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# Appeal Decision

Site visit made on 17 April 2024

**by Stewart Glassar BSc (Hons) MRTPI**

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

**Decision date: 14 May 2024**

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**Appeal Ref: APP/Z3825/W/23/3328645**

**Mcveigh Parker & Co Ltd, Stane Street, Adversane, West Sussex, RH14 9JR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Pullen against the decision of Horsham District Council.
  - The application Ref is DC/22/1691.
  - The development proposed is the provision of 7 new business starter units on land adjacent to McVeigh Parker Ltd.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Outline planning permission is sought with matters of access, appearance, landscaping, layout and scale all reserved for future consideration. Whilst the drawings submitted with the application were not marked as being illustrative or indicative, given the nature of the application and having regard to the findings in *Crystal Property (London) Ltd v SSCLG & LB Hackney* EWCA Civ 1265 [2016] they could only sensibly be understood as having that purpose. Accordingly, I have made my decision on this basis.

## Main Issue

3. The main issue is whether or not the proposal would accord with planning policies for the location of such development.

## Reasons

4. Policy 2 of the Horsham District Planning Framework (HDPF) establishes that development should be focussed in and around Horsham. Growth is allowed in the rest of the district in accordance with the identified settlement hierarchy set out in Policy 3. Policy 4 of the HDPF relates to the expansion of settlements and supports proposals that meet all of five different criteria, including that the site adjoins an existing settlement edge.
5. Outside built-up areas boundaries, the countryside will be protected generally against inappropriate development in accordance with Policy 25. However, Policies 10 and 26 do support development in the countryside in certain situations.
6. Policies BILL 1 and 10 of the Billingshurst Neighbourhood Plan 2021 (BNP) similarly seek to limit development to the built-up areas except in certain, limited situations such as where it relates to utilities, tourism or accords with

wider development plan policies and allocations. New start up business space is supported within the settlement boundary.

7. The appeal site is located to the south west of Billingshurst on the A29. It comprises an area of open land, part of which is currently used as staff parking for the adjacent McVeigh Parker site. The McVeigh Parker site comprises some single storey storage buildings and large areas of open storage. There are other properties in the immediate vicinity, but the site is clearly beyond the built up boundary of Billingshurst and within the open countryside.
8. As such, given the site's location, the proposal would be contrary to Policies 2, 3, 4 and 25 of the HDPF. Support for the development therefore arises if the exceptions set out in Policies 10 and 26 are met.
9. Policy 10 of the HDPF encourages rural economic development. Whilst it does not preclude new buildings or development, in the first instance schemes must contribute to farming enterprises or other countryside-based enterprises and activities. The proposed units, whilst designed to be starter units, are not specifically tailored to farming or countryside-based enterprises.
10. Therefore, whilst the proposal might be likely to offer some economic and social benefits to local communities by reason of increased expenditure within the area, the policy does not specifically support the development as proposed. Furthermore, it is not clear that the proposal would deliver the substantial environmental improvement also required by the policy.
11. HDPF Policy 26 does allow for some development in the countryside. Any proposal must be essential to its countryside location and also meet one of four criteria. There is nothing before me to suggest that a countryside location is essential for the type of units proposed. This policy therefore does not provide support for the proposal.
12. I am also mindful of Policy 7, which supports the development of small, start-up and move-on businesses. However, there is nothing within that policy to indicate that this should be at the expense of the wider spatial strategy or protection of the countryside. As such, I do not consider that this policy provides a basis for allowing the development.
13. There is nothing to suggest that these policies are not broadly consistent with the National Planning Policy Framework (the Framework), which encourages the development and vitality of towns and villages whilst also supporting sustainable development of businesses in rural areas within a general context of protecting the countryside.
14. Therefore, given the above, I am satisfied that the site would not accord with the locational requirements of the HDPF for a development of this type. The proposal is contrary to Policies 2, 3, 4, 10, 25 and 26 of the HDPF and Policies Bill 1 and Bill 10 of the BNP insofar as they relate to this issue.

### **Other Matters**

15. It is suggested in support of the proposal that there is a general lack of employment land within the district and starter units in particular. As such, these factors are said to help outweigh the non-compliance with development plan policies. However, figures provided by the Council indicate a general

surplus of employment land within the district. This has been demonstrated in recent planning appeals elsewhere in the district.

16. Conversely, there is no substantive evidence or information submitted with the appeal proposal which sufficiently demonstrates that there is a particular need or demand for such units generally or that any demand is not being met elsewhere or is not capable of being met on these previously permitted sites. As such, there is no overriding reason as to why any such demand should be delivered at the appeal site in contravention of established policies.
17. The site has direct access to the A29, which is no doubt a benefit for the type of starter units being proposed. However, there is nothing before me to suggest that there aren't other sites which are more policy compliant, and which offer similar transport links.
18. The appeal site is adjacent to an established employer, which has permission to expand its operations, but not onto the appeal site. However, development plan policies support operations which contribute to farming enterprises. As these existing operations appear to accord with this requirement, there would be policy support for those permissions. As noted previously, the appeal proposal would not benefit from such policy support.
19. There is nothing before me to indicate that either these existing operations, or the appeal site, form part of a Key Employment Area as defined by Policy 7 of the HDPF.
20. The Council raises no objections to the indicative site layout and acknowledges that despite some inconsistencies in the submitted drawings, it would be possible to implement an appropriate landscaping scheme and ensure that there would be no harm to the South Downs National Park. Similarly, matters of noise, hours of operations and biodiversity gains could be controlled by condition. The scheme has been shown to be water neutral and no objections were raised by the Highway Authority or neighbouring occupiers.
21. Nevertheless, these factors equate to a lack of harm and are likely to represent compliance with development plan policies. As such, they would be neutral factors within the overall balance. Consequently, they do not mean that the scheme is acceptable and do not absolve me from making an assessment as to the effects of the scheme in regard to the main issue of the case.
22. I have been referred to other sites outside of settlement boundaries where development has been permitted. However, this in itself does not provide a justification for the proposal. In any event, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the case.

### **Planning Balance**

23. I have been directed to the relatively recent appeal decision which suggested that Policies 2, 4, 7, 10 and 26 of the HDPF could be considered out of date as their anticipated review did not materialise and the timetable for the emerging Local Plan review is uncertain.
24. Even if I were to consider the policies out of date, there is no substantive evidence to demonstrate that other allocated sites could not meet any demand for starter units or that there is a particular need for starter units to be

provided at the appeal site. Siting employment uses within appropriate locations and the protection of the countryside from unsuitable development are perennial objectives of the Framework. I am also mindful that the proposal would represent something of an ad hoc approach to the delivery of development, contrary to the plan led, evidence-based approach set out in the Framework. The harms arising from the development would run counter to these objectives and would inevitably be long lasting. Collectively these factors attract significant weight against the proposal.

25. In contrast, the proposal would create some employment and investment which would have wider economic benefits in the longer terms as well as some temporary benefits during the construction phase. The scale of these benefits would be limited by the size of the development and as starter units might be less likely to generate a significant number of jobs. The positive weight I could therefore attribute to the development would be modest.
26. Accordingly, the harm arising from the development would significantly and demonstrably outweigh the benefits of the proposal.

### **Conclusion**

27. Whilst there would be some benefits arising from the proposal, it would conflict with the spatial strategy for the delivery of development generally and employment sites in particular, as well as the policies that protect the countryside. Accordingly, the proposal would be contrary to the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
28. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Stewart Glassar*

INSPECTOR