Planning Inspectorate

Appeal Decision

Site visit made on 29 May 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal Ref: APP/Z3825/W/24/3357803
The Smithy Bolney Road, Cowfold, West Sussex RH13 8AA

- 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 Tim Goodall (Dynamic Climate) against the decision of Horsham District Council.
- The application Ref is DC/24/0820.
- The development proposed is erection of an additional storey to provide first floor office space (E class).

Decision

1. The appeal is allowed and planning permission is granted for erection of an additional storey to provide first floor office space (E class) at The Smithy, Bolney Road, Cowfold, West Sussex RH13 8AA in accordance with the terms of the application, Ref DC/24/0820, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised Water Neutrality Report (WNR)[1] and Existing Fittings Survey[2] were submitted with the appeal, providing additional evidence in response to the reason for refusal. The Council has had the opportunity to review and comment on the contents through the appeal process. I have consulted Natural England (NE) on this updated water neutrality evidence and both main parties have had an opportunity to respond to NE's updated advice. I have taken the above documents and NE's advice into account and am satisfied there would be no prejudice to any relevant party as a result of my having done so.

Main Issue

3. The main issue is the effect of the proposed development on the integrity of the Arun Valley European Sites, with particular regard to water neutrality.

Reasons

4. The appeal concerns upward extension of a modest office building, to provide additional floorspace with capacity for around six employees. The sanitary facilities and kitchen on the ground floor would continue to serve the extended office without alteration.

5. The appeal site is within the Sussex North Water Supply Zone (SNWSZ) where mains water is supplied by means of groundwater abstraction. Natural England

[1] CGS Civils Water Neutrality Report ref C3147 Rev P2, dated 19 November 2024
[2] CGS Civils Existing Fittings Survey ref C3147 Rev P, dated 6 November 2024

has issued a Position Statement dated September 2021 and subsequent Advice Note, highlighting that ongoing abstraction is having a detrimental effect on the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site (collectively the Arun Valley European Sites). These sites support rare and diverse plant, invertebrate and bird assemblages as qualifying features. The habitat consists of low-lying grazing marsh, largely on alluvial soils, but with an area of peat derived from a relict raised bog. Variation in soils and water supply lead to a wide range of ecological conditions and hence a rich flora and fauna.

6. Since these important habitats are vulnerable to further harm from increased water abstraction, Natural England (NE) advises that development within the SNWSZ must not add to the existing adverse effect. In the absence of any strategic solution to offset increased water abstraction, individual developments are expected to demonstrate 'water neutrality'. In other words, the use of water in the supply area before the development should be the same or lower after the development is in place.

7. When the planning application was considered, NE concurred with the Council's Habitats Regulations Assessment, which questioned baseline evidence provided on water consumption in the existing building and consequently concluded that adverse effects on the integrity of the Arun Valley European sites could not be ruled out. NE advised that further information was required on the proposed water neutrality measures and the application was refused on that basis.

8. The revised WNR with this appeal includes updated figures for water usage, based on a BREEAM water efficiency calculator specific to office use. Additional evidence has also been provided regarding the existing water-consuming fittings, informing updated figures for total water demand both in the existing use and with the additional office capacity proposed. In response to the appeal, NE has confirmed that these updated water consumption figures are considered more accurate than those provided with the planning application.

9. The additional office space would be modest in scale and no additional sanitary or kitchen facilities are proposed. Nevertheless, there would be capacity for additional employees and, in the absence of mitigation, the WNR predicts an increase in water usage. That would have a likely significant effect on the Arun Valley European sites, for the reasons outlined above.

10. In mitigation, it is proposed that water demand would be reduced by installing rainwater harvesting measures to supply water to the toilets. Evidence has been provided that the proposed roof area would accommodate a rainwater harvesting tank of sufficient scale. By that means, it has been calculated that total water demand would be reduced below the existing level, even if the number of employees increases in line with the capacity of the extension. Therefore, the proposed development would have a net positive effect on water consumption, addressing the requirement for water neutrality.

