Planning Inspectorate

Appeal Decision

Site visit made on 8 August 2025

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29 AUGUST 2025

Appeal Ref: APP/Z3825/W/25/3360639
Wealden Barn, Coopers Farm, Bolney Road, Cowfold, West Sussex, RH13 8AZ

- 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 Ms C Powell against the decision of Horsham District Council.
- The application Ref is DC/24/1418.
- The development proposed is the construction of a detached dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - The effect of the proposal on the character and appearance of the area; and
    - Whether or not the appeal site is an appropriate location for the proposed dwelling having regard to the development plan policies relating to development outside built-up area boundaries.

Reasons

Character and appearance

3. The appeal site comprises an open area of land that forms part of a larger parcel of land that comprises an attractive two storey dwelling located within the countryside. The existing dwelling, although relatively large is entirely compatible in terms of scale, mass, materials and overall architectural design with this countryside setting. I observed that there are also low scale discreet buildings on an adjacent site, which again are compatible with this setting.

4. The appeal site has the appearance of an open field bounded to the west by mature vegetation that separates the appeal site from a track. This open green area provides an important and compatible setting for the existing dwelling and an existing large pond and an associated outbuilding.

5. I observed that the open field that comprises the appeal site forms part of a larger expanse of open land on either side to the north and south which together create a sense of open spaciousness. The existing pond and the open green field that forms the appeal site create a tranquil and attractive area set away from Bolney Road which contrasts with the sporadic development of farms and dwellings along the main road and provides an important open transition between the development

along the road and the more low-key development at Wealden Barn and the attractive pond.

6. As a result, this open space creates a sense of spaciousness within the countryside which makes an important contribution to the character and appearance of the area.

7. The proposed development would involve the introduction of a starkly designed large scale modern building comprising a significant amount of glazing that would be entirely at odds with this sensitive countryside setting and would appear as an incongruous, dominant structure that would visually overwhelm the existing low-key development nearby. Consequently, the proposal would represent an incompatible urbanising feature that would unacceptably harm the existing tranquil spacious character and appearance of the area. Moreover, the proposed scale and massing would not be sympathetic with the landscape and would represent inappropriate development harmful to the countryside character.

8. I accept that the proposal would be largely screened from any public views from Bolney Road but would be clearly visible from the existing access road that serves Wealden Barn and also would be visible from neighbouring land.

9. Moreover, the proposed development would be sited on a significant plot and although there would be some landscaping including the introduction of a wildflower meadow, nevertheless, there would be a substantial lawned garden surrounding the proposed dwelling which would result in the introduction of domestic paraphernalia. This would further exacerbate the unacceptable harm the proposal would have on the character and appearance of the area.

10. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area and I afford this harm significant weight in the determination of the appeal. Consequently, the proposal would conflict with Policies 25, 26, 32 and 33 of the Horsham District Planning Framework, November 2015, (HDPF), which among other things sets out that outside built-up areas the rural character and undeveloped nature of the countryside will be protected from inappropriate development, that development should be of a scale, massing and appearance that is sympathetic with the landscape and should be appropriate to its countryside character and location and it should respect the character of the surrounding area. Further the proposal would be at odds with the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character including the landscape setting.

11. I note that the Council also referred to Policy 9 of the Cowfold Neighbourhood Plan (CNP) in its reasons for refusal. Among other things this seeks to ensure that residential development is of a sympathetic scale and relates positively to the character function and layout of the area. However, it is unclear from the available information whether or not the necessary Referendum has been undertaken. Consequently, I have not afforded the CNP the same weight as the HDPF. However, there is clearly an overlap between this policy and the objectives set out in both the HDPF and the Framework.

Whether or not an appropriate location

12. The appeal property is located about one mile outside the built-up area boundary of Cowfold. The settlement is categorised as a medium village in Policy 3 of the HDPF

where there is a moderate level of services and facilities and community networks together with some access to public transport.

13. However, land use patterns that are most conducive to walking are where there are a range of facilities and services within a 10-minute walk or about 800 metres. As outlined above, the main service and facilities fall beyond that range. I accept that cycling to these services and facilities could be a possibility, but there are no streetlights along the road and so it would not be a particularly attractive proposition, particularly in adverse weather and during the hours of darkness.

14. The Framework highlights that priority should be given first to pedestrian and cycle movements and second to access to high quality public transport. Consequently, taking these factors together, future residents would likely be reliant on the private car. I acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and the proposal is not a significant development. Nevertheless, the proposed development would not represent a location which is sustainable as contrary to the Framework it would not be located where the need to travel would be limited.

15. Policy 26 of the HDPF sets out that outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development.

16. The policy highlights that any proposal must be essential to its countryside location and in addition it specifies that certain criteria should be met. Among others, this sets out that any proposal should enable sustainable development of rural areas and goes on to highlight that proposals must be of a scale appropriate to its countryside character and location, and should protect, conserve and or enhance the key features and characteristics of the landscape character including the development pattern of the area, tranquillity and sensitivity to change.

17. Given my findings in relation to the first main issue and that the appeal site is not within a sustainable location, the proposal would not accord with Policy 26 of the HDPF. Bearing in mind the unacceptable harm the proposal would have on the landscape character of the area, and as it would not represent sustainable development of a rural area, it would represent inappropriate development under the terms of this policy.

