Planning Inspectorate

Appeal Decisions

Site visit made on 16 July 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal A Ref: APP/Z3825/W/25/3361885
Great Betley Farm, Stonepit Lane, Henfield, West Sussex, BN5 9QT

- 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 T How against the decision of Horsham District Council.
- The application Ref is DC/23/1072.
- The development proposed is extension of the existing storage use in containers and associated work including surfacing/re-surfacing.

Appeal B Ref: APP/Z3825/W/25/3361895
Great Betley Farm, Stonepit Lane, Henfield, West Sussex, BN5 9QT

- 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 T How against the decision of Horsham District Council.
- The application Ref is DC/23/2180.
- The development proposed is change of use of part of the building for storage.

Appeal C Ref: APP/Z3825/W/25/3361902
Great Betley Farm, Stonepit Lane, Henfield, West Sussex, BN5 9QT

- 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 T How against the decision of Horsham District Council.
- The application Ref is DC/24/0265.
- The development proposed is change of use from agriculture to storage.

Decisions

Appeal A Ref: APP/Z3825/W/25/3361885

1. Appeal A is dismissed.

Appeal B Ref: APP/Z3825/W/25/3361895

2. Appeal B is dismissed.

Appeal C Ref: APP/Z3825/W/25/3361902

3. Appeal C is dismissed.

Preliminary Matters

4. There are three appeals before me which relate to separate sites within the Great Betley Farm complex. The proposals share many similarities in regard to the issues involved. To avoid duplication, I have dealt with the three appeal schemes together, except where otherwise indicated.

5. At the time of my site visit the development proposed in each of the applications that are the subject of Appeals A and B had already taken place, and I was able to observe their effects in situ.

6. Since the Council's determination of the applications that are the subjects of these appeals the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. The parties have had the opportunity to comment on the revisions to the Framework through the appeals process.

Main Issues

7. The main issues in these appeals are: -

- The effect of the development on the character and appearance of the area; (Appeals A, B and C)
- Whether the sites are suitable locations for a business, having regard to local policy for economic development; (Appeals A, B and C) and: -
- The effect of the development on Protected Sites. (Appeals B and C only)

Reasons

Landscape and character (Appeals A, B and C)

8. The appeal sites face onto Stonepit Lane, which is a Public Right of Way (PRoW) (HEN 2530) and contains a barn-like building, known as the Grain Store. They are surrounded by open farmland and the building and the surrounding area have a distinct rural character and appearance.

9. They lie some way from nearby development and are outside of any defined built-up area within the development plan and are, therefore, within the countryside for planning purposes. In addition to HEN 2530 there are a number of PRoW in the area around the sites.

10. The West Sussex Landscape Character Assessment (2005) identifies the setting of the appeal sites as lying within Local Character Area LW9, the Upper Adur Valley. This identifies, amongst others, a key landscape characteristic of mixed arable and pastoral farming, medium to large-sized fields on the valley sides with small woodlands and networks of hedgerows with hedgerow trees. The Horsham Landscape Character Assessment (2003) (the HCLA) identifies the area of the sites as lying within Local Character Area LCA O3, Steyning and Henfield Brooks. This identifies, amongst others, one key aspect of its character as undulating landscape of low ridges, arable valley sides with fragmented hedgerow pattern and small isolated Woodlands; largely tranquil undeveloped rural character. The immediate area of the appeal sites strongly reflects these key landscape features which contribute positively to the rustic appearance of the area.

11. Land Management Guidelines within the HCLA include the aims of maintaining views across the floodplain from surrounding villages and minimising the effects of adverse incremental change by seeking new development of high quality that sits well within the landscape and reflects local distinctiveness. The appeal sites sit in an elevated position at the top of a ridge and the openness of the surrounding land provide views from the west and south across the open fields from HEN 2530

adjacent to the sites and from across the valley. Views across the valley from PRoW would, however, frequently be obscured by interposed planting.

Appeal A

12. Having regard to the development under Appeal A, the building has a storage use, and houses six containers within the lean-to section This was granted permission[1] following an earlier prior approval[2] for a flexible use of the site. The development introduces thirteen shipping containers for storage to the area to the north of the Grain Store, which would, in contrast to the earlier development, be outside the building. These containers have an industrial appearance, incongruous with the rurality of the vicinity.

13. Whilst such containers may appear in rural locations and would be seen in the context of the Grain Store, they are seldom kept in such large groups in a rural location and the massing of the containers adds to the incongruity of their presence. In this instance, that incongruity would result in material harm to the rustic character and appearance of the area, which I have identified as being a positive feature of the locality.

14. The western side of appeal site A has been planted with a laurel hedge, and this has established itself such that it conceals the containers from views from the west. Similar hedging, planted to the north and east of the containers has not established itself so successfully, and the containers are clearly visible from HEN 2530.

15. The hedge itself is, by virtue of the species, an incongruous feature. The appellant proposes to plant hedging formed of native species to afford screening. The details of such hedging could be secured through an appropriately worded planning condition. Whilst such hedging would not be incongruous, in the way that the laurel hedging is, there is no certainty that such hedging would establish itself successfully or provide effective screening. I have, therefore given limited weight to this proposed landscaping.

16. The appellant has suggested that the visual impact of the containers could be mitigated by painting them. Whilst the colour of the containers could be secured through a suitably worded planning condition, and this may mitigate the visual impact of the proposal to a degree, such painting would not conceal the nature, or massing of the structures and so would not eliminate their visual harm.

17. My attention has been brought to an application for planning permission, Council reference DC/24/0086 (the industrial use application), which the appellant submitted for development of the part of the sites for change of use of part of the building and land for industrial purposes. Whilst that proposal was not refused because of its landscape impact, I note from the Officer's Report for that application that the proposal limited the industrial use to within the footprint of the building: it would, thus, not have identical impacts to those proposals.

18. I therefore conclude that the development that is the subject of Appeal A has resulted in material harm to the character and appearance of the area, contrary to Policies 10, 25, 32 and 33 of the Horsham District Planning Framework (2015) (the HDPF) and Policies 10 and 12 of the Henfield Neighbourhood Plan (2021) in as

[1] Council Ref: DC/19/0983
[2] Council Ref: DC/19/0133

much as, together, these seek, amongst other things, to protect the natural environment and landscape character of the District and ensure that development is of a high standard of design and layout, reflecting the landscape and contributing positively to the landscape character of the area.

Appeal C

19. Having regard to Appeal C, the development would create a compound for the storage of building materials within a screening hedge. The hedge would be composed of native species. The quantities of materials that could be stored within the compound are not set out within the application and there is potential for such to be piled to a considerable height.

20. Whilst, again, a screening hedge is proposed, and this could be secured through a planning condition, there is no certainty that it would be effective in screening the material stockpiled within Appeal site C, nor that it would establish successfully.

21. The stockpiling of significant amounts of building materials would be an incongruous, urbanising addition to the rural landscape. Regardless of any planting, this would be visible to users of HEN 2530. The storage would, therefore, be harmful to the bucolic character and appearance that I have identified above as contributing positively to the locality.

22. Farm materials and equipment could be stored in this area and Appeal site C is closely associated with the Grain Store. The materials would, therefore, be seen in that context. However, such materials and equipment would be likely to relate closely to agrarian activity and would not result in the same incongruity in their setting as the storage of general materials and equipment.

23. I therefore conclude that the development that is the subject of Appeal C has resulted in material harm to the character and appearance of the area. It would, therefore, be contrary to Policies 10, 25, 32 and 33 of the Horsham District Planning Framework (2015) (the HDPF) and Policies 10 and 12 of the Henfield Neighbourhood Plan (2021) for the same reasons as set out with regard to my conclusion on this matter for Appeal A.

Appeal B

24. Moving on to consider the effect of the Appeal B scheme on the landscape and character of the locality, the change of use of the building does not alter the appearance of the building itself. However, I observed the storage of materials outside the building, on the forecourt, during my site visit. As above, this storage would be seen in the context of the building, but, similarly, it appears out of context in the otherwise overtly rural landscape.

25. Given the scope of the application, which includes the forecourt within the change of use to storage, this impact could not practicably be controlled through condition, and, as it is adjacent to the PRoW it would be highly visible and so there is no potential for screening its harmful effect.

26. In summary, with regard to the effects of the Appeal C proposal, I find that, by virtue of the significant potential for substantial amounts of incongruous material to be stored on the forecourt of the building, there would be material harm to the rurality of the area, which I have identified above as being a positive feature of the locality.

27. Having regard to the industrial use application, that proposal would, as noted above, contain the use within the building. Therefore, it would not have the same impact on the landscape as the proposal that is the subject of Appeal B.

28. I therefore conclude that the development that is the subject of Appeal B has resulted in material harm to the character and appearance of the area. It would, therefore, be contrary to Policies 10, 25, 32 and 33 of the Horsham District Planning Framework (2015) (the HDPF) and Policies 10 and 12 of the Henfield Neighbourhood Plan (2021) for the same reasons as set out with regard to my conclusion on this matter for Appeal A.

Suitable location for a business (Appeals A, B and C)

29. Policy 10 of the HDPF states that development in the countryside must contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy. In addition, development must either be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or result in substantial environmental improvement and reduce the impact on the countryside, particularly if there are exceptional cases where new or replacement buildings are involved.

30. Policy 26 of the HDPF in relation to countryside protection states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. It further requires that any proposal must be essential to its countryside location, and in addition meet at least one of four listed criteria, including enabling the sustainable development of rural areas. Having regard to each of the Appeals, I have already found above that the proposal would harm the character and appearance of the area and so would be in tension with Policy 26.

31. The appellant owns the farm unit which cultivates the surrounding fields and the income from the storage containers would contribute towards the farm holding. Whilst there is potential for the containers and other storage to be used by businesses and individuals within the local community there is no evidence to demonstrate that this is the case. Thus, there is no demonstrated need for the storage to be in this rural location. Further, the storage areas encroach into the open countryside. In so doing the proposal would undermine the Council's spatial strategy, which seeks to locate development primarily in concentrations of population, where other services and facilities are available, thereby minimising the need for travel, while protecting and enhancing valued landscapes in a manner commensurate with their statutory status, and recognising the intrinsic character and beauty of the countryside.

32. I therefore conclude, in all three appeals, that their sites are not a suitable location for business uses, having regard to local policy for economic development, contrary to Policies 10 and 26 of the HDPF.

Protected sites (Appeals B and C only)

33. There is no dispute between the parties that the sites are located within the Sussex North Water Supply Zone as defined by Natural England (NE) which draws its water supply from groundwater abstraction.

34. NE 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. These are European Protected Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations).

35. Currently, NE advises that development in locations where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to the existing adverse effect. Thus, it is necessary for me, as the decision maker, to undertake an Appropriate Assessment (AA) to determine the effects of the proposal on the protected sites.

36. Appeal sites B and C currently lack a water supply. The applications are for storage, and it is stated that there are no persons employed at the sites and that this will not change. However, the amount of storage provided under the Appeal B and C proposals, individually or in combination, is sufficient to engender a concern that, in the longer term, there may be a desire to locate staff at one or more of the sites. If this were so it would be likely that the staff would need a water supply, for their amenity. A condition to prevent the presence of staff at the sites, or the provision of a water supply, would be unreasonable and so I cannot control such a possibility by condition.

37. Given that the provision of a water supply has potential to affect sites with the highest level of statutory protection and the potential impact of any harm to those sites, I do not have the necessary certainty to satisfy myself that no harm would result to the Protected Sites as a result of these proposals. No measures have been proposed to negate or mitigate such harm.

38. The appellant identifies that the Council did not refuse Appeal A on these grounds of harm to the Protected Sites, although that, too, has no water supply or staff in attendance on the site. However, that site is for storage in separate, smaller, discrete units by individuals. It is unlikely that the user of any individual unit would seek to remain on the site for any extended period of time, as would be the case with anyone specifically employed to manage the more open storage at Appeal sites B or C, and so the likelihood of that proposal engendering the need for a water supply is less.

39. The appellant considers the Council's approach inconsistent, and considers their reasoning that the storage containers are temporary structures is not relevant. Irrespective of the merits of this argument, I have considered Appeals B and C on their own merits. In so doing I have found harm to the Protected Sites. Were I to find the appellants arguments compelling, given the harm that I have found above in regard to the Appeal B and C proposals, the implication would be that I would likely find harm to the Protected Sites from the Appeal A scheme.

40. I therefore conclude that each of the schemes would have a harmful effect on the Protected Sites. This would be contrary to the aims of Policy 31 of the HPDF in as

much as this, amongst other things, seeks to protect sites or features of biodiversity, placing such Protected Sites as these at the top of a hierarchy for protection.

Other Considerations

41. The Framework supports diversification of agricultural and other land-based rural businesses so as to engender a prosperous rural economy and this weighs in favour of the development. However, given the scale of income from each of the schemes in terms of proportion of the holdings overall turnover, the benefits are small and the schemes would not result in any increase in the number of employees at the site. Each scheme would, however, provide an increase in overall economic activity in the locality. The economic benefit from each of the schemes would be limited.

Conclusions

42. The proposed developments would be contrary to the development plan and the material considerations do not indicate that the appeals should be decided other than with it.

I A Dyer

INSPECTOR