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## Appeal Decisions

Site visit made on 8 December 2020

**by Paul Jackson B Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> January 2021**

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### **Appeal A: APP/Z3825/W/20/3248182**

**Prongers Orchard land to the south of the village hall, Leechpond Road, Lower Beeding, Horsham RH13 6NR**

- 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 Mr & Mrs V A Gordon against the decision of Horsham District Council.
  - The application Ref DC/19/1846, dated 5 September 2019, was refused by notice dated 5 February 2020.
  - The development proposed is a 100% affordable housing scheme comprising of seven 2 bedroom units and five 3 bedroom unit, an area of ground for a community football pitch, public amenity area and areas of wildlife habitat creation.
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### **Appeal B: APP/Z3825/W/20/3248183**

**Land adjacent to the Crabtree Inn, Brighton Road, Lower Beeding, Horsham RH13 6PT**

- 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 Mr & Mrs V A Gordon against the decision of Horsham District Council.
  - The application Ref DC/19/1847, dated 5 September 2019, was refused by notice dated 5 February 2020.
  - The development proposed is a housing development comprising of two 2 bedroom units, four 3 bedroom units and two 4 bedroom units with areas of wildlife habitat creation.
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### **Preliminary matter**

1. The linked applications were submitted in outline with all matters reserved. Plans showing layout and access have been submitted along with plans and elevations of the proposed dwellings. I have assumed that the plans are indicative and considered the appeals on this basis.

### **Decisions**

2. The appeals are dismissed.

### **Main Issues**

3. The main issues in both appeals are:
  - The effect on the character and appearance of the surrounding area;
  - Whether the proposed developments would be acceptable, having regard to the countryside location and the economic, social and environmental dimensions of sustainable development as defined in the National Planning Policy Framework (NPPF);

- Whether the proposed provision for affordable housing would be in accordance with the development plan;
- Whether the proposed developments would be acceptable in terms of noise;
- The effect on ecological diversity; and
- Whether the proposed developments would be acceptable in terms of drainage and the risk of flooding.

*And in respect of appeal A:*

- The effect of the proposed development on trees;

*And in respect of appeal B:*

- The effect of the proposed development on the High Weald Area of Outstanding Natural Beauty (AONB);
- Whether the proposed development would preserve or enhance the character or appearance of the Crabtree Conservation Area; and
- The effect of the proposal on the setting of the Crabtree Inn, which is listed at Grade II.

## **Reasons**

4. Development plan policy for the area includes the Horsham District Planning Framework of 2015 (HDPF). The appellant advises that the Lower Beeding Neighbourhood Plan 2014-2031 has been approved by the Planning Inspectorate. As far as can be established, it is at the submission stage and consequently although well along the route towards adoption, it can attract only limited weight at the current time.

*The sites and their surroundings*

5. Lower Beeding is a small village in open countryside about 6 kilometres (km) south east of Horsham. Appeal A concerns part of an area adjacent to the village hall about 1 km south of Lower Beeding consisting of trees and open grassland. Appeal B concerns part of a field in the hamlet of Crabtree about 2 km south of the main settlement, immediately adjacent to the Crabtree Inn.
6. Site B lies within the AONB. The National Planning Policy Framework (NPPF) indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

*Appeal A*

7. The 12 affordable homes would be about 1 km away from the settlement of Lower Beeding and around 1.2 km from Crabtree. The village hall (and nursery) and recreational areas would be very close, but other (very limited) facilities would be a considerable walk. Any other services would require a car or bus journey. the HDPF aims to focus development in and around the key settlement of Horsham and manage development around the edges of existing settlements in order to prevent the merging of settlements and to protect the rural character and landscape. Apart from being close to the village hall and recreation facilities, it has not been explained how this site meets this development plan aim.
8. Moreover, the character of the area is distinctly rural, consisting of intermittent farmsteads and detached houses set amongst fields and woodland. Nearby rural

enterprises do not detract from the verdant character of the countryside in this location. The emerging NP indicates that the openness of the village on the edge of the High Weald AONB is greatly valued by all who live in the Parish. In that context, the proposed urban density of the proposed scheme would appear alien and completely out of keeping, seen from the adjacent A281, the village hall, the adjacent public footpath, the nearby AONB (including the Sussex Ouse Valley Way) and nearby sports pitches. It would be contrary to adopted development plan policy to site such a prominent scheme away from an existing centre. The site is not one of those designated for housing in the emerging NP. Whilst the bus service to Horsham and Brighton is reasonable, it would not be preferable to a more sustainable location within walking distance of an existing settlement with more facilities. The scheme would conflict with the environmental dimension of sustainable development set out in the NPPF. It would not conform to the aims of HDPF policies 2, 3, 4, 26 and 40, which seek sustainable development which does not harm the character and appearance of the area.

9. There is no means of knowing whether the type of housing proposed meets the requirements of the local community or whether any consultation has taken place. No potential housing provider has been put forward and there is no Undertaking or Agreement by which affordable housing could be provided and secured, on its own or in concert with site B, nor is there any information on viability. The scheme would not meet the aim of providing mixed communities, is not one of the sites allocated in the emerging NP for housing and is not within a settlement in the usual sense of the word. Accordingly it would conflict with the relevant aims of HDPF policy 16.
10. There is little evidence to indicate whether the effects on ecological diversity, the noise environment for future occupiers, the potential risk of surface water flooding nearby or drainage arrangements would be acceptable. I do not consider that imposing conditions relating to these matters at the outline stage would be appropriate given the lack of information, especially concerning the proposed 'sewage treatment works' which it is assumed would be adjacent to the B2110. Turning to the effect on trees, there are 11 protected mature trees on the site, some of which may be affected by the scheme. The area generally depends on tree cover for its character and appearance. Given the density of the scheme, it is not at all clear that those nearest the dwellings could be adequately protected or that there would not be pressure from future occupiers for pruning or felling; or what scope there is for new or effective replacement planting. These matters amount to a conflict with HDPF policies 24, 25, 31, 33 and 38.
11. The benefits of creating a community football pitch, public amenity area and wildlife habitat are acknowledged and understood but these do not outweigh the harm that would occur due to additional and conspicuous dense built form in the countryside.

#### *Appeal B*

12. Crabtree consists of a mixture of semi-detached and detached properties in mainly 'ribbon' development along the A281. The site comprises part of a field between the Crabtree Inn and a small group of houses at the south end of the settlement. A recent housing scheme has been erected behind these known as Peppersgate.
13. The field allows open views from the A281 across towards higher ground at Steep Wood to the east and through trees across fields to the west. As such it comprises an obvious gap in built development within the settlement. The gap contributes strongly to the rural character of Crabtree and is important in appreciating its development over time and heritage significance as a conservation area. The gap is

also important in appreciating the intermittent nature of development in Crabtree seen from the AONB.

14. The proposed scheme would fill in this gap with built development and associated domestic gardens, joining together two distinct groups of existing housing and creating a continuous line of development on the eastern side of the road extending for about 650 metres. This would noticeably diminish the rural character of the village and would fail to preserve the character and appearance of the conservation area. The slope of the land would not prevent the bulk of the houses being apparent. The application is in outline and there is little to indicate that the design of the dwellings takes account of the particular characteristics of the site or the prevailing character of the conservation area, beyond the intention of emulating a 'Sussex village style'. This is insufficient to enable any assessment of how the proposed scheme would make a positive contribution to local character and distinctiveness. The dwellings illustrated could be sited in many places in south east England and moreover many would contrast with most existing dwellings in facing towards the rear, diminishing the street scene. Moreover, the experience of those using the public footpath which crosses the lower part of the field to enter or leave the AONB would be detrimentally affected by what would appear from the indicative layout plan to be unremarkable domestic development with its associated access road. It is difficult to see how the effect on the AONB could be acceptably moderated or mitigated by imposing conditions. I consider that the natural beauty of the AONB would not be conserved or enhanced.
15. Lower Beeding has limited facilities and residents are reliant on larger settlements to access most of their requirements. Crabtree has even less and is designated as 'unclassified' in the HDPF. Having noted the bus service above, the HDPF aims to focus development in and around Horsham and manage development to protect the rural character and landscape. Site B is not one of those allocated for housing in the emerging Lower Beeding NP and would conflict with these objectives.
16. There is nothing whatsoever to indicate how this outline proposal, (or indeed that for site A) would begin to approach the quality of design advocated by the appellant in the Interim Report of the Building Better, Building Beautiful Commission referred to in the Design and Access Statements. I conclude that the proposed scheme would conflict with the relevant objectives of the HDPF policies 2, 3, 4, 25, 26, 30, 32, 33, 34 and 40, which seek sustainable development which does not harm the character and appearance of the area, the conservation area and the AONB.
17. Turning to affordable housing, the intention is to provide affordable housing on site A. The Council considered the sites collectively for this purpose, the provision equating to 60% affordable housing overall. However, the provision of 100% affordable housing on site A would be contrary to the aim of HDPF policy 16 which seeks a mix of housing sizes and types in development to create mixed communities. No justification has been provided for not providing an element of affordable housing on site B. The proposal would comprise more than 5 homes where the policy indicates 20% should be affordable.
18. With regard to the effect on the setting of the listed building, the Crabtree Inn does not rely on the appeal site for its heritage significance, which derives from its intrinsic late 18<sup>th</sup>/early 19<sup>th</sup> century origins and simple double-fronted design. The car park of the pub effectively separates it from the development site, and the proposed dwellings would be set back from the road. The scheme would not prevent appreciation of its heritage significance. I do not therefore find a conflict with policy 34 in this respect.

19. Little information has been provided with the application and there is no evidence to indicate that the effect of the evident traffic noise on future residents (particularly in their back gardens), the effect on ecological diversity, the risk of flooding nearby or the methods adopted to provide foul and surface water drainage could be acceptably mitigated and dealt with by means of suitable planning conditions, contrary to the aims of HDPF policies 24, 31 and 38.
20. I find that the bus service means that there are aspects of the scheme that weigh in its favour. There would be no harm caused to the setting of the listed building. The creation of new wildlife habitat is welcome but unlikely to compensate for what would be lost. These matters are substantially outweighed by the serious and detrimental effect on the character and appearance of Crabtree and the natural beauty of the AONB, along with the failure to justify the omission of any on-site affordable housing.

### **Other matters**

21. I have taken account of all the other matters raised including the 'enabling' nature of the proposals. I have also had regard to the intention to utilise efficient, modular construction, but this consideration would also apply to many other sites in much more sustainable locations.

### **Conclusions**

22. According to the latest information available, Horsham is able to demonstrate a 5 year supply of housing land. Even if it could not, and it could be shown that the policies which are most important for determining the applications are out-of-date, site B is in the AONB which according to footnote 6<sup>1</sup> would comprise a clear reason for refusing planning permission. Whilst housing in principle is desirable, there is nothing to suggest that the provisions of the development plan are inadequate to meet the area's needs. Affordable housing is needed and attracts considerable weight in principle, but there is little to indicate that site B would be an acceptable site location for such housing given its relative remoteness, the lack of support in the emerging NP, the lack of a housing tenure mix and most of all, the effect on the character and appearance of the area.
23. The proposed developments, considered together or separately, fail to meet the sustainability objectives of the development plan and the NPPF and would have an unacceptable effect on character and appearance. These matters alone outweigh any benefits and mean that the appeals should not succeed.

*Paul Jackson*

INSPECTOR

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<sup>1</sup> To paragraph 11 of the NPPF