Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 29th of July 2025

Appeal Ref: APP/Z3825/W/25/3360404
Little Frylands, Wineham Lane, Wineham, West Sussex, BN5 9AW

- 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 Mrs Tina Tighe against the decision of Horsham District Council.
- The application reference is DC/24/1786.
- The development proposed is erection of two number new build two storey replacement dwellings following the demolition of buildings on site.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development to omit the reference to a previous planning permission as this does not relate to operational development.

3. Since the Council's determination of the application that is the subject of this appeal the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. The parties have had the opportunity to comment on the revisions to the Framework through the appeal process.

Main Issues

4. The main issues in this appeal are the effect of the proposal on: -

    - The character and appearance of the site and the surrounding area;
    - The biodiversity of the site and the surrounding area; and: -
    - European Protected Sites.

Reasons

Character and appearance

5. The application fronts onto Wineham Lane. There is no dispute between the parties that it lies outside of any built-up area boundary designated within the development plan and the site is therefore within a countryside location in planning policy terms. The site contains a paddock, hardstanding and several buildings. The buildings within the site are generally limited in height and exhibit a distinct rustic appearance. By virtue of their limited height maintain a sense of openness within the site commensurate with its rural setting.

6. The site is well enclosed by mature planting and views into the site are limited to glimpses gained through gaps formed by accesses. It lies within linear development along Wineham Lane.

7. Within the site a former garage was, by a lawful development certificate[1], established as a dwelling. Similarly, another lawful development certificate[2] established a stables building as being in residential use.

8. The dwellings in the immediate vicinity are of traditional design, set back from the street behind dense planting, which limits views into their plots in a similar way to that of the appeal site. They vary between simple bungalows and 1½ to two storey houses, but are generally low, and often have accommodation within the roof. However, to the south, fronting Fryland Lane, lies a grouping of two-storey semi-detached houses of more modern and consistent appearance. This notwithstanding, the verdancy, design and scale of the buildings provides the area with a sense of peaceful verdant rurality, in which the built form is limited. These are positive features contributing to the character and appearance of the area.

9. The proposal would introduce two two-storey dwellings, of modern design, with detached garages and generous rear gardens, into the site. The existing dwelling would be converted back into a garage. The two new dwellings would replace the stables and storage buildings within the site. Their design is more reflective of a suburban dwelling than a rural one. Thus, the site would take on a more suburban, domesticated appearance, losing its rural character and the contribution that this makes to the positive features of the area that I have identified above.

10. This would harmfully undermine the positive features of the character and appearance of the site. Due to the enclosure of the site, public views, from which this would be appreciated, are limited. However, the principal views through the gaps associated with the accesses to the dwellings would be of garages of overtly modern design with little visual interest. This would contrast incongruously with the general detail-rich quality of design of nearby buildings. Taking these factors into account a moderate level of visual harm would result.

11. The site was granted planning permission[3] for ‘demolition of existing dwellings and buildings and erection of 2no single storey dwellings with cycle and bin stores’ (the 2023 permission). This permission was granted on 16 February 2023 and was subject to a condition requiring implementation within three years. Whilst it was also subject to a number of pre-commencement conditions, and these have yet to be cleared, the time for implementation has not yet passed and there remains a period during which the necessary information to address the pre-commencement conditions could be submitted and approved. The permission therefore remains extant and would constitute a valid fallback position.

12. The scale of the replacement dwellings, with their lower ridge height, would have a lesser scale and massing when compared to the current proposal. Their design being more reflective of rural vernacular, was considered an appropriate approach by the Council. Further, the rear gardens were not so deep and thus the total area of rural land that would be domesticated would be less.

[1] Council Ref: DC/21/2560
[2] Council Ref: DC/21/2560
[3] Council Ref: DC/22/2358

13. Because of these factors, the impact of implementing the extant permission on the positive characteristics of the rural setting would be less than that of the proposal before me. The current proposal would not, therefore reduce any adverse impact of the implementation of the 2023 permission in regard to effect on the character and appearance of the area.

14. I note that prior approval has previously been granted for an additional storey to the existing stable building[4]. This would clearly increase its scale and massing. However, the location of the buildings would remain the same, and there would be no further encroachment into the countryside. The overall impact on the additional storey would, thereby, be more limited than that of the current proposal. Thus, I do not consider that it, as an alternative to the proposal before me, would have a worse effect on the character or appearance of the site and the surrounding area. The potential fallback position derived from the construction of an additional storey to the existing dwelling would be less than the identified harm, and would thereby have a reduced adverse impact in comparison to that proposed by this current application.

15. My attention has been drawn by the appellant to two developments[5]. One, at Roma Farm lies some distance from the site and does not inform its immediate context. I have no details of the location of the other, but it was granted permission some time ago and planning policies may, at both national and local levels, have changed in the interim. I have, in any case, determined this appeal on its own merits.

16. I therefore conclude that the proposal would have a materially harmful effect on the character and appearance of the site and the surrounding area. This would be contrary to the aims of Policies 25, 26, 32 and 33 of the Horsham District Planning Framework (2015) (the HDPF) and Policy 5 of the Wineham and Shermanbury Plan (2017) (the WASP) in as much as, together, these seek, amongst other things, to ensure that development is of a high quality design which conserves and enhances the landscape character, taking into account landscape characteristics and the prevailing character of the surrounding area and contributes to a sense of place.

Biodiversity

17. The application was accompanied by a Bat Roost Potential Report (BRPR), produced by Sylvatica Ecology Ltd, dated November 2024. This report assessed the bat roosting potential of the buildings on the site that would be demolished finding negligible bat roosting potential, but also identified that bat activity had been recorded in the area.

18. The existing planting along the frontage of the site contains a number of trees which have, previously, been assessed as having moderate bat roosting potential. This has not been addressed by the BRPR.

19. Bats are a protected species, and I am mindful of the advice provided in paragraph 99 of Circular 06/2005 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The

[4] Council Ref: DC/22/0633
[5] Council Refs: DC/24/0415 and DC/14/1028,

circular further advises that the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

20. In the absence of a study to determine potential for, or actuality of, bat roosts in the trees fronting the site I cannot be satisfied that the development would not have an unacceptable impact upon a Protected Species.

21. I therefore find that the proposal would have a harmful effect on the biodiversity of the site and the surrounding area. The proposal would, therefore, be contrary to Policy 31 of the HDPF which, amongst other things seeks to resist the loss of existing green infrastructure and requires development proposals to contribute to the enhancement of existing biodiversity.

European Protected Sites

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

23. NE has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. These are European Protected Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations).

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

25. The application was accompanied by a Water Neutrality Statement, produced by H2Ogeo, a Hydrology and Environmental Consultancy, dated November 2024. This report found that, compared with the baseline for the site established at the time of the 2022 application in a Water Neutrality Report (the 2022 Report), the proposal would result in a reduction of water consumption.

26. The Council have disputed this figure, as no-one appears to be living in the stables at this time. However, the 2022 Report established a base water demand for the site and that was accepted at that time by both the Council and NE in determining the 2023 permission. In the absence of any substantive evidence to demonstrate that there has been a material change in the use of the site in the intervening period, and given that the description of development identifies it as replacing the two dwellings, I do not consider that the baseline determined within the 2022 Report is undermined.

27. I find that, as the demand for water from the site would be reduced, compared to the identified baseline, the requirement for water neutrality is satisfied and there would be no resultant harm in that respect to the Protected Sites.

28. I therefore conclude that the proposal would not have a harmful effect on the Protected Sites. This would therefore comply with the aims of Policy 31 of the HPDF in as much as this, amongst other things, seeks to protect sites or features

of biodiversity, placing such Protected Sites as these at the top of a hierarchy for protection.

Other considerations

29. There is no dispute between the parties that the Council cannot demonstrate a five-year supply of housing land. The Council are only able to demonstrate a 2.9-year supply of housing land and this amounts to a significant shortfall. However, there is no net gain in the number of dwellings within the site as a result of the proposal.

30. The proposal would provide 3-bedroom dwellings, and it is identified in the WASP that the majority percentage of any new build housing should be within the 2 to 3 bedroom family range. Given the scale of provision, this weighs modestly in favour of the proposal.

31. The Framework, in seeking to meet the challenge of climate change, supports the development of energy-efficient homes and the site would provide two homes, built to modern standards, replacing buildings converted from other uses to form dwellings. It is, therefore, likely that the newly built dwellings would be more energy efficient than the existing ones, when in residential use. This notwithstanding, those benefits could equally be gained through the implementation of the 2023 permission.

Planning Balance and Conclusion

32. Taken overall the modest benefits that I have found would not outweigh the harm that I have found resultant from the proposal.

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeals should be decided other than with it.

I A Dyer

INSPECTOR