
Appeal Decision

Site visit made on 19 January 2016

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 22 February 2016

Appeal Ref: APP/Z3825/W/15/3130269

Land South of Buchan Hill Reservoir, Buchan Hill, Pease Pottage RH11 9AR

- 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 Rural Eco Ltd & Hyde Housing Association against the decision of Horsham District Council.
 - The application Ref DC/14/2700, dated 9 January 2015, was refused by notice dated 5 May 2015.
 - The development proposed is erection of 48 dwellings (including 22 affordable dwellings) with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to an outline planning application with appearance as the only reserved matter.
3. With the appeal the appellants have submitted an undated unilateral undertaking containing planning obligations pursuant to section 106 of the Act.
4. Subsequent to the Council's decision, the Horsham District Planning Framework (HDPF) was adopted in November 2015, and now comprises the relevant development plan for the area.

Main Issues

5. The main issues are:
 - a) the effect the proposal would have on the landscape character and appearance of the area, having regard to national and local policies relating to Areas of Outstanding Natural Beauty;
 - b) the effect of other considerations including housing land supply and sustainability on the overall planning balance.

Reasons

Area of Outstanding Natural Beauty

6. The site of around 1.56ha is in the open countryside, outside any defined settlement boundary and within the High Weald Area of Outstanding Natural Beauty (AONB).
7. An appeal on a previous proposal for a development on the site comprising 52 new dwellings was dismissed on 17 June 2014 (ref APP/Z3825/A/13/2209207). The Inspector described the site as comprising a central area of open scrubland and extensive tree belts with dense rhododendron undergrowth along the southern and western edges. Immediately to the east of the site there is a designated ancient woodland. The site is contained to the north by a further area of trees, above which can be seen a very prominent air traffic control radar tower and installation. To the south the site borders the busy Horsham Road, from which a narrow private lane/bridleway runs along the western boundary of the site giving access to, amongst other things, a few isolated houses, the radar installation, and the independent Cottesmore School some distance beyond. There is no obvious vehicular access into the site. Since that appeal decision there have been no material changes in these features of the site and its surroundings.
8. Under the Horsham District Council Landscape Character Assessment 2014 the site lies within Local Landscape character Area 9 - Buchan Hill Forest. This is assessed to have no or low capacity for large or medium scale development to be successfully absorbed into the local landscape.
9. The previous Inspector concluded that the proposed residential development before him would have a significant detrimental impact on the character and appearance of this open countryside location and the AONB. He considered that this would be contrary to the National Planning Policy Framework (NPPF) which, amongst other things, advocates protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and confirms that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection.
10. The appellants draw attention to changes made in the current proposal by comparison with the earlier scheme, which are in addition to deletion of a previously proposed community building. In particular, the proposed dwellings on plots 49-52 have been removed, plot 1 has been replaced with a block of apartments set further back from the lane, and more of the evergreen planting would be retained along the respective boundaries. There would also be more of a landscaped backdrop behind South Lodge (an isolated building adjoining the site to the south-west) by way of the relocation of three rows of dwellings. In addition, the footpath previously proposed along the private lane and Horsham Road would now be accommodated within the site.
11. All of these changes address specific points of concern raised by the Inspector. With the extent of bordering vegetation, the development would be of limited visibility in views from surrounding locations, including from the south-west. However, the amendments do not overcome the fundamental incompatibility of a substantial residential development with the natural landscape of the AONB. The existing key feature of the site is its undeveloped, vegetated character, which is consistent with the wider AONB. This would be replaced by extensive

coverage by buildings, albeit of only 2-storeys, and associated paraphernalia and activity. There would be at least glimpsed views of the development from outside the site, and it would be very apparent within it. While lessened to some extent by the retention of additional planting, the night-time effect of illumination from windows and external lights and from cars, identified as particularly invasive of the countryside by the previous Inspector, would remain an outcome. The location of the footpath within the site would require the removal of some vegetation, as would the proposed highway works to improve sightlines and geometry at the junction of Horsham Road and Grouse Road. The proposal would therefore still be an *"isolated substantial urban intrusion in the countryside and the AONB"* and *"contrary to the established settlement pattern of the AONB"* as described by the previous Inspector. This is despite the presence of some elements of existing built development in the immediate vicinity.

12. The appellants also seek support from a development of 95 dwellings permitted on appeal in 2014 at the Fairway Golf & Driving Range, Horsham Road, Pease Pottage (within Mid-Sussex District). That development is now under construction. The site lies some 165m to the east of the current one. I was the Inspector who determined that appeal after a public inquiry. I noted in my decision that the site was outside the defined built-up area of Pease Pottage. I found that there would be an element of landscape and visual harm from the loss of what was currently a substantially open greenfield site. However, I referred to the site's location adjacent to the road frontage at the west end of the village between existing development. While small portions of the site were within the AONB, the boundary of this related to no features on the ground, and no objection was raised by the Council on this matter, with agreement that there would not be a significant impact on the landscape and scenic beauty of the AONB. I considered that the introduction of residential development would not be out of keeping with the character and appearance of the locality, and that through the reserved matters the development could be successfully assimilated in this.
13. In my decision I also referred to the current appeal site and the previous appeal decision on it. I noted that the site was fully within the AONB, that the Inspector found the proposal would have a significant detrimental impact on the character and appearance of the open countryside location and the AONB, and that the site was detached both visually and physically from a built up area. I contrasted this with the scheme before me, which had the potential to integrate well with the settlement and give rise to very little environmental harm. Despite the permitted scheme now being underway, and its effect in bringing development closer to the current site, the contrast still applies by virtue of the remaining degree of detachment and the differing context. The Fairway development has little visual influence on this site, with intervening screening by dense trees and undergrowth. Neither that permission, nor the changes made to the current scheme in comparison with the previous one, warrant allowing the appeal proposal for development within the AONB.
14. Policy 25 of the HDPF indicates that the natural environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats, will be protected against inappropriate development. Under policy 26, such protection applies outside built-up area boundaries to the rural character and undeveloped nature of the countryside. The proposal does not meet the criteria for needing a

countryside location as set out in the policy. Policy 30 provides that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced. The proposal is in conflict with these policies. As found by the previous Inspector, it also does not accord with the national aims for AONB contained in the NPPF.

Other considerations

Housing land supply

15. The NPPF sets out an aim in paragraph 47 to boost significantly the supply of housing. It requires that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. They should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Framework indicates that the buffer should be increased to 20% where there has been a record of persistent under delivery of housing.
16. The Council asserts that, with the recent adoption of the HDPF, its five-year housing land position has changed in that this confirms that such a supply can be demonstrated. The appellants dispute that there is a robust five-year supply, suggesting that there has been slippage. However, there is no substantive evidence before me to establish the implications of this for the five-year supply position. There is also disagreement over whether the site should be treated as a windfall one under policy 15, which identifies a contribution of windfall units to housing provision over the plan period. The appellants further contend that the site should be regarded as developable since the main reason it was found not to be so in the Strategic Housing and Economic Land Allocations Assessment 2015 was due to the previous refusal, which it is argued was on grounds that have now been overcome.
17. According to paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Under paragraph 14, the presumption in favour of sustainable development means for decision-taking, when this is the case, granting permission unless 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; or specific policies in the Framework indicate development should be restricted. As specified by footnote 9, the latter include those policies relating to land designated as an AONB, among others. Due to my conclusion above on the AONB, and the conflict found with national policy on this, the proposal would therefore not be subject to the tilted balance of paragraph 14 even were the appellants' questioning of the current five-year position to be correct.
18. The appellants also refer to the need for affordable housing in Colgate Parish and the difficulty of finding sites for this, including having regard to the extent of AONB in the Parish. A study in 2012 identified 22 households in housing need with local connections, with no provision made since then. This point was fully addressed by the Inspector in the previous appeal, concluding that little weight should be attached to the argument that the housing needs of Colgate

cannot be met within the existing settlement boundaries. He also distinguished the argument from the finding made by the Secretary of State in an appeal involving development within AONB at Tetbury, and took into account paragraph 54 of the NPPF on rural exception sites. Based on the evidence before me, including the appellants' viability case, I find no reason to differ from the previous Inspector's conclusions on these matters.

Sustainability

19. The Inspector in the previous appeal noted the location of local services and facilities relative to the site, and referred to the local bus services. He also referred to the restrictions of a bridleway to the north as a route to Crawley. Overall he considered that the sustainability of the location was limited and the development would not give future occupants a real choice about how they would travel, and that it was highly likely that they would be largely dependent on the use of the private car.
20. In my decision on the Fairway site I described the facilities available within the village of Pease Pottage and nearby at the motorway service area on the east side of the M23, with clear evidence of the use of the latter by residents of the village on foot and by bike. I also referred to the bus service to Crawley and the facilities available there, and the location of the Broadfield District Centre. I concluded that, while there would no doubt be extensive use of the private car by occupants of the development, the site offered some choice of travel by other modes.
21. The Fairway site is some 400m from the village bus stop. The current site is some 860m from it. The appeal scheme includes a proposed footway to link with that to the village from the Fairway site. However, with the relative distance from facilities, car dependence is more likely than with the Fairway development. The Fairway decision does not overcome the shortcomings of the current site in transport sustainability terms, notwithstanding the submitted travel plan framework.
22. Paragraph 7 of the NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental.
23. The proposal would provide the economic benefits associated with new housing development, as identified by the appellants. Housing also provides social benefits, including specifically in this case the provision of affordable housing for which there is a clear need. In environmental terms, the proposal includes an appropriate buffer zone to the area of ancient woodland, the absence of which was a factor in the previous appeal refusal. Many trees on the site would be retained, and the evidence submitted indicates that there would be no risk to protected species.
24. However, negative environmental factors are the extent to which there would be a dependence on private car travel, and in particular the adverse effect that there would be on the AONB, contrary to local and national policies.
25. Having regard to the overall balance of considerations, which has to be drawn in the specific case, the proposal would not be sustainable development.

Conclusion

26. The proposal amounts to a major development in the AONB. It does not meet the test of exceptional circumstances, where it can be demonstrated that the development is in the public interest, set out for permitting such development in national and local policy. It is contrary to the development plan, and does not represent sustainable development.
27. I have taken into account all other matters raised, including the scope for the mitigation of impacts by way of planning obligations. For the reasons given above I conclude that the appeal should be dismissed.

T G Phillimore

INSPECTOR

Richborough Estates