Planning Inspectorate

Appeal Decision

Site visit made on 8 August 2025

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/Z3825/W/24/3354737
Fig Tree House, Lower Station Road, Henfield, West Sussex BN5 9UR

- 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 Mandy Kianfar against the decision of Horsham District Council.
- The application Ref is DC/24/0995.
- The development proposed is a dwelling and vehicular access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The first reason for refusal relates to a lack of sufficient information to demonstrate that the proposed development would not contribute to an existing adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction. Given my findings in relation to the main issue I will deal with this issue in the "Other Matters" section of the decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located within an established residential area where there is a mix of detached and semi-detached dwellings and bungalows with different architectural styles and from different periods.

5. Many of the dwellings are set back on their plots with front gardens, hedges and low walls. Parking to the front of properties is a common feature. Although gaps between properties vary, I observed that many properties have single storey elements such as garages or subservient side extensions in the gap between the main side elevations of the dwellings and the boundary with the neighbouring property.

6. The general arrangement of the houses, many set back on their plots with front gardens, hedges and the gaps between properties creates a sense of spaciousness along the road which makes a significant contribution to the character and appearance of the area.

7. The appeal site forms part of the existing side garden of Fig Tree House. Although there is an existing garage and some other single storey outbuildings within this area, because of the modest scale and height of these structures there is a sense of openness to the side of Fig Tree House.

8. The proposal would involve the removal of the garage and the outbuildings and the introduction of a detached dwelling onto the existing side garden. The proposed relationship with Fig Tree House would be acceptable as the side elevation of the proposed dwelling would be set back from the new common boundary and importantly, the side elevation of the existing house would itself be set back some distance from the common boundary to ensure that a suitable gap would be retained.

9. However, the same cannot be said for the relationship with Tudor House on the other side. Due to the position of Tudor House on its plot, the gap between the front corner of this property and the existing common boundary with Fig Tree House is limited. Although the proposed dwelling would be set in from the common boundary, this would be insufficient given the position of Tudor House. Consequently, the proposed development would appear unacceptably cramped on the plot and would fail to complement the local distinctive character.

10. Moreover, the proposed roof profile of the rear element of the proposed house would incorporate a significant flat element that would be incompatible and jarring. Although this element would not face the road, it would nevertheless be visible from the rear gardens of surrounding properties and a glimpsed view would be possible through the gap between the proposed dwelling and Fig Tree House. Such an arrangement would not represent high quality design and would appear as a unsympathetic discordant element at odds with its surroundings.

11. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area and I afford this matter significant weight. As a result, the proposal would conflict with Policies 32 and 33 of the Horsham District Planning Framework, November 2015 and Policy 12 of the Henfield Parish Neighbourhood Plan which among other things seeks to ensure development is of a high-quality design that complements the local distinctive character, and which relates sympathetically with the built surroundings.

12. The proposed development would also be at odds with the guidance contained within the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character.

Other Matters

13. I turn first to consider housing supply. The Council accept that they are unable to demonstrate a 5-year supply of housing land. The proposal would be valuable in boosting housing stock. However, given that the proposal would only result in one additional dwelling that tempers the weight of this matter.

14. I accept that the proposal would have a cumulative effect on the supply of housing and would make efficient use of the site which is located within the built-up area of Henfield where the Council accept that the principle of establishing residential development is supported. The proposal would also have limited economic, social, and environmental benefits. For example, it would provide some jobs and create

demand for materials during the construction phase and would broaden the availability of much needed housing in the area.

15. The Council has a duty under the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet identified demand for the district.

16. The appellant indicated on the Community Infrastructure Levy form that the proposal was for a self-build property. I accept that this information does indicate a desire on behalf of the appellant to proceed with a self-build development.

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

18. I have considered whether it would be reasonable to impose a condition. However, monitoring and enforcing any such condition would be extremely difficult, and consequently I am not satisfied that such a condition would meet the necessary tests set out in the relevant Planning Practice Guidance. Consequently, this significantly reduces the weight afforded to this matter.

19. The appeal site is located within the zone of influence of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site. These sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations).

20. The appellant has submitted a Water Neutrality Statement. More recently the Council has indicated that for certain development it will now look to apply a Grampian condition restricting the commencement of development until such time that a developer has either secured the required number of credits through a Local Authority offsetting scheme (SNOWs), or it has approved a bespoke water neutrality solution. The appellant accepts that such a condition would be appropriate in this case and has provided an example where an Inspector on a previous appeal decision has taken a similar approach.

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

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

Planning Balance and Conclusion

23. As outlined above I afford the totality of the benefits moderate weight in the determination of the appeal. On the other hand, I afford significant weight to the harm the proposal would have on the character and appearance of the area.

24. The Council cannot demonstrate a 5-year housing land supply. As a result, Paragraph 11(d) of the Framework is relevant. However, given the relative benefits weighed against the harm and having had particular regard to key policies directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes I nevertheless find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

25. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.[1]

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

S Rawle

INSPECTOR

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