



Appeal Decision

Site visit made on 13th March 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/Z3825/W/18/3207326

Forest House Cottage, Winterpit Lane, Mannings Heath, Horsham RH13 6LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Sewell, against the decision of Horsham District Council.
 - The application Ref DC/18/0793, dated 12 April 2018, was refused by notice dated 8 June 2018.
 - The development proposed is the change of use of garage building to a 3-bed dwelling with new access and associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the appeal site would be a suitable location for a dwelling, having regard to local and national planning policies.

Reasons

3. The site forms part of a residential curtilage which lies outside of the designated Built up boundary as designated under the Horsham District Planning Framework (HDDF) 2015.
4. HDDF Policy 1 sets the primary presumption in favour of sustainable development which reflects the provisions of the National Planning Policy Framework (the Framework). HDDF Policy 2 provides the key spatial strategy to 2031 of focussing development in and around Horsham and to allow growth elsewhere in accordance with the identified settlement hierarchy to maintain the district's unique rural character. In terms of settlement hierarchy, HDDF Policy 3 states development will be permitted within towns and villages that have defined built-up areas provided it is of an appropriate nature and scale. HDDF Policy 4 provides criteria under which the expansion of settlements beyond existing limits will be supported. These include that the site adjoins an existing settlement boundary and is allocated within the HDDF or a Neighbourhood Plan. The site does not lie within or adjoin the boundary of an existing designated settlement boundary and would therefore be in conflict with these policies.
5. Policy 1 of the Nuthurst Parish Neighbourhood Plan (NPNP) provides for development within a modified built-up area boundary of Mannings Heath. It allocates sites for approximately 50 houses, including, under Policy 3, at Holly Farm Winterpit Lane. The policy aim to control development in the countryside

is in accordance with HDDF Policies. The proposal is not part of any allocation within or adjoining the existing settlement boundary and thus there would be conflict with these Policies.

6. HDDF Policy 26 provides that outside the built-up area, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. The policy requires any proposal must be essential to its countryside location and meet the criteria set out. There is no indication that the proposed development meets the criteria.
7. The evidence indicates that the Council can demonstrate a five year supply of deliverable housing land for the purposes of this appeal and I see no reason to dispute this. Accordingly, the presumption in favour of granting permission at Paragraph 11d of the Framework does not apply. The proposal would make effective use of previously developed land. However, there is nothing to indicate the building is not in use.
8. Even though the proposal would make effective use of previously developed land for the reasons set out above I conclude that the location of the proposed development, outside a defined built-up area would be in overall conflict with HDDF Policies 1, 2, 3, 4 and 26 and NPNP Policy 1 which, together, seek to direct development to the most sustainable locations and to maintain the District's unique rural character.

Precedent

9. The appellant argues precedent has been set by planning permissions granted directly by the Authority or on appeal in the vicinity. In the appeal decision Ref APP/Z3825/W/15/3134415 the Inspector found a lack of five year land supply at the time and that the so-called tilted balance applied which is not the case here. The Council granted planning permission for the conversion of a barn to a dwelling Planning Ref DC/16/2489. In that case the Council considered the building was disused and unsuitable for modern agricultural use which does not appear to be the case here. I do not find sufficient similarities to conclude that they act as a precedent for this appeal.

Planning Balance & Conclusion

10. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would provide an additional dwelling. Within the Framework there is no specific definition of isolated homes. The site is in a small area of residential properties. In accordance with the judgement in March 2018, Court of Appeal (Braintree District Council v Greyread Limited & Anr. Case Number: C1/2017/3292) I conclude the site is not isolated. Additional residents would help enhance or maintain the vitality of the rural community. As the site is some 100m from the built-up area boundary future occupiers would have a degree of accessibility to the limited services and access to public transport in Manning Heath without undue reliance on a private vehicle. The Highway Authority supports this view. Accordingly, I conclude that the site is in a reasonably accessible location. These matters weigh in favour albeit their benefits are limited by the scale of the proposal.
11. The proposal would make effective use of previously developed land. However, there is nothing to indicate the building is not in use and I give this relatively

little weight. There would be little effect on the character and appearance of the area as the proposal is for the conversion of a building with few external alterations. The appellant has confirmed that roof lights would be provided for the upper floor to provide necessary daylight and ventilation for future occupiers. However, such considerations do not weigh in favour of the proposal as all developments are expected to be acceptable in these terms.

12. I have found the proposal would conflict with the location principles established by the development plan. Paragraph 15 of the Framework emphasises the planning system should be genuinely plan-led and allowing the proposal would undermine that plan-led process. The evidence indicates a five-year supply of available housing land exists. In failing to comply with HDPF Policies 1, 2, 3, 4 and 26 or NPNP Policy 1 the proposals cannot comply with the current development plan as a whole.
13. On balance I have found insufficient material considerations that would outweigh the conflict with the development plan. I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR