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Planning Inspectorate
Room 3B Eagle Wing
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By email: teame2@planninginspectorate.gov.uk

Dear Planning Inspectorate

Site Address: The Lamb Inn, Lambs Green, Rusper, RH12 4RG

The appellant welcomes the opportunity to provide final comments in response to the Horsham District Council Statement of Case and the representation submitted by WPS Planning.

Much of the content of both submissions reiterates matters already addressed within the appellant's Statement of Case and repeats the reasons for refusal. These comments therefore focus on those matters that require clarification or response.

Principle of Development

The Council and WPS Planning continue to place significant weight on the site's location outside a defined Built-Up Area Boundary and the resulting conflict with the spatial strategy contained within Policies 3, 4 and 26 of the Horsham District Planning Framework.

The appellant does not dispute that the site lies outside of the settlement boundary. However, the key issue is the weight that should now be afforded to those policies in the context of Horsham District Council's acknowledged severe housing land supply shortfall. A material consideration in this regard is the approach recently adopted by Inspectors within Horsham District when assessing proposals against the current housing supply position. Of particular relevance is Appeal Reference 3361339, which was allowed despite having previously been refused on the basis that the site was considered contrary to the District's spatial strategy. That appeal related to the erection of a single dwelling outside the defined settlement

boundary and, as in the present case, the Council contended that the site was not located in a sustainable location. A copy of the appeal decision is attached for ease of reference.

The Inspector in that case concluded the following:

'The overall housing supply remains significantly deficient, and the provision of an additional dwelling would make a meaningful contribution to addressing this shortfall. The Framework recognises that small sites can make an important contribution to housing supply and are often built out quickly. There would also be modest economic benefits during construction and through local spending, as well as a small contribution to housing diversity. While the scale of these benefits is modest given that only one dwelling is proposed, in the context of current housing pressures, even a single additional home represents a valuable and positive contribution.

Taking all matters into account, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework.

In the present appeal, the Council has not challenged the appellant's evidence that it is currently unable to demonstrate a five-year housing land supply. The most recent position indicates approximately 1.7 years of deliverable housing supply, representing a substantial deficit against identified housing requirements.'

In these circumstances paragraph 11(d) of the NPPF is engaged. The Framework is clear 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 of the Framework taken as a whole.

The Council's Statement of Case relies largely upon policy conflict arising from the site's countryside location. However, where housing supply policies are out of date, conflict with settlement boundary policies cannot be determinative in itself. The Inspector must instead undertake the planning balance required by paragraph 11(d).

As with Appeal Reference 3361339, the proposal would contribute towards meeting housing needs within a district experiencing an acute housing shortage. Indeed, the current proposal would deliver two additional dwellings rather than one. Whilst modest in scale, such contributions are important in circumstances where every deliverable dwelling assists in addressing identified housing need. The Inspector's conclusions in Appeal Reference 3361339 therefore provide a useful and relevant indication of the weight that can properly be afforded to small-scale housing proposals within Horsham District under the current housing land supply position.

Sustainability of the Location

The Council and WPS Planning suggest that the proposal represents an unsustainable form of development due to reliance on private vehicles.

The appellant accepts that future occupiers are likely to make use of private vehicles for a proportion of their journeys. However, such circumstances are not unusual within rural areas and do not automatically render development unsustainable.

Importantly, the Council acknowledged that the site is not "isolated" in the sense contemplated by the NPPF and relevant case law. The site forms part of an existing cluster of development at Lambs Green and is not remote from existing buildings or activity.

The proposal occupies previously developed land comprising the former public house car park. It does not extend development into open countryside beyond the established site envelope.

The nearby settlements of Rusper provides a range of day-to-day services and facilities with rail services available within a short distance of the site. Although opportunities for sustainable travel may not be as extensive as larger settlements it is not a characteristic shared by many rural locations across the district.

Furthermore, it is important to reiterate that West Sussex County Council, as Highway Authority raised no objection to the proposal and concluded that it would not have an unacceptable impact upon highway safety or highway network.

Whilst some reliance on private vehicles is acknowledged the resulting harm should be afforded little weight in the planning balance.