18. Policy 4 of the HDPF sets out that outside built-up area boundaries the expansion of settlements will be supported where certain criteria are met. This includes that the landscape character features are maintained and enhanced. Again, given my findings on the first main issue the proposal would not accord with Policy 4 of the HDPF. Further, the appeal site has not been allocated for development in either the HDPF or in the CNP and does not adjoin an existing settlement edge. Similarly, the proposal would not accord with the spatial strategy set out in Policy 2 of the HDPF as it would not represent the sustainable development of settlements through an appropriate scale of development which retains the existing settlement pattern. Rather, it would introduce residential development into an unsuitable and unsustainable location. Consequently, development plan policies do not support residential development in this location.

19. I therefore conclude that the proposed development would not be located in an appropriate location having regard to the development plan policies relating to development outside built-up area boundaries. Consequently, the proposal would

be at odds with Policies 2, 4 and 26 of the HDPF for the reasons set out above. The Council's refusal notice also refers to Policy 1 of the HDPF which reflects the presumption in favour of sustainable development contained within the Framework and I shall deal with this matter further later in the decision.

Other Matters

20. I turn first to consider housing supply. The Council can only demonstrate a 2.9-year supply of housing land against a current requirement to demonstrate a 5-year supply. That is well below Government expectations.

21. The proposal would be valuable in boosting housing stock. However, given that the proposal would only result in one additional dwelling that tempers the weight of this matter.

22. I accept that the proposal would have a cumulative effect in the supply of housing and would make efficient use of the site. The proposal would also have limited economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase and would broaden the availability of much needed housing in the area. However, given that the proposal would only involve one dwelling and given the distance it is away from Cowfold, it would have very limited impact on enhancing and maintaining the vitality of the rural community.

23. The Council has a duty under the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet identified demand for the district. The appellant indicated on a Community Infrastructure Levy form that the proposal was for a self-build property. I accept that this information does indicate an aspiration on behalf of the appellant to proceed with a self-build development.

24. The Framework supports small sites to come forward for self-build and custom-build housing. The addition of a self-build dwelling on the appeal site would help to meet the demand for such housing in the area. However, again the weight afforded is tempered by the fact that the proposal would only result in one additional dwelling. Moreover, and more importantly there is no planning obligation to secure some means of ensuring the proposal would be constructed for such use.

25. I have considered whether this matter could be addressed by the imposition of a suitably worded condition. However, in my view monitoring and enforcing such a condition would be extremely difficult, and consequently I am not satisfied that it would meet the necessary tests as set out in the relevant Planning Practice Guidance and the Framework. As no obligation has been provided to secure the proposed dwelling as self-build, this significantly reduces the weight afforded to this matter.

26. I accept that the proposal would not harm highway safety, the living conditions of neighbouring residents and there would be no ecological harm, and I have taken these matters into account in the determination of the appeal.

27. The appeal site is located within the Sussex North Water Supply Zone where new development could have an adverse effect on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites.

28. The European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations). The appellant has submitted a Water Neutrality Report. The Council and Natural England are satisfied with the information provided subject to the imposition of appropriate conditions to secure the appropriate mitigation measures.

29. Regulation 63 of the Habitat Regulations requires the competent authority to carry out an Appropriate Assessment (AA). However, an AA is only required where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal, it is unnecessary for me to undertake an AA. That said, I have no reason to consider that the proposed mitigation measures would not address this matter and consequently it does not weigh against the proposal.

30. On that basis, taking account of the contribution the appeal scheme would make in addressing the housing land supply shortfall and the other matters that weigh in favour of the proposal, I afford the totality of the benefits moderate weight.

31. In reaching that view I have taken account of the other appeal decisions that have been brought to my attention. These include decisions at Marlpost Meadows, Southwater[1], at Cowfold Lodge Cottage, Cowfold[2] and at Wappingthorn Lodge, Steyning.[3] However, they are all materially different from the case before me.

32. For example, in the Marlpost Meadows case, it was common ground between the main parties that the scheme would not harm the character and appearance of the area, in the Wappingthorn Lodge case the Inspector found that the impact on the character and appearance of the area was broadly neutral and in the Cowfold Lodge Cottage case the Inspector concluded that the harm to the character and appearance of the area would be modest. That is materially different from the case here. It follows that the planning balance undertaken in those cases would have been materially different from the situation here. As a result, these other appeal decisions have limited weight in the determination of the appeal.

33. The appellant has also made reference to a document titled Facilitating Appropriate Development (FAD) which was endorsed by the Council in response to housing policies being deemed out of date due to the housing land supply situation. I have considered the provisions of FAD, but it has not altered my view. Like my findings in relation to Policy 4 of the HDPF, I have found that the proposal would not maintain and enhance landscape character features. Moreover, the appeal site does not adjoin an existing settlement edge. Consequently, the proposal would not comply with the relevant criteria set out in FAD and it follows that the provisions of this document do not add weight to the appellant's case.

Planning Balance and Conclusion

34. The Council cannot demonstrate a 5-year housing land supply. As a result, Paragraph 11(d) of the Framework is relevant. However, given the relative benefits weighed against the harm and having had particular regard to key policies directing

[1] APP/Z3825/W/22/3303603
[2] APP/Z3825/W/23/3325926
[3] APP/Z3825/W/24/3341171

development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes I nevertheless find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

35. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance. Given that finding, Policy 1 of the HDPF which reflects the provisions of paragraph 11(d) also does not weigh in favour of allowing the appeal.

36. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.[4]

37. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR

[4] Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990