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## Appeal Decision

Inquiry held on 28, 29, 30 & 31 October 2014

Site visit made on 9 December 2014

**by Frances Mahoney DipTP MRTPI IHBC**

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

**Decision date: 12/05/2015**

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**Appeal Ref: APP/Z3825/A/14/2219076**

**Land East of Littleworth Lane, Partridge Green, West Sussex RH13 8JB**

- 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 Rydon Homes Ltd against the decision of Horsham District Council.
  - The application Ref DC/13/1187, dated 5 December 2013, was refused by notice dated 24 March 2014.
  - The development proposed is an outline application for 58 residential dwellings, comprising: 1 bed (4 no) apartments, 2 bed (4 no) apartments, 2 bed (15 no) houses, 3 bed (20 no) houses, 4 bed (10 no) houses, 5 bed (5 no) houses, with associated parking & garaging, informal open space + play space, together with new attenuation basins.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. At the Inquiry an application for costs was made by Rydon Homes Ltd against Horsham District Council. This application will be the subject of a separate Decision.

### Procedural matter

3. The Inquiry sat on 28, 29, 30 & 31 October 2014. The site visit took place on the 9 December 2014. The appeal relates to an outline application. All matters other than access are reserved for future consideration, although the dwelling mix is set out as part of the description of the development and I have considered it accordingly. Along with the location plan (Dwg no 10475-OA-01 – red line plan) and the proposed access to Littleworth Lane plan (dwg no 0824-GA-01 REV A), the application was accompanied by illustrative plans. The two named plans were confirmed as being those relevant to this appeal. Taking into account the terms of this outline application I have considered the illustrative plans as being indicative of a potential layout, scale and density of development. Such plans have informed this decision accordingly.
4. Following the issuing of the decision notice to refuse planning permission on 24 March 2014, the Council resolved<sup>1</sup> that a further reason for refusal alleging

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<sup>1</sup> On the 16 September 2014.

unacceptable harm to neighbouring heritage assets caused by the proposal should have been included<sup>2</sup>.

5. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. It is common ground between the parties that the development site lies within the setting of the listed buildings<sup>3</sup>. The point in contention is whether the appeal proposal would affect the setting and therefore significance of the listed buildings and this matter will be returned to. Case law has established that the duties described should be given considerable importance and weight<sup>4</sup>. The additional reason for refusal promoted to me by the Council, in general, reflects the statutory duty placed upon the decision-maker by Sections 16(2) and 66(1). Therefore, it is necessary to consider these appeals in light of these duties.
6. Since the planning application was refused, the appellant company has been working with the Council to seek to address matters raised in reason for refusal 3 which centred on the provision and delivery of affordable housing, contributions towards fire and rescue services, school infrastructure, libraries, transport, off-site open space, recreation and community halls. A signed and completed unilateral planning obligation under section 106 of the Town and Country Planning Act<sup>5</sup> (UU) was submitted at the Inquiry dealing with the above matters.
7. The Council was satisfied that their concerns had been addressed by the terms of the UU and appropriately justified by their planning obligations document<sup>6</sup>. On this basis the Council did not defend reason for refusal 3. I shall return to the provisions secured by the UU later in the decision, which are a material consideration in this case.

### **Main Issues**

8. From the evidence before me, including all that I have seen and read, the main issues in this case are:
  - the effect of the proposal on the character and appearance of the area, having regard to national and local planning policy on the location and provision of new housing;
  - the effect on the setting of the neighbouring listed buildings;
  - whether the mix of dwellings in the proposed development would meet the social needs of the population of the district; and

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<sup>2</sup> *The proposed development, by reason of its close proximity, scale, elevated height and by bringing the settlement edge closer, thereby having an urbanising effect on the grade II listed farmstead buildings of Beauchamps, the Barn north of Beauchamps and Blanche's, would cause unacceptable harm to the heritage asset, and that this harm would not be outweighed by the public benefits resulting from the proposal, contrary to policy DC 13 of the General Development Control Policies (2007), policies CP 1 and CP 3 of the Core Strategy (2007), and paragraph 134 of the National Planning Policy Framework.*

<sup>3</sup> Beauchamps, the barn north of Beauchamps, and Blanche's. All grade II listed and all sited to the north of the appeal site. Confirmed in X examination by Mr Mascall.

<sup>4</sup> Barnwell Manor Wind Energy Limited v East Northamptonshire District Council, English Heritage, National Trust, SSCLG [2014] EWCA Civ 137 – CD8/6.

<sup>5</sup> Inquiry Doc 1.

<sup>6</sup> Inquiry Doc 2.

- whether the appeal proposal constitutes a sustainable development in the countryside.

### **Planning Policy**

9. The development plan includes the Horsham District Local Development Framework, The Core Strategy (2007) (CS)<sup>7</sup> and General Development Control Policies Development Plan Document 2007 (GDC)<sup>8</sup>. The appeal site lies adjacent to, but outside of the settlement boundary of Partridge Green as set out at CS Inset Map 13<sup>9</sup>. The specified village settlement boundary would have been fixed, having regard to the need to accommodate development planned over the plan period.
10. However, the CS & GDC pre-date the National Planning Policy Framework (the Framework). Therefore, paragraph 215 of the Framework is engaged setting out that the weight to be given to relevant policies, in such existing plans, depends on their degree of consistency with those within the Framework.
11. Paragraph 47 of the Framework seeks to boost significantly the supply of housing. It identifies that Councils should ensure that their local plans meet the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area, as far as is consistent with the policies of the Framework. In addition, they must 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 either 5% or 20% (moved onward from later in the plan period), to ensure choice and competition in the market for land.
12. It is common ground that the Council is unable to demonstrate the provision of five years worth of deliverable housing, measured against their housing requirements. Using their promoted housing target of 650 dwellings per annum<sup>10</sup> the Council claim, at best, a 3.1 years' supply. The appellant suggest it is closer to 2.6 years' supply. In either case, the Council accept that there is a significant shortfall which renders their housing supply policies out of date.
13. Therefore, by implication, the CS defined settlement boundaries would have the effect of constraining development, including housing, within settlements.
14. GDC policy DC 1 is relevant to development within the open countryside. It seeks to restrict development and residential development respectively in such areas, unless it is for one of a number of specified categories<sup>11</sup>. The specified categories do not encompass development of the kind proposed. Its overall objective is to protect the character and amenity of the countryside. No case was promoted that the appeal site did not form part of the countryside setting of the village and I have considered it accordingly.
15. However, whilst this policy approach is consistent with one of the core planning principles of the Framework, namely that of recognising the intrinsic character

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<sup>7</sup> CD6/1.

<sup>8</sup> CD6/3.

<sup>9</sup> CD6/2.

<sup>10</sup> Promoted through the Horsham District Planning Framework - Inquiry CD 3 - Position Statement 5 - Housing July 2014.

<sup>11</sup> The categories include an exception where development ensures the sustainable development of rural areas. Development must also be of a scale appropriate to its countryside location and must not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.

and beauty of the countryside<sup>12</sup>, it is inextricably linked with the constraining effect of the settlement boundaries on the housing requirement. Therefore, I consider GDC Policy DC 1 has relevance for the supply of housing within the meaning of paragraph 49 of the Framework and I shall appraise the weight to be afforded to it accordingly. CS Policy CP 1, however, is a generic policy that seeks to maintain and enhance landscape character, including the settlement pattern. I do not read this as seeking to restrict housing development outside of settlement boundaries. The pattern of settlements is distinct from settlement boundaries established in policy. Therefore, CS Policy CP 1 is not a policy for the supply of housing and is within the spirit of the Framework<sup>13</sup>. It should be afforded weight accordingly.

16. In addition, the Council has adopted the Facilitating Appropriate Development Supplementary Planning Document (May 2009) (FAD) in an attempt to ensure sufficient housing supply, offering flexibility to respond to changing circumstances during the life of the existing CS. The FAD does allow for housing development outside the defined built-up areas where that land would not meet the strict requirements of the policies within the CS and GDC. It sets out a criteria based approach to the identification of suitable land for development in such locations, and against which planning applications should be considered. As a Category 2 settlement<sup>14</sup>, Partridge Green is identified as a village with a limited level of services which should accommodate only small-scale development or minor extensions that address specific local needs. A degree of flexibility is required in applying the FAD, but overall it is consistent with the general thrust of the Framework, and so I ascribe considerable weight to the principle of acceptability of housing development immediately outside the built up areas.
17. The Council's emerging local plan (the Horsham District Planning Framework Proposed Submission Version – May 2014<sup>15</sup>) (LP) was submitted for examination in August 2014. Following the Inspector's initial findings modifications have been published for a period of representation. The promoted date for adoption of April 2015<sup>16</sup> is consequently subject to slippage.
18. It is acknowledged that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council are working towards achieving this goal and progress is being made. Nonetheless, in such circumstances, the emerging LP attracts limited weight in the consideration of this appeal proposal.
19. The appeal site is greenfield and has been considered for development as part of a larger parcel of land under the Council's Strategic Housing Land Availability Assessment (July 2014 Review) (SHLAA)<sup>17</sup>. The SHLAA identified that part of this wider site was suitable for development of 55 units provided it was in keeping with the surrounding area. However, it has been produced as base evidence to inform the LP as well as the immediate decision making in relation to housing land supply. It does not bind or prejudice a decision-maker from

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<sup>12</sup> Paragraph 17, bullet point 5 of the Framework.

<sup>13</sup> In recognising the intrinsic character and beauty of the countryside.

<sup>14</sup> Defined in the CS paragraph 4.35 – Category 2 settlements. – Partridge Green – a village with a more limited level of services which should accommodate only small-scale development or minor extensions that address specific local needs.

<sup>15</sup> CD6/10.

<sup>16</sup> Inquiry Doc 4 – Local Development Scheme.

<sup>17</sup> SHLAA site SA 274 – Hutchinson Appendix 7.

undertaking a detailed assessment of a specific proposal at an application stage, as is the case in this instance.

20. At a parish level<sup>18</sup> in 2001 the West Grinstead Parish Village Design Group prepared the Partridge Green and Dial Post Design Statement<sup>19</sup>. It was subsequently adopted by the Council as supplementary planning guidance. It was to address a perception of an erosion of rural character by the application of urban design guidelines. Amongst other things the Statement concluded that when viewed as a whole the natural landscape should be dominant over man-made features, with development being of an appropriate scale, able to fit into its surroundings rather than dominate them.
21. The Parish Council accept the need for housing<sup>20</sup>. A neighbourhood plan is in the very early stages of production<sup>21</sup>. No draft plan or supporting evidence was available for submission to the Inquiry. However, Mr Kanabus indicated in oral evidence that there was tentative support for the wider site identified in the SHLAA<sup>22</sup>. It is hoped that a draft neighbourhood plan would be available by the end of 2015. Taking into account the progress of the plan and its early stage of evolution it can only be ascribed limited weight.

## Reasons

### *The appeal site/proposal*

22. The appeal site is some 2.3 hectares of open greenfield agricultural pasture land. It lies on the north-eastern edge of Partridge Green. The village has a pleasant character mainly based on its residential nature, although the Star Road Industrial Estate in the southern confines of the settlement offers local business and employment opportunities. The village has a range of services and facilities including a primary school, post office, food store, village hall and recreation ground. It also has public transport links to local settlements and urban areas. It is common ground between the parties that the village is a sustainable location for future housing provision<sup>23</sup>.
23. As already set out the appeal proposal is in outline with only access to be considered. However, the description of development does indicate the extent and make up of the proposal being 58 dwellings<sup>24</sup> with open space/play space and attenuation basins. Plan DA7<sup>25</sup> indicates an illustrative scheme showing a potential layout of the 58 units, associated parking & garaging, a central area of open space, boundary landscaping belts, and a balancing pond set in the north eastern corner of the appeal site. These features illustrate how the proposed development might be accommodated. Both the Council and the appellants have considered these details in this context and I similarly have taken them as informing my consideration of the development.

### *Housing need*

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<sup>18</sup> West Grinstead Parish which includes Partridge Green and Littleworth.

<sup>19</sup> CD6/9.

<sup>20</sup> Oral evidence of Mr Kanabus.

<sup>21</sup> Initial meeting in December 2014 and a questionnaire, including a call for sites formulated.

<sup>22</sup> SHLAA site SA 274.

<sup>23</sup> Inquiry Doc 5 – Statement of Common Ground.

<sup>24</sup> 1 bed (4 no) apartments, 2 bed (4 no) apartments, 2 bed (15 no) houses, 3 bed (20 no) houses, 4 bed (10 no) houses, 5 bed (5 no) houses.

<sup>25</sup> CD2/28

24. The Council accept that the housing requirement within the CS is out of date<sup>26</sup> and that they do not have a five year supply of housing land. Whilst a lack of a five year land supply of deliverable housing land does not provide an automatic 'green light' to planning permission, a balance must be struck. The deficiency in land supply will carry substantial weight in that balancing exercise. There is some dispute in relation to the extent of the demonstrated supply between the parties<sup>27</sup>, but the difference between the parties' respective figures is of little consequence.
25. The Council accept the shortfall is significant and that the weight to be attributed to that shortfall should be substantial. It will be for the LP examination process to establish the accuracy, credibility and plausible nature of the assumptions applied, the quality of the base data, and the conclusions reached in respect of the housing land supply.
26. In these circumstances, it is reasonable to conclude that the appeal proposal would contribute significantly to the unmet housing need within the District and this should weigh positively and heavily in the balance of the overall decision.
27. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered up to date if a five year supply cannot be demonstrated, as in this case. This has consequences for the reliance that can be placed on those policies in reaching a decision on this appeal. The Framework has, at its heart, a presumption in favour of sustainable development. Framework paragraph 14 confirms that, where the relevant policies of the development plan are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted. It is necessary then to consider whether the impacts arising from granting planning permission are adverse and whether they would significantly and demonstrably outweigh the benefits of that permission in addressing the housing shortfall.

### *Impacts*

#### *Character and appearance*

28. Littleworth Lane is the northern gateway into the village, defined by mature roadside hedgerows and trees. It establishes the verdant nature and open, green character of the village setting for those approaching and leaving Partridge Green. The appeal site lies outside the built up area of the village. It comprises a pastoral field enclosed by mature indigenous hedgerows, including mature trees set in groups concentrated towards the north western and north eastern corners of the site, along with individual trees punctuating the surrounding hedgerows. The wider countryside is open and gently undulating

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<sup>26</sup> Including that relating to affordable homes - Affordable homes are also part of housing need. The Strategic Housing Market Assessment update October 2012<sup>26</sup> identifies that there is an acute estimated level of need, with past completion levels representing a serious under-provision. The West Grinstead Parish Housing Needs Survey Report (Jan 2012) (Hough Appendix 6) indicates a housing need (Hough Appendix 8) within the Parish of 44 households. The Council's Housing Services Manager has confirmed that the affordable housing mix proposed reflects the profile of need established by the Survey - CD3/1 - Development Management Report paragraph 3.6. Therefore, it is reasonable to conclude that there is a significant need for affordable homes in the District and the Parish and the appeal proposal would result in the provision of 26 much needed affordable homes (45%). This represents a benefit to be accorded substantial weight.

<sup>27</sup> Council claim at best 3.1 years v appellant claim 2.6 year supply.

spreading out to the north of Partridge Green, and includes isolated clusters/farmstead buildings. The rear gardens of The Rise to the south back onto the appeal site. These properties are mainly semi-detached and detached bungalows.

29. Littleworth Lane, in the vicinity of the appeal site travelling north, has the character of a country lane with unkempt hedgerows and mature trees defining the curve of the lane. The site frontage hedgerow onto Littleworth Lane, set back beyond a grass verge<sup>28</sup>, is mature and of varying density, height and quality of condition. In winter under storey thinning of the hedgerow, beneath the frontage trees, is evident in places although I have no doubt this would be diminished in the summer months as leaf cover re-establishes itself.
30. The southern area of the appeal site stands on higher ground with a discernible fall across the site from the south-east corner down to the north, along the minor valley of the stream course, which follows the northern boundary of the site. The ground level of The Rise steps up marginally from the appeal site.
31. The principal public views of the appeal site are achievable from the north, along footpath (FP) 1774, and from Littleworth Lane. FP1774 runs west to east, across the gently rising land of the minor valley side of the stream. The sloping nature of the appeal site is easily discernible from this view point. The existing development in The Rise is already visible from this location, but being mainly single storey, would not serve as a built-up backdrop to the proposed development. Views in the wider landscape are filtered by intervening trees and hedgerows, but indistinct distant glimpses are possible from footpaths FP1840 and FP1761.
32. The appeal site, in the context of the larger landscape study area PG1<sup>29</sup>, is identified as having a moderate visual sensitivity due to the enclosing trees and hedgerows; moderate landscape value due to some ecological interest, relative tranquillity, and limited amenity value with only one FP over the area. It is, therefore, identified as having a moderate capacity for small scale housing development within the Horsham District Landscape Capacity Assessment (2014)<sup>30</sup>. However, as a design objective, the impression of urban sprawl is identified for avoidance<sup>31</sup>, with development needing to be related closely to the existing settlement edge.
33. As a gateway location to the village, development on the appeal site has the potential to alter the character and appearance of the hard built up area of the village. The application is in outline, but the illustrative plan DA7 indicates how a development for 58 dwellings could be accommodated on the site. It is proposed that the scheme could retain, manage and enhance existing boundary vegetation, as well as introduce informal open space to create visual buffers.
34. The promoted development would include a variety of dwelling types. At the highest point of the site<sup>32</sup> single storey dwellings would be concentrated with a continuation of one and a half storey houses along the southern boundary. As the site drops away to the north, two storey houses would prevail. The

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<sup>28</sup> The pavement running along the western side of Littleworth Lane.

<sup>29</sup> Landscape Study Area PG1 – Landscape Capacity from the Horsham District Landscape Capacity Assessment (2014).

<sup>30</sup> Appendix 6 Volume 2 Allen proof & CD7/5.

<sup>31</sup> Page 118.

<sup>32</sup> South-eastern corner.

stepping down of ground levels of the appeal site from The Rise would assist in diminishing the visual impact of development when viewed from the edge of the village, in particular, from the area at the corner of The Rise and Littleworth Lane.

35. Around the western, eastern and northern boundaries, development would be set in from the boundaries allowing for the management and enhancement of the existing planting. In the long term this would improve the screening effect of this boundary vegetation. However, the screening of a development, in itself, does not make it an acceptable addition to a landscape or significantly reduce its impact on its character.
36. The frontage hedge along Littleworth Lane is not consistent in its density, height or the health of its combining elements. The setting back of proposed buildings from the road frontage, behind the hedgerow, would serve to reduce the level of inter-visibility between the lane and the development site. However, taking into account the fact that my site visit was undertaken in winter and appreciating the seasonal difference in leaf cover, I have no doubt that the extent, scale, massing and concentration of development, including the domestic comings and goings of residents<sup>33</sup>, would be readily discernible from the approaches to the village<sup>34</sup> as well as from FP1774. The level of development proposed, concentrated within this roadside field location, would have a high degree of visual prominence.
37. Even taking into account the extent of the proposed open space, the surrounding landscape belts, including the attenuation pond, and the existing hedgerows and trees, 58 dwellings would present a visually intense concentration of built form which would extend out the hard urban edge of the settlement boundary. The proposal fails to take the opportunity to improve or complement the character and quality of the area<sup>35</sup>. This urban sprawl would not enhance the countryside, but erode its rural character, dominating the natural landscape. It would unacceptably diminish the intrinsic character and beauty of the countryside<sup>36</sup>.
38. It is suggested that the proposal would result in a perceived coalescence between Partridge Green and Littleworth. I consider this to be a consideration as part of character and appearance. As already indicated, Partridge Green is a village of some size with a close concentration of residential development. Littleworth, on the other hand, is a small hamlet to the north of Partridge Green consisting of predominantly ribbon development strung out along part of Littleworth Lane and Mill Lane. Along Littleworth Lane travelling north from Partridge Green to Littleworth, initially the character and appearance of a green, shaded country lane prevails. To the west the open fields, trees and hedgerows maintain the dominance of the countryside. Even taking into account the houses on the eastern side of the road, north of the stream, there is a distinct sense of leaving the built up area of Partridge Green behind and travelling through the countryside to Littleworth.
39. As already identified above the appeal proposal would be discernible from Littleworth Lane, even taking into account the extent of proposed

