Planning Inspectorate

Appeal Decision

Site visit made on 22 September 2025

by C Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/Z3825/W/25/3363148
Abbots Leigh, Washington Road, Storrington, West Sussex RH20 4AF

- 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 David King against the decision of Horsham District Council.
- The application Ref is DC/24/1965.
- The development proposed is described as 'outline planning application with all matters reserved apart from access for 1no. 4-bedroom dwelling with associated private garden space, car parking and landscaping'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with all matters, other than the means of access, reserved for future consideration. I have dealt with the appeal on that basis.

3. A plan has been submitted which indicates how residential development could be accommodated on the site along with indicative elevation and floor plans. Aside from the means of access, I have taken these into account for indicative purposes only.

4. My attention is drawn to an emerging Draft Local Plan submitted under Regulation 19[1]. Evidence indicates there is considerable doubt that this plan will proceed, following a recommendation from the examining Inspector that it should be withdrawn and a new plan prepared. Both parties agree it attracts limited weight and in any event, I have not been provided with relevant policies so I have not had regard to it.

5. The site lies close to the South Downs National Park (NP). The duty to conserve and enhance the natural beauty and special qualities of the NP extends to consideration of its setting. However, this is not a matter in dispute between the parties, and I am satisfied that the duty would be met. Therefore, I do not deal with the matter any further.

6. An Aboricultural Appeal Statement dated 21 March 2025 by PJC Consultancy Ltd accompanied the appeal. The Council has commented on it as part of their statement of case. It indicates that, subject to conditions, this has overcome its second refusal reason. From the evidence before me, I have no reason to disagree. Therefore, it is not necessary for me to consider the matter further.

[1] of the Town and Country Planning (Local Planning) (England) Regulations 2012

7. The appeal site falls within the Sussex North Water Supply Zone (SNWSZ) as defined by Natural England, where water abstraction has the potential to adversely affect the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (hereafter the Arun Valley sites). It is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Although not forming part of the Council's reason for refusal, as competent authority I must consider whether the development is likely to have a significant effect on the integrity of the site. It is therefore necessary to consider this as a main issue. The main parties have had the opportunity of commenting on this.

8. A Unilateral Undertaking (UU) has been submitted with this appeal to secure the development as a self-build dwelling, and includes mitigation relating to water neutrality, a matter I return to in my reasoning below. The Council has had the opportunity to comment on this, so is not prejudiced by my acceptance of it.

Main Issues

9. In light of the above, the main issues are:

- whether the appeal site is a suitable location for the development, having particular regard to relevant provisions of the development plan and the Framework; and

- the effect of the development on the integrity of the Arun Valley sites.

Reasons

Whether suitable location

10. The appeal site relates to part of the garden serving Abbots Leigh, located on Washington Road within the parish of Storrington and Sullington. It lies outside of the settlement boundary, in the open countryside as defined in the Horsham District Planning Framework (adopted 2015) (the HDPF) and the Storrington, Sullington and Washington Neighbourhood Plan 2018-2031 (made 2019) (the NP).

11. A strategic approach to development is set out in HDPF Policy 2 which focuses development in and around the key settlement of Horsham, which sits at the top of the district's settlement hierarchy. Storrington and Sullington fall into the second tier of the hierarchy, 'Smaller Towns and Larger Villages' Settlement Type under HDPF Policy 3. These settlements are stated as having a good range of services and facilities, strong community networks and local employment provision, together with reasonable public transport options. The settlements act as hubs for smaller villages, but also have some reliance on larger settlements / each other to meet some of their requirements. HDPF Policy 3 and NP Policy 1, support development within the built-up area boundaries (BUAB's), on allocated sites or in accordance with other development plan policies for the location of development in the countryside.

12. HDPF Policy 4 states that outside of BUABs, the expansion of settlements will be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge, where the level of expansion is appropriate to the scale and function of the settlement type. In addition, the development must be demonstrated to meet the identified local housing needs or assist the retention and enhancement of community facilities and avoid prejudice

to comprehensive long-term development. The final criterion is that the development should be within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

13. While the proposal for one dwelling would be appropriate for the scale and function of the settlement type, the site is not allocated, nor does it adjoin an existing settlement edge. Given the Council's inability to meet its five-year housing land supply (5YHLS), the proposal would help to address an unmet housing need and would not prejudice long-term development. The appeal proposal would be well contained by the existing dwelling of Abbots Leigh and Sandgate Lodge on its opposite side, as well as the designated Sandgate Country Park to its north, which limits its sprawl into the rural area and thus meets the final criterion.

14. However, as the appeal site does not adjoin a settlement edge, nor is it allocated for residential development in the Local Plan or NP, it does not comply with the first part of criterion 1 to HDPF Policy 4. As a result, the proposal is contrary to this policy.

15. Policy 26 of the HDPF seeks to protect the countryside from inappropriate development, requiring development outside of BUAB's to be essential to its countryside location and to meet one of 4 listed exceptions. This proposal would not meet any of these exceptions, bringing the scheme into conflict with this policy.

16. In light of the above, the appeal site is not a suitable location for the development, having regard to the relevant provisions of the development plan and the Framework. The appeal scheme runs counter to policies 1, 2, 3, 4 and 26 of the HDPF and NP Policy 1, which amongst other matters, seek to achieve sustainable development.

Integrity of the Arun Valley sites including Appropriate Assessment

17. The Arun Valley sites are low lying wetland areas that support rare and diverse plants, invertebrate and bird assemblages as qualifying features. Variation in soils and water supply lead to a wide range of ecological conditions and rich flora and fauna. Natural England issued a Position Statement in September 2021 which advised that due to the additional demand for water abstraction, it cannot be concluded with the required degree of certainty that new development in the SNWSZ would not have an adverse effect on the integrity of the site. The proposal would create a net gain of one dwelling, and in combination with other development permitted in the area, there would be a likely significant adverse effect on the Arun Valley sites.

18. The Position Statement sets out an interim approach requiring plans and projects, affecting sites where an existing adverse impact is known, to demonstrate certainty that they will not contribute further to the existing adverse impact. Regulation 75 of the Habitats Regulations requires an Appropriate Assessment to be carried out to demonstrate the required water neutrality.

19. Natural England sets out the definition for water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place. Water neutrality can be achieved through a combination of water efficiency measures in new buildings and water offsetting.

20. The submitted Water Neutrality Statement sets out proposed on-site water reduction measures, such as fixtures and fittings to be used in the development. Measures would also be required to off-set the residual demand and both parties agree that the purchasing of off-site credits would be an acceptable approach to mitigation. I have no reason to disagree with the views of the Council and Natural England that the strategy advanced would achieve water neutrality, subject to securing the mitigation.

21. Concerns have been raised that the submitted UU only ties the appellant to purchase off-setting credits and does not obligate the land-owners, or other interested parties, to undertake the necessary water off-setting works. The appellants evidence contends that the submitted UU is appropriate to secure mitigation on the basis that the appellant has signed contractual terms with the off-setting provider and paid a substantial deposit. However, evidence of this contractual arrangement has not been provided. Furthermore, the water off-setting provider is not a signatory to the UU. Consequently, I have no certainty that the mitigation necessary to avoid the development from having an adverse effect on the integrity of the Arun Valley sites would be secured.

22. The appellant contends the UU meets the tests of the Framework and cites an example of another scheme where water neutrality was secured by a UU to illustrate their point. However, in that case the water off-setting land was shown edged red and appended as a supplementary deed to the UU, which is not the case in the appeal before me. Consequently, it does not alter my findings on the matter.

23. As competent authority, taking the precautionary principle, I therefore find that the development would likely have a significant adverse effect on the integrity of the protected sites and therefore does not accord with the Habitats Regulations. This also runs counter to the expectations of HDPF Policy 31.

Other Matters

24. As a result of the Council being unable to demonstrate a 5YHLS, it published a document ‘Facilitating Appropriate Development’ in October 2022 (FAD). This alters the way in which HDPF Policy 4 should be applied. The FAD removes the need for a site to be allocated within the HDPF or NP to be considered acceptable in principle. While the FAD retains the need to demonstrate how the proposal will meet local needs, and to comply with the other remaining criteria to Policy 4, I have found above that the proposal would help to address the undersupply of housing identified in the district and would comply with the other criteria, with the exception of adjoining a BUAB, which the appeal site does not do.

25. However, the FAD, alongside the Framework seeks to promote sustainable development in rural areas and prevent isolated homes in the countryside. As the site sits amongst a small cluster of other dwellings, some of which are on the opposite side of the road, it would not be physically isolated in this respect. Outside of the appeal site, on the opposite side of Washington Road, a footpath provides pedestrian access to the heart of the settlement which the appellant indicates is approximately 0.9 miles away, with the edge of the settlement closer.

26. Additionally, my attention has been drawn to several bus stops in the vicinity of the site. In particular, the bus stop said to be 187m to the east is accessible by footpath and is within a reasonable walking distance from the appeal site. Limited

details have been provided on the frequency of buses, albeit it provides public transport to other settlements in the wider area, as expected given its position in the settlement hierarchy. Consequently, occupiers of the site would have a choice of transport that would not rely solely on use of the private car.

27. Developing the site does not risk merging the settlements owing to its highly constrained positioning between dwellings and the designated Sandgate Park site behind. It would make effective use of land that is not of a high environmental value in line with HDPF Policy 2 and perform well against the objectives of maintaining the district's unique character. Moreover, given its relatively close proximity to a range of services and facilities, the material considerations indicate that the location of development is acceptable, notwithstanding the conflict with the development plan.

28. While there are likely to be other areas of previously developed land (PDL) outside of BUAB's, based on the individual merits of the scheme, it is unlikely that another site would display exactly the same circumstances and it would be unlikely to set an unwelcome precedent.

29. In support of the Council's case, three appeal decisions for single dwellings in the countryside have been cited. Unlike the appeal before me, the appeal dismissed at Lancasters Cottage, Partridge Green[2], would have resulted in a new home isolated from any settlement. The other two appeals had other harms identified which required balancing. All of these decisions were made when the supply of housing deliverable housing exceeds its current position. For these reasons, based on the limited information before me, they are not directly comparable and do not alter my findings on this matter.

Planning Balance

30. The necessary 5YHLS cannot be demonstrated. There is agreement that the Council is currently only able to demonstrate a 1.0 year supply of deliverable housing sites[3], representing a significant shortfall. An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework. In accordance with paragraph 11(d)(i), I have already established that there is a strong reason for refusal with regards to a habitats site. The presumption in favour of development does not therefore apply.

31. I have found that locationally, the site runs contrary to the spatial strategy of the development plan. However, in circumstances where the Council's housing delivery policies have acted to unduly restrict the supply of homes, I do not find the site's position outside of the settlement boundary, and thus at odds with the Council's spatial strategy, to be decisive to the outcome of this appeal. Rather, when considered in the round, the site is PDL and located where occupants would be able to access local services and facilities and help support them by means other than reliance solely on the private car. This along with the small but important boost in housing supply, and the temporary construction jobs it would create, weighs heavily in favour of the scheme.

32. However, as I have set out, the effect of the development on the integrity of the Arun Valley sites is a strong reason for refusal to which I attach substantial weight.

[2] Appeal Ref: 3297418 – dismissed March 2023
[3] based on the Housing Delivery Test Action Plan, April 2025

This aligns with the thrust of paragraph 193 of the Framework and brings it into conflict with the development plan as a whole. Although there are weighty material considerations, they would not outweigh the conflict with the development plan.

Conclusion

33. For the reasons set out above, the appeal should be dismissed.

C Walker

INSPECTOR