Previously Developed Land and Established Residential Use

Both the Council's and WPS Planning's submissions suggest that the proposal is unrelated to the original justification for redevelopment of the former public house and therefore represents an unjustified expansion of development.

This argument overstates the position.

Planning Permission has already been granted and implemented for the conversion of The Lamb Inn to six residential units. Residential use of the site has therefore been firmly established.

The appeal proposal is located entirely within the former public house car park, which constitutes previously developed land. The proposal does not involved the loss of undeveloped countryside nor does it result in encroachment beyond the existing site boundaries.

The proposed coach house should therefore be viewed as a modest addition within an established residential redevelopment site rather than as a separate or unrelated form of countryside development.

Whilst the previous permission on the site secured the long-term future of the former public house this does not mean that all future development proposals within the wider site must be judged solely by reference to the original justification.

The appeal instead must be addressed on its own planning merits.

Heritage Consideration

The WPS Planning representation places considerable emphasis on the historic role of the heritage led conversion proposals.

However, it is significant that no objection was raised from the Council's Conservation Officer to the planning application subject of this appeal and no heritage related reasons for refusal was advanced by Horsham District Council.

The Conservation Officer concluded that the detached dwelling would have a neutral impact upon the setting of nearby heritage assets and did not identify any heritage harm.

The proposal has been carefully designed to reflect the character of a traditional coach house building and to remain subordinate to the former public house.

There is therefore no substantive heritage objection to the proposal.

Character and Appearance

The Council and WPS Planning contend that the proposal would result is suburbanisation and over intensification of the site.

The site has historically accommodated a public house together with extensive area of hardstanding used for customer parking. The appeal proposal occupies part of this former car park area and would be accompanied by landscaping improvements and a reduction in overall impermeable surfacing.

The building adopts a traditional form and scale appropriate to its context and has been designed to reflect local vernacular characteristics.

No technical consultee identified hard to landscape character, visual amenity, residential amenity, ecology or highway safety arising from the proposed scale of development.

In these circumstances there is limited objective evidence to support the assertion that the proposal would materially hard the character of the locality.

Drainage

The Council's third reasons for refusal related to the absence of sufficient drainage information at the application stage.

The appellant has subsequently submitted a detailed drainage strategy as part of the appeal process.

The drainage report demonstrates that:

- The site lies within Flood Zone 1
- The development will not increase flood risk on or off the site
- Impermeable surfacing will be significantly reduced
- Surface water discharge rates will be substantially lower than existing condition and;
- The drainage system is capable of accommodating a 1 in 100-year storm event with climate change allowances

Importantly, the Council's Statement of Case no longer details a substantive drainage objection and instead proposed a pre-commencement condition should the appeal be allowed.

The indicates that the matter is capable of being addressed though a planning condition.

The appellant therefore submits that the third reason from refusal should carry little weight in the determination of the appeal.

Appeal Decisions

WPS Planning relies heavily upon the dismissed Royal Oak appeal.

Whilst appeal decisions are fact-sensitive and do not establish precedent, recent Horsham appeal decisions demonstrate the approach Inspectors have taken when applying paragraph 11(d) in the context of the District's severe housing land supply shortfall.

The Inspector is respectively invited to assess the merits of the present proposal independently.

Conclusion

The appeal proposal represents a modest form of residential development comprising two dwellings on previously developed land within an established residential redevelopment site.

There are no objections from the Highway Authority, Conservation Officers, Ecology Officer or Environmental Health Officer.

The drainage concerns that form the basis of the third refusal reason have now been addressed though the submission of the detailed technical information and are capable of resolution by condition.

Whilst some conflict with countryside policies is acknowledged, the Council's lack of a five-year housing land supply means that the title balance in paragraph 11 (d) of the NPPF is engaged.

When assess against the Framework as a whole, the appellant submits that the adverse impact identified do not significantly and demonstrably outweigh the benefits of the proposal.

For these reasons, the Inspector is respectfully requested to allow the appeal.

Yours faithfully

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Charlotte Catton-Giltinane Assoc RTPI
Senior Planner