Planning Inspectorate

Appeal Decision

Site visit made on 20 August 2025

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/Z3825/W/25/3361339
Land at Thornhill Stables, Billingshurst Road, Coolham RH13 8QN

- 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 V Sawyer against the decision of Horsham District Council.
- The application Ref is DC/24/1486.
- The development is described as Construction of detached barn style dwelling.

Decision

1. The appeal is allowed and planning permission is granted for construction of detached barn style dwelling at Land at Thornhill Stables, Billingshurst Road, Coolham, RH13 8QN in accordance with the terms of the application, Ref DC/24/1486, dated 26 September 2024, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:

   - whether the site is a suitable location for the proposal having regard to the spatial strategy for the district; and
   - the effect of the proposal on the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site, with particular regard to water neutrality.

Reasons

Suitable location

3. The application site is located to the north of Billingshurst Road, and is accessed via a private track. The site currently comprises an agricultural field, with industrial and storage units situated to the rear, beyond the northern boundary. To the west of the site, on the opposite side of the track there are large detached dwellinghouses.

4. As the appeal site is set within a small cluster of buildings in residential and commercial use, it does not appear isolated within its immediate environment. Nor is it isolated in the context of paragraph 84 of the National Planning Policy Framework (2024) (the Framework). Nevertheless, it is located outside of a built-up area boundary and is therefore located in the countryside for planning purposes.

5. Policy 2 of the Horsham District Planning Framework (2015) (HDPF) outlines the Council's spatial strategy, which focusses significant development in Horsham. Further growth shall be distributed across a range of settlements outlined within a hierarchy in Policy 3.

6. Policy 4 of the HDPF supports the expansion of settlements beyond built-up area boundaries, provided that the site is allocated either in the Local Plan or a Neighbourhood Plan, and adjoins the existing settlement edge. In this case, the appellant confirms that the appeal site lies 0.6 miles from the village of Coolham. Therefore, it does not adjoin a settlement edge. Furthermore, policy HD1 of the Shipley Neighbourhood Plan (2020) (NP) outlines areas where housing development will be considered favourably. The proposal does not meet the criteria within Policy HD1, nor is it allocated within the NP and accordingly, the proposal would be in conflict with Policy 4 of the HDPF.

7. Policy 26 of the HDPF states that, outside built-up area boundaries, development must be essential to its countryside location and must also satisfy the criteria set out within the policy. To meet the policy requirements, proposals must be needed to support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use, or enable the sustainable development of rural areas. Given the residential nature of the proposal, it would not meet any of these stated criteria.

8. As the Council is currently unable to demonstrate a five-year housing land supply in accordance with existing development plan policies, it has produced the Facilitating Appropriate Development Document (2022) (FAD) to support the delivery of housing in the interim period, pending adoption of a new Local Plan. While the FAD is guidance rather than policy, it adopts a more positive approach to residential development outside settlement boundaries. Notably, it allows for the consideration of unallocated sites located outside but adjoining built-up area boundaries. However, the appeal site is not located in close proximity to any built-up area boundaries, and therefore the extent to which it would comply with the other criteria within the FAD is of limited relevance.

9. The appellant argues the site is sustainably located due to its proximity to Coolham which offers limited services such as a primary school, village hall, and public house. Within policy 3 of the HDPF Coolham falls under the 'Unclassified settlements' classification. The policy recognises such settlements as having few facilities and poor accessibility. While Coolham is about 0.6 miles from the site and reachable via pavement, its limited services are unlikely to meet day-to-day needs. Bus stops in the village also provide links to Billingshurst and Horsham.

10. The site is around 2 miles from Billingshurst, a 'Small Town/Larger Village' under Policy 3, offering a good range of services, employment, and public transport. Although buses connect Coolham to Billingshurst, I have not been provided with a timetable and so cannot be certain that the routes or timings would be viable for the typical daily needs of future occupiers. Overall, I find that future occupiers are more likely to rely on private vehicles rather than to undertake local journeys by other modes of transport.

11. As such, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy, having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment

opportunities. The proposal fails to accord with policies 1, 2, 3, 4, and 26 of the HDPF and policy HD1 of the NP. Amongst other things, these policies set out the settlement strategy, seek to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities.

Water neutrality

12. 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.

13. 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. The application was accompanied by a Water Neutrality Report dated 6 June 2024. A subsequent report with updated appendices dated was submitted on 4 November 2024.

14. The updated Water Neutrality Report confirms that the proposed dwelling would be water neutral via the installation of water reducing appliances, installation of rainwater harvesting tanks and via the purchase of credits from Sussex Water Neutrality which would offset remaining water demand. A Water Credit Agreement with Sussex Water Neutrality has been provided.

15. Natural England responded to consultation on the planning appeal and raised no objection to the development, subject to the delivery, management and retention of measures identified in the Water Neutrality Report to achieve water neutrality.

16. Having taken account of the above evidence, including advice from Natural England, and subject to securing further details by planning condition I am satisfied that the development would be water neutral and that the measures required to achieve that status can be adequately secured. Consequently, there would be no adverse effect on the integrity of the Arun Valley Habitats Sites, and the proposal would meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy 31 of the HDPF and the requirements of the National Planning Policy Framework to protect the biodiversity of European sites.

Other Matters

17. Comments from the Parish Council raise concerns in relation to the proposal creating overdevelopment and because the proposal would not provide affordable housing. The barn style dwelling is appropriate to the rural character of the area and would generally integrate well with the form of nearby buildings. I have not been directed to any policy which indicates that the proposal is required to provide affordable housing.

18. Third party concerns relate to the potential noise impacts from the nearby industrial uses on the future residential occupiers. As the industrial estate is subject to planning conditions controlling noise levels, the proposal would not have

a harmful effect on the operations of the nearby industrial estate. An interested party raises concerns about an increase in traffic on the private access track. The appeal proposal provides a single new house within an access which is shared with dwellings and an industrial estate. It would result in a very limited increase in local traffic, and consequently would not harm highway safety.

19. The proposal would provide benefits associated such as making an efficient use of the site and contributing to local housing supply. The Framework seeks to significantly boost housing supply and emphasises the importance of small and medium sized sites. It also encourages the optimal use of underutilised land. The appellant indicates that there is an opportunity to improve on-site biodiversity through landscape planting. These matters weigh in favour of the development. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's future residents would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development.

20. The design would reflect the appellant's individual requirements, and some evidence has been provided to indicate an intention for the dwelling to be delivered as a self-build project. However, no legal mechanism is proposed to secure its delivery as self-build housing in accordance with the relevant statutory definition. Consequently, there is no certainty that the scheme would contribute towards meeting the Council's legal duty to grant sufficient permissions for self-build housing. For this reason, this matter attracts only limited positive weight.

21. I recognise that the proposal would be built to be energy efficient and would have an electric vehicle charging point. The proposed dwellings would also have good internal space, with a functional layout and future occupiers would have sufficient external amenity areas. These weigh neither for nor against the proposal and are therefore considered neutral in the planning balance.

22. The site is located within a red risk zone for great crested newts (GCN), a European protected species. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) therefore impose a duty to consider whether the GCN would be adequately protected. The appellant has provided a District Licencing Scheme Certificate received from NatureSpace Partnership. This confirms that the proposal can be authorised under District Licence WML-OR136 or a further licence, subject to two conditions.

23. The first condition requires the development is undertaken in accordance with the Council's Organisational Licence. The second condition requires the development only takes place in accordance with the GCN Mitigation Principles set out within District Licence WML-OR136. I consider that these conditions are necessary to ensure that any potential adverse impacts on GCN are suitably mitigated and the necessary compensation measures are undertaken. Subject to these conditions, I am satisfied that the proposal would safeguard GCN in line with the Regulations.

Planning Balance

24. The appellant and the Council are in agreement that the Council cannot demonstrate a 5-year housing land supply. The appellant indicates that the Council has a 2.9 year supply of housing land, and this is reflected in the Council's

most recent Authority Monitoring Report (AMR) 2022/23 (January 2024). This is a significant shortfall.

25. In these circumstances, footnote 8 of paragraph 11(d) of the Framework confirms that insufficient housing delivery dictates that planning permission should be granted unless, as per paragraph 11(d)(i); the application of policies in the Framework that protect areas or assets of particular importance provides a strong 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.

26. The development would fall within the zone of influence of European sites, but the mitigation measures identified within the Water Neutrality Report would ensure that it does not harm the qualifying features of those sites. As such, the scheme falls to be considered against the second limb of Paragraph 11 d).

27. The proposed dwelling would be in a location that is not considered suitable when assessed against the relevant HDPF and NP policies. The site lacks close proximity to a wide range of essential services and facilities. Although there are some opportunities for travel by means other than private car, reliance on car journeys is likely to be significant. In these respects, the proposal would conflict with key development plan policies.

28. Balanced against the harm are a number of benefits. The overall housing supply remains significantly deficient, and the provision of an additional dwelling would make a meaningful contribution to addressing this shortfall. The Framework recognises that small sites can make an important contribution to housing supply and are often built out quickly. There would also be modest economic benefits during construction and through local spending, as well as a small contribution to housing diversity. While the scale of these benefits is modest given that only one dwelling is proposed, in the context of current housing pressures, even a single additional home represents a valuable and positive contribution.

29. Taking all matters into account, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework.

Conditions

30. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.

31. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.

32. A condition requiring a contamination risk assessment is necessary to ensure that there are no unacceptable risks to humans, controlled waters or the wider environment. Similarly, a condition is required to ensure that suitable drainage measures are implemented at an early stage, to support the introduction of a residential use.

33. A condition related to water neutrality is necessary to ensure that the development does not affect the integrity of Habitats Sites. A condition requiring compliance with the Preliminary Ecological Appraisal is imposed in the interests of protected species.

34. Given the site's rural location and the associated accessibility constraints, a condition related to broadband infrastructure is reasonable to satisfy the requirements of Policy 37 in the HDP. I have imposed a condition requiring the layout and provision of on-site car parking in the interests of highway safety. A condition related to cycle parking spaces is imposed to promote sustainable travel modes.

35. The Framework outlines that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. As a result, and in the absence of any specific justification, I have not imposed the suggested condition which would restrict future permitted development rights.

Conclusion

36. 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.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be carried out in accordance with the following approved drawings: DE1257/01/P1; DE1257/02/P1; DE1257/03/P1; DE1257/04/P1; DE1257/05/P1; and DE1257/06/P2.

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

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:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- 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) The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for the proposal has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, completion of the as built Part G water calculator or equivalent and water harvesting system installation. The installed measures shall be retained as such thereafter.

6) 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.

7) No part of the development hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied 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.

8) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The cycle parking spaces shall thereafter be retained.

9) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal as submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details

10) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land at Thornhill Stables: Impact plan for great crested newt District Licensing (Version 1)" dated 11th November 2024.

11) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence'), and works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

END OF SCHEDULE