



Appeal Decision

Hearing held and site visit made on 13 August 2013

by Jennifer Armstrong JP BA FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 September 2013

Appeal Ref: APP/Z3825/A/13/2197540

Land at Summerfold, Rudgwick, Church Street, Horsham, RH12 3BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Crownhall Estates Ltd. against the decision of Horsham District Council.
 - The application ref. DC/12/2232, dated 28 November 2012, was refused by notice dated 13 March 2013.
 - The development proposed is 20 dwellings, comprising 10 private and 10 affordable dwellings, with associated private amenity space and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. This is an outline application which includes details of the proposed access and layout. All other matters are reserved for future consideration.

Main Issue

3. The main issue is whether the proposal is a sustainable form of development in the context of development plan and national planning policies.

Reasons

Housing Land Supply

4. The Council accept that they cannot demonstrate a 5 year supply of deliverable housing sites within the district, the figures before me indicating that the shortfall is significant. I understand that the Review of the Core Strategy is about to be the subject of public consultation but it is not a material consideration in this appeal. In such circumstances, the National Planning Policy Framework (2012) states that relevant policies for the supply of housing should not be considered up-to-date: housing applications should be considered in the context of the presumption in favour of sustainable development and approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate development should be restricted. The evidence before me also indicates that there is a substantial deficit in the provision of affordable housing in the district.

The site, its setting and the proposed layout

5. The appeal site measures about 1.6ha and lies on the east side of the village, to the rear of existing housing, outside but adjoining the built up boundary to the settlement, as defined in policy CP 5 of the Horsham District Core Strategy (2007). Although formerly an orchard, most of the fruit trees have been removed and it appears as a field of rough grassland. Vehicular access is off a residential cul de sac which runs along the north boundary. Further to the north, and extending about as far east as the appeal site does, is Windacres Farm where planning permission has recently been granted for a mixed use development including 36 dwellings for persons over 55 or, in certain cases, over 50. To the south is an open space/play area and south of this is another small housing estate. The appeal site itself is visually well contained with trees along most of its boundaries, particularly to the east where it abuts open countryside. Parts of it are visible between vegetation from a public footpath which runs close to its north-east corner but which then drops down into the adjoining wooded valley. While undeniably on the edge of the settlement, the site can be seen as a logical extension to it and I note that it was considered in the past as a possible alternative for housing to Windacres Farm.
6. I do, however, have serious reservations about the proposed layout. First, there are considerable changes in level across the site, notably a flattish, high area near the centre from which the land falls away towards the south and particularly to the south west corner. Any development should respond to these specific landscape characteristics while also seeking to minimise impact on the site's rural setting. I am not convinced that what appears to be a standard layout, particularly for the two storey detached houses on the more undulating part of the site, achieves this objective, a view which is supported by the illustrative street scenes accompanying the application. Neither do I find there to be sufficient clarity about the curtilages of the properties, particularly in relation to the ownership of trees to be retained and the new landscaped areas including the proposed strip running up the middle of the site. These matters may have significant practical and amenity implications and, since the layout is part of the outline application, I do not accept that they can satisfactorily be left for future consideration.
7. Furthermore, I share the Council's concern over the layout in relation to the mature trees along the east boundary, just outside the site, many of which are well over 15m in height. Here, the smaller properties have rear elevations facing almost due east and rear gardens only about 10m in length. I inspected the site in the early afternoon from the adjoining public footpath and noted that some of the proposed garden land was still in heavy shade, and that more of it would be affected earlier in the day. While accepting that overhanging branches could be removed, I consider that the presence of trees of this height at such close quarters, and the significant loss of sunlight affecting the only private amenity area associated with these properties, would be unacceptable.
8. I find, therefore, that the proposed layout is deficient in a number of respects. As such, it would be contrary to relevant advice in policy DC 2 (Landscape Character) and DC 9 (Development Principles) of the Horsham District Local Development Framework's General Development Control Policies (2007) and to Core Planning Principles of the National Planning Policy Framework (2012) which state that planning should always seek to secure a high quality design, recognising the intrinsic character of the area, and to achieve a good standard

of amenity for future occupants of land and buildings. The Framework sets out three dimensions to sustainable development and for the reasons set out above, the proposal does not meet the environmental role of contributing to protecting and enhancing the natural and built environment.

Other Material Considerations

9. Reference has been made by both parties to the Council's Supplementary Planning Document (SPD, 2009) entitled Facilitating Appropriate Development. The introduction explains that it arose from the need to provide flexibility to ensure sufficient housing supply during the life of the Core Strategy and it goes on to set out criteria to be met when considering proposals for development on sites adjoining defined settlement boundaries. I have had regard to this document although, within the context of the Framework policies above, less weight can now be attached to some of its criteria.
10. The SPD refers to housing which addresses a specific local need, and in this respect a Housing Needs Survey for Rudgwick has been completed very recently. The application before me is, however, for an even split between open market and affordable housing, and falls to be considered on that basis. The affordable housing, while not addressing specific local needs, would contribute towards the acknowledged significant shortfall of affordable homes in the district. The number of such units proposed is greater than the 40% target set out in Core Strategy policy CP 12. Although there was some disagreement over the proposed composition of the affordable housing – 7x 2-bed units and 3 x 3-bed units – the evidence was not such as to lead me to conclude that this mix was unacceptable.
11. On the question of deliverability, while this is an outline application, the involvement, apparently from the outset, of Saxon Weald, an approved registered provider of affordable housing, combined with the appellant's willingness to accept a shorter period for compliance with conditions on a planning permission, are indicative of a commitment to meet this objective. There is no evidence before me to suggest that necessary infrastructure works could not be completed within this timeframe.
12. As to sustainability in terms of access to services and facilities, the site is within walking or cycling distance of two small supermarkets, a post office, chemist, medical centre/dentists, primary school, places of worship, play area and playing fields, and a community hall. There is an hourly bus service linking it to Horsham and Guildford, although not in the evenings or on Sundays. While acknowledging that private transport would be required for more enhanced levels of services and facilities, I consider that, on balance, the development would be reasonably sustainable.
13. I have noted the regrettable infilling of the pond in the north-east corner of the site. Measures have been taken to reinstate it and to provide a habitat for greater crested newts and, subject to the completion of the on-going dormouse survey, it seems to me that conditions concerning mitigation measures could be imposed in order to safeguard protected species.
14. Although objections have been raised to the fact that the 10 affordable units would be separate from the open market housing, I note that the Council's Planning Obligations SPD (2007) seeks to prevent such groupings in cases where more than 10-12 units are proposed.

15. Concern has been expressed about the increase in traffic at the access to the site and in the village street. However, the highway authority has not objected and I have not found this to be a reason for withholding permission. I acknowledge that the granting of permission could result in two housing developments taking place in the same part of the village at the same time but I have not found this to be an overriding consideration.

Conclusion

16. The appeal site is outside the development boundary of Rudgwick, and as such the application is contrary to policy CP 5 of the 2007 Core Strategy. However, the context for my assessment of this proposal is that the 2012 Framework makes clear that the delivery of housing is a national priority. There is not a five year supply of housing sites in Horsham district, and therefore the presumption is in favour of approval unless the adverse impacts of doing so would be overriding. There is also a substantial shortfall in affordable housing, and the fact that this application includes 10 such homes is undoubtedly a benefit which carries weight. I have found the sustainability of the proposal in terms of its access to services, and the prospects for deliverability, to be reasonable. Ecological matters could ultimately be covered by means of conditions on a planning permission. All these matters weigh in favour of the development. However, I have set out above what I consider to be serious objections to the proposed layout of the site which I find fails to take due account of the special character and appearance of the site and of the amenity of future residents, having regard to topography, landscape quality and surrounding trees. My view is that these adverse impacts significantly and demonstrably outweigh the benefits of granting planning permission. I therefore conclude that the current proposal is not a sustainable form of development in the context of development plan and national planning policies.
17. A Unilateral Undertaking has been submitted relating to a range of financial contributions and, aside from a few minor adjustments, the Council are satisfied with it. However, having found the proposal to be unacceptable on other grounds, it has not been necessary to consider the Undertaking in further detail.
18. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J. Armstrong

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jeremy Woolf	Agent
Dr Stephanie Murphy	Animal Ecology and Wildlife Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Alan Gunne-Jones MRTPI FRGS	Instructed by the LPA
Helen Sissons	Planning Officer
Will Jones	Tree Officer (present at the site only)
Matthew Bright	Landscape Officer (present at the site only)

INTERESTED PERSONS:

John Newell	Local Resident
Emma Ashfield	Local Resident
Patrick Mason	Local Resident
Paul Thompson	Chair, Rudgwick Parish Council
Clifford Davis	Local Resident
Shirley Howe	Local Resident
Ted Brown	Rudgwick Parish Councillor
Geoff Evans	Local Resident
Vera Davis	Local Resident
David Buckley	Local Resident
Angus Farquhar FRICS	Local Resident

DOCUMENTS

- 1 Council's Response Statement re appeal site (2007)
- 2 Housing Needs Survey Report (undertaken May 2013)
- 3 Decision notice re Windacres Farm site (8/8/13)
- 4 Landscape Officer's comments (9/8/13)
- 5 County Council Ecologist's comments (12/8/13)
- 6 Council's draft conditions
- 7 Unilateral Undertaking
- 8 Email from County Council re Unilateral Undertaking
- 9 Email from Council's legal department re Unilateral Undertaking
- 10 Extract from Council document re community needs in Rudgwick