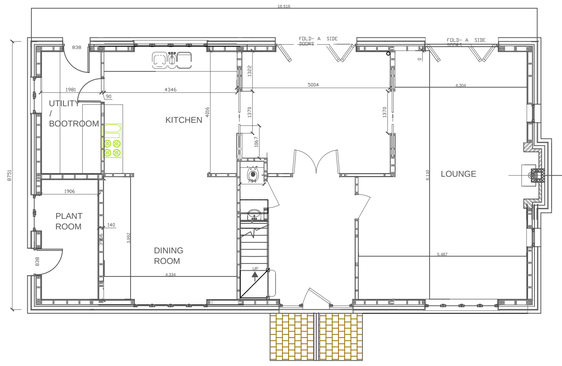


EAST ELEVATION

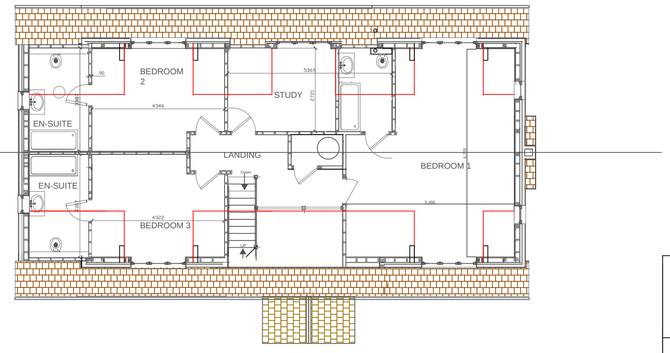
PROPOSED PLANS SCALE 1:100 @ A1



ROOF PLAN SCALE 1:100

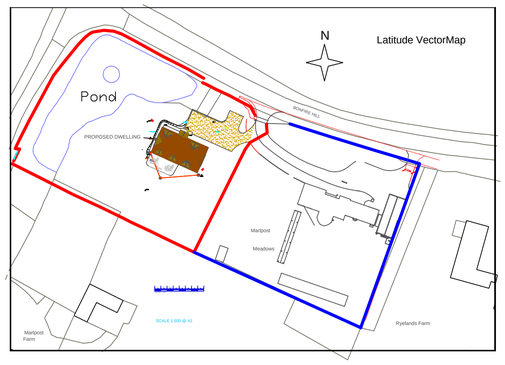


GROUND FLOOR PLAN



FIRST FLOOR PLAN

SCALE 1:100 @ A1



BLOCK PLAN SCALE 1:500 @ A1

GENERAL KEY

WH = WINDOW HEIGHT
BH = BEAM HEIGHT
DH = DOOR HEIGHT
IL = INVERT LEVEL
R.W.P. = RAIN WATER PIPE
S.V.P. = SOIL AND VENT PIPE
CH = CEILING HEIGHT
SH = SILL HEIGHT

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Any works carried out prior to consent from the local authority are at clients risk.

TITLE

PROPOSED 3 BEDROOM CHALET DWELLING
GROSS INTERNAL FLOOR AREA 230 sq M
2475 SQ FT

SITE

PART OF GARDEN WEST SIDE OF MARLPOST MEADOWS
BONFIRE LANE
SOUTHWATER
RH13 9BU

REV A Colour changes 29.11.21
REV B Prepared for planning 02.03.22
REV C
REV D
REV E
REV F
REV G
REV H

CLIENT
Mr& Mrs M. Ellis

DATE 24.11.21
SCALES As noted

DRN BY Gwyn Cheesmur

No 1717

Drg No 6905

REV B

partner LABC
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Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/22/0495
Marlpost Meadows, Bonfire Hill, Southwater, Horsham, West Sussex, RH13 9BU

DESCRIPTION:
Erection of a two storey chalet style detached dwelling.

RELEVANT PLANNING HISTORY:
There is an extensive planning history for the site, none of which is directly relevant to this current application.

SITE AND SURROUNDS
The application site contains a detached two-storey dwellinghouse, Marlpost Meadows, and associated land and outbuildings, located the south side of Bonfire Hill, and is a corner plot with Marlpost Road to the west. This site is a spacious plot located in a rural countryside location outside of any built up area boundary. A pond is located at the far western most portion of the plot. The wider surroundings are predominantly rural with sporadic residential development present. The BUAB of Southwater is approx 0.6 miles to the east. Grade II listed buildings are located at Marlpost Farm to the south, and Swains to the northeast. The existing dwelling has two vehicle accesses to an in/out driveway from Bonfire Hill which runs along the front (north) boundary of the dwelling. Boundary treatment with the highway to the front (north) and west of the property consisting of thick high mature hedging screening the site from public views. High security gates are located at each of the two vehicle accesses to Bonfire Hill.

DETAILED DESCRIPTION
Planning permission is sought for the construction of a three bedroom, chalet style detached dwelling (GIA 230 sq.m) on garden land to the side of Marlpost Meadows. The proposed dwelling is to be served by an existing vehicle access from Bonfire Hill and will be adjacent to a pond located to the far western side of the land. The proposed dwelling is two-storey with the first floor accommodation to be contained within the roof space, with pitched roof dormers to the front and rear roof elevations. Marlpost Meadows occupies a plot of a substantial size and the proposal will subdivide the plot, still providing a good sized curtilage for the host dwelling and a spacious garden for the new dwelling which will incorporate the pond to the far western end. The existing 'in/out' access to Marlpost Meadows will be retained with the new dwelling using one of the existing accesses. Driveway space is proposed for the parking of at least three vehicles along with a turning area. The proposed dwelling would be width 16.5m, depth 8.75, ridge height 7m, eaves height 2.9m approx. Materials to consist of stock brick facing with vertical plain clay tiles, and plain clay roof tiling. Black upvc casement windows and doors.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

Southwater Neighbourhood Plan:
SNP1- Core Principles
SNP2- Proposals for Residential Development
SNP9- Home Standards
SNP10- Residential Space Standards
SNP14- Adequate Provision of Car Parking
SNP16- Design
SNP17- Site Levels
SNP18- A Treed Landscape

Southwater Parish Design Statement

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

INTERNAL CONSULTATIONS
HDC Environmental Health: No Objection
If an air source heat pump is installed this may cause adverse noise impacts due the proximity of the neighbouring dwelling and the size of the unit needed to serve the proposed dwelling. As there is no information available with the application I will recommend that a condition requiring an a noise impact assessment in accordance with BS4142:2014 is provided for any externally located building services plant.

OUTSIDE AGENCIES
WSCC Highways: No Objection, conditions recommended

Southern Water: Advisories

Natural England:

Parish Comments:
Southwater Parish Council: Objection due to development of the countryside.

Representations:
None received

EQUALITY AND HUMAN RIGHTS:
Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application.

Consideration of Human Rights and Equalities forms part of the planning assessment below.

PLANNING ASSESSMENT

Principle of Development:

The application site is located outside of a designated built-up area boundary and is therefore within a countryside location.

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Paragraph 79 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

Paragraph 80 of the NPPF continues that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential dwelling; or
e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

The term "isolated" is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. The application site is located amongst a small cluster of existing residential dwellings and given is not "isolated" in its truest sense. The site would though be highly dependent upon vehicles to access necessary services, with opportunities for walking into the nearest settlement of Southwater limited by the lack of any street lighting of pavements.

Southwater Neighbourhood Plan - SNP1 'Core Principles', and SNP2 'Proposals for Residential Development' seek to positively support and encourage residential development within the (defined) built-up boundary of the Parish rather than outside of built up areas in the countryside. As detailed above, the application site is located outside any built up area boundary and does not form part of an allocated site within the SNP.

In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criteria, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.

Two recent appeal decisions relating to applications DC/20/0470 (Newhouse Farm, Horsham) and DC/20/0695 (Rascals Farm, Southwater) indicated a housing land supply of between 4.2 – 4.3 years. Since these decisions, which demonstrated the Council's lack 5-year housing land supply, there have been further appeal decisions for single dwellings located outside the built up area boundaries which have been dismissed at appeal. Some examples include the application site, DC/20/2086 (Lancasters Cottage, Partridge Green) and DC/20/2128 (Marringdean Barn, Billingshurst). In considering these appeals, the Planning Inspector made specific reference to the lack of the Council's 5 year housing supply and acknowledged that the proposals would make effective use of previously developed land, contribute to housing in the District and could make an important contribution to meeting the housing requirement of an area as small sized sites are often built-out relatively quickly. In both these appeal decisions the Planning Inspector's concluded in the planning balance that whilst some economic advantages would arise from the construction of the proposed dwelling, the benefits would be limited by the modest scale of the development for a single dwelling. Similarly, this proposal would provide a single dwelling, where the benefit to the Council's housing land supply would be limited when considered in the planning balance and would not outweigh the conflict identified with policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. As detailed above, the application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. Further, the location of the site would create a dependency on private vehicles to access surrounding settlements and services.

The proposed development would therefore be in conflict with the spatial strategy for housing within the development plan as set out in Policies, 2, 3, and 4 of the HDPF. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF. The proposal would not therefore provide a suitable location for housing with regard to the spatial strategy within the

Development Plan. While noted that the proposal would be a windfall unit of housing as set out in Policy 15, this would be outweighed by the overriding policy conflict as set out above.

Design and Appearance:

Policy 25 of the HDPF requires development to protect, conserve and enhance landscape character of the district, whilst Policy 26 of the HDPF requires development to protect, conserve and enhance the key features and characteristics of the landscape character area in which it is located including the development pattern of the area. Policy 32 of the HDPF requires development, to amongst other matters, complement locally distinctive character and heritage of the district and contribute a sense of place in the way that integrate with their surroundings and the historic landscape in which they sit. Policy 33 of the HDPF requires development, amongst other matters, to recognise any constraints that exist to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.

Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

The introduction of an additional residential dwelling would lead to an increased presence of associated domestic paraphernalia, intensifying the pattern of surrounding development with the scale of the proposed dwelling. The dwelling proposed by this submission is though, of a design not offensive in relation to appearance of neighbouring dwellings and conditions could be imposed in relation to detailing, landscaping and to restrict permitted development. The proposed design and landscaping would have a broadly neutral impact on the existing character of the site and wider surrounding area, with no adverse impact on the setting of surrounding heritage assets. The proposed development is therefore considered to sufficiently accord with Policies 25, 32, 33 and 34 of the HDPF.

Amenity Impacts:

Policy 33 of the HDPF states that development will be required to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development

The scale and siting of the proposed dwelling in relation to neighbouring properties and land would not result in unacceptable harm to neighbouring amenity. It is considered that ‘normal’ occupation of the site for residential purposes would not be expected to result in significant potential for harmful levels of noise or disturbance. The amenity impacts of the proposal would therefore be considered acceptable and would accord with the above policy.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

The proposed dwelling would make use of an existing access associated with Marlpost Meadows, which also benefits from an additional separate access further to the east. The use of an existing access for the proposed dwelling would not be expected to represent a material intensification which would generate a highway safety concern, with no evidence available to suggest the access is currently operating unsafely. The proposed layout allows for sufficient on-site parking and manoeuvring space with ample space available for the storage of cycles. It is considered that subject to conditions the proposal would not have any adverse impacts on highways.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The application is accompanied by a Water Statement, which sets out that the current site has a water demand of 595.25 litres per day, which is in excess of that which, following efficiencies, would result from both the existing and proposed dwellings (with a proposed figure of 582.4 litres per day put forward). The proposed efficiencies for the existing dwelling are based largely on the provision of a rainwater harvesting tank, as well as greywater harvesting, which would deliver the main bulk of the water saving. While these measures would (in part) need to be retrofitted within the existing dwelling, which does not form part of the application site, no substantial plans have been submitted which outline how such measures would be delivered within this neighbouring property. In the absence of such detail and of an appropriate mechanism which could secure in perpetuity the retention of such measures there is however no certainty of mitigation.

In the absence of an achievable strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, it is considered that there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to Policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

The Council cannot currently demonstrate a five-year supply of deliverable housing sites therefore for the purposes of decision making the presumption in favour of sustainable development within Paragraph 11(d) of the NPPF applies. Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

In this instance Policies 2, 4 and 26 are considered out of date and as determined by recent appeal inspectors now carry only moderate weight in decision-making. The application site has not been allocated for development within the Southwater Neighbourhood Plan. The development would therefore be in conflict with the Policy 4 of the HDPF and Policy SNP1 of the Neighbourhood Plan in this regard.

The benefit of housing carries significant weight, however the contribution of 1no. dwelling to the Council's supply would be very modest. While the current housing shortfall is a material consideration of significant weight, the benefits arising from the modest contribution of 1no dwelling to the Council's housing supply would not significantly outweigh the conflict with the Local Plan when read as a whole. Furthermore, the benefit of the housing also does not outweigh the absence of a strategy to demonstrate water neutrality, and there is no certainty that the proposal would not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to Policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017. Such harm runs contrary to paragraph 180 of the NPPF and would lead to adverse impact that

significantly and demonstrably outweigh the benefits of the housing. The application is therefore recommended for refusal on this basis.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2021) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy SNP1 of the Southwater Neighbourhood Plan (2019-2031).

2. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraph 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/22/0495
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	08.03.2022
Location & Block plan		6901	08.03.2022
Elevation & Floor plan	Proposed	6905 B	08.03.2022
Supporting Statement	Heritage	NONE	08.03.2022
Design & Access Statement		NONE	08.03.2022

DELEGATED

Case Officer sign/initial Steve Astles Date: 28.04.2022

Authorising Officer sign/initial Guy Everest Date: 03.05.2022

Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA
undefined

Application Number: DC/22/0495

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr and Mrs M Ellis

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Erection of a two storey chalet style detached dwelling.

Marlpost Meadows Bonfire Hill Southwater Horsham

as shown on Plan and Application Number DC/22/0495 submitted to the Council on 08/03/2022. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2021) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy SNP1 of the Southwater Neighbourhood Plan (2019-2031).

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraph 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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Supporting Statement	Heritage	NONE	08.03.2022
Design & Access Statement		NONE	08.03.2022

Note To Applicant:
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Emma Parkes
Head of Development and Building Control

Date: 03/05/2022

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.

The Planning Inspectorate

Appeal Decision

Site visit made on 24 April 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2023

Appeal Ref: APP/Z3825/W/22/3303603
Marlpost Meadows, Bonfire Hill, Southwater, West Sussex RH13 9BU

- 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 and Mrs M Ellis against the decision of Horsham District Council.
- The application Ref DC/22/0495, dated 8 March 2022, was refused by notice dated 3 May 2022.
- The development proposed is construction of chalet style detached dwelling.

Decision

1. The appeal is allowed and planning permission is granted for erection of a chalet style detached dwelling at Marlpost Meadows, Bonfire Hill, Southwater, West Sussex RH13 9BU in accordance with the terms of the application, Ref DC/22/0495, dated 8 March 2022, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:

   a) whether the site represents a suitable location for housing, having regard to its accessibility to services and facilities;

   b) the effect of the proposal on the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site, with particular regard to water neutrality; and

   c) whether any harm in respect of the above issues would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Suitability of location for housing

3. The appeal site comprises part of the garden to Marlpost Meadows. This property forms part of a small cluster of dwellings near the junction of Marlpost Road and Bonfire Hill, in rural surrounds to the west of Southwater. In policy terms, the site lies in the countryside, outside of any designated built-up area boundary. Policy 26 of the Horsham District Planning Framework (2015) (HDPF) seeks to protect the countryside against inappropriate development by ensuring that any proposals are essential to their countryside location. The appeal scheme is not being advanced as a rural worker dwelling and there is no other evidence to suggest that a new home is essential in this location. As such, there is a clear conflict with HDPF Policy 26.

4. Policy 4 of the HDPF has been cited on the decision notice. This policy supports settlement expansion outside of built-up area boundaries, provided that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. The appeal site does not meet either of these criteria and therefore the proposal cannot rely upon Policy 4 for support.

5. The appellant contends that the site is sustainably located due to its proximity to Southwater which is identified within Policy 3 of the HDPF as a Small Town/ Larger Village. Settlements at this tier on the hierarchy are acknowledged to have a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. The sustainability credentials of Southwater are confirmed by the fact that Policy 2 of the HDPF allocates a strategic site for 600 dwellings on its western edge. This development, which was partially built at the time of my visit, lies approximately 850m from the appeal site at its closest point.

6. The site lies roughly 1.5km from the village centre of Southwater. This area, centred around Lintot Square, contains a wide range of services and facilities which include shops, a public house, library and health centre. The trip takes less than 3 minutes by car and slightly longer by bicycle. Although it would be possible for residents of the proposed dwelling to make the journey on foot, the lack of pavements and street lighting along Bonfire Hill and Church Lane would function as a deterrent, notwithstanding the option to use the Downs Link and other public rights of way as an alternative.

7. There can be no doubting that the proposal would lead to some additional vehicle journeys. However, the harm in this regard would be tempered by the short distance to the village centre. There would be options to use more sustainable transport modes. The poor provision for pedestrians weighs against the proposal, but walking remains a realistic possibility in daylight and good weather. Overall, I consider that occupants of the proposed dwelling would have reasonably good access to services and facilities in a higher order settlement.

Water neutrality (incorporating Appropriate Assessment)

8. The appeal site falls within the Sussex North Water Supply Zone. Natural England has raised concerns over the impact of groundwater abstraction on a number of designated sites which include the Amberley Wild Brooks Site of Special Scientific Interest (SSSI) and Pulborough Brooks SSSI. These form part of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. These 'European sites' are legally protected for their wintering birds, wetland habitats, a rare snail species, invertebrates and several rare and uncommon aquatic and wetland plants.

9. Natural England is undertaking work to establish the condition of the SSSIs that make up the European sites. However, based on water levels, the present indication is that the sites' condition is Unfavourable. Some areas have been shown to be linked hydrologically to a layer of rocks from which water is currently being abstracted, and in other locations the hydrological link cannot be ruled out. Consequently, it is impossible to eliminate the possibility that the existing public water supply abstraction within the Supply Zone is having an adverse effect on biodiversity. Any further development which requires an increase in water abstraction would be likely to have an adverse impact on the European sites. This includes modest developments such as that proposed, due to their in-combination effects with other plans and projects.

10. Natural England is working in partnership with relevant authorities to develop a strategic long-term approach, but in the interim its advice is that schemes may only proceed where it can be demonstrated that they would be water neutral – in other words the proposed development should not result in a net increase in water consumption from the public supply.

11. The proposal would lead to an increase in water usage from the occupation of the new dwelling. The appellant has provided a Water Neutrality Report which sets out how 'reduce and re-use' measures would be incorporated to minimise water usage by future occupiers of the new dwelling. The remaining water demand would be offset by retrofitting the existing dwelling with the same features, including rainwater and greywater harvesting.

12. Natural England is content that, subject to agreement on drought storage capacity, the proposed water neutrality mitigation measures are sufficient to avoid an adverse impact to the integrity of the European Sites. The principles of mitigation are clear from the submitted report, but a detailed scheme would need to be secured by condition. This would be a pre-commencement condition to ensure that the existing dwelling is upgraded prior to any works commencing on the development. Subject to this, the scheme would meet the requirements of the Conservation of Habitats and Species Regulations 2017, Policy 31 of the HDPF and paragraph 180 of the National Planning Policy Framework (the Framework) to protect the biodiversity of European sites.

Other Matters

13. There is no dispute that the scheme would be acceptable in terms of its impact on the character and appearance of the area. The site is well contained by mature hedging along the boundaries, and this would ensure that the new dwelling is not a prominent feature of the street scene. In all probability, only the roof would be visible, and this would be viewed as part of the small cluster of houses which characterises this location.

Planning Balance

14. The Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites. The Annual Monitoring Report for 2021/22 indicates a supply of 4.0 years, which represents a significant shortfall. Paragraph 11 d) of the Framework states that in circumstances such as this, where the requisite housing land supply does not exist, the policies which are most important for determining the application should be deemed out-of-date. Permission should therefore 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.

15. The development would fall within the zone of influence of European sites, but the mitigation measures identified with the Water Neutrality Report would ensure that it does not harm the qualifying features of those sites. As such, the scheme falls to be considered against the second limb of Paragraph 11 d).

16. I have attached limited weight to the conflict with HDPF Policy 26 in respect of development outside of built-up area boundaries. The housing shortfall dictates that those boundaries are out of date. I consider that some weight can still be

given to the strategy set out within HDPF Policy 2, in terms of the general locations of new development, but the fact that a site may lie outside of the built-up area boundary does not, in and of itself, constitute a reason to refuse planning permission.

17. The proposal would increase the supply of housing in the District and help to address the identified shortfall in new homes. The benefits of a single dwelling are very modest, but cumulatively windfall sites have a significant influence on supply. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The land forms part of the curtilage of an existing dwelling in the countryside and it would qualify as previously developed land under the definition set out in Annex 2 of the Framework. The site has reasonably good accessibility to services and facilities within Southwater, despite its location outside of the built-up area.

18. In the overall planning balance, I conclude that there are no adverse impacts that would significantly and demonstrably outweigh the benefits. The proposal would therefore constitute a sustainable form of development in terms of the Framework, and this would be a material consideration sufficient to outweigh the conflict with the development plan arising from the location of the development outside of settlement boundaries.

Conditions

19. In addition to the standard commencement condition, I have attached a condition specifying the approved plans in the interests of certainty. To prevent harm to the integrity of European sites, a pre-commencement condition is necessary to secure details of the measures for reducing water demand, and to ensure that these measures are implemented and retained in perpetuity.

20. Policies 37 and 40 of the HDPF seek, amongst other things, to cut carbon emissions through the use of sustainable forms of transport and the provision of high-speed broadband access. Conditions are therefore necessary to secure an electric vehicle charging point and high-speed broadband infrastructure prior to first occupation of the new dwelling.

21. The Council has requested a condition to remove permitted development rights for the enlargement, improvement or alteration of the dwelling, additions to the roof and the provision of buildings etc incidental to the enjoyment of a dwellinghouse. However, advice with the Planning Practice Guidance states that conditions of this nature may not pass the test of reasonableness or necessity. In my view, the suggested condition cannot be justified.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No. 6901 Rev A and Drawing No. 6905 Rev B.

3) No development shall commence on site until a detailed scheme for minimising water demand by occupants of the proposed dwelling and the existing dwelling known as Marlpost Meadows has been submitted to and approved in writing by the local planning authority. The scheme shall accord with the principles set out in the Water Neutrality Report (CGS Civils) dated 9 March 2022.

   No development shall commence on site until the measures for Marlpost Meadows have been completed in accordance with the approved details and a completion report which evidences the works undertaken (with photographs) submitted to the local planning authority.

   The dwelling hereby approved shall not be occupied until the measures for that property have been completed in accordance with the approved details and a completion report which evidences the works undertaken (with photographs) submitted to the local planning authority.

   All measures shall be retained and maintained in full working order whilst each of the dwellings is occupied.

4) The dwelling hereby permitted shall not be occupied until provision has been made within the site for an electric vehicle charging point, in accordance with details that have been first submitted to and approved in writing by the local planning authority. The charging point shall be retained in working condition thereafter for the life of the development.

5) The dwelling hereby permitted shall not be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection have been installed. The infrastructure shall be retained in working condition thereafter for the life of the development.

*** END OF CONDITIONS ***