11. NE has advised that the proposed mitigation measures would be sufficient to avoid adverse impact to the integrity of the Arun Valley sites, provided they are secured by an appropriate mechanism. Without prejudice to their case, the Council provided wording for a condition which could secure implementation of a water neutrality strategy before the additional office accommodation is occupied. With an

appropriate adjustment to refer to the updated WNR, I agree that would provide sufficient certainty that the water neutrality measures would be delivered.

12. No other likely significant effects of the development on the Arun Valley sites or other European Sites have been brought to my attention.

13. For the reasons given above, having had particular regard to water neutrality, I conclude that the proposed development would not have an adverse effect on the integrity of the Arun Valley European Sites either alone or in combination with other development. There would be no conflict with Policy 31 of the Horsham District Planning Framework 2015 which requires, amongst other things, that particular consideration is given to the hierarchy of designated sites, including European Sites, and that development which is anticipated to have an adverse effect on designated sites should provide the appropriate mitigation measures.

14. There would also be no conflict with paragraph 193 of the National Planning Policy Framework (the Framework), which amongst other things requires that the mitigation hierarchy is applied where development would result in harm to biodiversity. Nor would this aspect of the development be contrary to the statutory duties incorporated in the Conservation of Habitats and Species Regulations 2017 or s40 of the Natural Environment and Rural Communities Act 2006.

Other Matters

15. The appeal site is in Cowfold Conservation Area, which takes in the historic core of the village, including St Peter's Church, the historic buildings which most closely enclose it, and several later buildings of distinction. The latter include the prominent Village Hall, dating from the Victorian era, which is close to the appeal site. The significance of the Conservation Area derives from the well-preserved buildings of different eras, which reveal how the village has developed over time, as well as exhibiting examples of local building materials and detailing. There is also some modern infill, including the three storey flats adjoining the appeal site.

16. The heritage evidence confirms that the existing building was historically a blacksmith's but has more recently been used for a variety of alternative, mainly commercial purposes. It is constructed of brick and tile, and it is characteristic of a modest working building in the local vernacular. The proposed horizontal timber cladding to the upper floor, with matching clay tiles above, would likewise be respectful of the materials and detailing found in the locality. The roofline would continue to relate comfortably to the neighbouring two and three storey buildings and the overall form of the building, with single storey projections to the side and rear of a central range, would be retained.

17. The Council concluded that the design was sympathetic to the character of the Conservation Area. I likewise conclude that the character and appearance of the Conservation Area would be preserved.

18. Construction-related disruption would be of limited duration given the modest scale of the development. Nevertheless, in view of the very constrained nature of the site, a condition requiring approval of, and adherence to, a Construction Method Statement would be justified. Since the access road to the side is outside the site boundaries, arrangements for construction access, including any required scaffolding, would need to be resolved between the relevant landowners and the grant of planning permission does not negate the need for any private rights of

access to be respected by the developer. In the event of any damage to property during construction, that would be a matter to be resolved between the affected parties.

19. There is no car parking on the site at present and none is proposed, or indeed possible. However, the site is centrally located in the village, the number of potential additional employees would be small, and some may travel to work by other means, including walking or cycling. There are places to park nearby, within the public car park or in nearby streets. While I have noted the evidence from interested parties that this existing parking is under pressure, including from existing employees, consultation with the Highways Authority did not raise any associated highway safety concerns and any additional need for parking would be modest. Based on the evidence before me, any additional demand for parking would not be at a materially harmful level.

20. The cross-section indicates that the proposed roof lights would be well above the new internal floor, so they would not introduce any intrusive views into neighbouring properties. The new roof would be hipped, with a relatively low eaves and ridgeline and the extended part of the building would be some distance from the principal windows of neighbouring properties, which are largely to the front and rear. As such, there would not be any harmful loss of sunlight or daylight affecting neighbouring occupiers.

21. The power cable which slightly overhangs the front corner of the building may need to be relocated. However, that that would be a matter to be resolved between the landowner and the relevant utility company. There is no substantive evidence that the additional office floorspace is not needed and the small increase in office accommodation is likely to be of some modest economic benefit.

22. Ecological evidence was provided while the application was under consideration, including two bat emergence surveys. Subject to the precautionary approach set out in the Preliminary Ecological Appraisal (PEA)[3], there is no substantive evidence that the proposal would have any adverse effect on protected species. The Officer Report confirms that the proposed development would be exempt from the statutory requirement for biodiversity net gain.

Conditions

23. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have amended some for precision and clarity and I have imposed some additional conditions, having first invited comments from the parties.

24. I have included a condition requiring compliance with the approved plans, in the interests of certainty and so that the reference to those plans in another condition can be interpreted with precision.

25. For the reasons outlined above, a condition requiring agreement of, and adherence to, a Construction Method Statement (CMS) is necessary to mitigate the effect of construction on those living nearby and/or using the access road. A pre-commencement condition is necessary, so that the construction process is well managed from the initial stages of demolition and the appellant has confirmed

[3] Arborweald Environmental Planning Consultancy Preliminary Ecological Appraisal, Preliminary Roost Assessment and Biodiversity Metric Assessment ref DKS/1266.1, dated 24 April 2024

acceptance of the terms of the condition. Since the CMS would include the proposed hours of work, a separate condition specifying those is not necessary.

26. For the reasons given above, I have imposed a condition requiring implementation of the water neutrality measures, including monitoring by the Council, prior to occupation of the additional office space.

27. As recommended, I have imposed a condition requiring that the external materials accord with those specified on the approved plans and application form. Additional conditions regarding building detailing were requested by the Conservation Officer, but some of the details mentioned are not found on the existing building so are not clearly justified. The drawings specify the use of matching roof tiles, conservation rooflights and black timber cladding and joinery, which would be sufficient to ensure that the extension harmonises with the existing building, to preserve the character and appearance of the Conservation Area.

28. Having reviewed the ecological evidence, I have imposed an additional condition requiring compliance with precautionary measures for construction specified in the PEA. However, since the appeal site is within a busy, street lit area with many existing buildings, there is no clear ecological justification for restricting external lighting on this individual building. I have also not imposed conditions requiring the ecological enhancements outlined in the PEA, being mindful that no such condition was recommended by the Council, the suggested locations for bird and bat boxes would be difficult to achieve, and there is no realistic space to introduce hedge planting or create a construction exclusion zone.

29. I am mindful that Planning Practice Guidance advises that conditions restricting changes of use may not pass the test of reasonableness or necessity. The ground floor office floorspace already exists, so the Council's recommended condition appears to seek to restrict its use retrospectively. According to the heritage statement, the building has been used for a variety of purposes in the past and no specific evidence has been advanced that alternative uses within the scope of Class E would be harmful to the strategic availability of employment land. Therefore, based on the evidence before me, the proposed condition would not meet the relevant tests.

Conclusion

30. The proposed development would accord with the development plan and no material considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with drawings numbered 2024/38 (2 no. drawings, titled Existing Details March 2024 and Proposed Details February 2024).

3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

   a. delivery, demolition and construction working hours;

   b. loading and unloading of plant and materials;

   c. storage of plant and materials used in constructing the development; and

   d. any other measures to minimise disruption for users of the access road adjacent to the south east boundary of the site.

   The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4) The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (CGS Civils Water Neutrality Report ref C3147 Rev P2, dated 19 November 2024). The office accommodation hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy 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.

5) The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

6) The demolition and construction works hereby permitted shall be implemented in full accordance with the species specific mitigation measures detailed in paragraphs 6.4 (bats) and 6.7 (breeding birds) of the Arborweald Environmental Planning Consultancy Preliminary Ecological Appraisal ref DKS/1266.1 dated 24 April 2024.

END OF CONDITIONS