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<sup>33</sup> Including parking areas.

<sup>34</sup> From Littleworth Lane.

<sup>35</sup> The illustrative scheme does not give me confidence as to how a development of the scale proposed could be appropriately accommodated so as to safeguard the character and appearance of the countryside.

<sup>36</sup> The Framework Paragraph 17.



improvements to the frontage hedgerow. However, whilst those travelling between Partridge Green and Littleworth would be aware of the new development, in respect of the perceived separation between the two settlements, the extent of the open nature of the expansive countryside off towards Jolesfield is sufficient to maintain the distinction between village and hamlet. Therefore, I consider the break between settlements would be maintained both in actual and perceived terms<sup>37</sup>.

40. Notwithstanding, this acceptable impact of the proposal, overall the harm to the character and appearance of the countryside would be substantial, compromising the terms of CS Policies CP 1, CP 3 & GDC Policies DC 2 and DC 9, along with the associated policies within the Framework. The criteria based approach of the FAD would also be compromised in so far as it requires compliance with the identified policies. This carries significant weight in my consideration of this appeal, being relevant to an assessment of the environmental aspect of sustainable development.
41. In reaching this view I am mindful that the Council's SHLAA did identify the appeal site as part of a much larger site which may be suitable for 55 dwellings. This appeal development is a specific proposal for 58 units on a lesser site than that within the SHLAA. I have undertaken an assessment of this more intense proposal based on the evidence before me and which has led me to my conclusions.

#### *Setting of the listed buildings*

42. The matter in consideration is the impact of the appeal proposal on the setting of three Grade II listed buildings, Blanches, Beauchamps and the Barn, all lying to the north of the appeal site.
43. Blanches is a 16th century local vernacular building. It was no doubt part of an important local farmstead. Elements of the farmstead are still discernible, with associated agricultural buildings still remaining and some essence of the yard in front of the house apparent.
44. Beauchamps is a 17<sup>th</sup> century timber framed, red brick fronted construction of a traditional vernacular style. It was originally two cottages and was the dwelling for Haynes Farm.
45. The Barn is a later addition being early 18<sup>th</sup> century. Notwithstanding the conversion of the Barn to a dwelling in a less than sympathetic manner, resulting in dilution of its traditional character by the insertion of domestic features, the general form and materials of the Barn still alludes to its origins as a traditional farm building. It is likely it was historically associated with Haynes Farm, now Beauchamps, as part of its farmstead.
46. These are all buildings, the origins of which are firmly based in the agricultural heritage of the locality and this is of particular importance to their significance.
47. However, in the main, these buildings have a domestic appearance in terms of their immediate environs. Manicured gardens divided between properties by high hedgerows and fencing have physically dissected the original farmsteads

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<sup>37</sup> Objectives of GDC Policy DC 3 would remain uncompromised.

- of an agricultural bygone age. Blanches includes a small-holding and has a larger land holding beyond the garden stretching down to the stream and sharing the appeal site's northern boundary<sup>38</sup>.
48. The significance of a heritage asset derives not only from its physical presence and historic fabric, but also from its setting. Considering setting is a matter of informed judgement. In essence, setting can be defined as the surroundings in which the asset is experienced<sup>39</sup>.
49. As already set out above Blanches has an immediate discernible historic farmstead setting which extends out to include the small-holding land and, as I experienced it, the wider agricultural land. The connection between the agricultural use of the house, associated yard and barns with the wider surrounding agricultural land, no longer reflected in ownership, confirms the setting of Blanches in the context of the immediate open fields. The presence of intervening hedgerows, trees and even the stream does not sever that association. In addition, the fact such an association may not be visible from the public realm, is not reason enough to diminish its importance in respect of its contribution to the historic significance of the heritage asset.
50. Therefore, the setting of Blanches includes the immediate farmstead, as well as the wider rural landscape of which the appeal site forms a part.
51. Beauchamps and the Barn, being much more domesticated in their appearance and immediate setting, are more difficult to discern and experience in their wider farmstead setting. However, their proximity to Blanches and their historic relationship draws them into the overall setting of traditional agriculture related buildings in a wider agricultural setting.
52. Therefore, it is reasonable to conclude that the appeal site falls within the wider historic farmstead setting of the neighbouring listed buildings.
53. The appeal proposal<sup>40</sup> would draw development of an intense domestic suburban nature and form towards the farmstead and into its open pastoral setting. The new dwellings would be clearly visible, spread across the site, stepping down the slope from the village and would be seen in the context of the listed buildings, in particular Blanches, from FP1774. The intensity of the proposed development, concentrated within the frontage field, would obliterate any sense of openness or recognition of a transitional approach from the hard urban edge of the village to a softer more compromising understanding of the setting of the heritage assets and their significance. It would erode to a harmful degree the separation between the listed buildings and the built up area of Partridge Green. Those passing along Littleworth Lane and FP1774 would be equally aware of such an adverse impact.
54. In reaching this view I consider the presence of the intervening trees, the promise of increased coverage and the filling of gaps does not diminish the resultant harm. The degree of inter-visibility of contributing elements to the setting of a listed building is not a determining factor as to their relevance or importance in that setting. The presence of existing or enhanced landscaping may only mitigate negative impacts rather than remove them, and should not be a substitute for well designed development within a heritage asset's setting.

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<sup>38</sup> Experienced from FP1774 and to a lesser extent from Littleworth Lane.

<sup>39</sup> The Framework, Annex 2: Glossary – The Setting of Heritage Assets – English Heritage Oct 2012.

<sup>40</sup> The illustrative layout indicates how 58 dwellings may be accommodated on the appeal site.

55. Statute and policy may allow for change in the setting of heritage assets, where change does not harm the significance of the listed building. The appeal proposal, whilst not harming the listed buildings themselves, would seriously erode the traditional relationship between the listed buildings, the farmstead, and the associated agricultural land which provides its historic wider landscape context. Consequently, there would be an unacceptable degree of harm to the conservation of the heritage assets<sup>41</sup> caused by the proposal. Therefore, in this way, the proposed development would not preserve the setting of the listed buildings<sup>42</sup>, unacceptably harming their significance, a finding to which I give considerable importance and weight<sup>43</sup>.
56. In the weighing of this decision I am also mindful of the terms of paragraph 134 of the Framework which sets out that where a view is taken that the harm to the designated heritage asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. In this instance the degree of harm is less than substantial in the context of paragraph 134<sup>44</sup>. Such a conclusion of the degree of harm to the setting of the listed buildings does not equate to a less than substantial objection to the grant of planning permission. The identified harm above would still be significant and irreversible. There is nothing contradictory in such a stance<sup>45</sup>.
57. Consequently, I find the appeal proposal to be contrary to the objectives of GDC Policy DC 13; FAD criteria 8 and the relevant policies within the Framework, which interpret the section 16(2)/66(1) statutory duty in a policy context, safeguarding the significance of heritage assets for future generations.

#### *Mix of housing*

58. Paragraph 50 of the Framework sets out that Councils should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. GDC Policy DC 18 identifies a need for smaller homes of 1 and 2 bedrooms with a general, at least, figure of 64% provision within this size range. The results of future Strategic Housing Market Assessments (SHMA) are highlighted as having the potential to trigger an alteration in these guidelines.
59. The SHMA up-date October 2012<sup>46</sup> sets out that there is no direct relationship between household size and housing size, particularly in the market sector. A broad locally flexible approach is recommended<sup>47</sup>. Target ranges are suggested rather than a specific percentage target as this allows for a little flexibility<sup>48</sup>. In the market sector, the market itself is effective at matching the size of dwellings to market demand at a local level<sup>49</sup>. The SHMA also recommended a broadening of the characteristics of market housing, making it more family

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<sup>41</sup> In this case the erosion and diminishing of the setting of the heritage assets.

<sup>42</sup> Contrary to CS Policy CP 3 & GDC Policy DC 13.

<sup>43</sup> Paragraph 132 of the Framework places great weight on the conservation of designated heritage assets, including their settings.

<sup>44</sup> A matter agreed between the parties.

<sup>45</sup> *Barnwell Manor Wind Energy Ltd v E Northants DC*, English Heritage, National Trust & SSCLG {2014} EWCA Civ 137 -CD8/6

<sup>46</sup> Hough Appendix 6 & CD7/3.

<sup>47</sup> CD 7/3 paragraph 5.21.

<sup>48</sup> CD 7/3 paragraph 5.25.

<sup>49</sup> CD 7/3 paragraph 5.25.

housing focused<sup>50</sup>, and promoting a range of between 30- 45% of new homes to cater for family housing needs.

60. The proposed mix of development provides for some 57% of dwellings being 3 bedrooms or more, although 55% would be 1 and 2 bedroom<sup>51</sup>. The former figure is above the suggested range within the SHMA and that within GDC Policy DC 18. However, the character of housing in the vicinity of the appeal site is one of small detached and semi-detached bungalows. These are not particularly large and unlikely to be attractive to families. In addition, the research of the appellant company shows that demand for property in the village is strong with family housing being less plentiful. From my own observations I saw a good deal of old terraced housing towards the centre of the village, along with bungalow estates. More recent development at Staples Hill did include some larger family homes. Nonetheless, I have no reason to doubt the appraisal of local agents in respect of provision and demand for family size homes in the village.
61. Therefore, whilst the housing mix of the appeal proposal sets up a theoretical conflict with the percentage range for small dwellings in GDC Policy DC 18, the terms of the SHMA sets out the most up to date expression of the current and future housing market. Its focus on family housing, along with an acknowledgement that the character of Partridge Green in respect of its existing mix of housing is one centred on smaller dwellings is the context for consideration of the appeal proposal. In current circumstances, looking at the evidence before me in the round and taking a flexible approach, considering market trends, the needs of different groups in the community; and reflecting local demand, I find that the proposed mix of housing would fulfil the social needs of the population of the District and more particular those wishing to live within Partridge Green. In this way, the objectives of GDC Policy DC 18 would not be compromised. In reaching this view I am also mindful that the Council's Housing Services Manager raised no objection to the proposal in this regard.

#### *Contribution to the achievement of sustainable development*

62. There are three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependant.

#### *Economic role*

63. The proposal would enhance the economy by the creation of jobs associated with the construction stage, and new residents are also likely to support existing local services and businesses.
64. Having sufficient land available of the right type in the right places and at the right time to support growth and innovation is part of the economic role in achieving a sustainable development. There is a good prospect that the proposed housing could be delivered on the site within five years. In addition, future Council tax payments and New Homes Bonus would be spent in the area. The appeal site would contribute positively to fulfilling the economic role.

#### *Social role*

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<sup>50</sup> That being three or more bedrooms – CD 7/3 paragraph 5.25.

<sup>51</sup> 70% would be 3 bedroom or smaller.

65. The proposed housing would fulfil a social role by contributing to the support, strengthening, health and vibrancy of the local community by providing towards a supply of housing to meet the needs of present and future generations. This would include much needed affordable housing<sup>52</sup>.
66. The proposal would also provide a mix of housing which would meet the social needs of the population of the District and in particular of Partridge Green.
67. In addition, the proposal would bring with it contributions towards school infrastructure, libraries, transport, off site open space, recreation, community halls and fire and rescue services. All of these are secured by the terms of the UU and these contributions have been shown to be necessary or justified to mitigate the effects of the new development in accordance with Regulation 122 of the Community Infrastructure Levy Regulations<sup>53</sup>.
68. These elements would enhance local facilities and support the well-being of the local community.

#### *Environmental role*

69. *Location* – Partridge Green is identified as a village suitable to accommodate small-scale development. The range of facilities and services in and around the village, along with ready access to public transport<sup>54</sup> are factors which have influenced the classification of the village by the Council as being capable of supporting new residential development. Although the appeal site lies on the edge of the settlement, it is within walking distance of many of these facilities. Therefore, in respect of location and a movement to a low carbon economy, the sustainability of the appeal site is positive.
70. *Highways* - Concern has been expressed by residents in relation to the impact of traffic generated by the proposed development on the existing highway network. However, the highway authority is satisfied that the existing road capacity is sufficient to accommodate the additional flow from the new development<sup>55</sup>. With the set back proposed for the new site access, visibility in both directions would be adequate for a development of this nature. Contributions within the UU towards improved pedestrian and cycling facilities to encourage less car dependency and use of sustainable transport modes<sup>56</sup> would also serve to mitigate the impact of the appeal proposal. Taking all these factors into account I have no reason to question the conclusions of the highway authority in this regard.
71. *Living conditions of nearby residents* - The proposed site is sufficiently distant to neighbouring dwellings, with a step down in ground levels to the appeal site, so as to minimise any material harm to the outlook or privacy of existing residents. The indicative layout submitted gives me confidence that a layout can be produced as part of any reserved matters application which would appropriately accommodate a new housing environment juxtaposed with that existing. The enhancement of existing boundary hedgerows and trees would also serve to soften the impact of the new dwellings.

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<sup>52</sup> Secured under the terms of the UU – Inquiry Doc 1.

<sup>53</sup> Inquiry Doc 2.

<sup>54</sup> Bus service.

<sup>55</sup> Based on the Transport Statement – CD2/19.

<sup>56</sup> Inquiry Doc 1 – appendix 6 paragraph 2.5.

72. *Flooding/Sewer capacity* – The submitted flood risk assessment<sup>57</sup> sets out that the appeal site is bounded by positively drained highways, built environs and ditches. These are likely to intercept any off-site overland flows arising from extreme flood events and direct them away from the proposed development area. The most significant risk relates to the management of surface water run-off. This could be controlled under the terms of a planning condition were the appeal to be allowed. In respect of sewer capacity the appellants company acknowledge there is currently inadequate capacity in the local sewer to accommodate the development. However, the drainage authority and the Council both accepted that an upgrading of the sewer would suitably mitigate the effects of the appeal proposal. The appellants company accept a foul sewer strategy would be required and this could be dealt with by condition.
73. *Open space* – The proposal also includes the provision of on-site open space, including a play area, as well as enhancing the existing hedgerows and trees. The long term management of these areas would improve the biodiversity of the location as well as offering opportunities for recreation and improvements in individual's well-being<sup>58</sup>. These factors positively contribute to the overall sustainability of the appeal site, with some provision within the UU being made for its management.
74. However, even given the above positive factors in the balance of the environmental role of the proposal, due to the significant identified harm to the character and appearance of the countryside, and the important and weighty harm to the setting of the listed buildings these adverse effects would result in considerable environmental detriment.

