Planning Inspectorate

Appeal Decision

Site visit made on 10 February 2026

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/Z3825/W/25/3375491
32 High Street, Steyning, West Sussex, BN44 3YE

- 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 Simon Stringer of Stringer and Kitson against the decision of Horsham District Council.
- The application Ref is DC/24/1723.
- The development proposed is change of use of existing ground floor Class E(b) commercial, business and service to Class C3 residential use to form an integral part of the existing first and second floor dwelling.

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing ground floor Class E(b) commercial, business and service to Class C3 residential use to form an integral part of the existing first and second floor dwelling at 32 High Street, Steyning, West Sussex, BN44 3YE in accordance with the terms of the application, Ref DC/24/1723 and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary matters

2. In addition to the proposed change of use, the application drawings include external alterations in the form of a new lantern skylight at the rear of the building. The application documents, including the design and access statement, include reference to this. The Council considered the application on this basis and I have also done likewise with this appeal including this alteration in the scope of development sought by the application. I also note that the Council has previously granted listed building consent for proposed works to the building.

3. Although included in its reasons for refusal, the Council has confirmed in its statement of case that it is now satisfied that the proposal would not result in an adverse effect on Arun Valley Special Protection Area (SPA) and Special Area of Conservation (SAC) and that the issue of water neutrality is now not in dispute. As the competent authority it is still necessary for me to carry out an assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). Therefore, this matter is included in my list of main issues below.

Main issue

4. The main issues are:

   (a) The effect on the vitality and viability of Steyning Centre, and

(b) The effect upon the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites.

Reasons

Vitality and viability of Steyning Centre

5. Policy 13 of the Horsham District Planning Framework 2015 (HDPF) states that consideration will be given to the impact of the proposed non-commercial use in terms of its importance within any given frontage. Evidence of the appropriate marketing of empty properties will be required. It goes on to say in terms of small scale development that the Council will favour change of use of A1 to other A class uses over change of use to residential in the first instance. It states that proposals for other A Class uses and proposals for residential must demonstrate that the retail unit is no longer viable.

6. In terms of potential alternative commercial uses, the marketing materials in appendix 2 of the appellant's statement of case refer to the property as including a 'double-fronted retail space', a 'High Street frontage' and 'open plan retail section'. Notwithstanding the condition attached to the 2005 planning permission for change of use, I am satisfied that any potential buyer would be able to ascertain from this the opportunities for a potential commercial use.

7. The property has now been on the market for approximately three years with significant reductions in asking price made during this period. Whilst the reasons for each of the viewings not being carried forward have not been explained, it is clear that an offer for the property was accepted only for the buyer to subsequently withdraw. Subsequent viewings have also not resulted in any further offers. Although the Council seeks further marketing information and financial assessment, the details provided by the appellant reasonably show that the property has been marketed over a lengthy period and that, despite numerous viewings and one subsequently withdrawn offer, no buyer has been found.

8. I also give some weight to the likely difficulties in making provision for the independent use of the upper residential floors of the listed building due to the internal layout of the building. This would appear to reduce the scope for a full independent subdivision of the building involving separate occupants.

9. I have also considered the aforementioned 2005 planning permission which includes a condition restricting the use to Class E(b). Whilst there has been a previous s73 application seeking to remove this restriction, this was refused and it is not clear as to what the Council's position would be in determining any future application.

10. I also note paragraph 90(f) of the National Planning Policy Framework 2024 ('the Framework'), recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

11. Although the site is located within the defined Primary Retail Frontage, it is located at the southern edge of the frontage. As noted by the Council in granting listed building consent for the works that would facilitate the proposed change of use, it is located in a transition area where the commercial character of the High Street is becoming less overt and a more residential character is emerging. Indeed, the

properties on either side of the appeal building are residential. This peripheral location is material to the merits in this case. It follows that the proposal would not result in any significant disruption to the continuity of commercial activity, nor would it undermine the role of this frontage in supporting the wider centre.

12. At my site visit, I noted that there were few unoccupied premises with a good range of existing shops and services. However, whilst the appellant's marketing has fallen short of the Council's expectations, I am satisfied that it has provided cogent evidence to indicate that the ground floor unit in this case is not viable for commercial use.

13. I conclude that it has been satisfactorily demonstrated that the proposal would not result in the loss of a viable commercial floor space and that no material harm would result upon the vitality and viability of the Steyning Centre. It would satisfactorily be in accordance with Policies 7 and 13 of the HDPF and the Framework.

Habitats regulations

14. The appeal site is located within the Sussex North Water Supply Zone (SNWSZ), an area of serious water stress. The position at the time of the Council's determination of the application was that, in accordance with Natural England's (NE) 2021 advice, an increase in water demand arising from the proposal would be likely to adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar site.

15. However, on 31 October 2025 NE formally withdrew its previous Position Statement of September 2021, referring to a package of measures being agreed between NE, the Environment Agency and Southern Water to ensure that adverse impacts on the Arun Valley designated sites, either along or in combination with other developments, will no longer occur. Nevertheless, the Council states that it has not had sight of the full details of the mitigation package, including when, how and by whom all the mitigation would be delivered. I agree from the information before me that it is not currently clear that these measures can be relied upon.

16. The appellant has provided evidence that the proposal would not increase water use in relation to the existing use subject to mitigation through the installation of fixtures and fittings to achieve appropriate BREEAM efficiency standards. Notwithstanding this evidence, for the avoidance of doubt, I have carried out an appropriate assessment given the risks of an adverse effect upon the integrity of the designated protected site that may arise from increased water usage.

17. The Arun Valley SAC, SPA and Ramsar site supports rare and diverse invertebrate and bird assemblages as qualifying features. It consists of low lying grazing marsh, largely on alluvial soils, but with an area of peat derived from a relict raised bog. The variation in soils and water supply lead to a wide range of ecological conditions and a rich and diverse flora and fauna. Continued or increased levels of ground water abstraction reduces water quantity in the Arun Valley sites and would adversely affect water levels and flow within the sites.

18. The affected local authorities within the SNWSZ have jointly produced a water offsetting scheme (Sussex North Water Certification Scheme (SNWCS)), utilising demand capacity generated by Southern Water efficiency savings, along with other water saving projects. The intention was for developers to purchase credits

to offset their water demand. The additional capacity would be sufficient to ensure mains water to approximately 7000 new homes (assuming water use of 110 litres per person per day). The SNWCS was paused following the withdrawal of NE's September 2021 position statement.

19. Nevertheless, the additional capacity remains and can be used to enable all development granted from 1 November 2025 to come forward free of water neutrality restriction. The Council confirms that considerable capacity remains for the proposed development to be delivered without resulting in adverse impacts on the integrity of the Arun Valley sites, subject to a condition restricting water usage to meet the Building Regulations optional technical standard of 110 litres per person per day.

20. NE has also confirmed, in its further letter dated 10 November 2025, that it has reviewed and agreed the Southern Water efficiency savings referred to by the Council and that it will not raise an objection on the basis of adverse effects risks on the Arun Valley designated sites. It confirms this letter can be taken at NE's formal response pursuant to Regulation 63(3) of the Habitats Regulations.

21. I conclude that, taking account of Southern Water's capacity savings and subject to a condition on water usage, the proposed development would not result in an adverse effect on the integrity of the Arun Valley SPA, SAC and Ramsar site, either alone or in combination with other plans and projects. It would also accord with the relevant habitats protection aims of Policy 31 of the HDPF.

Other matters

22. As the proposal relates to a listed building within a conservation area, I have had special regard to section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The listed building (comprising Nos 32 and 34 High Street) is Grade II 16th century timber framed building refronted in the 18th century with stucco. It appears to have been originally constructed for residential use. I find its special interest to be primarily associated with the architectural and historic interest of a 16th century high street building, including its traditional materials and construction techniques.

23. An application for listed building consent has previously been granted by the Council for the proposed physical alterations required to convert the ground floor from commercial to residential use and to create an overall single dwellinghouse. These include the return of the ground floor plan closer to its original form with central hallway and rooms on either side. The proposed skylight is to a flat roof which is not part of the original building. The proposal would revert the property back to fully residential use in keeping with the overall scale and form of the property.

24. I am satisfied that the proposed alternations would not be harmful to the special interest of the listed building. Furthermore, taking account of the existing transitional character of this part of the High Street where the commercial character of the conservation area is over and a more residential character is emerging, the proposed would preserve the character and appearance of the Steyning Conservation Area.

Conditions

25. In considering the Council's suggested conditions I have been mindful of paragraph 57 of the Framework stating that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

26. Condition 2 is necessary for the avoidance of doubt as to what has been permitted. Condition 3 is necessary to preserve the special interest of the listed building. Condition 4 is necessary to encourage sustainable modes of transport. Condition 5 is required to provide satisfactory refuse and recycling provision. Condition 6 is necessary to limit water consumption to prevent the risk of adverse effects upon the integrity of the Arun Valley SPA, SAC and Ramsar site.

27. The Council's suggested condition to provide for a meeting with the local authority conservation officer is not necessary given the statutory requirement regarding works to listed buildings and the responsibility this imposes in any case. The suggested asbestos condition is also unnecessary as the Council has not specifically explained why this proposal would result in a such a significant risk in this case to justify the imposition of this condition.

28. I do not consider the suggested condition for a superfast broadband connection to be necessary for this proposal as the wording of the condition provided appears to be more suitable for new build development rather than the change of use proposed in this case. The suggested construction hours and debris/waste conditions are also not necessary given the modest nature of the proposed construction works.

29. Noting that paragraph 55 of the Framework seeks clear justification to restrict permitted development rights, the suggested condition in this instance is not reasonable or necessary bearing in mind the general restrictions in place on permitted development for dwellings in conservation areas (Classes A and B) and for those which are listed buildings (Class E).

Conclusions

30. Having regard to all matters raised, I have found that the proposed development would accord with the development plan when considered as a whole and there are no material considerations that have led me to find that permission should be withheld.

31. For the reasons given above the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21486-101, 21486-102, 21486-103 and 21486-104.

3) The external materials to be used in the development hereby permitted shall accord with those shown on the approved plans.

4) The development hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall thereafter be retained for use at all times.

5) The development hereby permitted shall not be occupied until details of provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the approved refuse and recycling facilities have been fully implemented and made available for use. The provision shall thereafter be retained for use at all times.

6) The dwelling hereby permitted shall not be occupied until the optional requirement of Building Regulations G2 to limit water usage to 110 litres per person per day has been complied with and the details of compliance provided to the local planning authority.