Horsham District Council

Online Submission

Our ref: DC/25/1120
Your ref: 6006131
Email: tamara.dale@horsham.gov.uk
Direct Line: 01403 215166
Date: 23 April 2026

Dear Sir/Madam,

6006131 - Land adjacent Pucks Croft Cottage, Horsham Road, Rusper, West Sussex

Following the submission of the appeal against the refusal of full planning permission for the conversion of an existing barn into 1no. dwelling, the Local Planning Authority would like to further substantiate the reasons for refusal as follows.

Refusal Reason 1

The proposed development would result in a quantum and density that would amount to overdevelopment of the site, in a layout and arrangement that would formalise and suburbanise the countryside setting. The proposal would be unrepresentative of the build pattern and character of the locality and would not protect, and/or conserve, and/or enhance the key features and characteristics of the landscape character area. The proposed development would therefore result in harm to the visual amenity and countryside setting of the wider surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy RUS3 of the Rusper Neighbourhood Plan 2018-2031.

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposal 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 RUS3 of the Rusper Neighbourhood Plan states that proposals for new development must be of the highest design standards and will be required to reflect the character and scale of surrounding buildings.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work, and visit.

Paragraph 139 of the NPPF continues that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design

guides and codes. Conversely, significant weight should be given to: development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

It is noted that the Appellant's Statement of Case refers to the application site representing Previously Developed Land by way of its substantive area being contained within the residential curtilage of Pucks Croft Cottage. It is recognised that part of the site does form residential garden, where this would represent Previously Developed Land, however the characteristics of the site coupled with the rural transitional nature of the site, is a material consideration of relevance in assessing the appeal proposal. The Officer Report recognises that the site sits within the immediate context of a linear development of dwellings to the south of Horsham Road. These dwellings are set back from the road and well-spaced, acting as a transition between the countryside and the higher density development of Rusper Village Centre to the north. It is recognised that higher density development is located to the north of the site, but given the set back and raised land levels, these are not experienced directly. In addition, these dwellings are read in the context of the verdant street frontage to the north and south of Horsham Road, so while they do represent higher density development, their impact is softened by the natural vegetation, including the woodland along the south of the road.

The appeal site sits on the edge of this woodland, with the resulting appearance and character of the site clearly distinct from the development to the north. The appeal site therefore retains an informal and rural character, acting as a transitional space into the settlement, and therefore plays a role in defining the settlement edge, and this is reinforced by the trees along the north-western boundary. On this basis, and given the physical context and ambience of the site and its relationship with the surroundings, any development on the site would not be read in connection with the higher-density development to the north, where the site would be more sensitive to development. Therefore consideration of the quantum of development given these constraints is of importance, and the weight afforded to the nearby development is limited.

This was supported by the Planning Inspectorate at appeal, where it was recognised that Rusper forms a particularly attractive area with a traditional core and some suburban development on village edges. Although it was recognised that the site is in close proximity to Pucks Croft and Pucks Croft Cottage, the site is largely open and reflects the small and medium scale grassland fields edged with woodland shaws, hedgerows and hedgerow trees that are characteristic of the landscape to the south and east of Rusper. The Inspector considered that the site contributes to an attractive rural character and setting to the village. The Inspector considered that the open site has a stronger connection, both spatial and visual, with the adjacent development to the south of Horsham Road; where the closest dwellings are typically set back varying distances from the street, on large plots in a loose-knit linear arrangement that provides for a spacious and informal character. The Inspector thereby considered that this arrangement provides for a noticeable impression of transition between the village centre and the surrounding open countryside, in contrast to the more regular and tighter arrangement of buildings to the north of Horsham Road. It was also considered that the layout would be at odds with the generally linear ribbon character of the adjacent buildings on the south of Horsham Road, which would give the development a more formal and suburban character that was considered to be somewhat incongruous at this edge of settlement location. It was thereby concluded that the proposal would erode the spacious character along this side of Horsham Road, and would disrupt the perception of a gradual transition between the village and the surrounding countryside. The Inspector's Report can be found at **Appendix A**.

The reduced site area, when coupled with the indicative siting of the proposed dwellings and suggested extent of hardsurfacing, is considered to result in an overtly suburban and formalised arrangement that would detract from the transitional rural character of the countryside location.

It is recognised that the Appellant's Statement of Case notes that the application was for Outline only, where all matters were reserved except access, and considers that the Council's reason for refusal relates to matters subject of later consideration under a Reserved Matters application. However, the

quantum of development is considered a principle matter, and while consideration of scale and layout would be subject of further in-depth consideration through a Reserved Matters application, assessment of the quantum of development and whether this would be appropriate is a relevant consideration at Outline stage. The aforementioned matters are considered relevant to consideration of the quantum of development, where the indicative layout and arrangement of the site, including the size of the plots, is considered to be representative of a likely proposal when considering the constraints of the site and the functional requirements of any development. When assessing the quantum of development against the constraints of the site and the functional requirements for a development of this scale, it is considered in totality that the proposal would fail to reflect the landscape characteristics and build pattern of the surroundings, and would therefore be unrepresentative of the characteristics of the locality, resulting in harm to the visual amenity and countryside setting of the wider surroundings.

Specifically, the quantum of development, when considering the reduced site area, access arrangements, likely extent of hardstanding to accommodate the needs of the dwellings, and the likely spread of dwellings across the site, would in totality, fail to reflect the landscape characteristics and build pattern of the surroundings, and would be unrepresentative of the characteristics of the locality, resulting in harm to the visual amenity and countryside setting of the wider surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy RUS3 of the Rusper Neighbourhood Plan.

It is recognised that the Council are currently unable to demonstrate a 5-year housing land supply, where the most relevant policies directing growth across the District are out of date. The tilted balance as outlined within paragraph 11(d) of the NPPF is therefore engaged, which 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, permission should be granted unless 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 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

The development, by way of the quantum proposed, would result in visual and landscape impact, specifically through the potential suburban and formalised arrangement caused by the number of dwellings and the constraints of the site. These limitations would detract from the character and qualities of the landscape character area and the visual amenities of the locality. While recognised that the appeal is in Outline form, with among others, matters of layout and scale reserved for later consideration, it is considered that cumulatively the proposed development would fail to reflect the landscape characteristics of the locality, resulting in harm to the visual amenity and countryside setting of the wider surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy RUS3 of the Rusper Neighbourhood Plan.

It is acknowledged that the proposed development would contribute 4no. dwellings to the housing supply, where this would result in some benefits, including short-term economic benefits during construction and subsequent benefits to the local economy. The benefits of providing housing adjacent to the built-up area, in accordance with the Shaping Development in the Horsham District guidance document, would be given moderate weight in the planning balance. The development would however result in harm to the landscape character and visual amenity of the area, where these policies are considered to be in date. This is considered to be of significant weight in the planning balance.

When considering the development in totality, and the planning policy framework as a whole, the proposed development would conflict with the relevant planning policies, where the adverse impacts would significantly and demonstrably outweigh the benefits arising from the scheme.

The Council therefore remain of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF. The Inspector is therefore

respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, a List of Suggested Conditions is attached to this letter.

Yours sincerely,

Tamara Dale
Principal Planning Officer

List of Suggested Conditions

1 **Approved Pans**

2 **Outline Permission**

(a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

(d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)

ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement Condition:** 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.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement (Slab Level) Condition**: 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 and roofs of the approved building(s) 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.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces (including garages where applicable) for vehicles shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced 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.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

6 **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that 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.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 and 41 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition:** 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.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition:** 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, D, E, G and H of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to character of the subject building, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment and Method Statement reference LLD3245-ARB-REP-001 revision 03 dated 01 June 2025.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Impact Assessment reference LLD3245-ECO-REP-001-01-ECIA revision 01 dated 19 June 2025.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Appendix A

APP/Z3825/W/21/3280084 Appeal Decision

The Planning Inspectorate

Appeal Decision

Site visit made on 21 June 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/Z3825/W/21/3280084
Land adjacent Pucks Croft Cottage, Horsham Road, Rusper, West Sussex RH12 4PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by BPH Construction Equipment Ltd against the decision of Horsham District Council.
- The application Ref DC/20/2465, dated 4 December 2020, was refused by notice dated 3 February 2021.
- The development proposed is described as 'outline planning application with all matters reserved except for access in relation to the provision of 7no. houses with car parking, landscaping and associated access at land adjacent to Pucks Croft Cottage, Rusper, Horsham'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although expressed differently at part E of the appeal form and on the Council's decision notice, neither of the main parties has provided written confirmation that a revised description of development from that entered on the original planning application form has been agreed. I have therefore used this description in the banner heading above.

3. The application is made in outline with all matters reserved except for access which is to be considered at this stage. I have had regard to the plans submitted as part of the application. However, I have regarded all elements of these drawings as indicative, apart from the details of the access.

4. Subsequent to the Council's decision on the application, it received advice from Natural England raising concerns in relation to the impact of water abstraction within the Sussex North Water Supply Zone ('SNWSZ') on the integrity of the Arun Valley Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Ramsar Site. In light of this advice, the Council's appeal statement sets out that it considers the effect of the development on the Arun Valley sites in the absence of demonstrated water neutrality to justify an additional reason for refusal. The main parties have had the opportunity to comment on this matter as part of their evidence, and have also been able to comment in relation to the appellants proposed approach to achieve water neutrality. I have determined the appeal on the submissions and evidence before me.

5. Also since the Council determined the application, the Rusper Neighbourhood Plan 2021 ('RNP') was formally made and therefore now comprises part of the

development plan. The main parties have been able to provide comments on any implications for the appeal of this change in policy as part of their evidence, and I have had regard to the RNP in making my decision.

Main Issues

6. The main issues are:
   i) whether or not the proposed development would provide a suitable location for housing having regard to its position within the countryside and the spatial strategy for the District;
   ii) the effect of the proposal on the character and appearance of the area;
   iii) the effect of the proposal on the integrity of the Arun Valley SPA, SAC and Ramsar Site, with particular regard to the abstraction of water within the SNWSZ; and
   iv) the effect of the proposal on highway safety.

Reasons

Suitability of the Location

7. The appeal site is located on Horsham Road on the outskirts of Rusper. For the most part, it comprises open grassland, although there is a barn close to the boundary of the site with Pucks Croft and Pucks Croft Cottage which are to the north east. There is further residential development to the opposite side of Horsham Road, while the remainder of the site abuts predominantly open land, with a belt of fairly dense trees to the west.

8. Policy 2 of the Horsham District Planning Framework 2015 ('HDPF') provides a spatial strategy intended to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. It focuses development in and around Horsham and directs growth in the rest of the district in accordance with the identified settlement hierarchy.

9. Policy 3 of the HDPF sets out that development will be permitted in towns and villages which have defined built-up areas, while Policy 4 of the HDPF outlines that outside of built-up area boundaries, the expansion of settlements will be supported subject to criteria including that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. Policy 26 of the HDPF further relates to development in the countryside, and includes a requirement that any proposal for development outside of built-up area boundaries must be essential to its countryside location.

10. The majority of the site is adjacent to but outside of the defined built-up area boundary of Rusper, and is therefore within the countryside in planning policy terms. It is not allocated for development in the Local Plan or in the RNP, and I have not been provided with substantive evidence demonstrating that the development is essential to its countryside location. Residential development of the site would not therefore accord with Policies 2, 3, 4 or 26 of the HDPF.

11. In addition, HDPF Policy 3 identifies that smaller villages including Rusper have limited services, facilities, social networks but good accessibility to larger settlements or settlements with some employment but limited services, facilities or accessibility. It states that residents of smaller villages are reliant on larger settlements to access most of their requirements. As highlighted

within the appellant's evidence, Rusper does offer some facilities including a primary school, local shop, post office and pubs within reasonable walking distance of the appeal site. However, future occupiers would need to travel further afield to reach facilities including a secondary school, comprehensive shopping facilities or significant employment. There would be some opportunities to do so by bicycle or by bus, but the details before me indicate that the available bus service does not operate during usual commuting times or at weekends. Together with the distances to other destinations with a wider range of facilities, I consider that occupiers would be likely to rely on private vehicles for many journeys, contrary to objectives within the National Planning Policy Framework ('the Framework') to promote sustainable transport. That said, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and it is clear that there would be potential to access at least some day to day services by means other than private vehicle. Noting also the small scale of the development, I consider that the adverse impacts in this regard would be limited.

12. Nevertheless, the location of the majority of the development within the countryside would conflict with the spatial strategy for the District and Policies 2, 3, 4 and 26 of the HDPF, and I conclude on this basis that it would not therefore be a suitable location for housing. I return to consider the weight to be given to the conflict with these policies including with regard to the supply of housing in the District in my Planning Balance below.

Character and Appearance

13. Extracts of the West Sussex County Council Landscape Character Assessment 2003 for the Low Weald Hills Landscape Character area included within the appellant's Landscape Appraisal/Study 2020 ('LAS') note that Rusper forms a particularly attractive area with a traditional core and some suburban development on village edges. Although the appeal site is in close proximity to Pucks Croft and Pucks Croft Cottage, the site is largely open. It reflects the small and medium scale grassland fields edged with woodland shaws, hedgerows and hedgerow trees that the LAS notes are characteristic of the landscape to the south and east of Rusper, and I find that it contributes an attractive rural character and setting to the village.

14. Layout is a reserved matter, but details of access to the site do form part of the application, and the indicative drawings suggest that dwellings would be arranged around a cul-de-sac. The proposed dwellings together with associated access, parking and gardens would spread across a considerable proportion of the site. Irrespective of nearby buildings, the encroachment of the development onto currently undeveloped land would be urbanising, and would result in a loss of openness.

15. The appellant argues that the density of development would be comparable to other areas in Rusper, including at Gardeners Green to the opposite side of Horsham Road, and that it would be lower than developments closer to the village centre. Be that as it may, I consider that the open site has a stronger connection, both spatial and visual, with the adjacent development to the south of this part of Horsham Road where I saw that the closest dwellings are typically set back varying distances from the street on large plots in a loose-knit linear arrangement which provides for a spacious and informal character. In my assessment, this provides for a noticeable impression of

transition between the village centre and the surrounding open countryside, and a different character to the opposite side of Horsham Road where I observed a more regular and tighter arrangement of buildings.

16. The submitted details indicate that the plots to dwellings would be smaller than the majority of nearby buildings to this side of Horsham Road. Despite the potential for areas of public amenity and village green spaces within the site, the overall density of development would also be higher, and in my view, the proposal would result in a slightly more intense form of development that would contrast with these more spacious neighbours.

17. Moreover, while the appellant indicates that the dwelling on Plot 7 would face Horsham Road, it would be accessed from within the site. I appreciate that there are other examples of cul-de-sacs in Rusper, but the layout would be at odds with the generally linear ribbon character of the adjacent buildings on this side of Horsham Road, and would give the development a more formal and suburban character that I consider would be somewhat incongruous at this edge of the settlement. I find given these factors that the proposal would erode the spacious character along this side of Horsham Road, disrupting the perception of a gradual transition between the village and the surrounding countryside.

18. Nevertheless, the site would in many cases be seen together with higher density development elsewhere in Rusper and would not therefore be wholly exceptional within the village. The appellant has also sought to develop a 'landscape-led' approach, and I agree that the planting together with indicated provision of open spaces within the site would provide visual links with the surrounding landscape and would help to integrate the development with its surroundings. Although I am not persuaded that the inclusion of landscaping and enhanced planting including along Horsham Road would fully offset or mitigate the encroachment of more intense built form into the countryside to this side of Horsham Road, these factors would serve to reduce the visual impact of the proposal.

19. In addition, I acknowledge that the site is well-contained, and that new planting could be incorporated into the scheme including around the boundaries which would provide some screening of the development. The LAS outlines that there would be no or only negligible change to views from many points, and while there would be some views of the development from Horsham Road and sections of the nearby right of way, I find that the visual impact of the proposal would be localised. Given also the relatively small scale of the development, harm to the character of the wider surrounding landscape would in my judgement be modest.

20. Even so, the LAS highlights key relevant landscape characteristics of the area around the site as a rural unspoilt character and largely intact historic dispersed settlement pattern. While the effect would be localised, I find for the above reasons that the proposal would adversely affect the countryside setting to the village and I conclude that it would cause some harm to the character and appearance of the area.

21. As a consequence, there would be conflict with policies 25, 32 and 33 of the HDPF which together and amongst other things broadly seek to conserve and enhance landscape character and the natural environment, and require new

development to be of high quality design that complements local character and contributes to a sense of place.

Nature Conservation Sites

22. Natural England has issued advice outlining that it cannot be concluded that existing water abstraction within the SNWSZ is not having an adverse impact on the integrity of the Arun Valley SAC, SPA and Ramsar Site through reduced water levels and potential water quality impacts. The advice also indicates that further development with a requirement for additional abstraction in the SNWSZ is likely to have an adverse impact on the European sites.

23. The appeal site is within the SNWSZ. From the information before me, I am unable to conclude with sufficient certainty that the proposal would not be likely to have a significant effect on the Arun Valley sites either alone or in combination with other plans and projects through water abstraction to meet the increased water demand associated with the 7 dwellings.

24. To be able to determine that a proposal would not be likely to adversely affect the integrity of the Arun Valley sites, advice from Natural England indicates that the proposal would need to demonstrate that it would achieve no net increase in water consumption, or 'water neutrality'. In advance of a strategic solution, Natural England has advised that demonstrating water neutrality may be done through a combination of water efficiency measures and offsetting.

25. The appellant has provided a Water Neutrality Statement, as well as supplementary comments in response to concerns raised by the Council regarding the Statement and in response to a subsequent request that I made for further information.

26. Based on an indicative housing mix and assumed population of 24 residents, these detail an expected normal water consumption for the development of around 744,600 litres per annum. However, the appellant proposes that rainwater harvesting can be installed to meet non-potable water demand, and the use of identified water efficiency measures to achieve a maximum daily water use of 80 litres per person per day. This equates to a water demand of around 700,800 litres per annum that would need to be offset to achieve water neutrality.

27. The appellant suggests that the increase in water demand at the appeal site could be offset on a site within their ownership at Northwood Forestry where planning permission was granted in February 2022 for change of use of existing land and buildings to use for plant hire, sales and repair. The evidence before me includes a copy of the Water Neutrality Statement for the Northwood Forestry development ('WNS'). This indicates that additional water demand associated with that development could be met by the harvesting of rainwater from existing roofs in the south east part of the site, and concluded that the development would be considered water neutral.

28. In relation to the current appeal, the appellant has provided details indicating that additional roof area of around 3,000sqm would be available at the Northwood Forestry site to accommodate further rainwater harvesting. However, the appellant confirms that the remaining baseline water usage at the Northwood Forestry site after the development and water neutrality measures proposed there would be around 349.93m^3 (or 349,930 litres) per

annum. Moreover, the WNS confirms that fresh drinking water at the Northwood Forestry site would continue to be supplied from the mains, albeit that this is suggested to be a very small proportion of the baseline demand.

29. Even if I were satisfied that further rainwater harvesting at the Northwood Forestry site could potentially harvest a volume of water equivalent to the water usage of the appeal development requiring offsetting (around 700,800 litres per annum), this would far exceed the baseline water demand volume at that site. From the information before me, it is not clear how harvested rainwater in excess of the baseline water usage at the Northwood Forestry site would contribute to reducing water usage in practice, and I have no substantive details to indicate how water demand associated with the appeal proposal in excess of the baseline water demand at Northwood Forestry could otherwise be offset. I am not therefore satisfied that there would be scope to fully offset the water usage associated with the appeal development at the Northwood Forestry site. Although I am aware that work to develop a strategic solution to offsetting is ongoing, I have no clear indication of what form mitigation would take, nor likely timescales.

30. I have considered the appellant's suggested 'Grampian' condition to secure water neutrality based on a calculation of exact water consumption figures and offsetting requirements according to details to be agreed at reserved matters stage. However, I need to be convinced the proposal is capable of achieving water neutrality. Given my findings above, I can have little confidence from the information before me that measures to fully offset additional water demand arising at the appeal site could be delivered in practice in order to achieve water neutrality. As there is currently insufficient certainty that effective mitigation could be secured to achieve water neutrality, I am not satisfied that this issue could in this case be reasonably deferred to be addressed through a planning condition. Given that water neutrality has not been secured and the absence of an appropriate mechanism by which it could be secured, I find that adverse effects on the integrity of the Arun Valley SAC, SPA and Ramsar Site can not be excluded.

31. As a result, I can only conclude that the proposed development would adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar Site. In these circumstances, I find that Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Regulations') would preclude the proposal from proceeding. The proposal would also conflict with Policy 31 of the HDPF which, amongst other things, sets out that permission will be refused where development is anticipated to have an adverse impact on biodiversity sites such as SPAs and SACs, unless appropriate mitigation measures are provided. It would also be contrary to the Framework's objectives for the protection of biodiversity and the conservation of the natural environment.

Highway Safety

32. The Council's third reason for refusal of the planning application asserted that insufficient information had been provided to demonstrate that there would be safe and suitable access to the development.

33. As part of the appeal, the appellant has provided a Planning Appeal Statement (Transport) dated 7 May 2021 ('PAST') which includes details of Automatic Traffic Count surveys undertaken in the vicinity of the site in accordance with

Department for Transport Document CA 185 Vehicle Speed Measurement 2019, part of the Design Manual for Road and Bridges ('DMRB'). Having regard to the observed vehicle speeds, the PAST confirms that visibility splays consistent with design standards specified by DMRB and the Department for Transport Manual for Streets can be achieved within highway land or land under the control of the appellant.

34. The Council has not raised concerns in relation to the additional information provided with the appeal. From the evidence before me, I can see no firm reason to take a different view, and I am satisfied that suitable standards of visibility could be achieved sufficient to provide safe and suitable access to the site and to avoid undue conflict between traffic, cyclists and pedestrians.

35. Accordingly, I conclude that the proposal would not cause unacceptable harm to highway safety, and I find no conflict with Policy 40 of the HDPF which includes requirements seeking development that provides safe and suitable access and that minimises conflict between traffic, cyclists and pedestrians.

Benefits of the Development

36. The Framework includes clear objectives seeking variously to make the best use of available land, to boost significantly the supply of housing and recognising 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. Moreover, the Council accepts that it is unable to demonstrate a five year supply of housing. In this context, the delivery of 7 additional dwellings is an important benefit, and I give it great weight. However, even if I were to find the current supply is 3.9 years as the appellant had suggested rather than 4 years as the Council asserts, I consider that the benefit would be fairly limited given the relatively small scale of the contribution to the mix and supply of housing overall.

37. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. These would include support for local services and employment, and expenditure contributing to the local economy. However, the extent of these benefits would be tempered by the small scale of the development, and I give them modest weight. I also note that the appellant has referred to New Homes Bonus payment to the Council, but the Planning Practice Guidance makes it clear that it would not be appropriate to make a decision based on the potential for a development to raise money for a local authority, and I have not been provided with evidence that any benefit arising in this regard would be directly related to the development. This is not therefore a matter to which I afford weight in favour of the proposal.

38. The indicative landscaping proposals would enhance natural features across the site and would provide additional habitat for biodiversity. In this regard, I see no reason to disagree with the Council's Ecology Consultant that the proposal could deliver a biodiversity net gain on the site itself which would be supported by the Framework. However, this would depend somewhat on the detail of reserved matters and enhancement measures, and the extent of any benefit is not therefore clear at this stage which limits the weight that I afford to it.

39. The indicative details also show that open space and areas of recreation and play would be provided on the site, and the appellant advises that these would

be accessible to existing local residents. I note support within the RNP for increasing provision of public open space in Rusper, but I have not been provided with substantive evidence drawing my attention to an identified deficit in space locally. Accordingly, I give modest weight to this benefit.

40. Future occupiers of the site would have some access to local services and facilities and public transport links within Rusper, as well as pedestrian and cycle linkages to the rights of way network. However, I have found there would still be some reliance by occupiers on private vehicles, and I do not consider the accessibility of the site to constitute a significant benefit of the proposal.

41. I have no reason to doubt that the mass, scale and materials of the buildings could be designed to be sympathetic to the local area and that it would be possible to provide sustainable drainage and passive surveillance of open spaces as part of the development. However, I am not persuaded that these are positive benefits in favour of the scheme. I also note the appellant's comments that the development would incorporate sustainable design and construction measures, but it is not clear from the information before me that these would provide for significant benefit over what would in any case be necessary to comply with requirements of the development plan and building regulations which limits the weight that I give to this factor.

Planning Balance

42. Although I have found that the proposal would not unacceptably harm highway safety, I have concluded that the development would not be a suitable location for housing on account of the position of the majority of the site within the countryside, in conflict with the spatial strategy for the District. It would also cause harm to the integrity of the Arun Valley SPA, SAC and Ramsar Site and to the character and appearance of the area, albeit that the harm in the latter case would be localised and relatively modest. For these reasons, the proposal would conflict with Policies 2, 3, 4, 25, 26, 31, 32 and 33 of the HDPF. While these policies are most important for determining the proposal, the lack of a five year housing supply means that they would be deemed out of date under the provisions of footnote 8 of the Framework.

43. In these circumstances, the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is engaged, and provides that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, 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.

44. Given however my conclusion that the proposal would adversely affect the integrity of the Arun Valley SPA, SAC and Ramsar Site, footnote 7 and paragraph 182 of the Framework confirm that the presumption in favour of sustainable development would not apply.

45. Notwithstanding the shortfall in housing land supply, the adverse effect of the development on designated nature conservation sites and conflict with the Regulations is a matter of overriding concern that would significantly outweigh the modest benefits of the proposal.

46. Taken together with the harm, albeit modest, to the character and appearance of the area, and arising from the location of the development contrary to the spatial strategy for the district, I conclude overall that the proposal would conflict with the development plan when it is read as a whole. Material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached.

Conclusion

47. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR