Horsham District Council

By Electronic Submission

Our ref: DC/25/0053
Your ref: Appeal 6004569
Email: tamara.dale@horsham.gov.uk
Direct Line: 01403 215166

Date: 18th March 2026

Dear Sir/Madam,

Appeal 6004569 –

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 development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2023) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy Ship HD1 of the Shipley Parish Neighbourhood Plan 2019-2031.

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Policy 4 of the HDPF refers to the expansion of settlements outside the built-up area, and states that such development is only supported where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

Thakeham1 of the Thakeham Parish Neighbourhood Plan defines the built-up area boundaries of Thakeham. Development plan policies for development in the countryside apply outside the built-up area boundaries. Proposals must not undermine the visual and physical integrity of the gap between the built-up area of Thakeham and the new development at Abingworth Nurseries.

Paragraph 73 continues that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:…support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes…"*.

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

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

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*

The term “isolated” is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within proximity to a number of residential dwellings, and given this spatial context is not considered to be “isolated” in its truest sense, and does not therefore engage the considerations of paragraph 80.

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

In this countryside location, the proposal is also considered against Policy 26 ‘Countryside Protection’ which protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing

for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development would not meet any of these criteria, nor is it considered to be essential to the countryside location.

The Appellant notes that the site is located within 100m of a bus stop and is serviced by a daily bus that connects Thakeham to Horsham and Storrington (Routes 74a and 74b). However, the bus timetable (attached at **Appendix A**) demonstrates that only a single service is provided regularly Monday to Friday, with sporadic availability on Thursdays. On this basis, it remains that future occupiers would be heavily reliant on private vehicles to meet their needs.

For the above reasons, the proposed development is not considered to be within reasonable distance of services and facilities, where reliance on private vehicles would be necessary. The site is not therefore considered to be in a sustainable location.

The Appellant makes reference to the recent appeal at Horsham Golf and Fitness, where the Inspector noted that the current settlement boundaries in the HDPF are out of date and that the use of Policy 26 to restrict housing development outside of settlement boundaries is inconsistent with the language of the NPPF. While these principles are not disputed by the Council, the weighting to be afforded in undertaken on a case by case basis. The appeal at Horsham Golf and Fitness related to a substantially larger quantum of development, where the site is located at a much closer distance to the main settlement. The scheme is not therefore considered comparable to the current appeal.

The Council would also draw attention to a number of recent appeal decisions relating to residential development, where the principle of development has been considered and the tilted balance applied.

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

This appeal sought Outline planning permission with all matters reserved except access for 7no. dwellings with car parking, landscaping and associated access. The relevant matters considered by the appeal included whether 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, and the effect the proposal would have on the character and appearance of the area.

The appeal site is located on the outskirts of Rusper and, for the most part, comprises open grassland, although there is a barn close to the boundary of the site with Pucks Croft and Pucks Croft Cottage. There is also 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.

The Inspector recognised that 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 policy terms. It is not allocated for development within the Local Plan or the Rusper Neighbourhood Plan, and there is no substantive evidence to demonstrate that the development is essential to its countryside location. The Inspector therefore noted that residential development of the site would not accord with Policies 2, 3, 4 or 26 of the HDPF.

The Inspector noted that Rusper offers some facilities including a primary school, local shop, post office and pubs within reasonable walking distance of the appeal site. However, considered that 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 bus, but the evidence indicated that the 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, it was considered that future occupiers would be likely to rely on private vehicles for many journeys.

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, where it was concluded that the site would not therefore be a suitable location for housing.

With regard to character and appearance, the Inspector noted that 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. The Inspector considered that the site has a stronger connection, both spatially and visually, with development to the south of Horsham Road, where the large plots in a loose-knit linear arrangement provides for a spacious and informal character. The Inspector considered that this provided for a noticeable impression of transition between the village centre and the surrounding countryside, and a different character to the opposite side of Horsham Road where a more regular and tight arrangement of buildings exist.

The Inspector considered that the plots would be smaller than the majority of nearby buildings, and despite the potential for areas of public amenity and village green spaces within the site, the layout would be at odds with the generally linear ribbon character of the adjacent buildings, and would give the development a more formal and suburban character that would be incongruous with the edge of settlement character. This would have the consequent of disrupting the perception of gradual transition between the village and the surrounding countryside.

The well-contained nature of the site, with screening around the boundaries, was recognised by the Inspector. While it was considered that impacts would be localised, it was concluded that the proposal would adversely affect the countryside setting to the village, and cause harm to the character and appearance of the area. It was thereby concluded that there would be conflict with Policies, 25, 32, and 33 of the HDPF.

In respect of the planning balance, the Inspector recognised that the delivery of 7no. dwellings would provide an important benefit and attributed great weight to this matter. However, it was considered that the benefit would be fairly limited given the relatively small scale of the contribution to the mix and supply of housing overall. The Inspector recognised that 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 this was therefore attributed modest weight.

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, there would still be some reliance by occupiers on private vehicles, and the Inspector does not consider the accessibility of the site to constitute a significant benefit of the proposal. The Inspector concludes that taken together, the proposal would conflict with the development plan when read as a whole and material considerations, including the NPPF, do not indicate that a decision contrary to the Development Plan should be reached.

The Decision Notice and Location Plan for the proposed development is attached at **Appendix B**.

APP/Z3825/W/24/3352708 - Lancasters Cottage, Littleworth Lane, Partridge Green, West Sussex RH13 8EJ

This appeal sought planning permission for the demolition of an annexe and garden buildings, and the erection of a 3-bedroom detached dwelling. The relevant matter was whether the site is a suitable location for a dwelling with regard to the spatial strategy for the District.

The appeal site comprises part of the residential garden of Lancasters Cottage located outside of any defined built-up area. The Inspector noted that the site is located approximately 1 mile from the outskirts of Partridge Green, which is a medium village with a moderate level of services and facilities. It was recognised that Littleworth is presently an unclassified settlement to which no development would be directed, but was to be designated as a Secondary Settlement as part of the Draft Horsham District Local Plan. However, given the uncertainty that exists regarding the progress of the Local Plan, no weight was attached to the emerging plan.

The Inspector noted that Littleworth Lane is unlit and subject to national speed limit, where there is no footpath nor a separate cycleway. Even if traffic levels are low, it is still unlikely that this would be an attractive walking or cycling option for future occupiers, particularly in the dark or in poor weather. It is unlikely that future occupiers would use the bus services that would also require travelling this route. While there is a public right of way opposite the site, it is still some distance until the next village. Although there is a footpath from Littleworth to Partridge Green, this would not overcome the issues that exist between the site and Littleworth. The Inspector thereby concluded that the appeal site is not in a location which would allow for ready use of means of travel other than the private car.

The Inspector gave consideration to the Council's FAD document, and noted that this would not provide any support for the proposed development as it would not adjoin a settlement edge, and the document requires development to meet all of the identified criteria. It was therefore concluded that the proposal would not be a suitable location for the proposed development with respect to the spatial strategy. It would therefore be contrary to HDPF Policies 2, 3, 4, and 26 which taken together seek to direct housing development to settlement types identified the settlement hierarchy and protect the countryside against inappropriate development.

The Inspector recognised that there would be a benefit from the delivery of an additional dwelling, where moderate weight was attached to this given the shortfall in housing land supply and the failure to meet the requirements of the housing delivery test, as well as the capability to deliver the development quickly. Limited weight was attributed to the economic and accessibility benefits of the proposal given its limited scale.

The Inspector concluded that the site would be contrary to the locational policies of the development plan. It would not be well located in relation to settlements within the settlement hierarchy and the ability to access any settlements by means other than private car. Consequently, the Inspector found that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

The Decision Notice and Location Plan for the proposed development is attached at **Appendix C**.

APP/Z3825/W/25/3365004 - Lower Batchelors, Emms Lane, Barns Green, Horsham RH13 0QH

This appeal related to the demolition of an existing structure and erection of a single dwelling on land outside of any defined built-up area and within a countryside location. The relevant matter was whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

The Inspector noted that the appeal site is part of the agricultural surroundings of Barns Green, where open fields and paddock land interspersed with blocks of woodland dominate the landscape. Emms Lane, in the vicinity of the appeal site, is a narrow lane without road markings which is bound by trees and hedges. Development along this stretch of Emms Lane is sparse and where present it includes agricultural buildings as well as residential properties. The appeal site comprises a modest parcel of land which currently accommodates a detached block of stables with a rural appearance which is adjacent to a collection of agricultural buildings. As such, despite being located near Barns Green, the site is more closely related to the countryside than to the built form of the settlement.

The Inspector considered that while the proposal would replace existing built form, the introduction of a residential plot in this location with a dwelling and associated features, including domestic paraphernalia, would formalise and urbanise the plot. The proposal would significantly erode the contribution the appeal site makes to the countryside setting of the settlement and harm the rural character of the area.

The Inspector had regard to the Council's FAD document, but concluded that the proposed development would not meet all of the criteria, and the scheme would not be in an appropriate location or land use.

The Inspector concluded that the site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. The appeal scheme would therefore conflict with HDPF Policies 1, 2, 4, 25, 26, 32, and 33. Amongst other things, these policies seek to restrict development outside of settlement boundaries, and to promote development that protects, conserves and enhances the landscape character.

The Inspector recognised that the appeal scheme would provide one dwelling, making an effective use of land. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. As a small site, it could also be built-out reasonably quickly. There would be associated economic benefits during construction of the home and related employment for its duration, as well as future occupiers spending in the local economy. Future residents would be active in the local community. Taken together, these benefits weigh in favour of the proposal, albeit the limited number of dwellings proposed means that they attract modest weight in favour of the proposed development.

The proposal would be located outside the settlement boundary for Barns Green and would therefore be contrary to the spatial strategy and FAD guidance for the location of housing. Given the housing shortfall, the Inspector ascribed limited weight to the conflict with HDPF Policies 2, 3, 4 and 26 of the HDPF.

However, it was considered that the proposal would be harmful to the character and appearance of the area. The Framework seeks to ensure that development is sympathetic to local character, including the surrounding built environment and landscape setting. Therefore, the conflict between the proposal and HDPF Policies 25, 32 and 33 should be given significant weight in this appeal.

The Inspector concluded that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

The Decision Notice and Location Plan are attached at **Appendix D**.

APP/Z3825/W/24/3341185 - Wedgwood, Farthings Hill, Horsham, West Sussex RH12 1TS

This appeal related to an Outline planning permission for the redevelopment of the site to provide 7 residential units, ancillary parking and landscaping with all matters reserved except access. The appeal site is located within the built-up area boundary of Horsham, where the relevant matter was the effect of the proposal on the character and appearance of the area.

The Inspector recognised that dwellings on this side of Farthings Hill vary in form and design, but they are typically large properties which are set well back from the street on sizable plots, forming a loose ribbon. There is a densely vegetated verge in front of a spur alongside part of the street and further mature trees are visible within front gardens and to the rear of dwellings, including a large Oak to the rear of the appeal site. Together with the usually generous landscaping around buildings and

boundary vegetation, these factors provide for an attractive spacious and reasonably verdant quality to this part of the street scene.

The Inspector considered that the position of the terrace of dwellings, sitting deep into the site and behind the frontage dwellings, would contrast with the characteristic arrangement of development on this side of Farthings Hill. The dwellings would have much smaller footprints than others here, and the plots would also be considerably smaller so that space around the buildings would be comparatively limited. The repeated effect of this across the site would reinforce the impression of an unusually high density. As seen from the street, the overlapping arrangement of the terrace and detached dwellings would further present a solid block of development spanning nearly the full width of the site. In combination, these factors would cause the development to appear awkwardly squeezed onto the site and there would be a conspicuous and pronounced erosion of the distinctive spacious character of the area.

The Inspector concluded that the proposed development could not be accommodated without undue harm to the character and appearance of the area, where the proposal would be contrary to Policies 25, 32, and 33 of the HDPF and Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan.

In undertaking the planning balance, the Inspector recognised that the Council could not demonstrate a 5-year housing land supply, and noted that the proposal would make effective use of the site which is within the built-up area, providing for a net gain of six dwellings towards the supply of housing locally. The Framework seeks to significantly boost the supply of housing, and in light of the current supply shortfall, the provision of housing is an important factor which attracts great weight. The Framework also advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. That said, the modest scale of the proposal would limit the contribution made to the overall supply of housing and consequently the extent of the benefit.

The Inspector recognised that future occupiers of the site would benefit from the accessible location with access to bus and train services as well as shops and other facilities within walking and cycling distance. There would also be social and economic benefits associated with construction and occupation of the development. These benefits would be limited by the small scale of the proposal though.

The Inspector considered that harm to character and appearance would be localised and limited given the wider context, but would be contrary to objectives in the Framework seeking development that is sympathetic to local character. While noting the housing shortfall, the Inspector found the cumulative benefits of the proposal to be insufficient to outweigh the harm identified and the resulting conflict with the development plan and the Framework.

The Decision Notice and Location Plan are attached at **Appendix E**.

APP/Z3825/W/24/3346736 - Paiges Yard, Nep Town Road, Henfield BN5 9DZ

This appeal related to the demolition of existing buildings, cessation of commercial vehicle repair business use, provision of new access and erection of two buildings containing overall 3 x 2-bed dwellings and 2 x 2-bed apartments along with ancillary parking and a utility building for each unit. The appeal site is located within the built-up area of Henfield, where the relevant matter was the effect of the proposal on the character and appearance of the area including the Henfield Conservation Area.

The Inspector noted that the proposal would see dwellings set to the rear of the site with storage units along the boundary to Nep Close. There would be a parking court to the front which would be defined by cobbled sets to the front and a low palisade fence. The frontage arrangement would be similar to that at Nep Close with development fronting onto a hardstanding. The proposal would therefore

replicate a layout which has a negative effect on the Conservation Area and would not integrate with the prevailing character and appearance of the residential aspects of the Conservation Area.

The Inspector recognised that while the existing site detracts from the Conservation Area, this would not justify a redevelopment which would also fail to preserve and enhance the character and appearance of the Conservation Area.

The Inspector acknowledged that the development would deliver 5no. additional dwellings that would contribute to an identified need in an area that does not have a 5-year housing land supply nor meet the Housing Delivery Test. It was also noted that as a small site, it is likely the proposal could be delivered quickly. However, these benefits are not sufficient to outweigh the harm identified.

While the Inspector recognised that the circumstances of the tilted balance were engaged, the Inspector found that the harm arising provided a clear reason to refuse the development proposed.

The Decision Notice and Location Plan are attached at **Appendix F**.

As with the appeal decisions above, the proposed development, on a site within the countryside and not allocated for development, would be in conflict with the spatial strategy for housing within the development plan as set out in Policies, 2, 3, and 4 of the HDPF. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF. The proposal would not therefore provide a suitable location for housing with regard to the spatial strategy within the Development Plan.

The Appellant considers that insufficient weighting has been given to other material considerations as part of the planning balance. Specifically, the Appellant's Statement of Case argues that the development would be appropriate to the scale and function of Coolham, would be a significant benefit to local housing needs, and would align with the Council's rationale for defining Coolham as a Secondary Settlement.

The development would however undermine the current spatial strategy, as well as the spatial strategy coming forward as part of the draft Horsham District Local Plan. While the proposed development would contribute toward the District's housing supply and result in some modest social and economic benefits, it is not considered that this would outweigh the harm arising as outlined above.

Conclusion

It is acknowledged that the Council are currently unable to demonstrate a 5-year housing land supply, with the most recent AMR 2024/2025 reporting a 1.7 year housing land supply. As such, the tilted balance as directed by paragraph 11(d) of the NPPF applies.

Paragraph 12 of the NPPF states that *"the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

It is recognised that Policies 2, 4 and 26 of the HDPF are considered to be out of date and now carry only moderate weight in decision-making. In order to support decision-making within this context, the Council have published a Planning Advice Note titled "Shaping Development in Horsham District" which recognises that given the 5-year housing land position and the principles behind Policy 4 of the HDPF, applications that meet all of the following criteria will be supported:

- The site adjoins the existing settlement edge as defined by the built-up area boundary;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist with the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

The appeal proposal would not meet all of the above criteria, and while the proposed development would contribute to the identified housing need, the benefits of the development would be modest. The appeal site remains remote from day-to-day services, where there would be a strong reliance on private vehicles, and would be located at a distance from the nearest amenities and facilities.

Cumulatively, the site is therefore considered an inappropriate location for housing when considering the spatial strategy, and would be in conflict with Policies 2, 3, 4, 25, 26, 32, and 33 of the Horsham District Planning Framework (2015) and Policy Thakeham1 of the Thakeham Parish Neighbourhood Plan. The harm arising from the development is not considered to be outweighed by the modest benefits of 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 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 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 & 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 Tree Survey & Report by Jonathan Rodwell dated January 2023.

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 Preliminary Ecological Appraisal Report by aLyne Ecology dated 26.01.2023.

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

Bus Timetable

74: Storrington - West Chiltington - Barns Green - Horsham
74A: Storrington - Thakeham - Barns Green - Horsham
74B: Storrington - Thakeham - Shipley - Maplehurst - Horsham

includes 64 journeys from Loxwood to Coolham, Barns Green and Horsham

74 74A 74B

Operates on days shown

	M-F 74A	Tue 74	Tue 74	Tue 74	Thu 74B	M Th 64	Thu 74A	Thu 74A
Storrington, Bus Stand	0643	0935	1212	1340	0935		1219	1347
Thakeham, The Street	0649	▼	▼	▼	0941		1225	1353
W.Chiltington Common, C'rds	▼	0941	1218	1346	▼		▼	▼
W.Chiltington, Queens Head	▼	0944	1221	1349	▼		▼	▼
Danhill, Crossroads	0651	0950	1227	1355	0943		1227	1355
Shipley Village	▼	▼	▼	▼	0948		▼	▼
Buckbarn Crossroads	▼	▼	▼	▼	0953		▼	▼
Maplehurst, White Horse	▼	▼	▼	▼	0959		▼	▼
Nuthurst, Black Horse	▼	▼	▼	▼	1003		▼	▼
Coolham, Crossroads	0654	0953	1230	1358	▼	1115	1230	1358
Brooks Green	0657	0956	1233	1401	▼	1118	1233	1401
Barns Green, The Hordens	0701	1000	1237	1405	▼	1122	1237	1405
Barns Green, Recreation Grnd	0702	1002	1239	1407	▼	1124	1239	1407
Christs Hospital, Bluecoat Pond	0708	1008	1245	1413	▼	1130	1245	1413
Horsham, Bus Stn, Bay A (arr)	0714	1016	1253	1421	1016	▼	1253	1421
Horsham, Bus Stn, Bay A (dep)		1020	1255	1425	1020	1138		
Horsham, Carfax		1022	1257	1427	1022	1140		

	Tue 74	Tue 74	Tue 74	Thu 74A	Thu 74B	M Th 64	Thu 74A	Sch 74A	M-F 74A
Horsham, Bus Station, Bay A (dep)	1020	1255	1425	1020	1255	1325	1425		1635
Horsham, Carfax	1022	1257	1427	1022	1257	1327	1427		1637
Horsham, Station	▼	▼	▼	▼	▼	▼	▼		1640
Horsham, Hospital	▼	▼	▼	▼	▼	▼	▼		1641
Christs Hospital, Bluecoat Pond	1032	1307	1437	1032	▼	1337	1437		1651
Barns Green, Recreation Ground	1038	1313	1443	1038	▼	1341	1443		1657
Barns Green, The Hordens	1040	1315	1445	1040	▼	1343	1445		▼
Brooks Green	1044	1319	1449	1044	▼	1346	1449		1703
Coolham, Crossroads	1047	1322	1452	1047	▼	1350	1452		1706
Nuthurst, Black Horse	▼	▼	▼	▼	1307		▼		▼
Maplehurst, White Horse	▼	▼	▼	▼	1311		▼		▼
Buckbarn Crossroads	▼	▼	▼	▼	1317		▼		▼
Shipley Village	▼	▼	▼	▼	1322		▼		▼
Danhill, Crossroads	1050	1325	1455	1050	1327		1455		1709
W.Chiltington, Queens Head	1056	1331	1501	▼	▼		▼		▼
W.Chiltington Common, Crossroads	1059	1334	1504	▼	▼		▼		▼
Thakeham, The Street	▼	▼	▼	1052	1329		1457		1711
Thakeham, SGS Rock Rd, Grounds	▼	▼	▼	▼	▼		▼	1520**C**	▼
Storrington, Bus Stand	1105	1340	1510	1058	1335		1503	1530	1717
Rackham Street								1538	
Amberley Square								1542**R**	
Amberley Station								1546**R**	
Houghton, Houghton Lane								1548**R**	

C - Operates via Thakeham, Furze Common Road. This section to Thakeham carries school pupils only and not the public
M-F - Operates Mondays to Fridays
Mon - Operates Mondays only
Tue - Operates Tuesdays only
Thu - Operates Thursdays only
M Th - Operates Monday and Thursday only
Sch - Operates schooldays only
R - Request for passengers already onboard

Compasstravel
your local bus company

Appendix B

APP/Z3825/W/21/3280084

Land adjacent Pucks Croft Cottage, Horsham Road, Rusper, West Sussex RH12 4PR

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

Appendix C

APP/Z3825/W/24/3352708

Lancasters Cottage, Littleworth Lane, Partridge Green, West Sussex RH13 8EJ

The Planning Inspectorate

Appeal Decision

Site visit made on 8 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/Z3825/W/21/3269125
Lancasters Cottage, Littleworth Lane, Partridge Green RH13 8EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs S Brewer against the decision of Horsham District Council.
- The application Ref DC/20/2086, dated 26 October 2020, was refused by notice dated 8 January 2021.
- The development proposed is removal of garage and garden buildings. Construction of detached dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to the comments from the appellant regarding any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.

3. The Council's draft Horsham District Local Plan 2019-2036 (the draft Local Plan) has not reached submission stage or been independently examined and so it carries minimal weight.

4. The West Grinstead Parish Neighbourhood Plan 2019-2031 (the Neighbourhood Plan) was approved at referendum on 6 May 2021 and was formally made on 23 June 2021. This document, which was still emerging at the time the Council issued its decision, now forms part of the development plan and I have determined the appeal on this basis.

5. Following the recent *Bramshill* Court of Appeal judgment[1] regarding isolated homes in the countryside, I have sought further comments from the main parties on any implications this judgment may have for this appeal. I have had regard to the comments from the appellant in reaching my decision.

Main Issue

6. The main issue is whether the appeal site would be an appropriate location for new housing development having regard to local and national planning policy.

[1] City & Country Bramshill Limited v SSHCLG [2021] EWCA Civ 320

Reasons

7. The appeal site consists of the northern part of the garden of Lancasters Cottage, and the proposal is to remove garage and garden buildings and erect a detached dwelling. The proposed dwelling would be sited between Lancasters Cottage to the south and Birchfield to the north. The appeal site is located outside the built-up boundary of any settlement and is therefore in the countryside for planning purposes. The area is rural in character, with only sporadic residential development along Littleworth Lane.

8. Policies 2, 3 and 4 of the Horsham District Planning Framework 2015 (the HDPF) set out the Council's spatial strategy for the District. Policy 2 aims to maintain the area'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. To achieve this, it seeks, amongst other things, to focus development in and around the key settlement of Horsham and allow for growth in the rest of the District in accordance with the settlement hierarchy. Policy 3 sets out the development hierarchy and states that development will be permitted within towns and villages which have defined built-up areas. Policy 4 supports the expansion of settlements outside built-up area boundaries where five specific criteria are all met. This includes that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.

9. The Neighbourhood Plan does not allocate sites for housing but instead sets out a 'Community Aim' to encourage the commercial land uses at Huffwood Trading Estate to relocate to land south of Star Road in order to facilitate residential development at the site. West Grinstead Parish Council has agreed to undertake a review of the Neighbourhood Plan in order to take account of any revised housing numbers which are allocated to the Parish in the emerging Local Plan, and paragraph 9.4 of the Neighbourhood Plan states that this will commence within 12 months of the adoption of the Local Plan or by early 2023, whichever is sooner.

10. The appeal site is not allocated in the HDPF or the Neighbourhood Plan and it does not adjoin an existing settlement edge. Furthermore, the proposed market dwelling is not identified in the development plan as an appropriate use in the countryside. Consequently, the location of the proposed dwelling in the countryside would conflict with the spatial strategy set out in the above policies.

11. Policy 26 of the HDPF states that outside the built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. The policy requires that any proposal must be essential to its countryside location, and in addition meet one of four listed criteria. The proposal is for market housing and there is nothing substantive before me to demonstrate that the proposed development would be essential to its countryside location. The proposal would therefore conflict with Policy 26 of the HDPF.

12. The National Planning Policy Framework (the Framework) sets out the approach to rural housing in paragraphs 78 to 80. In order to promote sustainable development in rural areas, paragraph 79 states that housing should be located where it will enhance or maintain the vitality of rural communities. Opportunities for villages to grow and thrive should be identified especially

where this supports local services. Development in one village may support services in another village nearby.

13. Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless specific circumstances apply (none of which are relevant to this proposal). The Framework does not define isolated, but the more recent *Bramshill* judgement has clarified the previous *Braintree* judgement[2] that 'isolated' should be taken to mean remoteness from a settlement rather than from other buildings.

14. The appeal site is approximately 1.2 miles north of the built-up boundary of Partridge Green, which is characterised in Policy 3 of HDPF as a medium village with a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day-to-day needs for residents but rely on small market towns and larger settlements to meet a number of their requirements. The appeal site is also around 0.7 miles north of Littleworth, which is an unclassified settlement characterised in Policy 3 as having few or no facilities and limited accessibility.

15. I acknowledge that Policy 2 of the draft Local Plan places Partridge Green higher on the settlement hierarchy within the category of small towns and larger villages, reflecting good service provision and reasonable passenger transport facilities. Furthermore, the draft Local Plan proposes to include Littleworth as a secondary settlement, characterised as very small villages and hamlets that generally have some limited local employment, services or facilities and/or evidence of a defined local community.

16. Littleworth Lane provides the route from the appeal site to Partridge Green and Littleworth, which is a narrow, un-lit road with no pedestrian footway. This discourages walking and cycling, particularly at times of darkness and bad weather. Furthermore, the appeal site has poor accessibility to bus stops due to the distances involved and the nature of the pedestrian route.

17. I appreciate that the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that sites to meet business and community needs in rural areas may have to be found in locations that are not well served by public transport. However, given the distances to the nearest settlements and the nature of the road, it is likely that future occupiers of the proposed dwelling would be heavily reliant on use of the private car for day-to-day needs. I therefore find that the proposal would represent an isolated home in the countryside, contrary to paragraph 80 of the Framework. It follows that the location, set away from existing rural communities and villages, would also be contrary to paragraph 79 of the Framework.

18. The appeal site is in the countryside and it has not been demonstrated that the proposal is essential to its countryside location. The development would be contrary to the overall spatial strategy of the development plan and the way in which it provides for the growth of existing settlements to protect the District's rural character and reduce the need to travel.

19. For these reasons, I conclude that the appeal site would not provide an appropriate location for housing development. It would be contrary to Policies

[2] Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

1, 2, 3, 4 and 26 of the HDPF, the aims of which are set out above. It would also be contrary to paragraphs 78 to 80 of the Framework relating to the location of rural housing, as well as paragraph 15 which makes clear that the planning system should be genuinely plan-led.

Other Matters

20. The appellant has drawn my attention to two previous planning permissions at Abbots Lea, Littleworth Lane. The first relates to a proposal allowed on appeal in July 2014[3] for the demolition of glass housing and removal of a former car park and the erection of 2 detached dwellings on land to the rear of Abbots Lea. The second application[4] comprises the erection of a detached dwelling on land to the side of Abbots Lea, which was approved by the Council in August 2020.

21. Those proposals are in a more accessible location in the settlement of Littleworth, and so I find that they are not comparable to the appeal scheme before me. Regarding the 2014 appeal decision, the Inspector said that whilst the site lies outside the boundary of the built-up area, Littleworth has the character of a hamlet and the number of houses is sufficient that the proposed dwellings would not be isolated from an existing settlement. Furthermore, there is a pavement on the west side of Littleworth Lane providing a relatively easy walking route for most people from the site to Partridge Green, which has a good service provision. She stated that future residents would not be dependent upon their cars for access to everyday services, which is not my finding in respect of the current appeal.

22. I have had regard to the appellant's reference to a possible strategic site identified in the draft Local Plan at Buck Barn, West Grinstead, however this is not located in the immediate vicinity of the appeal site. As the draft Local Plan has not reached submission stage or been independently examined, this carries minimal weight. Furthermore, assessments relating to the suitability of strategic allocations are a matter for the local plan process and I am required to assess the current appeal on its own merits.

Planning Balance and Conclusion

23. The appellant has submitted two appeal decisions[5] during the course of the appeal relating to sites within the district, which indicate a housing land supply of between 4.2 – 4.3 years. As such, the information before me indicates that the Council is unable to demonstrate a 5 year deliverable supply of housing. The most important policies for determining the application are therefore out-of-date. In light of paragraph 11 d) ii of the Framework, planning permission should be granted unless 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.

24. Paragraph 60 of the Framework sets out an objective to significantly boost the supply of homes. The proposal would make effective use of previously developed land and contribute towards the supply of housing in the District. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in

[3] Appeal Ref. APP/Z3825/A/14/2213010
[4] Council Ref. DC/20/0592
[5] Appeal Refs. APP/Z3825/W/21/3266503 & APP/Z3825/W/20/3257700

paragraph 69 of the Framework. Furthermore, some economic advantages would arise from the construction of the proposed dwelling and the long-term economic benefit through the increased population and use of local services. However, the benefits would be limited by the modest scale of the development for a single dwelling.

25. Notwithstanding these benefits, the location of the site would be contrary to the development plan's spatial strategy, which seeks to protect the District's rural character and to steer housing to locations that are close to services, facilities and public transport. It would also conflict with the Framework which looks to manage patterns of growth in ways to promote sustainable transport for social and environmental reasons. This weighs significantly against the scheme.

26. Overall, I find that the adverse impacts of the development would significantly and demonstrably outweigh its benefits when considered against the Framework taken as a whole. Consequently, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.

27. The proposal would conflict with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR

Appendix D

APP/Z3825/W/25/3365004

Lower Batchelors, Emms Lane, Barns Green, Horsham RH13 0QH

Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2025

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/Z3825/W/25/3365004
Lower Batchelors, Emms Lane, Barns Green, Horsham RH13 0QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a permission in principle.
- The appeal is made by Mr and Mrs Christian John against Horsham District Council.
- The application Ref is DC/25/0005.
- The development proposed is the demolition of an existing structure and erection of a single dwelling.

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. I have removed wording from the description of development in the banner heading above that does not describe development.

3. The proposal is for permission in principle, which the Planning Practice Guidance (PPG) advises is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (or permission in principle) stage establishes whether a site is suitable in principle and the second (technical details consent) stage is when the detailed development proposals are assessed. The appeal relates to the first stage.

4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of the subsequent technical details application, if permission in principle is granted. I have determined the appeal on this basis.

5. The appellant has referred to the draft Horsham District Local Plan (Local Plan 2021-2038), but I have not been directed to any specific policy within this plan. There is limited evidence before me in relation to the current stage of the emerging local plan nor detail of its policy approach regarding new housing in the countryside. I therefore attach limited weight to this plan in my decision.

6. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council submitted putative reasons for refusal in its evidence, which I have used to formulate the main issues below.

7. During my consideration of this appeal Natural England has withdrawn its water neutrality position in Arun Valley. I shall return to this matter later in my decision.

Main Issues

8. The main issues are:

- whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development; and
- the effect of the proposal on the integrity of protected Habitats sites.

Reasons

Whether the site is suitable for residential development

9. The site lies outside the defined settlement boundary and therefore it is within the countryside for the purposes of planning policy. Policy 2 of the Horsham District Planning Framework 2015 (HDPF) sets out the broad spatial strategy for the district, and seeks to focus development in and around the key settlement of Horsham and allow for growth in the rest of the district in accordance with the identified settlement hierarchy, which is set out in HDPF Policy 3.

10. HDPF Policy 26 sets out that, outside built-up area boundaries, any proposal must be essential to its countryside location, and in addition meet the criteria listed. There is no compelling evidence before me which indicates that the scheme would meet any of the exceptions listed. Therefore, the proposal would not be supported under HDPF Policy 26.

11. HDPF Policy 4 sets out that, outside built-up area boundaries, the expansion of settlements will be supported where the criteria listed are met. In terms of the criteria set out under this policy, the site is not allocated in the Local Plan or in a Neighbourhood Plan. Moreover, since the appeal site is outside, and distinctly detached from, the settlement of Barns Green, the proposed development would not be an acceptable settlement expansion as defined in Policy 4. Since the proposed development would fail to meet this criterion, the extent to which it would meet with the remaining criteria is of little consequence.

12. The Council's Facilitating Appropriate Development Document 2022 (FAD) sets out an approach to boosting the supply of housing, pending adoption of the emerging Local Plan. It takes a more positive stance on applications for housing outside settlement boundaries, subject to the criteria listed, all of which need to be satisfied. These maintain the requirement that any such applications should be for sites which adjoin the existing settlement edge as defined by the built-up area boundary. As the proposed development would not meet that requirement, the extent to which it would accord with the other criteria is of limited relevance. Thus, the scheme would not be in an appropriate location or land use.

13. The appeal site is part of the agricultural surroundings of Barns Green, where open fields and paddock land interspersed with blocks of woodland dominate the landscape. Emms Lane, in the vicinity of the appeal site, is a narrow lane without road markings which is bound by trees and hedges. Development along this stretch of Emms Lane is sparse and where present it includes agricultural buildings as well as residential properties.

14. The appeal site comprises a modest parcel of land which currently accommodates a detached block of stables with a rural appearance which is adjacent to a collection of agricultural buildings. As such, despite being located near Barns

Green, the site is more closely related to the countryside than to the built form of the settlement.

15. Hence, while the proposal would replace existing built form, the introduction of a residential plot in this location with a dwelling and associated features, including domestic paraphernalia, would formalise and urbanise the plot. The proposal would significantly erode the contribution the appeal site makes to the countryside setting of the settlement and harm the rural character of the area.

16. The nearby residential dwellings vary in design; however they generally have good sizes and are accommodated in commensurate plots. The appeal site is constrained in size and, on the evidence before me, I am not persuaded that a single dwelling could be successfully accommodated within it in such a manner that would relate well with the surrounding context. Consequently, the proposed amount of development would be inappropriate.

17. In light of the above, the site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. The appeal scheme would therefore conflict with HDPF Policies 1, 2, 4, 25, 26, 32, and 33. Amongst other things, these policies seek to restrict development outside of settlement boundaries, and to promote development that protects, conserves and enhances the landscape character.

Habitats sites

18. In September 2021, Natural England advised that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. As a consequence, and to comply with the legal duties set out in the Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations), all new development since has been required to demonstrate water neutrality.

19. However, on 31 October 2025, Natural England formally withdrew the 2021 Position Statement, citing a package of measures that it was satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence by March 2026.

20. The Council advised that, given the licence change has not yet taken place in Horsham, currently there is no certainty that new development would not result in adverse impacts on the Arun Valley sites. To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures).

21. In light of the above, I am satisfied that the scheme would not adversely affect the integrity of protected Habitats sites. Consequently, the proposal would accord with HDPF Policy 31, which seeks to protect the integrity of the Arun Valley sites.

Other Matters

22. The Council has confirmed that the site does not lie within the Green Belt. Consequently, I have not considered the appeal on this basis.

Planning Balance

23. The Council confirmed that it cannot currently demonstrate a five-year supply of deliverable housing sites, and advanced that the figure is 1 year, which is not disputed by the appellant. In such circumstances paragraph 11 d) ii of the National Planning Policy Framework (the Framework) states that permission should be granted unless 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.

24. In terms of benefits, the appeal scheme would provide one dwelling, making an effective use of land. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. As a small site, it could also be built-out reasonably quickly. There would be associated economic benefits during construction of the home and related employment for its duration, as well as future occupiers spending in the local economy. Future residents would be active in the local community. Taken together, these benefits weigh in favour of the proposal, albeit the limited number of dwellings proposed means that they attract modest weight in favour of the proposed development.

25. The proposal would be located outside the settlement boundary for Barns Green and would therefore be contrary to the spatial strategy and FAD guidance for the location of housing. Given the housing shortfall within the borough, I ascribe limited weight to the conflict with HDPF Policies 2, 3, 4 and 26.

26. However, as I have set out, the proposal would be harmful to the character and appearance of the area. The Framework seeks to ensure that development is sympathetic to local character, including the surrounding built environment and landscape setting. Therefore, the conflict between the proposal and HDPF Policies 25, 32 and 33 should be given significant weight in this appeal.

27. Thus, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR

Appendix E

APP/Z3825/W/24/3341185

Wedgwood, Farthings Hill, Horsham, West Sussex RH12 1TS

The Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2024

Appeal Ref: APP/Z3825/W/24/3341185
Wedgwood, Farthings Hill, Horsham, West Sussex RH12 1TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Shingadia against the decision of Horsham District Council.
- The application Ref is DC/23/1748.
- The development proposed is redevelopment of the site to provide 7 residential units, ancillary parking and landscaping with all matters reserved except access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission. Approval is sought for access, but matters relating to appearance, landscaping, layout and scale are reserved for future consideration. I have had regard to the submitted plans which include an Illustrative Landscape Masterplan and Indicative Plans and Elevations for the dwellings. However, while these show one potential way that the site could be developed, there could be alternative ways to bring forward a scheme as part of a reserved matters submission. I have therefore treated details apart from those relating to access as illustrative.

3. In determining the planning application, the Council identified that subject to mitigation measures being secured, the proposal would not lead to adverse effects on the integrity of the Arun Valley Special Protection Area ('SPA'), Special Area of Conservation ('SAC') and Ramsar site. During the appeal process however, it raised concerns in respect of the Unilateral Undertaking ('the UU') submitted by the appellant which included obligations purporting to mitigate effects on the Arun Valley sites.

4. The SPA and SAC are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), and the National Planning Policy Framework ('the Framework') indicates that the Ramsar site should be similarly protected. The appellant was afforded an opportunity to respond to the Council's comments on the UU and while they have not done so, I am therefore satisfied that no unfair prejudice would be caused by my taking this matter into account within my decision as I must in accordance with the duties under the Habitats Regulations and the Framework.

Main Issues

5. The main issues are:
   i) the effect of the proposal on the character and appearance of the area

including in respect of trees;

ii) the effect of the proposal on the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site; and

iii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy, natural light and whether or not it would be overbearing.

Reasons

Character and Appearance

6. The appeal site includes a detached dwelling with annex located on Farthings Hill, very close to the junction with the A24 Interchange. Dwellings on this side of Farthings Hill vary in form and design, but they are typically large properties which are set well back from the street on sizable plots, forming a loose ribbon. There is a densely vegetated verge in front of a spur alongside part of the street and further mature trees are visible within front gardens and to the rear of dwellings, including a large Oak to the rear of the appeal site. Together with the usually generous landscaping around buildings and boundary vegetation, these factors provide for an attractive spacious and reasonably verdant quality to this part of the street scene.

7. The illustrative plans show the 7 dwellings proposed as two detached dwellings, on a broadly similar alignment to the neighbour at Oaklands, one to either side of an access from Farthings Hill, behind which would be a terrace of five dwellings on the rear part of the site.

8. The appellant's Arboricultural Impact Assessment indicates that this arrangement would result in a very slight incursion of development to the root protection area of the large Oak tree to the rear of the site. Having regard to the minimal degree of incursion and subject to suitable protection and construction methods which could be secured by planning conditions, construction of the development would be unlikely to result in direct adverse effects on the health or longevity of the tree.

9. However, separation between the tree and the closest dwelling would be relatively limited. The position of the tree to the north corner of the site would limit likely overshadowing, but the canopy would still overhang a significant proportion of the main rear garden space. The proportion could increase further in future should the crown rebalance as the Council's Arboricultural consultee notes could happen following removal of a tree that historically shared a canopy with it. While the canopy is raised, future occupiers may still perceive nuisance or danger associated with the tree and given the extent of the closest garden that it would overhang, this could well lead to pressure for works to the tree or its removal. The contribution that the tree currently makes to the verdant character of the area could therefore be diminished.

10. In addition, the position of the terrace sitting deep into the site and behind frontage dwellings would contrast with the characteristic arrangement of development on this side of Farthings Hill. The dwellings would have much smaller footprints than others here, and the plots would also be considerably smaller so that space around the buildings would be comparatively limited. The repeated effect of this across the site would reinforce the impression of an unusually high density. As seen from the street, the overlapping arrangement of the terrace and detached dwellings would further present a solid block of

development spanning nearly the full width of the site. In combination, these factors would cause the development to appear awkwardly squeezed onto the site and there would be a conspicuous and pronounced erosion of the distinctive spacious character of the area.

11. I recognise that layout, scale, appearance and landscaping are reserved matters and that the illustrative plans do not represent the only way that the site could be developed. However, while the appellant suggests that development could comprise houses, flats or a combination of the two, I have no details of any alternative scheme to show how any proposal could integrate sympathetically with its surroundings and avoid undue pressure on the Oak tree. From the information before me, it is difficult to see how 7 dwellings could be appropriately provided without resulting in an incongruously high density of development and a discordant loss of existing spaciousness on the site.

12. In seeking development that relates sympathetically to its surroundings and that complements locally distinctive character, Policies 25, 32 and 33 of the Horsham District Planning Framework 2015 ('the HDPF') do not specify that character relates only to the immediate surroundings of a site.

13. The appellant has drawn my attention to Firs Close as an example of higher density development in the vicinity of the site, as well as Farthings Walk and Pines Ridge as further cul-de-sacs which I accept form part of the character of the wider area. That being said, these developments are not appreciated as part of the street scene to the north east of Farthings Hill within which the appeal site sits and against which the development would be seen. The provision of higher density development within a cul-de-sac arrangement on the appeal site may not be exceptional in the wider area and this context would help to moderate the harm to some degree. Even so, the appellant's evidence indicates that the density of the proposal would be higher than Firs Close and in my view, the degree of the contrast that the material before me suggests would arise between the proposal and its closest neighbours would be striking and would cause it to stand out in this location. Notwithstanding the character of the broader surroundings, the proposal would sit uncomfortably against its neighbours, and would cause a harmful erosion of the distinctive spacious quality which contributes positively to the character and appearance of the area.

14. I have also noted reference to an appeal decision considering a proposal at Ridgehurst Drive where it was found that a higher density of development than is proposed here would not cause material harm to the character or appearance of the area. However, that decision comments that the properties would be of a size and have a garden area comparable to the neighbouring properties which I saw include relatively closely spaced dwellings and terraces on modest plots. Given this differing context, the circumstances are not directly comparable to the appeal proposal. Noting also its distance some way from the site, this example does not offer meaningful support for the development before me.

15. Policy 33 of the HDPF includes a requirement for efficient use of land and there are similar objectives in the Horsham Blueprint Business Neighbourhood Plan 2022 ('the NP') and the Framework. However, these are balanced and qualified alongside requirements seeking to ensure high quality design and development that respects and is sympathetic to local character. For the reasons set out above, it has not been demonstrated that the proposal would achieve those

aims and general support for making efficient use of land is not in itself a compelling justification for the development.

16. In conclusion, I am not satisfied from the information before me that the appeal site could accommodate the 7 dwellings proposed without undue harm to the character and appearance of the area. The proposal would therefore be contrary to requirements of Policies 25, 32 and 33 of the HDPF broadly seeking protection and enhancement of townscape character and development that relates sympathetically to its surroundings and locally distinctive character. It would also be contrary to Policy HB4 of the NP insofar as it includes a requirement for development that integrates well with its surroundings.

17. The Council's reason for refusal additionally refers to Policy HB5 of the NP, but this seeks sustainable design in order to reduce energy consumption and climate effects and seems to me to be of less direct relevance here.

Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site

18. In circumstances where a proposal is likely to have a significant effect on a habitats site designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), there is a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment. This duty would now fall to me. In accordance with the Framework, Ramsar sites should be afforded equivalent protection to habitats sites.

19. The information before me indicates that the Arun Valley SPA is designated for waterbird assemblages, including Bewick's swan and the SAC is designated for the little whirlpool Ramshorn snail. The conservation objectives of the SPA and SAC seek broadly to ensure that their integrity is maintained or restored and that the sites contribute to achieving the favourable conservation status of qualifying features by maintaining or restoring the extent, distribution, structure, function and population of qualifying features and the supporting processes on which habitats of the qualifying features rely.

20. Natural England has issued a Position Statement identifying that existing groundwater abstraction within the Sussex North Water Supply Zone ('the SNWSZ'), which includes the appeal site, cannot be ruled out as contributing to adverse effects on the integrity of the Arun Valley sites. It advises that new development with a requirement for abstraction within the SNWSZ would be likely to have an adverse effect. However, one way to ensure that development would not have an adverse impact on the integrity of the Arun Valley sites is to demonstrate 'water neutrality'.

21. The proposed dwellings would have an associated demand for water and could therefore result in increased water abstraction in the SNWSZ. On that basis, the appeal proposal, either alone or in combination with other plans and projects, could have a likely significant effect on the integrity of the Arun Valley sites.

22. As part of the application, the appellant provided a Water Neutrality Statement ('WNS') dated 14 September 2023, with a revised version dated 14 October 2023. Both versions of the WNS outline that the proposal would increase water demand relative to the baseline of the existing site. However, it is suggested that the development could achieve water neutrality through the installation of

water efficient fixtures and fittings to the proposed dwellings, and offsetting of the remaining additional demand through retrofitting of flow control devices to 16 of Moat Housing Association's properties within the catchment area.

23. In principle, I am satisfied that these measures could ensure no adverse effects on the integrity of the SPA, SAC or Ramsar site.

24. However, while installation of water efficient fixtures and fittings within the development could reasonably be secured by a planning condition, the offsetting element of the mitigation relies on land outside of the appeal site and the appellant's control. The October WNS suggests that Moat Housing Association has confirmed that they would allow the installation of the flow device on their properties, but I have not been provided with details of any formal agreement. In these circumstances and from the information before me, I am not satisfied that a condition in respect of offsetting would be enforceable or reasonable here. It would not therefore meet the tests for conditions in the Framework.

25. Moreover, the First Schedule to the appellant's UU includes requirements that development does not commence until Water Neutrality Credits have been purchased and details confirming Water Neutrality Credits have been provided to the Council. The definitions to the UU suggest that Water Neutrality Credits means 'credits purchased to mitigate the impacts of the Development to ensure water neutrality in accordance with the Water Neutrality Statement at Annex 1 of this Deed'. However, the WNS makes no reference to purchase of any credits, relying instead on offsetting through retrofitting of flow control devices to Moat Housing Association properties.

26. Given this discrepancy, there is a marked lack of clarity around what is intended. I am concerned that implementation of the strategy that is actually detailed in the WNS would not be properly secured, and in the absence of any other details setting out how a credit purchase scheme would operate, it has not been demonstrated that this would be effective as a means to offset remaining water demand associated with this proposal.

27. I also note that Moat Housing Association is not a party to the UU and so would not be bound by its requirements. In addition, there is no schedule detailing the land/properties where retrofitting of flow control devices would be carried out to deliver the required offsetting. I do not know if they would be located within the local planning authority area, and I cannot be sure that they would not also be included as part of an offsetting scheme for development elsewhere. Even if I were satisfied that the UU properly related to the strategy outlined in the WNS, these shortcomings mean that the UU offers limited confidence that effective mitigation would be delivered, and further that the obligations would be adequately enforceable.

28. I therefore find the UU does not offer sufficient assurance that effective mitigation to offset additional water demand at the site would actually be secured in practice. The achievement of water neutrality is consequently in doubt.

29. As the competent authority, I would need to be satisfied that the integrity of the Arun Valley sites would not be adversely affected by the proposal. I appreciate that Natural England had not objected to the proposal, but that was subject to the delivery, management and maintenance of measures identified in the WNS to achieve water neutrality. Having regard to all of the above, I find

that there is no appropriate mechanism to adequately secure the identified measures in respect of offsetting. Accordingly, I am unable to determine that the proposal would achieve water neutrality.

30. For these reasons, I conclude taking a precautionary approach that adverse effects on the integrity of the Arun Valley SAC, SPA and Ramsar site can not be excluded. I have no firm reason to find that there are no alternative sites that could accommodate the development with lesser effects on the integrity of the designated sites, nor that there are imperative reasons of overriding public interest that would outweigh the adverse effects. In these circumstances, the operation of the Habitats Regulations would preclude the proposal. There would also be conflict with Policy 31 of the HDPF which sets out, amongst other things, 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.

Living Conditions

31. While details of the layout, scale, appearance and landscaping of the development are illustrative only at this stage, the indicative plans for Plots 1-5 to the rear part of the site show that first-floor windows closest to Oaklands could be obscure glazed or angled away from the boundary such that there would not be direct views of this neighbour or its garden. I also saw that the existing building on the appeal site includes clear-glazed first-floor windows to the side elevation facing Oaklands as well as windows to its rear. Even if dwellings on the front part of the site were positioned closer to the boundary, any views would be unlikely to result in more intrusive overlooking of this neighbour than currently occurs. Accordingly, I am satisfied that the proposal would not cause a harmful loss of privacy for occupiers of Oaklands.

32. Windows to the rear of plots 1-5 would face towards the rear part of the garden to 19 Wildgoose Drive rather than the dwelling. This part of the garden includes an outbuilding with glazing and decking. However, the existing boundary fencing provides for some screening which is further supplemented by vegetation, albeit that I acknowledge that vegetation can die or be removed. The Council's evidence does not refer specifically to harm to No 19 in respect of privacy and having regard to the potential for separation and the overall relationship, I see no firm reason that a reserved matters submission would be unable to ensure that overall living conditions for occupiers of No 19 would not be undermined through an unacceptable loss of privacy.

33. Furthermore, development on the rear part of the appeal site would not alter the main outward aspect from windows to the rear of the closest neighbouring dwellings which would remain views along their deep gardens. It may be apparent in oblique views or views from the outbuilding to No 19, but I am satisfied that sufficient separation could be provided to ensure that it would not be excessively dominant or cause any significant loss of outlook or light for these windows. It would also be likely to be perceived alongside only a modest proportion of the deep gardens such that it would not result in an undue impression of enclosure or overshadowing to these spaces.

34. The illustrative plans suggest that plot 7 would sit forward of the existing dwelling to be broadly alongside Oaklands. In this position, it would have a reduced presence in views from the rear of this neighbour in comparison to the

existing dwelling. However, I saw a clear-glazed window to the side elevation of Oaklands facing the appeal site.

35. Currently, much of the outlook from this window is onto the boundary fence and front corner of the existing appeal dwelling, but there are also open views above the level of the fence across the appeal site frontage. Based on my observations, the two-storey building that the illustrative plans show on plot 7 in close proximity to the boundary would effectively close off open views from the window to the side of Oaklands resulting in a significant increase in the impression of enclosure and a loss of outlook for the room served. Although not part of the Council's case, I agree with interested parties that the close relationship would also be likely to have some effect on natural light to the window and there is no substantive evidence before me to demonstrate that effects would not be significant.

36. However, while I acknowledge the constraints on the site including the mature Oak tree, it seems to me that there would still be scope to bring forward an alternative form of development at reserved matters stage including in respect of the scale, appearance or layout of development on this part of the site which could mitigate potential for unacceptable harm to living conditions for occupiers of Oaklands. On that basis, loss of outlook and light to Oaklands caused by plot 7 would not be determinative in this case.

37. For these reasons, I conclude that there would not be unacceptable harm to living conditions for occupiers of neighbouring dwellings. Accordingly, I find no conflict with Policy 33 of the HDPF insofar as it includes a requirement for development to avoid unacceptable harm to the amenity of occupiers of nearby property.

Other Matters

38. I have noted additional concerns raised by interested parties including in respect of the safety of the highway access, parking provision, flood risk and provision for wastewater. I have also noted comments in support of the proposal including in respect of the quality of the development, making good use of land and the benefit of housing provision and modern and smaller houses in particular. However, none of the matters raised alter my conclusions on the main issues or overall planning balance.

Planning Balance

39. The appellant refers to the 2022/23 Monitoring Report which suggests that the Council is able to demonstrate only a 2.9 year housing land supply. The Council has not disputed that this is the current position. Paragraph 11 d) of the Framework is therefore relevant and indicates that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

40. The proposal would make effective use of the site which is within the built-up area, providing for a net gain of six dwellings towards the supply of housing locally. The Framework seeks to significantly boost the supply of housing, and in light of the current supply shortfall, the provision of housing is an important

factor which attracts great weight. The Framework also advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. That said, the modest scale of the proposal would limit the contribution made to the overall supply of housing and consequently the extent of the benefit.

41. Furthermore, the precise housing mix would depend on the reserved matters and while I note the appellant's suggestion that there would be a good mix of 2, 3 and 4-bedroom dwellings, I can therefore give limited weight to this factor. Similarly, the suggested biodiversity net gain of 36.9% habitat units and 306.94% hedgerow units would depend on details including of landscaping which would be subject to future reserved matters submissions and so the gains cannot be assured at this stage. On that basis, the level of suggested net gain attracts no more than moderate weight.

42. Future occupiers of the site would benefit from the accessible location with access to bus and train services as well as shops and other facilities within walking and cycling distance. There would also be social and economic benefits associated with construction and occupation of the development. These benefits would be limited by the small scale of the proposal though.

43. On the other hand, I have found that living conditions for neighbouring occupiers would not be adversely affected. However, this would not outweigh the harm that the proposal would cause to the character and appearance of the area and to the Arun Valley sites and I find that the proposal would conflict with the development plan when it is read as a whole.

44. Harm to character and appearance would be localised and limited given the wider context, but would be contrary to objectives in the Framework seeking development that is sympathetic to local character. As a result of my findings that adverse effects on the integrity of the Arun Valley sites can not be excluded, policies within the Framework relating to habitats sites and Ramsar sites would in this case provide a clear reason for refusing the development, and the presumption in favour of sustainable development at paragraph 11 of the Framework would not apply.

45. Notwithstanding the shortfall in housing supply and the benefits of the proposal, I find the adverse effect on designated nature conservation sites and conflict with the Habitats Regulations is a matter of overriding concern. Even taken together, I find that the cumulative benefits of the proposal are insufficient to outweigh effects on the Arun Valley sites together with the harm to the character and appearance of the area, and the resulting conflict with the development plan and the Framework.

Conclusion

46. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

Appendix F

APP/Z3825/W/24/3346736

Paiges Yard, Nep Town Road, Henfield BN5 9DZ

Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/Z3825/W/24/3346736
Paiges Yard, Nep Town Road, Henfield BN5 9DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Keith Henley of HHC Developments Ltd against the decision of Horsham District Council.
- The application Ref is DC/24/0465.
- The development proposed is demolition of existing buildings, cessation of commercial vehicle repair business use, provision of new access and erection of two buildings containing overall 3 x 2-bed dwellings and 2 x 2-bed apartments along with ancillary parking and a utility building for each unit.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr and Mrs Keith Henley of HHC Developments Ltd against Horsham District Council. This application is the subject of a separate decision.

Preliminary Matters

3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test (HDT) results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.

4. The application was accepted as valid by the Council and there is insufficient evidence before me to allow me to conclude that they were in error to do so. I therefore proceed to determine the appeal.

Main Issues

5. The main issues in this appeal are:

   - whether the proposal would have an acceptable effect on the provision of employment space;
   - the effect of the proposal on the character and appearance of the area including the Henfield Conservation Area;
   - the effect of the proposal on the living conditions of neighbouring occupiers with respect to outlook and daylight and future occupiers with respect to noise.

Reasons

Commercial Space

6. Horsham District Planning Framework (adopted 2015) (HDPF) Policy 7 supports the redevelopment, regeneration, intensification and smart growth of existing employment sites and confirms that sustainable local employment growth would be encouraged via neighbourhood plans. Henfield Neighbourhood Plan (made May 2021) (HNP) Policy P3.2.2 confirms that the redevelopment of existing employment sites to non-employment uses will not be supported unless the employment use is no longer appropriate for its location or it has been demonstrated that it would not be viable.

7. There is no substantive evidence before me such as marketing or evidence of the costs of redevelopment in comparison to any likely return which would demonstrate that the site could not be put to an employment use. There are no planning controls over the site, however it has operated in proximity to residential properties in the past, as the neighbouring commercial property at Vinalls Business Centre continues to do. Nor is there any robust evidence before me that the only interest in the site would be from uses which would conflict with the residential uses. It may be that the appellant has experience in the demands of the market in this area, but this has not been translated into any robust evidence before me.

8. HNP Policy P3.2.2 would have been prepared and subsequently made in the knowledge that it was seeking to retain existing employment land alongside further allocations for employment/ commercial uses. It therefore cannot be assumed that the allocations provide a reason to accept the loss of this employment space in the absence of robust evidence. The support of the parish council would not change my assessment of the proposal against the employment policies of the development plan.

9. It therefore has not been demonstrated that the proposal would not have an adverse effect on the provision of commercial space. It would therefore be contrary to HDPF Policy 7 and HNP Policy P3.2.2 which taken together seek to retain existing employment sites.

Character and Appearance

10. The site comprises a number of buildings and containers of varying designs, materials and states of repair. To one side is a commercial business centre, while to the other side and opposite side of the road are further residential properties. The structures are generally located into the site, with only a very limited relationship to the road.

11. The site lies within the Henfield Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is derived from its historic interest as a large loosely planned village which evolved from a dispersed Saxon village to a medieval linear settlement and outlying hamlet and finally to its present form.

12. The buildings on the site are not classified on the building audit map contained within the Henfield Conservation Area Appraisal and Management Plan (HCAA). They do not have the appearance of historic buildings but rather appear modern and do not provide any evidence of the historic development of the area. There is no compelling reason to retain this arrangement on the site. The Council assesses them as having a neutral effect. The audit map shows the neighbouring commercial units as a mixture of negative and neutral buildings, although the text does acknowledge the neighbouring complex of light industrial buildings as being a detractor in the CA. Having regard to this, and my observations at my site visit, I consider the appeal site to have a negative effect on the character and appearance of the CA.

13. The HCAA, in its analysis of the Nep Town area of the CA, sets out otherwise that dwellings are generally set well back from the road behind walls and hedges and sheltered by trees. It also notes that vegetation is prominent. My observations at my site visit confirm this remains the case. The arrangement of the dwellings at Nep Close around a central hardstanding is also noted as detracting from the CA.

14. The proposal would see dwellings set to the rear of the site with storage units along the boundary to Nep Close. There would be a parking court to the front which would be defined by cobbled sets to the front and a low palisade fence. The frontage arrangement would be similar to that at Nep Close with development fronting onto a hardstanding. The proposal would therefore replicate a layout which has a negative effect on the CA and would not integrate with the prevailing character and appearance of the residential aspects of the CA.

15. While the existing site detracts from the CA, this would not justify a redevelopment which would also fail to preserve and enhance the character and appearance of the CA. Paragraph 212 of the Framework confirms that great weight should be given to the conservation of heritage assets and paragraph 213 that any harm to the significance of a designated heritage asset should require clear and convincing justification. Given that the harm would be localised to Nep Town Road in proximity to the site, I find the harm would be less than substantial, but nonetheless of considerable weight.

16. In such circumstances, paragraph 215 sets out that this harm should be weighed against the public benefits of the proposal. The proposal would deliver five additional dwellings in an area which can demonstrate at best a 2.9 year supply of deliverable housing land and has not met the requirements of the HDT. As a small site, it is likely the proposal could be delivered quickly. The proposal would also allow the installation of a stair lift in two units. However, these benefits are not sufficient to outweigh the harm I have identified.

17. I therefore conclude the proposal would fail to preserve or enhance the character and appearance of the Henfield Conservation Area. It would fail to satisfy the requirements of the Act, section 16 of the Framework, HDNP Policy 34 and HNP Policy 12 which require development to reinforce the special character of the district's historic environment and be consistent with the special character of conservation areas.

Living Conditions

18. The neighbouring properties on Nep Close have their rear elevation facing onto the appeal site. The gardens of those properties are of a limited length. The

boundaries to these properties were of a typical domestic scale at the time of my site visit. While some had landscaping, this was not particularly substantial. While the existing structure on the site also sits adjacent to this boundary, it has a monopitch that slopes away from the boundary and is a modest single storey structure overall.

19. The proposal would see the introduction of development 1m from the boundary with the rear garden of some of those properties. Although the proposal has been designed with a shorter length than the other properties, and the upper floor has been incorporated into the roof, the proposal would nonetheless be particularly prominent when viewed from the properties on Nep Close that it would be immediately adjacent to. This would result in an increase in the sense of enclosure and a loss of outlook to occupiers when using the gardens that would have an adverse effect on their living conditions.

20. I do not have documentation demonstrating that a 25 degree line would be achieved in this case. However, even if that were shown to be the case, it would not mitigate for the adverse effects I have identified above.

21. The site is immediately adjacent to the Vinalls Business Centre. There is no substantive evidence before me as to any planning permission or lawful use certificate which would define the use of that site. I therefore cannot be certain what the potential there is for there to be uses on the site in future which could have an adverse effect on the living conditions of future occupiers of the proposed residential properties. On the basis of the written evidence before me, along with my observations at my site visit, I prefer the appellant's view on this matter. However, this is a separate issue to the harm to the living conditions of existing occupiers I have identified.

22. I conclude that the proposal would have an adverse effect on the living conditions of neighbouring occupiers with respect to outlook. This would be contrary to HDNP Policies 32 and 33 and HNP Policy 12 which require development to provide functional environments that respects and avoids unacceptable harm to the amenity of occupiers of nearby properties.

Other Matters

23. The appeal site is within the Sussex North Water Supply Zone. The Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site are vulnerable to pressures arising from groundwater abstraction from this supply zone. The appellant has submitted a water neutrality statement in mitigation. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats site and if the mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue, as a finding that the proposal would not have an adverse effect on the integrity of the habitats sites, with or without any mitigation, would be at best a neutral matter.

24. There is no detail before me of the relocation premises or the extant planning agreement from 1992 that encourages residential development at the site. There is no substantive evidence before me of any intention to bring forward residential development at the Vinalls Business Centre that would weigh in favour of the proposal.

25. No concern with the appearance of the dwellings has been raised, and I have no reason to reach a different conclusion. Sufficient parking would be provided and there would not be an adverse effect on the operation of the highway network. Appropriate living conditions would be provided for future occupiers of the proposed dwellings. Appropriate provision for drainage could be made and mitigation for contamination could be secured by condition. There would be a negligible effect on biodiversity and enhancements could be secured. However, these are to be expected of any well designed development and would be neutral in my assessment.

Planning Balance

26. It is not in dispute that the Council cannot display a five year deliverable supply of housing land which at best would be 2.9 years. The results of the most recent housing delivery test show a rate of 62%. There is some uncertainty around the emerging Local Plan. In such circumstances, paragraph 11d) of the Framework is engaged.

27. My findings in respect of the harm to the CA means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

28. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR