



Appeal Decision

Site visit made on 20 August 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/Z3825/W/25/3361339

Land at Thornhill Stables, Billingshurst Road, Coolham RH13 8QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr V Sawyer against the decision of Horsham District Council.
 - The application Ref is DC/24/1486.
 - The development is described as Construction of detached barn style dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for construction of detached barn style dwelling at Land at Thornhill Stables, Billingshurst Road, Coolham, RH13 8QN in accordance with the terms of the application, Ref DC/24/1486, dated 26 September 2024, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for the proposal having regard to the spatial strategy for the district; and
 - the effect of the proposal on the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site, with particular regard to water neutrality.

Reasons

Suitable location

3. The application site is located to the north of Billingshurst Road, and is accessed via a private track. The site currently comprises an agricultural field, with industrial and storage units situated to the rear, beyond the northern boundary. To the west of the site, on the opposite side of the track there are large detached dwellinghouses.
4. As the appeal site is set within a small cluster of buildings in residential and commercial use, it does not appear isolated within its immediate environment. Nor is it isolated in the context of paragraph 84 of the National Planning Policy Framework (2024) (the Framework). Nevertheless, it is located outside of a built-up area boundary and is therefore located in the countryside for planning purposes.

5. Policy 2 of the Horsham District Planning Framework (2015) (HDPF) outlines the Council's spatial strategy, which focusses significant development in Horsham. Further growth shall be distributed across a range of settlements outlined within a hierarchy in Policy 3.
6. Policy 4 of the HDPF supports the expansion of settlements beyond built-up area boundaries, provided that the site is allocated either in the Local Plan or a Neighbourhood Plan, and adjoins the existing settlement edge. In this case, the appellant confirms that the appeal site lies 0.6 miles from the village of Coolham. Therefore, it does not adjoin a settlement edge. Furthermore, policy HD1 of the Shipley Neighbourhood Plan (2020) (NP) outlines areas where housing development will be considered favourably. The proposal does not meet the criteria within Policy HD1, nor is it allocated within the NP and accordingly, the proposal would be in conflict with Policy 4 of the HDPF.
7. Policy 26 of the HDPF states that, outside built-up area boundaries, development must be essential to its countryside location and must also satisfy the criteria set out within the policy. To meet the policy requirements, proposals must be needed to support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use, or enable the sustainable development of rural areas. Given the residential nature of the proposal, it would not meet any of these stated criteria.
8. As the Council is currently unable to demonstrate a five-year housing land supply in accordance with existing development plan policies, it has produced the Facilitating Appropriate Development Document (2022) (FAD) to support the delivery of housing in the interim period, pending adoption of a new Local Plan. While the FAD is guidance rather than policy, it adopts a more positive approach to residential development outside settlement boundaries. Notably, it allows for the consideration of unallocated sites located outside but adjoining built-up area boundaries. However, the appeal site is not located in close proximity to any built-up area boundaries, and therefore the extent to which it would comply with the other criteria within the FAD is of limited relevance.
9. The appellant argues the site is sustainably located due to its proximity to Coolham which offers limited services such as a primary school, village hall, and public house. Within policy 3 of the HDPF Coolham falls under the 'Unclassified settlements' classification. The policy recognises such settlements as having few facilities and poor accessibility. While Coolham is about 0.6 miles from the site and reachable via pavement, its limited services are unlikely to meet day-to-day needs. Bus stops in the village also provide links to Billingshurst and Horsham.
10. The site is around 2 miles from Billingshurst, a 'Small Town/Larger Village' under Policy 3, offering a good range of services, employment, and public transport. Although buses connect Coolham to Billingshurst, I have not been provided with a timetable and so cannot be certain that the routes or timings would be viable for the typical daily needs of future occupiers. Overall, I find that future occupiers are more likely to rely on private vehicles rather than to undertake local journeys by other modes of transport.
11. As such, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy, having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment

opportunities. The proposal fails to accord with policies 1, 2, 3, 4, and 26 of the HDPF and policy HD1 of the NP. Amongst other things, these policies set out the settlement strategy, seek to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities.

Water neutrality

12. The appeal site is within the Sussex North Water Supply Zone defined by Natural England. Within that Zone, Natural England has advised that developments involving an increased level of water extraction could have a likely significant effect on qualifying features within the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Sites. These Habitats Sites include important wetland habitats supporting rare plants, birds and invertebrates.
13. The Council requires that applications within the Sussex North Water Supply Zone, for development involving increased water consumption, are accompanied by evidence of proposed measures for achieving water neutrality within the development. The application was accompanied by a Water Neutrality Report dated 6 June 2024. A subsequent report with updated appendices dated was submitted on 4 November 2024.
14. The updated Water Neutrality Report confirms that the proposed dwelling would be water neutral via the installation of water reducing appliances, installation of rainwater harvesting tanks and via the purchase of credits from Sussex Water Neutrality which would offset remaining water demand. A Water Credit Agreement with Sussex Water Neutrality has been provided.
15. Natural England responded to consultation on the planning appeal and raised no objection to the development, subject to the delivery, management and retention of measures identified in the Water Neutrality Report to achieve water neutrality.
16. Having taken account of the above evidence, including advice from Natural England, and subject to securing further details by planning condition I am satisfied that the development would be water neutral and that the measures required to achieve that status can be adequately secured. Consequently, there would be no adverse effect on the integrity of the Arun Valley Habitats Sites, and the proposal would meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy 31 of the HDPF and the requirements of the National Planning Policy Framework to protect the biodiversity of European sites.

Other Matters

17. Comments from the Parish Council raise concerns in relation to the proposal creating overdevelopment and because the proposal would not provide affordable housing. The barn style dwelling is appropriate to the rural character of the area and would generally integrate well with the form of nearby buildings. I have not been directed to any policy which indicates that the proposal is required to provide affordable housing.
18. Third party concerns relate to the potential noise impacts from the nearby industrial uses on the future residential occupiers. As the industrial estate is subject to planning conditions controlling noise levels, the proposal would not have

a harmful effect on the operations of the nearby industrial estate. An interested party raises concerns about an increase in traffic on the private access track. The appeal proposal provides a single new house within an access which is shared with dwellings and an industrial estate. It would result in a very limited increase in local traffic, and consequently would not harm highway safety.

19. The proposal would provide benefits associated such as making an efficient use of the site and contributing to local housing supply. The Framework seeks to significantly boost housing supply and emphasises the importance of small and medium sized sites. It also encourages the optimal use of underutilised land. The appellant indicates that there is an opportunity to improve on-site biodiversity through landscape planting. These matters weigh in favour of the development. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's future residents would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development.
20. The design would reflect the appellant's individual requirements, and some evidence has been provided to indicate an intention for the dwelling to be delivered as a self-build project. However, no legal mechanism is proposed to secure its delivery as self-build housing in accordance with the relevant statutory definition. Consequently, there is no certainty that the scheme would contribute towards meeting the Council's legal duty to grant sufficient permissions for self-build housing. For this reason, this matter attracts only limited positive weight.
21. I recognise that the proposal would be built to be energy efficient and would have an electric vehicle charging point. The proposed dwellings would also have good internal space, with a functional layout and future occupiers would have sufficient external amenity areas. These weigh neither for nor against the proposal and are therefore considered neutral in the planning balance.
22. The site is located within a red risk zone for great crested newts (GCN), a European protected species. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) therefore impose a duty to consider whether the GCN would be adequately protected. The appellant has provided a District Licencing Scheme Certificate received from NatureSpace Partnership. This confirms that the proposal can be authorised under District Licence WML-OR136 or a further licence, subject to two conditions.
23. The first condition requires the development is undertaken in accordance with the Council's Organisational Licence. The second condition requires the development only takes place in accordance with the GCN Mitigation Principles set out within District Licence WML-OR136. I consider that these conditions are necessary to ensure that any potential adverse impacts on GCN are suitably mitigated and the necessary compensation measures are undertaken. Subject to these conditions, I am satisfied that the proposal would safeguard GCN in line with the Regulations.

Planning Balance

24. The appellant and the Council are in agreement that the Council cannot demonstrate a 5-year housing land supply. The appellant indicates that the Council has a 2.9 year supply of housing land, and this is reflected in the Council's

most recent Authority Monitoring Report (AMR) 2022/23 (January 2024). This is a significant shortfall.

25. In these circumstances, footnote 8 of paragraph 11(d) of the Framework confirms that insufficient housing delivery dictates that planning permission should be granted unless, as per paragraph 11(d)(i); the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) 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.
26. The development would fall within the zone of influence of European sites, but the mitigation measures identified within the Water Neutrality Report would ensure that it does not harm the qualifying features of those sites. As such, the scheme falls to be considered against the second limb of Paragraph 11 d).
27. The proposed dwelling would be in a location that is not considered suitable when assessed against the relevant HDPF and NP policies. The site lacks close proximity to a wide range of essential services and facilities. Although there are some opportunities for travel by means other than private car, reliance on car journeys is likely to be significant. In these respects, the proposal would conflict with key development plan policies.
28. Balanced against the harm are a number of benefits. The overall housing supply remains significantly deficient, and the provision of an additional dwelling would make a meaningful contribution to addressing this shortfall. The Framework recognises that small sites can make an important contribution to housing supply and are often built out quickly. There would also be modest economic benefits during construction and through local spending, as well as a small contribution to housing diversity. While the scale of these benefits is modest given that only one dwelling is proposed, in the context of current housing pressures, even a single additional home represents a valuable and positive contribution.
29. Taking all matters into account, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework.

Conditions

30. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
31. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
32. A condition requiring a contamination risk assessment is necessary to ensure that there are no unacceptable risks to humans, controlled waters or the wider environment. Similarly, a condition is required to ensure that suitable drainage measures are implemented at an early stage, to support the introduction of a residential use.

- 33. A condition related to water neutrality is necessary to ensure that the development does not affect the integrity of Habitats Sites. A condition requiring compliance with the Preliminary Ecological Appraisal is imposed in the interests of protected species.
- 34. Given the site's rural location and the associated accessibility constraints, a condition related to broadband infrastructure is reasonable to satisfy the requirements of Policy 37 in the HDP. I have imposed a condition requiring the layout and provision of on-site car parking in the interests of highway safety. A condition related to cycle parking spaces is imposed to promote sustainable travel modes.
- 35. The Framework outlines that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. As a result, and in the absence of any specific justification, I have not imposed the suggested condition which would restrict future permitted development rights.

Conclusion

- 36. The proposed development would conflict with the development plan. However, other material considerations, including the presumption in favour of sustainable development as defined in the Framework, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: DE1257/01/P1; DE1257/02/P1; DE1257/03/P1; DE1257/04/P1; DE1257/05/P1; and DE1257/06/P2.
- 2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3) No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
 - (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
 - (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
 - (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
 - (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details.
- 4) No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 5) The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for the proposal has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, completion of the as built Part G water calculator or equivalent and water harvesting system installation. The installed measures shall be retained as such thereafter.
- 6) Prior to the first occupation of the dwelling hereby permitted, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

- 7) No part of the development hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.
- 8) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The cycle parking spaces shall thereafter be retained.
- 9) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal as submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details
- 10) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land at Thornhill Stables: Impact plan for great crested newt District Licensing (Version 1)" dated 11th November 2024.
- 11) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence'), and works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

END OF SCHEDULE

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Application Number: DC/24/1486

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr v Sawyer

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby **REFUSE** to permit the works specified hereunder, that is to say:

Construction of a two storey four bedroom barn style dwelling.

Land Parcel at Thornhill Stables Billingshurst Road Coolham West Sussex

as shown on Plan and Application Number DC/24/1486 submitted to the Council on 26/09/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

- 1 The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2023) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy Ship HD1 of the Shipley Parish Neighbourhood Plan.
- 2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	DE1257 / 01 REV P1	26.09.2024
Floor plan	Proposed Ground Floor Plan	DE1257 / 02 REV	26.09.2024

		P1	
Floor plan	Proposed First Floor Plan	DE1257 / 03 REV P1	26.09.2024
Roof plan	Proposed Roof Plan	DE1257 / 04 REV P1	26.09.2024
Elevation plan	Proposed Elevations	DE1257 / 05 REV P1	26.09.2024
Site plan	Site Block Plan	DE1257 / 06 REV P1	26.09.2024
Supporting Docs	Preliminary Ecological Appraisal by Arun Ecology dated September 2024	C-NJA-011-001-001 REV 001	26.09.2024
Supporting Docs	Reptile Survey Report by Arun Ecology dated September 2024	C-NJA-011-002-001 REV 1	26.09.2024
Supporting Docs	Water Neutrality Report by cgs civils dated 28 June 2024	C3236 REV P-	26.09.2024

Note to Applicant – Community Infrastructure Levy (CIL):

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note To Applicant:

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.



Emma Parkes
Head of Development and Building Control

Date: 21/11/2024

ADDITIONAL INFORMATION

Right of Appeals

If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1486

Land Parcel at Thornhill Stables, Billingshurst Road, Coolham, West Sussex,

DESCRIPTION:

Construction of a two storey four bedroom barn style dwelling.

RELEVANT PLANNING HISTORY:

No relevant planning history

DETAILED DESCRIPTION AND SITE AND SURROUNDS

The application seeks permission for a change of use of part of an agricultural field and erection of a two storey four bedroom dwelling with a width of 19.3 metres, a depth of 11.3 metres and an overall height of approximately 8 metres and an eaves height of 4.6 metres with the catslide element having an eaves of approximately 2.5 metres.

The roof slope would be part catslide at the front and would be part hipped with four rooflights and one rooflight to the rear. The front elevation would have a large amount of glazing to the front located right of centre to the dwelling and would have a mixture of materials including part brick at the ground floor level, timber cladding and plain clay roof tiles.

The application site is set to the north of Billingshurst road approximately 0.68km away from Coolham and currently consists of an agricultural field with industrial and storage units to the rear of the site to the north. There is sporadic residential dwellings along Billingshurst road. To the west of the application site on the other side of the access, there are detached large dwellinghouses. Two parking spaces are proposed as indicated within the application form and would include a road running from the access road along to dwelling running the width of the plot.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 28 - Replacement Dwellings and House Extensions in the Countryside

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

The Horsham District Local Plan 2023-2040

The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July 2024. Paragraph 48 of the NPPF states that *“local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework [NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since the 26th of July 2024, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The relevant policies are:

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles

Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

Shipley Neighbourhood Plan 2019-2031:

Policy HD3 High quality design

Shipley Parish Design Guidance

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

Natural England: Objection

Concur with the conclusion of your authority's HRA appropriate assessment, insofar that further information is required in order to determine the significance of impacts on designated sites and the scope for mitigation, chiefly

- Objection due to additional information to evidence of the purchase of water credits

Naturespace: Objection, further information required

An ecological report has been submitted and notes that further information would be required to assess the level of impact of the development on Great Crested Newts, it is recommended that the applicant enter into the Mid Sussex District license.

HDC Environmental Health: Objection given further information required

The application site is located immediately adjacent to established commercial uses including a recently approved permission for redevelopment for class B8 and Class E uses. An acoustic assessment is required to show that the approved commercial uses will not be prejudiced by the introduction of the residential use and that the agent of change principle has been appropriately considered. Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Due to the immediate proximity of the application site to the commercial uses, a preliminary risk assessment should be provided to ensure the application is properly determined. Information with respect to water neutrality is also required.

Ecology Consultant: No Objection

No buildings on site are noted within the Reptile Survey report, (Arun Ecology, September 2024) and preliminary ecology appraisal (Arun Ecology, September 2024). There is within the site, deciduous woodland and a line of trees which would not be impacted such that there would be no severance to the flight lines of foraging or commuting bats.

Southern Water: Comment

Recommendation to follow Building regulations and note that there is published guidance from Southern water in respect of tree planting near water mains and sewers.

Highways: No Objection

Subject to the inclusion of recommended conditions concerning parking provision and cycle parking

Shipley Parish Council:

- Conflict with policies within the Neighbourhood Plan
- Outside the built-up area boundary
- Not affordable housing
- Conflicts with Design Statement
- Overdevelopment
- Arboricultural concerns in respect of removal of three oak trees

Representations:

1 letter of objection received, and this can be summarised as follows:

- Location of entrance
- Access to the private road

2 letters received neither objecting to or supporting the application. These can be summarised as follows:

- Restrictions in place on noise levels for the nearby light industrial
- No noise impacts
- Suitable access
- Proximity to watercourse ditch
- Ownership of access lane

1 letter of response provided by the Applicant to the comments submitted, and this can be summarised as follows:

- Design is of a rural barn
- Set back to limit loss of privacy
- Same or similar size to detached houses in adjacent Mill Lane
- Self build development
- Generous spacing
- No trees will be removed and more will be added

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Emerging Strategic Policy 2 of the draft Horsham District Local Plan (HDLP) promotes a similar development hierarchy within the defined BUAB as in Policy 3 of the HDPF. Therefore, as the proposal is located outside the defined BUAB this proposal does not accord with Emerging Strategic Policy 2. Emerging Strategic Policy 3 of the HDLP supports the expansion of existing settlements to meet identified local housing needs where all the criteria detailed within the policy is met. This includes the site being either allocated in the Local Plan or in a Neighbourhood Plan and adjoining the existing settlement edge. It is noted that Coolham is within the emerging HDLP is a secondary settlement, however the application site is approximately 0.68km from this boundary. Given that the application site is entirely outside of the boundaries of the secondary settlement it would not be in accordance to policy 2 in this regard.

Policy Ship HD1 of the Shipley Neighbourhood Plan states that applications for housing development within Shipley and Coolham villages and Dragons Green and Brooks Green hamlets will be considered favourably where the proposals meet all of the following criteria: the proposed development is for an infill gap, or on previously developed land, within the continuity of existing buildings; the proposed development will not result in the outward extension of the villages or hamlets onto greenfield land; the proposed development delivers new affordable housing; the proposed development reflects the scale and density of existing development in the village or hamlet where it is located; the proposed development responds positively to Shipley Parish Design Guidance.

Paragraph 70 of the NPPF outlines that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 83 of the NPPF states that “to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

Paragraph 84 of the NPPF continues that “planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The pre-application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF, and is considered unacceptable in principle.

In this countryside location, the proposal is also considered against Policy 26 'Countryside Protection' which protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development would not meet any of this criteria, nor is it considered to be essential to the countryside location.

The proposed development would not accord with the spatial strategy as set out in Policies 2, 3, 4 and 26 of the HDPF and would therefore be unacceptable in principle.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy Ship HD3 of the Shipley Neighbourhood Plan states that all proposals for new development in Shipley Parish are expected to respond positively to local design characteristics and features as set out in the Shipley Parish Design Guidance. New development should be of a size and scale which respects and, where possible, enhances the character of the area or locality, using materials typical of the area.

The application site would be viewed in the context of an open agricultural field, along with commercial and agricultural development. The application site is located within the immediate context of the commercial development, and whilst the proposed dwelling would be located within a narrow plot of land, it is not considered that the proposal in itself would result in harm to the landscape character and visual amenity of the area.

There are however some concerns regarding the design of the proposal. It is understood that given the wider site context, the design appears to be intended to appear as a converted agricultural barn such that from wider views it would reflect the built form to the north and would not be visually incongruous with this context in wider views of the application site. Whilst this rationale is generally accepted, the design of the proposal does not reflect its intention, with the resultant dwellinghouse being overly domestic in appearance. The proposed dwelling would have a large number of windows of a uniform size and appearance that would be noticeably residential in nature. Had the development been

considered acceptable in all other regards, amendments to the proposal to improve the design would have been encouraged.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The proposed dwelling would retain a considerable separation distance of approximately 15 metres such that the resulting relationship is considered sufficient to prevent any unacceptable impacts to the future occupiers in terms of lack of daylight/sunlight, obtrusive appearance or loss of privacy, subject to the addition of an appropriate site boundary treatment.

Historically the application site to the north as agricultural in nature, but has since been converted to class B8 and Class E uses. Environmental Health have been consulted during the course of the application and object to the proposal on the basis of insufficient information in regards to noise, with the future occupiers being potentially impacted by the use of the immediate neighbouring site. Additionally, they note that commercial and agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Due to the immediate proximity of the application site to the commercial uses, a preliminary risk assessment should be provided to ensure the application is properly determined. Information with respect to water neutrality is also required.

Environmental Health concerns are noted, however given that there are other reasons for refusal it would not in this instance be considered advisable to request further information in light of the lack of information. Furthermore, it is considered that the information requested could be submitted as part of a pre-commencement condition and on balance therefore, there are no objections to the proposal in light of policy 33 of the HDPF.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Highways have been consulted as part of the proposal and have no objections to the application subject to the inclusion of relevant conditions. The application includes provision for 2 vehicles. There are no objections to the proposal in light of policies 40 and 41 of the HDPF.

The concerns raised within the representations in respect of the ownership of the access are noted, however this would be a civil matter.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The Council's Ecological consultant has been consulted during the course of the application and have no objections to the proposal on the basis of the submitted reports.

The Naturespace consultant however has objected to the proposal on the basis of insufficient information, noting that the applicant should enter into the District Newt license scheme. It is considered however, that this license could be sought as part of a pre-commencement condition and therefore would not subject to the recommendations within the Preliminary Ecological Appraisal, not appear to conflict with policy 31 of the HDPF.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The application includes a dedicated Water Neutrality statement. Given that the application site consists of an open field, the baseline is considered zero. It has provided proposed figures from a Part G calculator prior to mitigation and post mitigation. Mitigation in the first instance is efficient fixtures and fittings. This brings the total of 314.6 litres per day to 176.2 litres per day, partly given that their non potable water would be supplied by rainwater harvesting. There is a sufficient information submitted in terms of the rainwater calculations with a roof of approximately 200sqm. The tank provided would be of a sufficient size to account for a 35 day drought period. This would leave 176.2 litres per day on site unaccounted for that they suggest they would account for from off site mitigation of credit purchase from Nicholls boreholes.

There are multiple concerns from the first Water Neutrality statement submitted in regards to whether the offsetting could be secured with reasonable certainty. In this instance, at the time of submitting the appropriate assessment, no basic information was submitted in terms of whether an agreement had been achieved between the applicant and the credit supplier. Limited information had also been provided in respect of the viability and sustainability of the bore hole. This form of offsite mitigation would require a s106 legal agreement and would require checks to ensure that these credits were being double counted by the credit supplier. It appeared at this point that no agreement was made and therefore a S106 legal agreement was not sought.

Although no amendments were requested, it is noted that the applicant has submitted two further Water Neutrality during the course of the application, with the most recent being on the 5th November, after the Natural England consultation was received objecting to the proposal. Accepting the further Water Neutrality statements would result in delays to the determination which would not result in the proposal overcoming the other material planning considerations which represent reasons for refusal, including the principle of the development. As such, it would be unreasonable to delay the determination by accepting the amendments and requesting further consultation requests from Natural England when the application would still be refused. The application is considered therefore on the basis of the original submission.

These measures are considered not sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has not submitted a biodiversity net gain metric given that the application would form an exemption to the requirements as a self-build residential dwelling.

Conclusions:

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 to Paragraph 11(d) of the NPPF states that the policies referred to are those in the Framework relating to habitat sites. Insufficient information has however been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species). On this basis, the titled balance derived from paragraph 11(d) of the NPPF does not apply.

The provision of housing within the HDPF of any type would attract a *significant* weight. However, the Council considers that this benefit would be very *limited* given the small overall contribution to the supply. The degree of contribution that one market dwellinghouse would make is negligible such that the benefit arising from a singular dwelling in tackling the shortage is in questionable significance.

The proposal's ability to demonstrate no adverse amenity impact, safe access and suitable parking and the use of sustainable technologies and improved energy efficiency are not considered benefits to the scheme, but would rather be necessary to demonstrate compliance with local planning policies.

The development would be located beyond a defined built-up area on a site not allocated within the Development Plan and would not be essential to this countryside location. This would be contrary to the development plan in light of policy 26 and would be afforded moderate weight.

The limited benefits afforded to the provision of one market dwellinghouse in the context of a shortfall are acknowledged, however this would not be outweighed by the adverse impacts arising from the development, including the conflict with the development plan (moderate weight) and the site's unsustainable location (significant weight) or adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction. On balance therefore, the proposal is recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

- 1 The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2023) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy Ship HD1 of the Shipley Parish Neighbourhood Plan.

- 2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1486

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

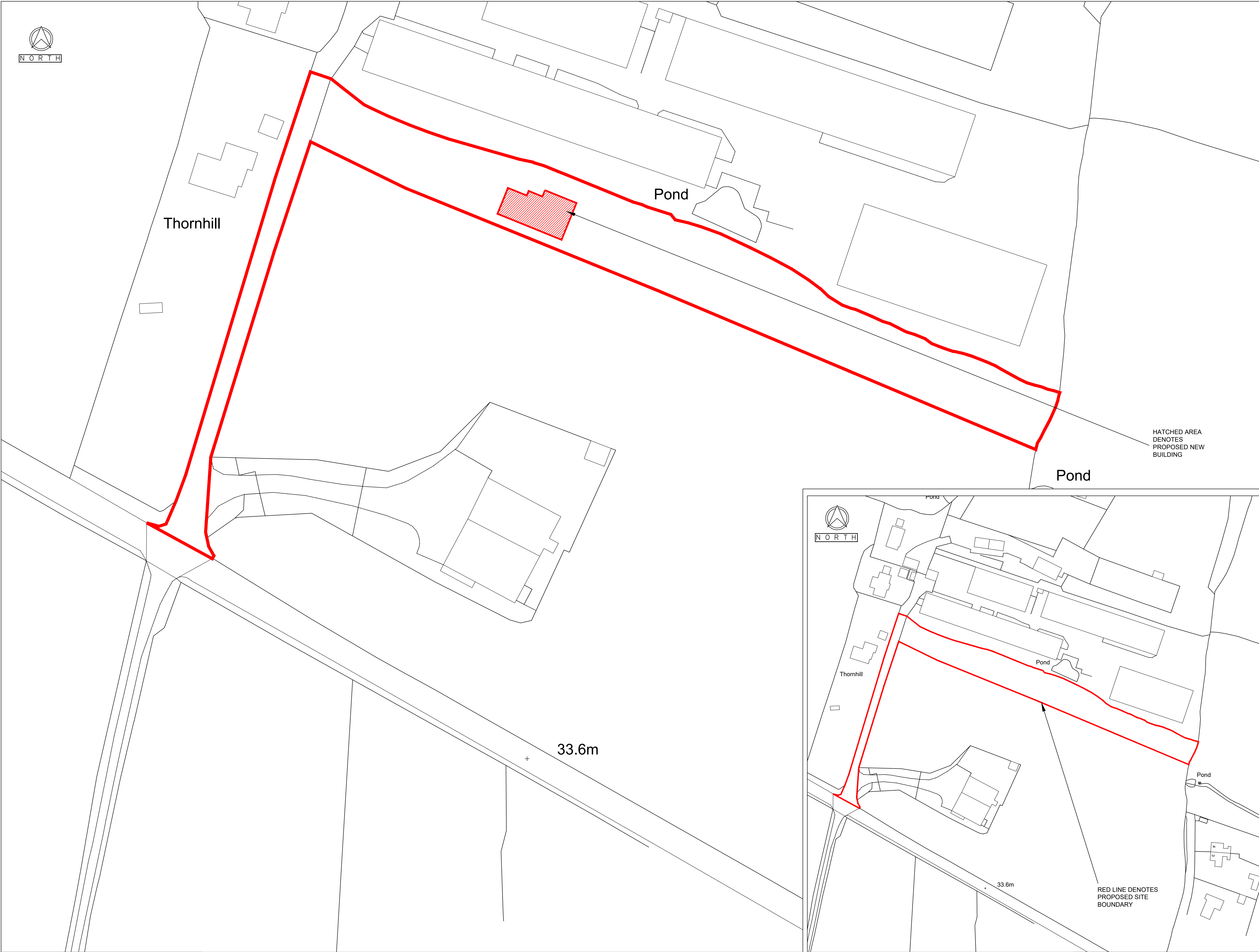
Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	DE1257 / 01 REV P1	26.09.2024
Floor plan	Proposed Ground Floor Plan	DE1257 / 02 REV P1	26.09.2024
Floor plan	Proposed First Floor Plan	DE1257 / 03 REV P1	26.09.2024
Roof plan	Proposed Roof Plan	DE1257 / 04 REV P1	26.09.2024
Elevation plan	Proposed Elevations	DE1257 / 05 REV P1	26.09.2024
Site plan	Site Block Plan	DE1257 / 06 REV P1	26.09.2024
Supporting Docs	Preliminary Ecological Appraisal by Arun Ecology dated September 2024	C-NJA-011-001-001 REV 001	26.09.2024
Supporting Docs	Reptile Survey Report by Arun Ecology dated September 2024	C-NJA-011-002-001 REV 1	26.09.2024
Supporting Docs	Water Neutrality Report by cgs civils dated 28 June 2024	C3236 REV P-	26.09.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 14.11.2024

Authorising Officer sign/initial Tamara Dale

Date: 21.11.2024



This drawing is to be read in conjunction with all other relevant drawings and specifications.
Do not scale from this drawing. Use figured dimensions only. All levels and dimensions to be checked on site. All dimensional discrepancies are to be brought to the immediate attention of DMA BUILDING DESIGNS.
Responsibility cannot be accepted for alteration and/or deviation from this design without prior knowledge of DMA BUILDING DESIGNS.
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Prior to any works commencing on site, DMA BUILDING DESIGNS is to be contacted regarding the current status, revision or regulatory approval of this drawing.

Notes

STANDARD DOMESTIC B-REGS NOTES

A: STRUCTURE
For structural elements and connection details please refer to Structural Engineers Calculations and Design Details.

All foundations to be a minimum of 450mm wide and to a depth of 1000mm minimum below outside ground level, (unless otherwise specified) and to the satisfaction of the Local Authority Building Inspector.

B: FIRE SAFETY
Smoke alarms should be installed in all circulation spaces (where a house is extended) in accordance with BS 5839-6:2004. All smoke/heat alarms should mains supplied & have a standby power supply.

Elements of structure which are load-bearing should have a minimum Fire Resistance of 30mins. Separating (or party) walls/floors should be constructed to have a minimum Fire Resistance of 60mins.

F: VENTILATION
All ventilation should be designed in accordance with the Systems suggested within Approved Document F.

Background Ventilation:
- Minimum intermittent extract ventilation rates should be provided as follows - Kitchens > 30l/s (adjacent to a hob) or 60l/s (elsewhere). Utility room > 30l/s. Bathroom > 15l/s. Sanitary Accommodation (WC) > 6l/s.
- Trickle vents to be provided to all new windows at the following rates - Habitable Rooms > 5000mm². Non-Habitable Rooms > 2500mm².

H-DRAINAGE & WASTE DISPOSAL
Where pipes are laid less than 1000mm below formation level, or less than 900mm in fields & gardens, protection should be provided.
Rigid pipes of 100mm dia. with less than 300mm cover, or 150mm dia. pipes or greater with less than 600mm cover should be surrounded in 150mm of concrete with joints at max 500mm crs.
Flexible pipes with less than 600mm cover, NOT under a road, should be protected with a layer of concrete paving slabs with a 75mm layer of granular material between pipe and slab OR be surrounded in 150mm of concrete.

All sanitary pipework above ground level should comply with BS 5572.
Waste pipes and unplasticised PVC to BS 2871 Part 1. WC 100mm dia salt-glazed clayware, soil connection to manhole or SVP.
No connections to be within 200mm of WC connection to SVP. Cleaning access to be provided at all waste pipe angles and at all angles/bends at bases of SVPs.
SVPs to be encased with timber studwork frame and 12.5mm plasterboard, and, where passing through a habitable room, should be wrapped in sound-reducing quilt.

Gutters should be laid to falls, towards the nearest rainwater downpipe outlet. Such an outlet should discharge into a drain or gully, but may also discharge onto another surface if it is suitably drained thereafter. If surface water is to be discharged into a soakaway, this should be situated a minimum of 5m away from any building.

Prior to commencement of any works on site, the line and level of existing drainage systems is to be established and checks carried out to ensure, i) the proposed extension works are not in conflict with existing runs; and ii) proposed connections to the existing system are achievable.

K: PROTECTION FROM FALLING
Private, domestic staircases should be designed as follows - maximum rise and minimum going of 220mm as long as the pitch of the stair does not exceed 42°. A minimum of 2m headroom should be provided from the pitch line of the stair.

Handrails on flights should be between 900-1000mm when measured from the pitch line of the stair to the top of the handrail. Guarding on any flights and landings should be constructed so that a 100mm sphere cannot pass through any openings in it.

L1-CONSERVATION OF FUEL & POWER
New light fittings within the dwelling should be provided with a minimum of 3 dedicated low energy light fitting out of every 4 new (75%).
Low energy light fittings should have lamps with a luminous efficacy greater than 45 lamp lumens per circuit-watt and a total output greater than 400 lamp lumens.

All new thermal elements on existing dwellings should be designed to the following minimum U-Values;
Walls 0.28 w/m²K
Pitched Roof (insulation at ceiling level) 0.18 w/m²K
Pitched Roof (insulation at rafter level) 0.18 w/m²K
Flat roof (or roof with integral insulation) 0.18 w/m²K
Floors 0.22 w/m²K.

All new glazing in windows/doors etc should be sealed double glazed units with a min 6mm air gap, to give a minimum U-Value of 1.6 w/m²K or better.

N: GLAZING - SAFETY IN RELATION TO IMPACT
All glazing below 800mm from FFL, any glazing to doors, and any glazing within 300mm adjacent to doors (eg. side panels) MUST be safety glass. All first and second floor windows with any part opening within 800mm above FFL must be fitted with opening restrictors to limit opening to a maximum of 100mm (unless the window is to be used for egress - in accordance with Approved Document B of the Building Regulations).

P: ELECTRICAL SAFETY IN DWELLINGS
All new electrical work is to be designed, installed, inspected and tested in accordance with BS 7671. On completion of the works, the installers Electrical Installation Certificate should be forwarded to the Local Authority.

REGULATION 7: MATERIALS & WORKMANSHIP
Any building work which is subject to the requirements imposed by Schedule 1 of the Building Regulations should, in accordance with Regulation 7, be carried out with proper materials and in a workmanlike manner.

P1	ISSUED FOR PLANNING APPROVAL	08.2024
REV	DESCRIPTION	DATE
DMA BUILDING DESIGNS KILN HOUSE, RUDGWICK BRICKWORKS, LYNNICK ST RUDGWICK, HORSHAM, WEST SUSSEX, RH12 3DH. TEL No 01403 822220 Mobile 07730 323447 Email - info@dmabuildingdesigns.co.uk CLIENT VIC SAWYER PROJECT NEW DOMESTIC DWELLING DRAWING LOCATION AND BLOCK PLAN THORNHILL STABLES LAND, BILLINGSBURST ROAD, COOLHAM, RH13 8QN STATUS PLANNING		
SCALE @ A1 1:1250, 1:500	DATE AUGUST 2024	ORG No DE1257 / 01
		REVISION P1



Appeal Decision

Site visit made on 30 January 2024

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/Z3825/W/23/3325926

Cowfold Lodge Cottage, Henfield Road, Cowfold, West Sussex, RH13 8DU

- 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 Hannah Cullimore against the decision of Horsham District Council.
 - The application Ref DC/22/2250, dated 30 November 2022, was refused by notice dated 31 March 2023.
 - The development proposed is construction of log cabin dwelling and access from Henfield Road.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of log cabin dwelling and access from Henfield Road at Cowfold Lodge Cottage, Henfield Road, Cowfold, West Sussex RH13 8DU in accordance with the terms of the application, Ref DC/22/2250, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. The main Parties have had the opportunity of commenting on the implications of the latest revised National Planning Policy Framework (the Framework) published in December 2023. I have taken account of the comments made.
3. The Cowfold Neighbourhood Plan 2019-2031 (the emerging NP) has been successfully examined but cannot proceed to Referendum because of legal requirements in relation to water neutrality and the Habitats¹ Regulations. However, its policies align with national and local policy and it is a material consideration of some weight. The emerging new Horsham District Local Plan is at too early a stage to carry weight in this appeal.

Main Issues

4. The main issues are:
 - whether the site is an appropriate location for a dwelling taking into account the spatial strategy;
 - the effect on the character and appearance of the area;
 - the effect on protected species and habitats; and

¹ Conservation of Species and Habitats Regulations 2017 (as amended)

- whether satisfactory living conditions would be provided for future occupiers of the proposed dwelling.

Reasons

Spatial Strategy

5. Policy 2 of the Horsham District Planning Framework 2015 (the HDPF) focuses development in and around the key settlement of Horsham. Elsewhere growth can take place within defined towns and villages in accordance with the settlement hierarchy set out in Policy 3. The appeal site is some 190 metres from the built-up area boundary of Cowfold and is in the countryside for planning policy purposes.
6. Windfall sites help to meet housing needs but it is expected that the majority of these should be within settlement boundaries. The site is not allocated in the HDPF or the emerging NP. It is not isolated as it is near other dwellings, but it does not adjoin a settlement edge. In these respects, the proposal does not meet the limiting criteria of Policy 4. Nor is the proposal one for which a countryside location is essential as defined in Policy 26 of the HDPF.
7. Cowfold is a 'medium village' with a moderate level of services and facilities. The appeal site is some 800m from the village centre. There are no streetlights or footpath between the site and the built up area so walking or cycling is unlikely to be attractive especially during the winter months or inclement weather. However, there is a bus service along Henfield Road which provides some means of access to services and facilities without relying on the private vehicle so the site is not as inaccessible as some.
8. Overall, I conclude the proposal would not be a suitable location for a new dwelling in terms of the spatial strategy. There would therefore be conflict with those parts of Policies 1, 2, 3, 4 and 26 of the HDPF, Policies 9 and 10 of the emerging NP and those principles of the Framework that seek to direct development to the most sustainable locations and to protect the countryside.

Character and appearance

9. The appeal site is part of an unremarkable field adjacent to the curtilage of Cowfold Lodge Cottage and its outbuildings, including a stable block, and near to Cowfold Lodge. To the south the site is contained by a public right of way; otherwise the site is surrounded by fields.
10. Nearby buildings have no common size, style, design or materials. A single storey building would not be out of scale with other buildings. It would have a simple rectangular footprint similar to others nearby. The proposed design is typical of log cabins. Whilst not replicating details of the nearby dwellings, a timber finish would not be out of character with the adjacent stable block or other buildings in the local area. It would be set back from the road frontage and the existing trees and hedge would provide some degree of screening which would be supplemented by new planting.
11. The proposal would introduce a building where no building exists and would extend the built up area which would harm the openness of the countryside. However, the building would be low level single storey which would minimise its prominence. The appearance of the log cabin, whilst not particularly

remarkable, would not be inappropriate in this rural area close to other buildings.

12. There would be some harm to the character and appearance of the area by way of a reduction in the openness of the countryside. There would be conflict with Policies 25, 26, 32 and 33 of the HDPF in this respect. However, as the site is not isolated and the log cabin would not be unduly prominent this harm would be modest.

Protected species and habitats including an Appropriate Assessment

13. The Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site (the Arun Valley Sites) are low-lying wetland areas that offer a variety of ecological conditions for over wintering birds, a rare snail species, invertebrates and several rare and uncommon aquatic and wetland plants. The appeal site is in the zone of influence of the Arun Valley sites and is in the Sussex North Water Supply Zone (SNWSZ).
14. Natural England (NE)² have advised that developments, alone or in combination with other developments, within the SNWSZ must not add to the impact of water abstraction on the Arun Valley Sites. As competent authority under the Habitat Regulations I must assess the effect on the Arun Valley sites.
15. The submitted Water Neutrality Report Rev P2 provides for water efficient fixtures and fittings; a water meter to track consumption and identify leakages, and a rainwater harvesting system with sufficient capacity for a 40 day drought period. With these measures the dwelling should be self-sufficient in terms of water usage with a mains water connection only for emergency use. Due to the limited water abstraction the proposal would not affect the integrity of the Arun Valley sites. NE do not object providing that the mitigation measures are appropriately secured in any planning permission given.
16. The site is semi-improved grassland with hedges and an oak tree. The appeal was accompanied by a Preliminary Ecological Assessment 2023 and Hazel Dormouse Summer Nest Search - letter of report dated September 2023. There is medium to high potential for the site to support nesting birds and foraging and commuting by mammals, badgers, and bats and recommendations to minimise disruption are proposed. These include managing artificial lighting and the requirement for a Biodiversity Enhancements and Mitigation Plan
17. I conclude that subject to the securing of the measures proposed there would be no unacceptable harm to protected habitats or species and no conflict with the requirements of the Regulations, Policy 31 of the HDPF, Policy 2 of the emerging NP or those principles of Framework that seek to protect and enhance biodiversity.

Living conditions

18. There is a U shaped stable block a short distance away from the appeal site on land indicated as being within the ownership or control of the appellant. The stable doors face away from the proposed dwelling into the enclosed yard which is accessed from the drive between Cowfold Lodge and Cowfold Lodge Cottage.

² Natural England's Position Statement for Applications within the Sussex North Water Supply Zone – September 2021 Interim Approach (Position Statement 2021) as amended

19. There is likely to be some noise, disturbance and odour from horses using these stables which is less than ideal. This is mitigated to some extent as the stable doors face away from the proposed dwelling and the stable block would act as a shield for activities in the yard. The appellant owns the horses that use the stable block and, at least initially, is likely to occupy the proposed dwelling, although that may change. There is no indication of other agricultural activities in the vicinity that would have a harmful effect on living conditions.
20. I conclude that less than ideal living conditions would be provided for future occupiers of the proposed dwelling. There would be some conflict with Policies 32 and 33 of the HDPF and those principles of the Framework that seek to ensure a high standard of amenity for future occupiers of land and buildings.

Other Matters

21. The Highway Authority advise that an 11.8m kerbside crossover may not be acceptable at licensing stage. However, this is not considered to be a highway safety issue and can be resolved by condition.

Planning Balance

22. It is common ground that the Council cannot demonstrate a five year supply of deliverable housing land and the appellant suggests it could be as low as three years. I have seen little other evidence but see no reason to suppose there is not a substantial shortfall against the requisite five year supply. In these circumstances Paragraph 11d) of the Framework is engaged.
23. The proposed development would not be in a suitable location when judged against relevant HDPF and emerging NP policies. There would be harm to the openness of the countryside but this harm would be relatively modest and the design would not be inappropriate in a rural area. Living conditions for future occupiers would be less than ideal. The site is not close to services and facilities but there are some opportunities for travel by means other than the private car. There would be conflict with development plan Policies in these respects.
24. However, the general housing supply position is deficient. An additional dwelling would contribute towards the much needed supply of houses. Small sites can often be built-out relatively quickly and in this case the appellant intends to occupy the dwelling. There would be economic benefits arising from construction and spend in the local economy. Although these benefits are tempered by the small contribution that one house would make in the context of the current circumstances the additional dwelling would be valuable. There would be no unacceptable effects on protected species or habitats.
25. Paragraph 9 of the Framework explains that the three objectives of sustainable development are not criteria against which every decision should be judged. Rather, when Paragraph 11d) applies, the starting point is that permission should be granted. The overall adverse impacts would be significant although qualified to some extent by the small scale of the proposal. The objections identified nevertheless need to surmount a high hurdle to prevail in this balance.
26. In this case the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of an additional dwelling when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied and

Paragraph 11 d) indicates that permission should be granted. There are insufficient other material considerations to override this finding.

Conditions

27. I have considered the conditions put forward by the Council in the light of the tests in the Framework and the Planning Policy Guidance. Where necessary I have altered the wording for clarity and to meet the guidance. I have changed the water storage requirement to 40 days to reflect the evidence in the Water Neutrality Statement.
28. Compliance with the submitted plans and a time scale for implementation are necessary for certainty. Conditions 3 and 11 relating to drainage and waste and recycling facilities are necessary in the interests of health and safety. Conditions 7, 9, 16, 17 are necessary in the interests of highway and pedestrian safety and as required by the Highway Authority and Access Ranger.
29. Conditions 4, 14, 18 are necessary to safeguard and enhance the ecology and biodiversity of the area. Conditions 5, 6, 13, 15 are necessary to ensure the development is Water Neutral to avoid an adverse impact on the integrity of the Arun Valley sites.
30. Conditions 8, 10 and 12 are respectively necessary in the interests of air quality; in the interests of the character and appearance of the area; and to meet the needs for connectivity of future occupiers.

Conclusion

31. For the reasons set out above the appeal should be allowed.

S Harley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Photographs HC/22/01; Site/Block Plan HC/22/02; Plans, Sections Elevations and Photographs HC/22/03A; Visibility Splays from Proposed Site Access 12452_100 Rev P1; Water Neutrality Report Rev P2 dated 27 January 2023.
- 3) No development shall commence until a drainage scheme detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and retained thereafter.
- 4) No development shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging and shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No other external lighting be installed without prior consent from the Local Planning Authority.

- 5) No development above ground floor slab level shall commence until a management and maintenance plan for the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the following details:
 - The sampling regime and parameters etc, recognising that the sampling will need to be undertaken by a DWI certified sampler and analysed by a UKAS accredited lab.
 - Details of how any failure of any samples will be investigated and managed.
 - Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of the dwelling.
 - Details of the type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used.
 - Details on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.

- The completion of and submission to the Council in writing of the Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supply (England) Regulations 2016) prior to the water supply being put into use.
- Details of how continuity of supply during dry periods extending beyond 40 days will be ensured.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance such records to be available for inspection by the Local Planning Authority at all reasonable times.
- Details of contingency plans to ensure any failures or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the Local Planning Authority.

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the prior written approval of the Local Planning Authority.

- 6) The development hereby permitted shall not be undertaken other than in full accordance with the measures set out in the Water Neutrality Report Rev P2 dated 27 January 2023. The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority demonstrating that the approved water neutrality strategy measures for the dwelling have been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum of 40 days storage capacity. The installed measures shall be retained and operated as such at all times thereafter.
- 7) No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing Site/Block Plan HC/22/02 July 2022. The car parking spaces permitted shall thereafter be retained as such for their designated use.
- 8) No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for the dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.
- 9) The dwelling hereby permitted shall not be occupied until the cycle storage shown on Plan Ref HC/22/02 has been provided. The cycle storage shall thereafter be retained for their designated use for the lifetime of the development.
- 10) No part of the development hereby permitted shall be first occupied until a scheme of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all external hard surfacing materials and finishes
- Details of all boundary treatments.

The landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of the dwelling. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

- 11) No part of the development hereby permitted shall be occupied until facilities for the storage of refuse and recycling have been provided within the side or rear garden of the dwelling. The facilities shall thereafter be retained for use at all times.
- 12) No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the premises.
- 13) Within 3 months of the occupation of the dwelling, evidence of the water consumption by the occupants of the dwelling shall be submitted for the approval in writing by, the Local Planning Authority. The evidence shall demonstrate whether or not there is sufficient water supply from the rainwater harvesting system to cater for the water demand with a minimum of 40 days drought storage capacity. In the event the rainwater harvesting system fails to cater for the combined water consumption and storage of the dwelling, details of how suitable rainwater supply and storage will be provided shall be submitted for the approval in writing by the Local Planning Authority alongside the above evidence. The approved details shall be installed within 1 month of the date of the Local Planning Authority's written approval. Ongoing written evidence shall be made available to the Local Planning Authority upon reasonable request.
- 14) The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures including the provision of bird boxes, bat boxes and bee bricks, set out in the Preliminary Ecological Appraisal Report June 2023 and the Hazel Dormouse Summer Nest Search - letter of report September 2023.

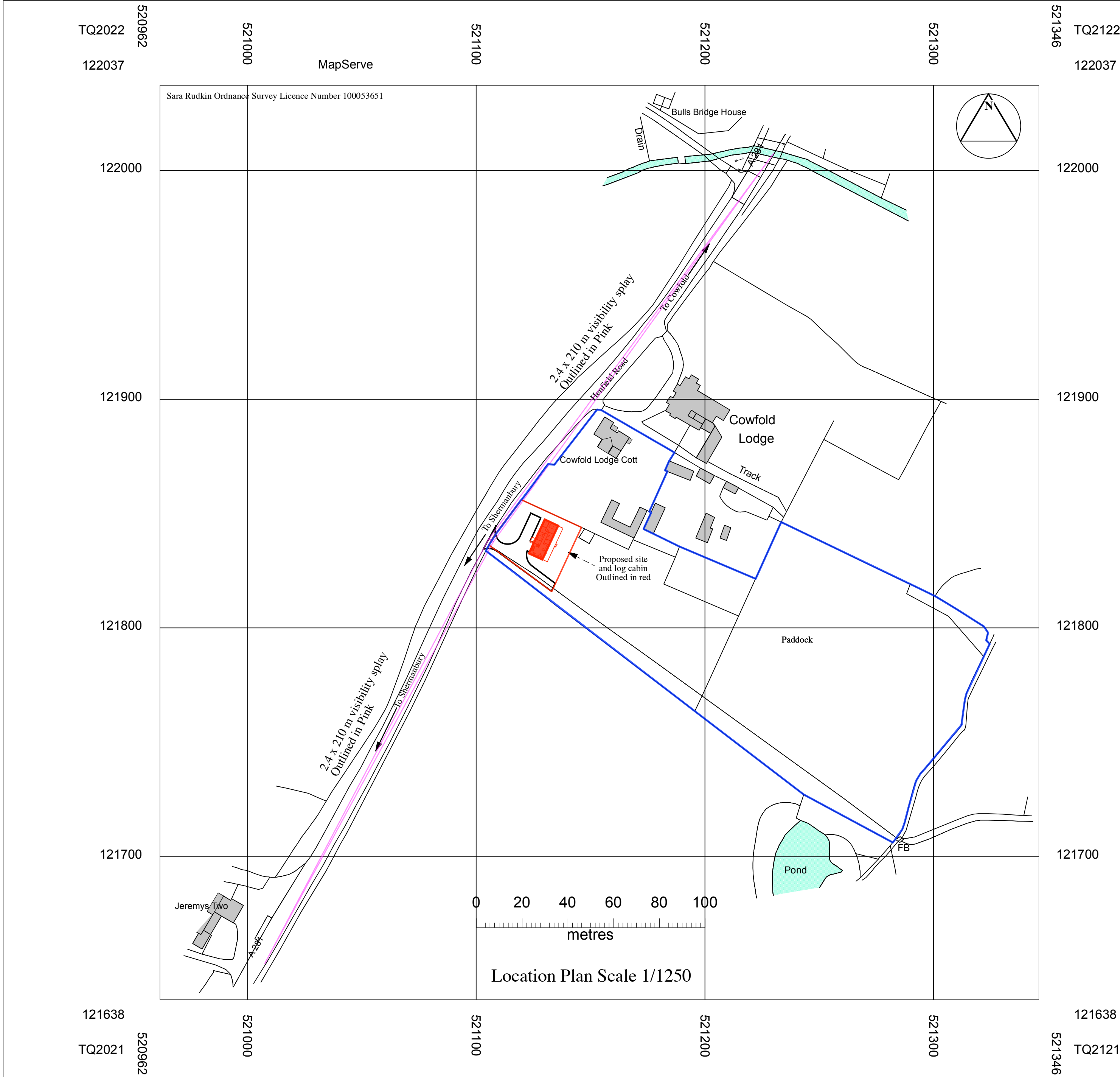
As a precaution, the area of potentially suitable habitat scrub (Figure 1) should be repeat checked by a dormouse licensed ecologist 24 hours prior to clearance, and then be cleared by hand. Clearance should be undertaken outside of the breeding bird season (as per PEA advice). Should dormice or evidence of this species (e.g. nests) be found then

advice must be sought from a licensed ecologist, as a license to disturb will be required from Natural England.

- 15) No dwelling hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the rainwater harvesting system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency plans set out in the management and maintenance plan agreed under condition 5 until such time as the system is fully operational. The occupiers of the dwelling shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply. Such written evidence shall be made available to the Local Planning Authority upon reasonable request.
- 16) Notwithstanding the information shown on Plan Ref 12452_100 Rev P1, no part of the development hereby permitted shall be occupied until details of the vehicle cross over and visibility splays for the access serving the development (including details of any planting to be removed) have been submitted to and approved in writing by the Local Planning Authority. These shall include a setback distance of 2.4 metres from the edge of the carriageway. The development shall be carried out in accordance with the approved details. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- 17) A minimum width of 2.5m should be retained for the adjacent public right of way adjacent to the side of the site, which should be on stable, level ground and clear of any overhanging side vegetation and of overgrown surface vegetation.
- 18) No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve the stated objectives;
 - c) locations of proposed enhancement measures indicated appropriate maps and plans;
 - d) details of persons responsible for implementing the enhancement measures and a timetable for implementation;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved Biodiversity Enhancement Strategy and shall be retained in that manner thereafter.

End of Schedule



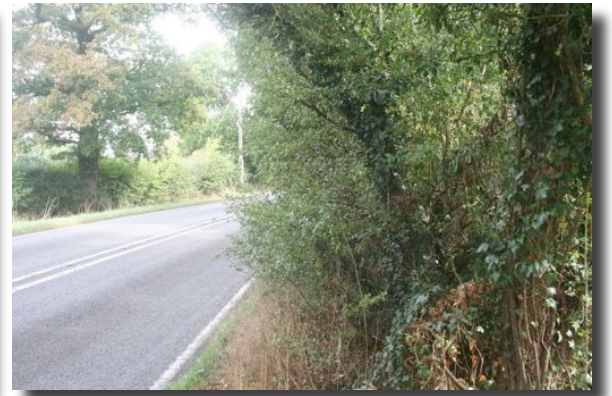
Site entrance looking Southwards at highway



Site entrance looking Northwards at highway



Site entrance looking Southwards at highway



Site entrance looking Northwards at highway



Site entrance looking Southwards at highway



Site entrance looking Northwards at highway



Site entrance looking - East towards site from highway

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Revisions:

Client: **H Cullimore**
Location: **Cowfold Lodge Cottage, Henfield Road, Cowfold, RH13 8DU**

Original size A2
0 40 80 100
Scale bar 1/1250 measures 100 m

This drawing is Copyright: Refer to Architect concerning Licence for use.
Date: **July 2022** Drawn : **SER** Scale(s): **1:1250**

Title of project: New Dwelling - Log cabin and site access

Title: Location Plan and Photos
Drawing No: **HC/22/01**



Appeal Decision

Site visit made on 24 April 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2023

Appeal Ref: APP/Z3825/W/22/3303603

Marlpot Meadows, Bonfire Hill, Southwater, West Sussex RH13 9BU

- 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 and Mrs M Ellis against the decision of Horsham District Council.
 - The application Ref DC/22/0495, dated 8 March 2022, was refused by notice dated 3 May 2022.
 - The development proposed is construction of chalet style detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a chalet style detached dwelling at Marlpot Meadows, Bonfire Hill, Southwater, West Sussex RH13 9BU in accordance with the terms of the application, Ref DC/22/0495, dated 8 March 2022, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - a) whether the site represents a suitable location for housing, having regard to its accessibility to services and facilities;
 - b) the effect of the proposal on the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site, with particular regard to water neutrality; and
 - c) whether any harm in respect of the above issues would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Suitability of location for housing

3. The appeal site comprises part of the garden to Marlpot Meadows. This property forms part of a small cluster of dwellings near the junction of Marlpot Road and Bonfire Hill, in rural surrounds to the west of Southwater. In policy terms, the site lies in the countryside, outside of any designated built-up area boundary. Policy 26 of the Horsham District Planning Framework (2015) (HDPF) seeks to protect the countryside against inappropriate development by ensuring that any proposals are essential to their countryside location. The appeal scheme is not being advanced as a rural worker dwelling and there is no other evidence to suggest that a new home is essential in this location. As such, there is a clear conflict with HDPF Policy 26.

4. Policy 4 of the HDPF has been cited on the decision notice. This policy supports settlement expansion outside of built-up area boundaries, provided that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. The appeal site does not meet either of these criteria and therefore the proposal cannot rely upon Policy 4 for support.
5. The appellant contends that the site is sustainably located due to its proximity to Southwater which is identified within Policy 3 of the HDPF as a Small Town/Larger Village. Settlements at this tier on the hierarchy are acknowledged to have a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. The sustainability credentials of Southwater are confirmed by the fact that Policy 2 of the HDPF allocates a strategic site for 600 dwellings on its western edge. This development, which was partially built at the time of my visit, lies approximately 850m from the appeal site at its closest point.
6. The site lies roughly 1.5km from the village centre of Southwater. This area, centred around Lintot Square, contains a wide range of services and facilities which include shops, a public house, library and health centre. The trip takes less than 3 minutes by car and slightly longer by bicycle. Although it would be possible for residents of the proposed dwelling to make the journey on foot, the lack of pavements and street lighting along Bonfire Hill and Church Lane would function as a deterrent, notwithstanding the option to use the Downs Link and other public rights of way as an alternative.
7. There can be no doubting that the proposal would lead to some additional vehicle journeys. However, the harm in this regard would be tempered by the short distance to the village centre. There would be options to use more sustainable transport modes. The poor provision for pedestrians weighs against the proposal, but walking remains a realistic possibility in daylight and good weather. Overall, I consider that occupants of the proposed dwelling would have reasonably good access to services and facilities in a higher order settlement.

Water neutrality (incorporating Appropriate Assessment)

8. The appeal site falls within the Sussex North Water Supply Zone. Natural England has raised concerns over the impact of groundwater abstraction on a number of designated sites which include the Amberley Wild Brooks Site of Special Scientific Interest (SSSI) and Pulborough Brooks SSSI. These form part of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. These 'European sites' are legally protected for their wintering birds, wetland habitats, a rare snail species, invertebrates and several rare and uncommon aquatic and wetland plants.
9. Natural England is undertaking work to establish the condition of the SSSIs that make up the European sites. However, based on water levels, the present indication is that the sites' condition is Unfavourable. Some areas have been shown to be linked hydrologically to a layer of rocks from which water is currently being abstracted, and in other locations the hydrological link cannot be ruled out. Consequently, it is impossible to eliminate the possibility that the existing public water supply abstraction within the Supply Zone is having an adverse effect on biodiversity. Any further development which requires an increase in water abstraction would be likely to have an adverse impact on the European sites. This includes modest developments such as that proposed, due to their in-combination effects with other plans and projects.

10. Natural England is working in partnership with relevant authorities to develop a strategic long-term approach, but in the interim its advice is that schemes may only proceed where it can be demonstrated that they would be water neutral – in other words the proposed development should not result in a net increase in water consumption from the public supply.
11. The proposal would lead to an increase in water usage from the occupation of the new dwelling. The appellant has provided a Water Neutrality Report which sets out how 'reduce and re-use' measures would be incorporated to minimise water usage by future occupiers of the new dwelling. The remaining water demand would be offset by retrofitting the existing dwelling with the same features, including rainwater and greywater harvesting.
12. Natural England is content that, subject to agreement on drought storage capacity, the proposed water neutrality mitigation measures are sufficient to avoid an adverse impact to the integrity of the European Sites. The principles of mitigation are clear from the submitted report, but a detailed scheme would need to be secured by condition. This would be a pre-commencement condition to ensure that the existing dwelling is upgraded prior to any works commencing on the development. Subject to this, the scheme would meet the requirements of the Conservation of Habitats and Species Regulations 2017, Policy 31 of the HDPF and paragraph 180 of the National Planning Policy Framework (the Framework) to protect the biodiversity of European sites.

Other Matters

13. There is no dispute that the scheme would be acceptable in terms of its impact on the character and appearance of the area. The site is well contained by mature hedging along the boundaries, and this would ensure that the new dwelling is not a prominent feature of the street scene. In all probability, only the roof would be visible, and this would be viewed as part of the small cluster of houses which characterises this location.

Planning Balance

14. The Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites. The Annual Monitoring Report for 2021/22 indicates a supply of 4.0 years, which represents a significant shortfall. Paragraph 11 d) of the Framework states that in circumstances such as this, where the requisite housing land supply does not exist, the policies which are most important for determining the application should be deemed out-of-date. Permission should therefore be granted unless i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. 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.
15. The development would fall within the zone of influence of European sites, but the mitigation measures identified with the Water Neutrality Report would ensure that it does not harm the qualifying features of those sites. As such, the scheme falls to be considered against the second limb of Paragraph 11 d).
16. I have attached limited weight to the conflict with HDPF Policy 26 in respect of development outside of built-up area boundaries. The housing shortfall dictates that those boundaries are out of date. I consider that some weight can still be

given to the strategy set out within HDPF Policy 2, in terms of the general locations of new development, but the fact that a site may lie outside of the built-up area boundary does not, in and of itself, constitute a reason to refuse planning permission.

17. The proposal would increase the supply of housing in the District and help to address the identified shortfall in new homes. The benefits of a single dwelling are very modest, but cumulatively windfall sites have a significant influence on supply. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The land forms part of the curtilage of an existing dwelling in the countryside and it would qualify as previously developed land under the definition set out in Annex 2 of the Framework. The site has reasonably good accessibility to services and facilities within Southwater, despite its location outside of the built-up area.
18. In the overall planning balance, I conclude that there are no adverse impacts that would significantly and demonstrably outweigh the benefits. The proposal would therefore constitute a sustainable form of development in terms of the Framework, and this would be a material consideration sufficient to outweigh the conflict with the development plan arising from the location of the development outside of settlement boundaries.

Conditions

19. In addition to the standard commencement condition, I have attached a condition specifying the approved plans in the interests of certainty. To prevent harm to the integrity of European sites, a pre-commencement condition is necessary to secure details of the measures for reducing water demand, and to ensure that these measures are implemented and retained in perpetuity.
20. Policies 37 and 40 of the HDPF seek, amongst other things, to cut carbon emissions through the use of sustainable forms of transport and the provision of high-speed broadband access. Conditions are therefore necessary to secure an electric vehicle charging point and high-speed broadband infrastructure prior to first occupation of the new dwelling.
21. The Council has requested a condition to remove permitted development rights for the enlargement, improvement or alteration of the dwelling, additions to the roof and the provision of buildings etc incidental to the enjoyment of a dwellinghouse. However, advice with the Planning Practice Guidance states that conditions of this nature may not pass the test of reasonableness or necessity. In my view, the suggested condition cannot be justified.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No. 6901 Rev A and Drawing No. 6905 Rev B.
- 3) No development shall commence on site until a detailed scheme for minimising water demand by occupants of the proposed dwelling and the existing dwelling known as Marlpost Meadows has been submitted to and approved in writing by the local planning authority. The scheme shall accord with the principles set out in the Water Neutrality Report (CGS Civils) dated 9 March 2022.

No development shall commence on site until the measures for Marlpost Meadows have been completed in accordance with the approved details and a completion report which evidences the works undertaken (with photographs) submitted to the local planning authority.

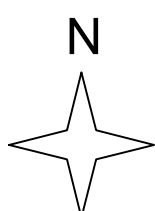
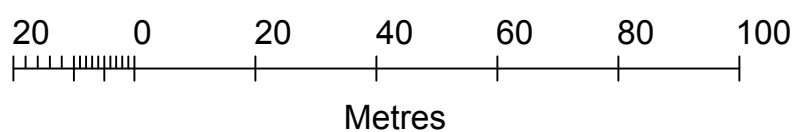
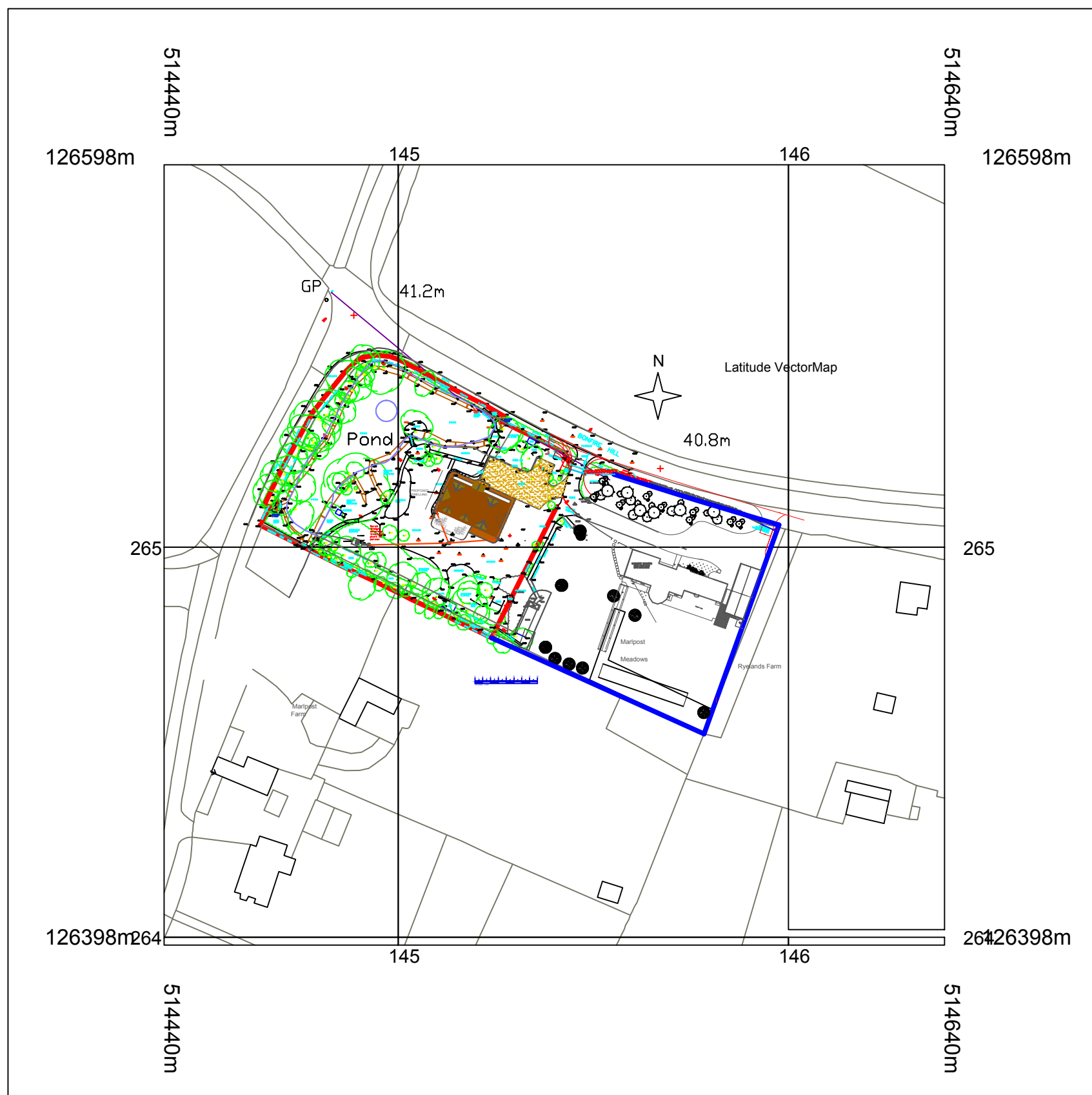
The dwelling hereby approved shall not be occupied until the measures for that property have been completed in accordance with the approved details and a completion report which evidences the works undertaken (with photographs) submitted to the local planning authority.

All measures shall be retained and maintained in full working order whilst each of the dwellings is occupied.

- 4) The dwelling hereby permitted shall not be occupied until provision has been made within the site for an electric vehicle charging point, in accordance with details that have been first submitted to and approved in writing by the local planning authority. The charging point shall be retained in working condition thereafter for the life of the development.
- 5) The dwelling hereby permitted shall not be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection have been installed. The infrastructure shall be retained in working condition thereafter for the life of the development.

*** END OF CONDITIONS ***

Latitude VectorMap



LOCATION PLAN
1:1250 @ A3

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Appeal Decision

Site visit made on 19 November 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/Z3825/W/24/3341171

Wappingthorn Lodge, Horsham Road, Steyning, West Sussex BN44 3AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs L Warner against the decision of Horsham District Council.
 - The application Ref is DC/23/0627.
 - The development proposed is described as 'Extensions, alterations and change of use of stables, garage and machinery store to form 1 x dwellinghouse'.
-

Decision

1. The appeal is allowed and planning permission is granted for extensions, alterations and change of use of stables, garage and machinery store to form 1 x dwellinghouse at Wappingthorn Lodge, Horsham Road, Steyning, West Sussex BN44 3AA in accordance with the terms of the application, Ref DC/23/0627, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. While the appeal was under consideration, the emerging Horsham Local Plan was submitted for Examination in Public. The Council has confirmed that hearing sessions have been scheduled. At this point, based on the evidence before me, it remains possible that changes may be made to the draft policies referred to by both parties, as a result of the examination process. Where relevant, I have noted the direction of travel indicated by the emerging policies, as described below. However, having taken account of the principles in paragraph 48 of the National Planning Policy Framework (the Framework), I have given the draft policies limited weight.

Main Issues

3. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the Council's spatial strategy, the provisions of the Framework and access to services and facilities.

Reasons

4. The appeal concerns a group of single storey buildings to the rear of a detached dwelling. They are described in the application as stables, a garage and a machinery store and include a set of loose boxes and two open-fronted storage buildings. There is a sand school for exercising horses nearby and some small fields where sheep were grazing at the time of my site visit.

5. The site is just off the B2135 Horsham Road, which is the route into Steyning, and the centre of Steyning is around 1.5 miles away. The nearest edge of the settlement is somewhat closer, but reaching it requires travel along two sections of Horsham Road, with a staggered crossroads at the A283 Steyning By-pass. There is some sporadic development in the vicinity, but the site stands in a rural setting, outside the settlement.

Spatial Strategy

6. In the Horsham District Planning Framework (HDPF), adopted in 2015, Policy 1 defines the overall approach to sustainable development. Policy 2 articulates the Council's spatial strategy, which focusses significant development in Horsham, while distributing growth elsewhere in accordance with a settlement hierarchy defined in Policy 3. There is also encouragement in Policy 2 for reuse of previously developed land, although no indication that this should take precedence over relevant locational considerations.
7. Policy 4 allows for some expansion of settlements outside their defined boundaries. However, the policy specifies that such development should adjoin the settlement edge. Since the appeal site is outside, and distinctly detached from, the settlement boundary of Steyning, the proposed development would not be acceptable settlement expansion as defined in Policy 4.
8. Within the countryside, Policy 26 of the HDPF restricts development to proposals which are essential to their countryside location and also meet one of four criteria. These include development that enables the sustainable development of rural areas, but do not include any explicit provision for reuse of existing buildings. The focus of Policy 26 is on protecting the rural character and undeveloped nature of the countryside. However, the HDPF also includes policies for managing demand for travel including, in Policy 40, locating development in areas where there is, or will be, a choice in available modes of transport.
9. The Council's Facilitating Appropriate Development Document 2022 (FAD) sets out an approach to boosting the supply of housing, pending adoption of the emerging Local Plan. It takes a more positive stance on applications for housing outside settlement boundaries. However, the five criteria in paragraph 5.7 of the FAD should all be satisfied. These maintain the requirement that any such applications should be for sites which adjoin the existing settlement edge as defined by the built-up area boundary. The proposed development does not meet that requirement and therefore the extent to which it would comply with the other four criteria is of limited relevance.

Framework: Approach to Rural Housing

10. In order to promote sustainable development in rural areas, the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Isolated housing is to be avoided, other than in the specific circumstances defined in paragraph 84. Those include development which would re-use redundant or disused buildings and enhance its immediate setting.
11. Taking account of the sporadic development along Horsham Road and the relatively short distance to the settlement, I concur with the view expressed by both main parties that the site is not isolated for purposes of paragraph 84.

Therefore, the provision in Paragraph 84c of the Framework for reuse of redundant or disused buildings is not directly relevant.

12. Even if paragraph 84c was applicable, the existing buildings are discreetly located, next to an existing dwelling and set back from the road. They are typical, modestly proportioned stables and sheds, of a type which is commonly found within rural areas. Consequently, they are neither unsightly nor intrusive. The proposed alterations and formation of a residential curtilage would domesticate the site, in a manner which the Council concluded not to be harmful, but equally did not identify as beneficial. Having visited the site, I concur that the proposal would have a broadly neutral effect on its surroundings. However, it would not positively enhance the appearance of the buildings or their immediate setting.

Access to Services and Facilities

13. There are some services on the nearest edge of Steyning, including a leisure centre and schools, but the main concentration of services and facilities is around the High Street, about 1.5 miles from the site. There is no realistic prospect that future occupiers would walk into Steyning, since there are no pavements or streetlights along either section of Horsham Road and the busy A283 Steyning bypass would have to be crossed.
14. There are no dedicated cycle facilities and the roads into Steyning include sections with unrestricted speed limits. Therefore, notwithstanding the relatively short distance, cycling would be challenging and not a realistic option for all future occupiers or in all circumstances. While there are bus stops in the settlement, there is no indication of a relevant bus route along Horsham Road. Therefore, public transport could not easily be accessed.
15. While the Framework recognises that opportunities to maximise sustainable transport will vary between urban and rural areas, that does not imply that an absence of alternatives to the private car should be disregarded. In this case, although trips into Steyning would be relatively short, the nature of the road network means that future occupiers would have little realistic option other than travel by car on every occasion and that is a factor weighing against the suitability of the location.
16. While future occupiers are likely to make use of services in Steyning, the addition of a single dwelling outside the settlement is not likely to make a meaningful contribution towards the vitality of this fairly large rural settlement. Nor is it likely to support the vitality of any other nearby rural community, since the other development along Horsham Road is quite dispersed and lacks any coherent focal point. Therefore, the small economic contribution towards local services would not render the proposal 'essential to its countryside location', as required in Policy 26 of the HDPF.

Conclusion on Main Issue

17. Taking all the above factors into consideration, I conclude that the proposed development would not provide a suitable location for housing, having regard to the Council's spatial strategy, the provisions of the Framework and access to services and facilities. While Policies 2 and 3 of the HDPF allow for growth around settlements including Steyning, and Policy 2 encourages reuse of previously developed land, the proposal would conflict with Policy 4, which

limits the expansion of settlements to sites which adjoin the settlement edge. It would also conflict with Policy 26, which restricts development outside settlements to proposals which are essential to their countryside location. The overall focus of the spatial strategy is on development within or adjoining settlement boundaries, and the location of the proposed dwelling would conflict with the development plan when read as a whole.

Habitats Regulations Assessment

18. The appeal site is within the Sussex North Water Supply Zone defined by Natural England. Within that Zone, Natural England has advised that developments involving an increased level of water extraction could have a likely significant effect on qualifying features within the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Sites. These Habitats Sites include important wetland habitats supporting rare plants, birds and invertebrates.
19. In response, the Council requires that applications within the Sussex North Water Supply Zone, for development involving increased water consumption, are accompanied by evidence of proposed measures for achieving water neutrality within the development. To that end, the application was accompanied by a Water Neutrality Report dated 23 May 2023. This had been revised from the version submitted with an earlier planning application and was revised again while the application was under consideration, to address points raised by the Council's Environmental Health and Licensing team.
20. The Water Neutrality Report sets out proposed water efficiency measures which would limit demand through use of water reducing appliances, together with a specification for rainwater harvesting tanks to enable reuse of water within the site. Calculations are included to confirm that the roof of the proposed dwelling would provide sufficient surface area to harvest rainwater exceeding projected demand, with adequate drought storage capacity.
21. The Water Neutrality Report confirms that the development would be water neutral, provided the measures detailed therein are implemented. The Council's Environmental Health and Licensing Team has confirmed that the proposed measures are satisfactory and recommended suitable conditions to secure compliance. Natural England responded to consultation on the planning application and likewise raised no objection to the development, subject to the delivery, management and maintenance of measures identified in the Water Neutrality Report to achieve water neutrality.
22. Having taken account of the above evidence, including advice from Natural England and other relevant consultees, I am satisfied that the development would be water neutral and that the measures required to achieve that status could be adequately secured. Therefore, there would be no adverse effect on the integrity of the Arun Valley Habitats Sites.

Other Considerations

23. The Officer Report refers initially to a housing land supply figure of 4.3 years, but later to a figure of 3.0 years, sourced from the December 2022 Authority Monitoring Report (AMR). An extract provided by the appellant from the Council's subsequent AMR, published January 2024, assesses the supply of housing land at 2.9 years and the Council has not disputed that figure. The

reason for refusal acknowledges that there is a shortfall in housing land supply and that paragraph 11d of the Framework is applicable. Based on the most recent of the above figures, the shortfall is substantial.

24. The proposed development would contribute a single dwelling to the supply of housing. It would be on one level and is described as being suitable for the appellant's retirement from managing the land, which would release the existing family home nearby. While those circumstances are not unique, and no evidence has been presented indicating a lack of other suitable retirement properties, there would be a very minor contribution to diversity in the stock of housing suitable for a range of occupiers.
25. The design would respond to the appellant's individual requirements, and some evidence has been provided that a self-build approach is intended. However, no legal mechanism is proposed to secure the delivery of self-build housing as defined in relevant legislation¹. Therefore, delivery of a scheme helping to address the Council's legal duty to grant sufficient permissions for self-build housing cannot be guaranteed. Consequently, even if I were to find, based on the evidence provided, that there is a shortfall in the strategic supply of self and custom build housing, this aspect of the proposal carries limited positive weight.
26. There would be some economic benefits through the construction process and use of local services by future occupiers, although those benefits would be very modest, given that only a single dwelling is proposed.
27. In the emerging Local Plan, Policy 32 introduces more explicit support for conversion of rural buildings to residential use. However, it refers to buildings in agricultural or forestry use, and does not mention stables. Furthermore, since the examination in public is ongoing, it remains possible that the wording will change. As such, while the emerging policy indicates an intention to take a more positive approach to conversion of rural buildings than the adopted Local Plan, it carries only limited weight at this stage.
28. Nevertheless, since the buildings include equestrian uses, the appeal site would fall at least in part within the definition of previously developed land within Annex 2 of the Framework. The reuse and more effective use of previously developed land attracts support in the Framework, as well as in Policy 2 of the HDPF. While Policy 10 of the HDPF includes a preference for the conversion of rural buildings to business or commercial uses, the Framework is broadly supportive of the reuse of existing buildings for a range of purposes including housing. Although the buildings appear to remain suitable for equestrian use, the scope for business or commercial use is less clear, given the very close relationship with the adjacent dwelling. Against that background, the alternative use of a previously developed site is a factor weighing in favour of the development.
29. While I have concluded, for the reasons given above, that the effect on the character and appearance of the area would be broadly neutral, several interested parties have expressed support for both the principle of reusing the buildings and the proposed design approach. No contrary views were expressed either in response to the planning application or this appeal.

¹ Self Build and Custom Housebuilding Act 2015 (as amended by Levelling Up and Regeneration Act 2023).

30. The Council has not alleged any harm to the living conditions of neighbouring occupiers or highway safety. Requirements in relation to potential contamination, biodiversity net gain and mitigating the effects of climate change could be addressed through conditions. However, there is no indication that these aspects of the proposal would go beyond the relevant requirements of the development plan.
31. Several other approved developments have been drawn to my attention, each involving housing outside settlement boundaries, mostly through conversion of existing buildings. Several involve locations with better options for accessing local services, due to shorter distances and/or more suitable alternatives to travel by car. Others would provide benefits such as significant visual enhancements and/or retention and re-use of buildings of historic interest. There are a few in which more specific individual circumstances were relevant, such as improvement over a fallback position or compliance with a specific Neighbourhood Development Plan Policy. In each case, there are material differences from the appeal proposal, to a greater or lesser extent.
32. As such, while I have considered all the other developments mentioned, and the Council's comments on some of them, none of those decisions outweighs my conclusions based on the particular circumstances at the appeal site.

Planning Balance

33. While the Council's spatial strategy reflects the Framework's focus on locating significant development within locations with good access to services, facilities and a range of transport options, the approach to new housing in the countryside is more restrictive than that set out in the Framework. The relevant annual housing requirement has also increased since the settlement boundaries were defined and there is evidence of a substantial shortfall in housing land supply. Against that background, I have given the conflict with the Council's spatial strategy moderate weight.
34. While the fact that occupiers would have to travel by car also weighs against the proposal, the distance to local services would be short and a good range of services and facilities is available. The proposal would not introduce housing in an isolated location. Consequently, this harmful aspect of the proposal also carries moderate weight.
35. Although the proposal is modest in scale, there would be a number of benefits. A small contribution would be made to the supply of housing, alongside modest economic benefits. There would be a small contribution to the diversity of housing stock, although it cannot be guaranteed that this would contribute to the Council's legal duty to address the demand for self-build housing. The proposal would make alternative use of existing buildings, without harming the character and appearance of the area. Indeed, the design and the principle of making alternative use of the buildings has attracted some local support. Considered collectively, these benefits of the proposal carry a comparable level of weight to the overall level of harm.
36. For the reasons given above, there is no clear reason for refusing the proposed development based on policies in the Framework that protect Habitats Sites. Since the level of harm and the level of benefit carry similar weight, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework and the similar provisions in Policy 1 of the HDPF.

Conditions

37. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have made some minor amendments in the interests of consistency and clarity.
38. I have imposed a condition specifying the approved plans, in the interests of certainty. In doing so, I have corrected the drawing number on the Proposed Dwelling Floorplan & Elevations to X01 Rev A. The Council has confirmed that this plan was included with the application, although the Revision letter was omitted on the decision notice.
39. Condition 3, 10 and 11 are collectively necessary to ensure that any contamination associated with previous uses on the site, including asbestos containing materials, is addressed and remediated if necessary. Condition 4 is necessary to ensure that suitable drainage measures are implemented at an early stage, to support the introduction of a residential use. Conditions 3 and 4 were clearly identified by the Council as requiring compliance prior to the commencement of development. In both cases, pre-commencement conditions are necessary, to ensure that any early ground works take account of the approved details. The appellant has confirmed that no objections are raised to these or any of the other conditions in the Council's Statement of Case.
40. Condition 5 would secure the use of suitable external materials, in the interests of the character and appearance of the surrounding area. Condition 6 would secure measures to protect and enhance biodiversity, consistent with relevant requirements in Policy 31 of the HDPF, policies in the Steyning Neighbourhood Plan 2022 and the Framework.
41. Conditions 7 and 8 are necessary to ensure that the development does not affect the integrity of Habitats Sites, as explained above. I have clarified the reference to the Water Neutrality Report, to specify the final version, which incorporates measures requested by the Council's Environmental Protection and Licensing team.
42. Given the rural location of the site and constraints on accessibility, I agree that Condition 9 is a reasonable and necessary response to the requirements in Policy 37 of the HDPF.
43. Cycle storage and car parking spaces are shown on the proposed block plan and conditions 12 and 13 would ensure that they are provided and retained. Although I have concluded that cycling would not be a realistic option for all future occupiers, the availability of secure cycle storage would encourage cycling for leisure or utility purposes where possible and is a reasonable requirement to support travel by a range of modes. Provision for electric vehicle charging is also mentioned in the officer report, but is now covered by the Building Regulations.
44. Conditions 14 and 15, limiting hours of work and deliveries, are reasonable, to safeguard living conditions within the nearby dwelling, particularly if either property changes hands before the development is implemented.

45. Finally, I am mindful that the Framework states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. In this case, the fact that the proposed development would not enlarge the outer envelope of the existing buildings has been a factor in concluding that there would be no harm to the character and appearance of the area. The later introduction of extensions, outbuildings or hardstanding could be more visually intrusive. Consequently, a condition requiring that any such extensions or additions are subject to the Council's full consideration is reasonable and would meet the relevant tests in this particular case.
46. However, it is not necessary to exclude permitted development rights for additional dwellings through upward extension (Class AD), as the buildings would not benefit from those rights, by virtue of their current use and the exclusions in Part AD.1(b) of Schedule 2 to the GPDO².

Conclusion

47. The proposed development would conflict with the development plan. However, other material considerations, including the presumption in favour of sustainable development as defined in the Framework, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - L01 Rev A Location Plan
 - EX01 Existing Site Plan
 - 01 Proposed Site Plan
 - EX02 Rev A Existing Buildings, Stable Block and Garages
 - EX03 REV A Existing Building Machinery Store
 - EX04 REV A Existing Building, Stable Block, Garages and Machinery Store
 - X01 Rev A Proposed Dwelling Floorplan & Elevations
 - X01a Coloured Floor Plan
 - X01b Coloured Roof Plan
 - 02 Proposed Dwelling Ground Floor Plan
 - 04 Proposed Dwelling Elevations
 - 04a Coloured Elevations
 - BP01 Proposed Block Plan
- 2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- 3) No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the Local Planning Authority:
- a. A preliminary risk assessment which has identified:
 - i. all previous uses;
 - ii. potential contaminants associated with those uses;
 - iii. a conceptual model of the site indicating sources, pathways and receptors; and
 - iv. potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- b. An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- c. The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details.

- 4) No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 5) No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, roofs and doors of the approved building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.
- 6) Prior to the commencement of the development above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a. Purpose and conservation objectives for the proposed enhancement measures;
 - b. detailed designs to achieve stated objectives;
 - c. locations of proposed enhancement measures by appropriate maps and plans;
 - d. persons responsible for implementing the enhancement measures;
 - e. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

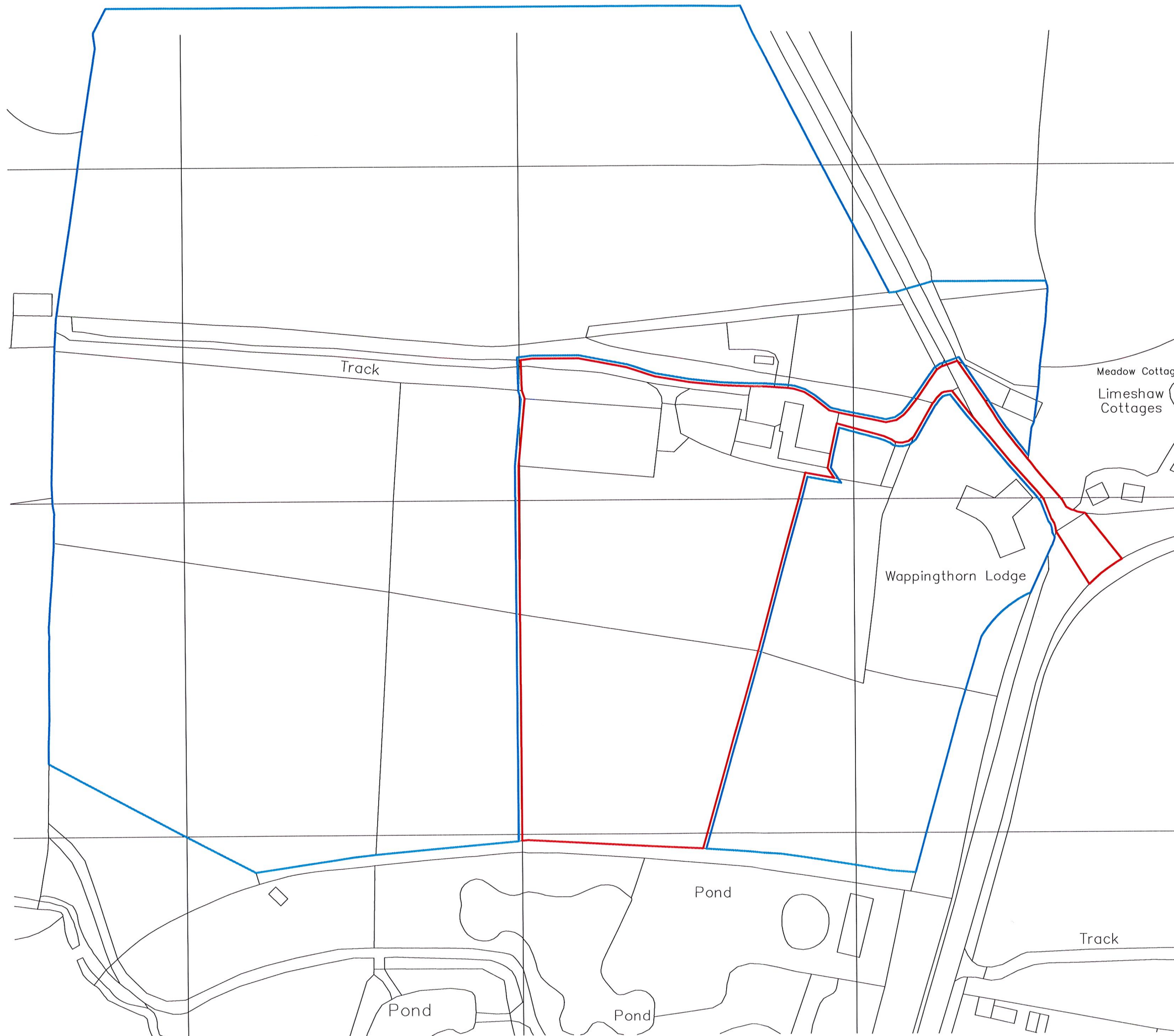
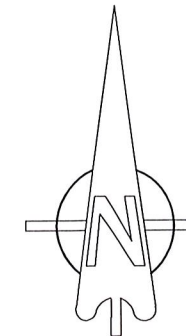
- 7) The dwelling hereby permitted shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for proposal, as detailed in the CGS Civils Water Neutrality Report dated 23/5/23, version P4 (15/6/23) has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.
- 8) The rainwater harvesting system hereby approved shall be installed, maintained and managed in accordance with the CGS Civils Water Neutrality Report dated 23.05.23, version P4 (15/6/23). A management plan detailing all measures and ongoing maintenance and sampling necessary to ensure the water supplied is safe and wholesome and to ensure continuity of supply shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling has been sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies, analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and the findings submitted to the Local Planning Authority.

The system shall be implemented in full prior to first occupation of the dwelling and shall be retained and maintained at all times thereafter. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

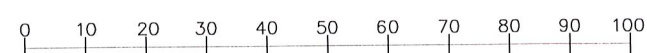
- 9) Prior to the first occupation of the dwelling hereby permitted, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.
- 10) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that any remediation scheme required and approved under the provisions of condition 3 has been implemented fully in accordance with the approved details. Thereafter the scheme shall be monitored and maintained in accordance with the details approved under condition 3.
- 11) No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.

- 12) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.
- 13) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.
- 14) No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.
- 15) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order, no development falling within Classes A, AA, B, C, E, or F of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

END

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FOR MR. & MRS. WARNER		
SITE Wappingthorn Lodge, Horsham Road, Steyning, West Sussex, BN44 3AA		
TITLE LOCATION PLAN		
C.No. 234281	O.No.	SCALE 1:1250 @A3
DRAWN FC	DRAWING NUMBER L01	
DATE 05/22		REV A