Planning Inspectorate

Appeal Decision

Site visit made on 30 April 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/Z3825/W/24/3356684
Brooklands, New Hall Lane, Small Dole, West Sussex BN5 9YH

- 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 Darren Seward against the decision of Horsham District Council.
- The application Ref is DC/24/1101.
- The development proposed is the erection of 2no detached dwellings with associated works.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans were submitted as part of the application process but these were not formally considered by the Council. The decision was therefore based upon the plans as initially submitted. Although the amended plans have been provided as part of the appeal for information, given the nature of the amendments and that neither the Council nor interested parties have formally considered them, I am unable to take them into account in my decision.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to local and national policies for the distribution of housing and the character and appearance of the area.

Reasons

Location

4. Policy 2 of the Horsham District Planning Framework 2015 (HDPF) sets out the broad spatial strategy for the district. It seeks to focus development in and around the key settlement of Horsham whilst allowing for growth in the rest of the district in accordance with the identified settlement hierarchy that is set out in Policy 3. Policy 4 sets out the strategic policy for settlement expansion. It supports the growth of settlements across the district to meet identified local housing needs and permits the expansion of built-up areas in certain situations.

5. Policy 26 of the HDPF only permits development in the countryside where such a location is essential, and the proposal meets one of four criteria. These are that it either supports the needs of agriculture or forestry; enables the extraction of minerals or the disposal of waste; provides for quiet informal recreational use; or enables the sustainable development of rural areas.

6. Policy 1 of the Henfield Neighbourhood Plan 2021 (HNP) similarly identifies the settlement boundary of Small Dole and seeks to protect the surrounding countryside from inappropriate development.

7. These policies are broadly consistent with the National Planning Policy Framework (the Framework) both in terms of allowing villages to grow and thrive whilst limiting development in the open countryside.

8. There is no dispute between the main parties that the appeal site is outside the boundary of Small Dole and so in planning policy terms, it is within the open countryside. There is nothing before me which indicates that the proposal would meet any of the exceptions set out in Policy 26. Consequently, the proposal would conflict with the objectives of the Council's spatial strategy and locational requirements for housing development.

9. However, as the Council has been unable to meet its housing land supply targets within the parameters of the existing development plan policies, it has produced a Facilitating Appropriate Development Document 2022 (FAD) which sets out an approach to boosting the supply of housing, pending adoption of the emerging Local Plan. Although only guidance, it offers a more positive stance on applications for housing outside settlement boundaries. In particular, unallocated sites outside but adjoining built up area boundaries can be supported, subject to meeting certain other criteria.

10. Both main parties acknowledge that the appeal site adjoins the existing built-up area boundary of Small Dole. The only criteria within the FAD which the Council considers the scheme does not meet, is that the development would not be contained within an existing defensible boundary and the landscape character features are not maintained or enhanced.

11. The site, which forms part of the curtilage to Brooklands, is bound on its north, west and east sides by what appear to be long established boundaries which contain mature hedgerow/planting. To the north and west boundaries, buildings are also visible on the adjacent land. The Council does not specifically state which boundaries would not be defensible but to my mind these ones, would meet that requirement.

12. The southern boundary, of both the site and Brooklands, is formed by a two-bar, post and wire fence. It appears as a somewhat insubstantial and arbitrary boundary across a field. At the time of my site visit, two portable goal nets and a football were beyond the boundary and in the field to the south of the appeal site. While this is only a snapshot of one weekday morning, if paraphernalia and activity can easily spread into the open countryside it adds weight to my concerns about the nature of the boundary. Accordingly, in my opinion, this is not a defensible boundary.

13. I consider the second limb of the FAD requirement as part of my considerations below.

Character and Appearance

14. Policy 25 of the HDPF seeks to protect the landscape, landform and development pattern from inappropriate development. This is reinforced by Policy 32 which requires developments to be of high quality that, amongst other things,

complement the locally distinctive characters of the district; and by Policy 33 which sets out principles designed to conserve and enhance the natural and built environment, including that development is of a scale, mass and appearance that is sympathetic with the built surroundings. The FAD's requirements for landscape character features to be maintained or enhanced would therefore accord with this existing policy context.

15. New Hall Lane is on a broadly east/west alignment. Development generally comprises individual dwellings set within sizable plots. The buildings front onto the lane but are set back from their site frontages. There are some dwellings and outbuildings set to the rear of the frontage dwellings, but the character is principally one of a linear ribbon of development extending off the main A2037. This all contributes to the lane's spacious and verdant character.

16. The two proposed dwellings would sit to the rear of Brooklands and the two neighbouring properties to the west. Although the style and choice of external materials is no doubt intended to reflect the site's rural location, the buildings would be sizable structures and would unmistakably be read as residential dwellings.

17. The proposed dwellings would have a degree of visual isolation which is not present in neighbouring houses and given the overall scale of built development would be visually rather intrusive. While there are large, detached outbuildings in close proximity to the site, these appear to be linked to properties adjacent to the highway. As such, the proposed houses would be prominent and incongruous features within the prevailing context.

18. The submitted drawings indicate some new hedging to the site's southern boundary but there are no details and there is nothing to suggest that it would be an enhancement of the landscape. Due to the location of the appeal site, views of the proposal would be limited. Nonetheless, given the visual link between the site with the surrounding countryside, there would be some localised harm arising to the landscape.

19. As such, the introduction of this development on the site would fail to preserve the semi-rural setting and would also fail to maintain or enhance the prevailing characteristics of the landscape in the immediate locality.

Findings

20. The proposal would be contrary to the development plan's spatial strategy for the location of housing. The proposal would also run counter to the policies which seek to protect the countryside from inappropriate housing development.

21. The Council has introduced the FAD which is designed to assist in the release of land adjacent to existing settlement boundaries for new housing. However, I have not found the scheme to fully accord with this guidance.

22. I therefore find that the proposal would be contrary to Policies 1, 2, 3, 4, 25, 26, 32 and 33 of the HDPF and Policy 1 of the HNP which collectively, and amongst other things, seek to restrict development outside of settlement boundaries and to protect the prevailing character of the landscape and countryside.

Other Matters

23. Neither the development plan policies nor the FAD specifically identifies 'backland' sites as being unacceptable. As such, this is not something which in itself weighs against the scheme. However, by the same token, that there are other backland developments along New Hall Lane does not mean that new sites coming forward will necessarily accord with the prevailing planning policy context and guidance.

24. The site is said to be previously developed land. However, I am also mindful that while Paragraph 125 of the Framework requires substantial weight to be given to the use of suitable brownfield land, this is for land within settlements and so does not apply in this case.

25. My attention has been drawn to nearby housing developments granted permission either by the council or on appeal. The appeal decision at Cowfold Lodge involved a single storey log cabin as opposed to two sizable, detached dwellings and thus the effect of the schemes on their surrounding contexts would be very different. Similarly, the scheme for Markpost Meadows was for a single dwelling and did not require an assessment of the scheme's effect upon the character and appearance of the area. These developments therefore differ from the appeal proposal, limiting the weight that I can ascribe to them in determining this appeal.

26. The Officer Report for the site on land adjacent To Oakfield indicates that the development would represent an infill development between an existing dwelling within the built-up area. As such, this does not appear to be a comparable setting to the appeal scheme before me.

27. At the time of its decision the Council did not consider the scheme to have demonstrated water neutrality. An updated Water Neutrality Statement was submitted with the appeal. However, even if I were to find in favour of the appellant in relation to this matter, it would represent an absence of harm and so would be neutral within the overall balance. As such, it would not overcome my conclusions in relation to the adverse effects of the proposal.

Planning Balance

28. I have found the proposal to be outside the planning boundaries identified for Small Dole and contrary to the spatial strategy (and guidance) for the location of housing. While there is conflict with the development plan in this regard, given the difficulties in meeting housing demand in the area generally, I give this conflict modest weight.

29. I have concluded that in terms of the character and appearance of the area the proposal would conflict with the requirements of the development plan. The proposal would not be sympathetic to the character of its surroundings and the landscape would not be maintained or enhanced. I give this conflict significant weight.

30. There is no dispute between the main parties that the Council can only demonstrate some 2.9 years supply of housing land. Due to the lack of a five-year housing land supply and because there are no policies in the Framework which offer a strong reason for refusal, Paragraph 11(d)(ii) of the Framework is engaged.

31. The proposal would make a positive, albeit modest contribution towards boosting housing supply. It would also result in some economic benefits during the

construction phase and subsequently upon occupation. There may also be some social benefits too. The Framework highlights the importance of ensuring an adequate supply of housing sites, and the need to support economic growth and productivity but, having regard to the scale of the proposal, I give these considerations moderate weight as benefits.

32. Weighed against these is the harm that I have identified and in particular the adverse effect the proposal would have on the landscape and character of the area, which would be substantial and long lasting. The need to protect the character and appearance of an area is perennial and in direct compliance with the Framework. Accordingly, I ascribe these harms substantial weight.

33. I therefore find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

34. I have found that the appeal site is not a suitable location for the proposed development and that it conflicts with the development plan when taken as a whole. While there are some benefits associated with the appeal proposal, neither they nor any of the other matters before me, including the contribution which the appeal proposal would make to the supply of housing in the local area, outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR