Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/Z3825/W/24/3341171
Wappingthorn Lodge, Horsham Road, Steyning, West Sussex BN44 3AA

- 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 L Warner against the decision of Horsham District Council.
- The application Ref is DC/23/0627.
- The development proposed is described as 'Extensions, alterations and change of use of stables, garage and machinery store to form 1 x dwellinghouse'.

Decision

1. The appeal is allowed and planning permission is granted for extensions, alterations and change of use of stables, garage and machinery store to form 1 x dwellinghouse at Wappingthorn Lodge, Horsham Road, Steyning, West Sussex BN44 3AA in accordance with the terms of the application, Ref DC/23/0627, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. While the appeal was under consideration, the emerging Horsham Local Plan was submitted for Examination in Public. The Council has confirmed that hearing sessions have been scheduled. At this point, based on the evidence before me, it remains possible that changes may be made to the draft policies referred to by both parties, as a result of the examination process. Where relevant, I have noted the direction of travel indicated by the emerging policies, as described below. However, having taken account of the principles in paragraph 48 of the National Planning Policy Framework (the Framework), I have given the draft policies limited weight.

Main Issues

3. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the Council's spatial strategy, the provisions of the Framework and access to services and facilities.

Reasons

4. The appeal concerns a group of single storey buildings to the rear of a detached dwelling. They are described in the application as stables, a garage and a machinery store and include a set of loose boxes and two open-fronted storage buildings. There is a sand school for exercising horses nearby and some small fields where sheep were grazing at the time of my site visit.

5. The site is just off the B2135 Horsham Road, which is the route into Steyning, and the centre of Steyning is around 1.5 miles away. The nearest edge of the settlement is somewhat closer, but reaching it requires travel along two sections of Horsham Road, with a staggered crossroads at the A283 Steyning By-pass. There is some sporadic development in the vicinity, but the site stands in a rural setting, outside the settlement.

Spatial Strategy

6. In the Horsham District Planning Framework (HDPF), adopted in 2015, Policy 1 defines the overall approach to sustainable development. Policy 2 articulates the Council's spatial strategy, which focusses significant development in Horsham, while distributing growth elsewhere in accordance with a settlement hierarchy defined in Policy 3. There is also encouragement in Policy 2 for reuse of previously developed land, although no indication that this should take precedence over relevant locational considerations.

7. Policy 4 allows for some expansion of settlements outside their defined boundaries. However, the policy specifies that such development should adjoin the settlement edge. Since the appeal site is outside, and distinctly detached from, the settlement boundary of Steyning, the proposed development would not be acceptable settlement expansion as defined in Policy 4.

8. Within the countryside, Policy 26 of the HDPF restricts development to proposals which are essential to their countryside location and also meet one of four criteria. These include development that enables the sustainable development of rural areas, but do not include any explicit provision for reuse of existing buildings. The focus of Policy 26 is on protecting the rural character and undeveloped nature of the countryside. However, the HDPF also includes policies for managing demand for travel including, in Policy 40, locating development in areas where there is, or will be, a choice in available modes of transport.

9. 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. However, the five criteria in paragraph 5.7 of the FAD should all 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. The proposed development does not meet that requirement and therefore the extent to which it would comply with the other four criteria is of limited relevance.

Framework: Approach to Rural Housing

10. In order to promote sustainable development in rural areas, the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Isolated housing is to be avoided, other than in the specific circumstances defined in paragraph 84. Those include development which would re-use redundant or disused buildings and enhance its immediate setting.

11. Taking account of the sporadic development along Horsham Road and the relatively short distance to the settlement, I concur with the view expressed by both main parties that the site is not isolated for purposes of paragraph 84.

Therefore, the provision in Paragraph 84c of the Framework for reuse of redundant or disused buildings is not directly relevant.

12. Even if paragraph 84c was applicable, the existing buildings are discreetly located, next to an existing dwelling and set back from the road. They are typical, modestly proportioned stables and sheds, of a type which is commonly found within rural areas. Consequently, they are neither unsightly nor intrusive. The proposed alterations and formation of a residential curtilage would domesticate the site, in a manner which the Council concluded not to be harmful, but equally did not identify as beneficial. Having visited the site, I concur that the proposal would have a broadly neutral effect on its surroundings. However, it would not positively enhance the appearance of the buildings or their immediate setting.

Access to Services and Facilities

13. There are some services on the nearest edge of Steyning, including a leisure centre and schools, but the main concentration of services and facilities is around the High Street, about 1.5 miles from the site. There is no realistic prospect that future occupiers would walk into Steyning, since there are no pavements or streetlights along either section of Horsham Road and the busy A283 Steyning bypass would have to be crossed.

14. There are no dedicated cycle facilities and the roads into Steyning include sections with unrestricted speed limits. Therefore, notwithstanding the relatively short distance, cycling would be challenging and not a realistic option for all future occupiers or in all circumstances. While there are bus stops in the settlement, there is no indication of a relevant bus route along Horsham Road. Therefore, public transport could not easily be accessed.

15. While the Framework recognises that opportunities to maximise sustainable transport will vary between urban and rural areas, that does not imply that an absence of alternatives to the private car should be disregarded. In this case, although trips into Steyning would be relatively short, the nature of the road network means that future occupiers would have little realistic option other than travel by car on every occasion and that is a factor weighing against the suitability of the location.

16. While future occupiers are likely to make use of services in Steyning, the addition of a single dwelling outside the settlement is not likely to make a meaningful contribution towards the vitality of this fairly large rural settlement. Nor is it likely to support the vitality of any other nearby rural community, since the other development along Horsham Road is quite dispersed and lacks any coherent focal point. Therefore, the small economic contribution towards local services would not render the proposal 'essential to its countryside location', as required in Policy 26 of the HDPF.

Conclusion on Main Issue

17. Taking all the above factors into consideration, I conclude that the proposed development would not provide a suitable location for housing, having regard to the Council's spatial strategy, the provisions of the Framework and access to services and facilities. While Policies 2 and 3 of the HDPF allow for growth around settlements including Steyning, and Policy 2 encourages reuse of previously developed land, the proposal would conflict with Policy 4, which

limits the expansion of settlements to sites which adjoin the settlement edge. It would also conflict with Policy 26, which restricts development outside settlements to proposals which are essential to their countryside location. The overall focus of the spatial strategy is on development within or adjoining settlement boundaries, and the location of the proposed dwelling would conflict with the development plan when read as a whole.

Habitats Regulations Assessment

18. The appeal site is within the Sussex North Water Supply Zone defined by Natural England. Within that Zone, Natural England has advised that developments involving an increased level of water extraction could have a likely significant effect on qualifying features within the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Sites. These Habitats Sites include important wetland habitats supporting rare plants, birds and invertebrates.

19. In response, the Council requires that applications within the Sussex North Water Supply Zone, for development involving increased water consumption, are accompanied by evidence of proposed measures for achieving water neutrality within the development. To that end, the application was accompanied by a Water Neutrality Report dated 23 May 2023. This had been revised from the version submitted with an earlier planning application and was revised again while the application was under consideration, to address points raised by the Council's Environmental Health and Licensing team.

20. The Water Neutrality Report sets out proposed water efficiency measures which would limit demand through use of water reducing appliances, together with a specification for rainwater harvesting tanks to enable reuse of water within the site. Calculations are included to confirm that the roof of the proposed dwelling would provide sufficient surface area to harvest rainwater exceeding projected demand, with adequate drought storage capacity.

21. The Water Neutrality Report confirms that the development would be water neutral, provided the measures detailed therein are implemented. The Council's Environmental Health and Licensing Team has confirmed that the proposed measures are satisfactory and recommended suitable conditions to secure compliance. Natural England responded to consultation on the planning application and likewise raised no objection to the development, subject to the delivery, management and maintenance of measures identified in the Water Neutrality Report to achieve water neutrality.

22. Having taken account of the above evidence, including advice from Natural England and other relevant consultees, I am satisfied that the development would be water neutral and that the measures required to achieve that status could be adequately secured. Therefore, there would be no adverse effect on the integrity of the Arun Valley Habitats Sites.

Other Considerations

23. The Officer Report refers initially to a housing land supply figure of 4.3 years, but later to a figure of 3.0 years, sourced from the December 2022 Authority Monitoring Report (AMR). An extract provided by the appellant from the Council's subsequent AMR, published January 2024, assesses the supply of housing land at 2.9 years and the Council has not disputed that figure. The

reason for refusal acknowledges that there is a shortfall in housing land supply and that paragraph 11d of the Framework is applicable. Based on the most recent of the above figures, the shortfall is substantial.

24. The proposed development would contribute a single dwelling to the supply of housing. It would be on one level and is described as being suitable for the appellant's retirement from managing the land, which would release the existing family home nearby. While those circumstances are not unique, and no evidence has been presented indicating a lack of other suitable retirement properties, there would be a very minor contribution to diversity in the stock of housing suitable for a range of occupiers.

25. The design would respond to the appellant's individual requirements, and some evidence has been provided that a self-build approach is intended. However, no legal mechanism is proposed to secure the delivery of self-build housing as defined in relevant legislation[1]. Therefore, delivery of a scheme helping to address the Council's legal duty to grant sufficient permissions for self-build housing cannot be guaranteed. Consequently, even if I were to find, based on the evidence provided, that there is a shortfall in the strategic supply of self and custom build housing, this aspect of the proposal carries limited positive weight.

26. There would be some economic benefits through the construction process and use of local services by future occupiers, although those benefits would be very modest, given that only a single dwelling is proposed.

27. In the emerging Local Plan, Policy 32 introduces more explicit support for conversion of rural buildings to residential use. However, it refers to buildings in agricultural or forestry use, and does not mention stables. Furthermore, since the examination in public is ongoing, it remains possible that the wording will change. As such, while the emerging policy indicates an intention to take a more positive approach to conversion of rural buildings than the adopted Local Plan, it carries only limited weight at this stage.

28. Nevertheless, since the buildings include equestrian uses, the appeal site would fall at least in part within the definition of previously developed land within Annex 2 of the Framework. The reuse and more effective use of previously developed land attracts support in the Framework, as well as in Policy 2 of the HDPF. While Policy 10 of the HDPF includes a preference for the conversion of rural buildings to business or commercial uses, the Framework is broadly supportive of the reuse of existing buildings for a range of purposes including housing. Although the buildings appear to remain suitable for equestrian use, the scope for business or commercial use is less clear, given the very close relationship with the adjacent dwelling. Against that background, the alternative use of a previously developed site is a factor weighing in favour of the development.

29. While I have concluded, for the reasons given above, that the effect on the character and appearance of the area would be broadly neutral, several interested parties have expressed support for both the principle of reusing the buildings and the proposed design approach. No contrary views were expressed either in response to the planning application or this appeal.

[1] Self Build and Custom Housebuilding Act 2015 (as amended by Levelling Up and Regeneration Act 2023).

30. The Council has not alleged any harm to the living conditions of neighbouring occupiers or highway safety. Requirements in relation to potential contamination, biodiversity net gain and mitigating the effects of climate change could be addressed through conditions. However, there is no indication that these aspects of the proposal would go beyond the relevant requirements of the development plan.

31. Several other approved developments have been drawn to my attention, each involving housing outside settlement boundaries, mostly through conversion of existing buildings. Several involve locations with better options for accessing local services, due to shorter distances and/or more suitable alternatives to travel by car. Others would provide benefits such as significant visual enhancements and/or retention and re-use of buildings of historic interest. There are a few in which more specific individual circumstances were relevant, such as improvement over a fallback position or compliance with a specific Neighbourhood Development Plan Policy. In each case, there are material differences from the appeal proposal, to a greater or lesser extent.

32. As such, while I have considered all the other developments mentioned, and the Council's comments on some of them, none of those decisions outweighs my conclusions based on the particular circumstances at the appeal site.

Planning Balance

33. While the Council's spatial strategy reflects the Framework's focus on locating significant development within locations with good access to services, facilities and a range of transport options, the approach to new housing in the countryside is more restrictive than that set out in the Framework. The relevant annual housing requirement has also increased since the settlement boundaries were defined and there is evidence of a substantial shortfall in housing land supply. Against that background, I have given the conflict with the Council's spatial strategy moderate weight.

34. While the fact that occupiers would have to travel by car also weighs against the proposal, the distance to local services would be short and a good range of services and facilities is available. The proposal would not introduce housing in an isolated location. Consequently, this harmful aspect of the proposal also carries moderate weight.

35. Although the proposal is modest in scale, there would be a number of benefits. A small contribution would be made to the supply of housing, alongside modest economic benefits. There would be a small contribution to the diversity of housing stock, although it cannot be guaranteed that this would contribute to the Council's legal duty to address the demand for self-build housing. The proposal would make alternative use of existing buildings, without harming the character and appearance of the area. Indeed, the design and the principle of making alternative use of the buildings has attracted some local support. Considered collectively, these benefits of the proposal carry a comparable level of weight to the overall level of harm.

36. For the reasons given above, there is no clear reason for refusing the proposed development based on policies in the Framework that protect Habitats Sites. Since the level of harm and the level of benefit carry similar weight, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework and the similar provisions in Policy 1 of the HDPF.

Conditions

37. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have made some minor amendments in the interests of consistency and clarity.

38. I have imposed a condition specifying the approved plans, in the interests of certainty. In doing so, I have corrected the drawing number on the Proposed Dwelling Floorplan & Elevations to X01 Rev A. The Council has confirmed that this plan was included with the application, although the Revision letter was omitted on the decision notice.

39. Condition 3, 10 and 11 are collectively necessary to ensure that any contamination associated with previous uses on the site, including asbestos containing materials, is addressed and remediated if necessary. Condition 4 is necessary to ensure that suitable drainage measures are implemented at an early stage, to support the introduction of a residential use. Conditions 3 and 4 were clearly identified by the Council as requiring compliance prior to the commencement of development. In both cases, pre-commencement conditions are necessary, to ensure that any early ground works take account of the approved details. The appellant has confirmed that no objections are raised to these or any of the other conditions in the Council's Statement of Case.

40. Condition 5 would secure the use of suitable external materials, in the interests of the character and appearance of the surrounding area. Condition 6 would secure measures to protect and enhance biodiversity, consistent with relevant requirements in Policy 31 of the HDPF, policies in the Steyning Neighbourhood Plan 2022 and the Framework.

41. Conditions 7 and 8 are necessary to ensure that the development does not affect the integrity of Habitats Sites, as explained above. I have clarified the reference to the Water Neutrality Report, to specify the final version, which incorporates measures requested by the Council's Environmental Protection and Licensing team.

42. Given the rural location of the site and constraints on accessibility, I agree that Condition 9 is a reasonable and necessary response to the requirements in Policy 37 of the HDPF.

43. Cycle storage and car parking spaces are shown on the proposed block plan and conditions 12 and 13 would ensure that they are provided and retained. Although I have concluded that cycling would not be a realistic option for all future occupiers, the availability of secure cycle storage would encourage cycling for leisure or utility purposes where possible and is a reasonable requirement to support travel by a range of modes. Provision for electric vehicle charging is also mentioned in the officer report, but is now covered by the Building Regulations.

44. Conditions 14 and 15, limiting hours of work and deliveries, are reasonable, to safeguard living conditions within the nearby dwelling, particularly if either property changes hands before the development is implemented.

45. Finally, I am mindful that the Framework states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. In this case, the fact that the proposed development would not enlarge the outer envelope of the existing buildings has been a factor in concluding that there would be no harm to the character and appearance of the area. The later introduction of extensions, outbuildings or hardstanding could be more visually intrusive. Consequently, a condition requiring that any such extensions or additions are subject to the Council's full consideration is reasonable and would meets the relevant tests in this particular case.

46. However, it is not necessary to exclude permitted development rights for additional dwellings through upward extension (Class AD), as the buildings would not benefit from those rights, by virtue of their current use and the exclusions in Part AD.1(b) of Schedule 2 to the GPDO[2].

Conclusion

47. The proposed development would conflict with the development plan. However, other material considerations, including the presumption in favour of sustainable development as defined in the Framework, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be carried out in accordance with the following approved drawings:
   - L01 Rev A Location Plan
   - EX01 Existing Site Plan
   - 01 Proposed Site Plan
   - EX02 Rev A Existing Buildings, Stable Block and Garages
   - EX03 REV A Existing Building Machinery Store
   - EX04 REV A Existing Building, Stable Block, Garages and Machinery Store
   - X01 Rev A Proposed Dwelling Floorplan & Elevations
   - X01a Coloured Floor Plan
   - X01b Coloured Roof Plan
   - 02 Proposed Dwelling Ground Floor Plan
   - 04 Proposed Dwelling Elevations
   - 04a Coloured Elevations
   - BP01 Proposed Block Plan

2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

[2] The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

3) No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the Local Planning Authority:
   a. A preliminary risk assessment which has identified:
      i. all previous uses;
      ii. potential contaminants associated with those uses;
      iii. a conceptual model of the site indicating sources, pathways and receptors; and
      iv. potentially unacceptable risks arising from contamination at the site.

   The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

   b. An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
   c. The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
   d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

   The development shall thereafter be carried out in accordance with the approved details.

4) 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.

5) 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, roofs and doors of the approved building 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.

6) Prior to the commencement of the development above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
   a. Purpose and conservation objectives for the proposed enhancement measures;
   b. detailed designs to achieve stated objectives;
   c. locations of proposed enhancement measures by appropriate maps and plans;
   d. persons responsible for implementing the enhancement measures;
   e. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

7) The dwelling hereby permitted shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for proposal, as detailed in the CGS Civils Water Neutrality Report dated 23/5/23, version P4 (15/6/23) has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

8) The rainwater harvesting system hereby approved shall be installed, maintained and managed in accordance with the CGS Civils Water Neutrality Report dated 23.05.23, version P4 (15/6/23). A management plan detailing all measures and ongoing maintenance and sampling necessary to ensure the water supplied is safe and wholesome and to ensure continuity of supply shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling has been sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies, analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and the findings submitted to the Local Planning Authority.

   The system shall be implemented in full prior to first occupation of the dwelling and shall be retained and maintained at all times thereafter. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

9) Prior to the first occupation of the dwelling hereby permitted, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

10) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that any remediation scheme required and approved under the provisions of condition 3 has been implemented fully in accordance with the approved details. Thereafter the scheme shall be monitored and maintained in accordance with the details approved under condition 3.

11) No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.

12) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

13) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

14) No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

15) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

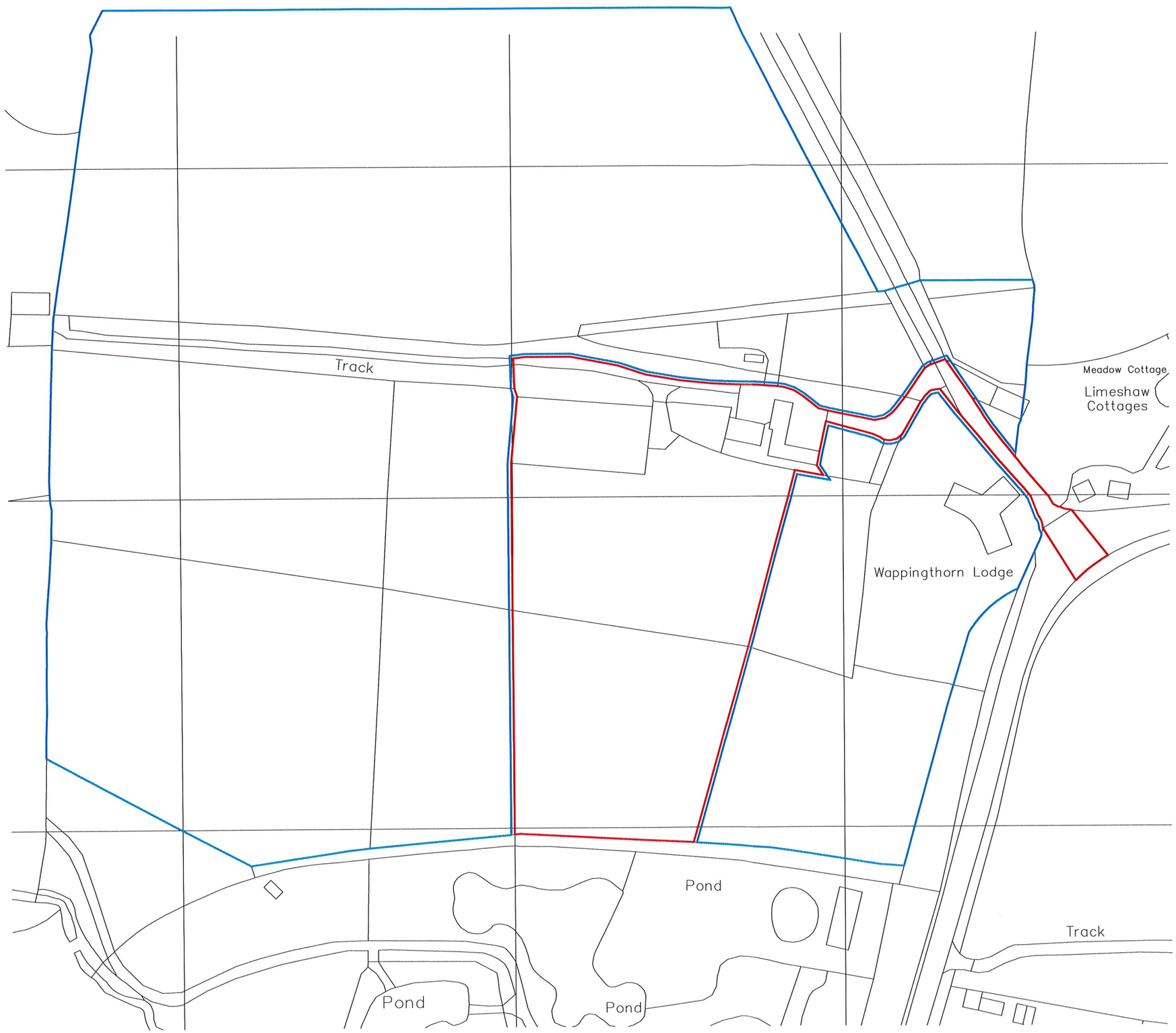
16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order, no development falling within Classes A, AA, B, C, E, or F of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

END

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