#### *Overall conclusion on sustainability*

75. On balance the adverse harms identified within the environmental role relating to character and appearance and setting of the listed buildings, clearly outweigh the limited environmental, social and economic advantages of the scheme. Therefore, I conclude the appeal proposal would not constitute sustainable development as prescribed by the Framework and FAD criteria 11. Taking into account the golden thread of the presumption in favour of sustainable development which runs through the Framework I ascribe this finding substantial weight.

#### **Conclusion and balance**

76. Sustainable development is about change for the better. The appeal proposal would assist in the provision of much needed housing<sup>59</sup> in the local area and District in general. This is a highly significant material consideration and carries substantial weight in the context of paragraph 49 of the Framework. It would also have a social and economic role to play in achieving positive growth now and into the future.
77. However, such benefits would be at significant cost to the intrinsic character of the countryside and its green, open, pastoral appearance; and would not preserve the setting of the listed buildings, thereby unacceptably harming their significance. Whilst the identified level of harm to the significance of the

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<sup>57</sup> CD2/18.

<sup>58</sup> These factors cross-over with the Social Role and have been accordingly weighed into both aspects as positive benefits.

<sup>59</sup> Including affordable housing.

designated heritage assets may be less than substantial<sup>60</sup>, it is still significant, even taking into account the public benefits of the scheme<sup>61</sup>. The impact on the heritage assets must be given considerable importance and weight in accordance with the terms of the Barnwell Manor judgement<sup>62</sup>, and in the context of the statutory duty imposed upon decision takers in respect of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this instance I find that the adverse effects identified to character and appearance and the setting of the listed buildings weighs more heavily against the proposal than the identified positive elements.

78. The presumption in favour of sustainable development set out in paragraph 14 of the Framework applies only to sustainable development<sup>63</sup>. Taking this conclusion into account along with all other considerations set out above, including the contribution of the proposal to addressing the shortfall in housing supply, on balance, I conclude that the adverse impacts of the appeal proposal would significantly and demonstrably outweigh the benefits of granting planning permission. Therefore, the appeal should fail.

*Frances Mahoney*

Inspector

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<sup>60</sup> Under the terms of paragraph 134 of the Framework.

<sup>61</sup> Outlined in the economic, social & environmental roles as well as the provision of housing.

<sup>62</sup> CD8/6.

<sup>63</sup> Confirmed by William Davis Limited and Jelson Limited v SSCLG & North west Leicestershire District Council [2013] EWHC 3058 (Admin) - CD8/7

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

David Lintott of Counsel	Instructed by Horsham District Council
He called Brian Duckett BSc Hons) BPhil CMLI	Managing Director Hankinson Duckett Associates (hda)
Eimear Murphy BSc(Hons) PGDipUD MRTPI IHBC	Murphy Associates
James Hutchinson BA(Hons) MA MRTPI	Consultant Principal Planner Major Development Team

### FOR THE APPELLANT:

Christopher Boyle QC	Instructed by Sigma Planning Services
He called	
Roger Mascall BSc(Hons) Dip BldgCons RICS MRTPI IHBC	Director and Head of Heritage Turley Heritage
David Allen BA(Hons) Dip LA, MAUD CMLI	Director of Allen Scott Ltd
Christopher Hough BSc FRICS MRTPI	Principal Sigma Planning Services

### INTERESTED PERSONS:

Peter Kanabus	Chairman of Partridge Green Parish Council Working Group
Peter Freeman	Member of the Neighbourhood Planning Committee and local resident

## **DOCUMENTS**

- 1 Signed Unilateral Undertaking dated 31 October 2014
- 2 Planning Obligation Statement
- 3 Position Statement 5 Housing July 2014
- 4 Local Development Scheme
- 5 Statement of Common Ground
- 6 Case No CO/9251/2013 Forest of Dean DC & SSCLG & Ricky Jones



- 7 Housing Mix Analysis
- 8 Housing Development – Preliminary Evaluation – Consultation Document June 2000
- 9 Agreed position between the appellant and the Council on Housing Land Supply
- 10 Parish Council Statement
- 11 English Heritage Listing Selection Guide Agricultural Buildings
- 12 Principles of Selection for Listing Buildings
- 13 Horsham District Locally – Generated Housing Needs Study: Census 2011 and South Downs National Park Update

#### PLANS

- A OS extract – Identification of Intimate, Immediate & Wider views
- B Plan of perception of leaving or entering settlement
- C Identification of historic land affiliation to farmsteads
- D Identification of Intimate, Immediate & Wider views across greater area than Plan A