# Appeal Decisions

Site visit made on 3 February 2026

**by Robert Naylor BSc (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 February 2026**

## Appeal A Ref: Ref: APP/Z3825/W/24/3352243
## Lot 1, Delspride, Kent Street, Cowfold, Horsham RH13 8BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the 1990 Act) as amended against a refusal to grant planning permission.
- The appeal is made by Mr Wayne Bryant against the decision of Horsham District Council.
- The application Ref is DC/23/2038.
- The development proposed is described as the temporary siting of a mobile home for a period of three years.

## Appeal B Ref: APP/Z3825/C/24/3356751
## Lot 1, Delspride, Kent Street, Cowfold, Horsham, RH13 8BB

- The appeal is made under section 174 of the 1990 Act (as amended).
- The appeal is made by Mr Wayne Bryant against an enforcement notice issued by Horsham District Council.
- The notice was issued on 30 October 2024.
- The breach of planning control as alleged in the notice is *without planning permission, the material change of use of the Land from an equestrian use (the keeping of horses on the land) to mixed equestrian and residential use by the stationing of a mobile home on the Land for the purposes of human habitation in the approximate position shown hatched orange on the attached plan.*
- The requirements of the notice are:
  *(i)* *Permanently cease the use of the land for the stationing of a mobile home in the approximate position shown hatched orange on the attached plan;*
  *(ii)* *Remove the mobile home referred to in (1) above from the land;*
  *(iii)* *Remove the touring caravan from the land.*
- The period for compliance with the requirement is: *Twelve (12) months from the date the notice takes effect.*
- The appeal is proceeding on the ground set out in section 174(2)(g) of the 1990 Act (as amended).

## Formal Decisions

*Appeal A*

1. The appeal is dismissed.

*Appeal B*

2. It is directed that the enforcement notice is varied by:

   - the deletion of Twelve (12) months and its substitution with Fifteen (15) months as the period for compliance.

3. Subject to the variation, the enforcement notice is upheld.

## Preliminary Matters

4. The description of development contained in Appeal A cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal.

That said, the description includes the superfluous wording, “retrospective”, which addresses the merits of a case and is not a description of development, and should therefore be deleted. As no parties’ interests would be prejudiced, in the interests of clarity I rely upon that latter description (albeit minus the word retrospective) for the purposes of the heading in Appeal A above.

5. It would be prudent at this stage to detail the planning history associated with the appeal site. The appeal site consists of a parcel of land located at the end of a long track leading from Kent Street in Cowford, Horsham. The surrounding area is rural with scattered buildings and structures serving several agricultural and equestrian uses.

6. The appeal site has been divided into 3 ‘lots’ within different ownership, each with a large agricultural building located on them, previously used as chicken sheds. To the south of the disused chicken shed at Lot 1, the concrete yard has been extended and two stable blocks have been erected, together with associated mobile toilet cubicles and a utilities cabinet, under planning ref: DC/23/1020.

7. A prior approval application (ref: DC/23/1625) was refused by the Council for the change of use of the former chicken shed to a single dwellinghouse under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). However, the development was subsequently allowed at appeal[1] in September 2024. A further prior approval has also been issued under Class Q at Lots 1 and 2 for the change of use of the 2 agricultural buildings to 5 dwellinghouses under reference DC/24/0560.

8. Planning permission (ref: DC/22/0729) has also been granted for the conversion and alterations to the redundant chicken shed at Lot 1 to form 2 x three-bedroom dwellinghouses at the appeal site. Alongside this permission, is an additional and more recent planning permission (ref: DC/25/1081) for the erection of two detached dwellinghouses.

9. The appeal site consists of a mobile home located within Lot 1, close to one of the aforementioned chicken sheds which has been erected and occupied without planning permission. The appellant took up residence in the mobile home, whilst permission was sought to convert the agricultural buildings into dwellinghouses, as detailed above. Once permission was obtained and the development constructed, it is the appellants intention to reside in one of the new dwellings.

10. A retrospective planning application (ref: DC/23/2038) was submitted to the Council to retain the mobile home for a temporary period of three years. This was refused temporary consent and is the subject of Appeal A. The Council also served an enforcement notice, considering it expedient to remove the mobile home, which is now the subject of Appeal B.

## Appeal A

### Main Issues

11. The main issues are i) whether the site is a suitable location for the proposed development having regard to the provisions of local and national policy and the accessibility of services and facilities; ii) the effect on the living conditions of future occupiers with regard to noise and general disturbance; and iii) the effect on the

[1] PINS Ref: APP/Z3825/W/23/3333162

integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar by way of water abstraction.

## Reasons

*Location of development*

12. Policy 2 of the Horsham District Planning Framework (HDPF), adopted in November 2015, seeks to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. Policy 3 of the HDPF provides a development hierarchy, steering development to towns and villages, with any infilling and redevelopment required to demonstrate that it is of an appropriate nature and scale.

13. Policy 20 of the HDPF, supports new housing for rural workers outside built-up areas provided there is a functional need for the dwelling, its occupation is to support the established business use and there is evidence to demonstrate the viability of the rural business for which the housing is required. Furthermore, policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location.

14. Given the significant number of permissions which have been granted and issued at the site for additional residential units, the principle of a small residential development has been accepted within this countryside location. Whilst it is acknowledged that the provision of the mobile home will provide an additional unit over and above that granted provision, its location in and amongst the development permitted would provide a neutral impact on the countryside location, thus not imposing on the overall development strategy. This would be consistent with the previous decisions, which have concluded the site would be in a suitable location for this type of development having regard to the relevant development plan policies.

15. Overall, in this specific case the provision of a temporary dwelling would not be in conflict with policies 2, 3, 20 and 26 of the HDPF or paragraph 84 of the National Planning Policy Framework (the Framework) and would be an appropriate location for a temporary dwelling.

*Living conditions*

16. The mobile home is located amongst large buildings that have recently been used for agricultural purposes. The appeal site itself is also located within a wider area which is associated with existing agricultural and equestrian uses. As such, there are uses and activities being undertaken which would create a degree of noise and disturbance. Nevertheless, I have been presented with limited information to suggest that any noise generated would be over and above that typically associated with an agricultural or equestrian use.

17. Consequently, I would conclude that noise and disturbance associated with agricultural activities would not adversely impact on the living conditions of future occupiers, and as such the scheme would accord with policy 33 of the HDPF and the Framework which collectively seek to protect the living conditions of existing and future occupiers, amongst other things.

*Integrity on Arun Valley SAC, SPA and Ramsar*

18. The site is located within the Arun Valley SPA, SAC and Ramsar site (the habitats site). This site consists of low-lying grazing marshes protected under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The habitats site provides internationally important habitats for rare and diverse plants, aquatic and invertebrate fauna, and for winter wading birds. The site is also located within the Sussex North Water Supply Zone (SNWSZ), which is sourced from groundwater abstraction points that include the Arun Valley.

19. The Regulations require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the 'competent authority' must, before any grant of planning permission, make an Appropriate Assessment (AA) of the project's implications in view of the relevant conservation objectives. As part of my AA, I must therefore consider whether the proposal can demonstrate that it will avoid harm to the water quality and water levels on the site.

20. From the evidence before me, there is limited information in the form of a water neutrality report or similar, that would ensure the use of water in the supply area before the development is the same or lower after the development takes place, thus not impacting the groundwater abstraction in the Arun Valley. As a result, there can be no reasonable certainty that the residential use of the mobile home would be mitigated and that it would not contribute to the existing adverse effect on the integrity of the habitats site.

21. The seeking of a temporary permission makes little difference to the need to demonstrate water neutrality. Whilst it is likely that the effect of the proposal would be small, based on a precautionary approach consistent with the Regulations, at this stage I cannot conclude that the appeal scheme would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

22. Consequently, the proposal would be contrary to policy 31 of the HDPF, which states that development that would have an adverse effect on green infrastructure will not be permitted, unless it can be demonstrated any loss can be mitigated. The development would also be contrary to paragraph 193 of the Framework. This indicates that planning permission should be refused if significant harm to biodiversity cannot be avoided, adequately mitigated, or as a last resort, compensated for.

23. Even if an AA could be undertaken and appropriate mitigation identified for the temporary mobile home, I am not convinced that currently any suitable measures would ensure that the mobile home is removed from the site within a reasonable time frame. These could include the provision of a condition and/or planning obligation such as a legal agreement.

24. I have carefully considered the condition proposed by the Council to ensure that the mobile home was removed from the site once a new home had been constructed. However, it is unclear which of the several permissions granted the appellant will enact. Consequently, given the lack of precision the condition would not meet the six tests[2]. Nor have I been presented with an appropriate legal agreement. Therefore, for the above reasons, the development conflicts with

[2] Paragraph 57 of the Framework and Paragraph: 003 Reference ID: 21a-003-20190723 of the PPG

HDPF policy 31 and the Framework which collectively seek to resist development that is anticipated to have an adverse impact on sites or features for biodiversity.

*Conclusion on Appeal A*

25. Taking all of the above into account, whilst I find that the principle of development and the living conditions for future occupiers are acceptable, I have insufficient information in regard to ensuring that any harm to the integrity on the Arun Valley SAC, SPA and Ramsar can be adequately mitigated. Therefore, the proposal would conflict with the development plan taken as a whole and there are no other material considerations to indicate that my decision should be made other than in accordance with the development plan.

**Appeal B under ground (g)**

26. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed.

27. Under the Human Rights Act 1998 (HRA), Article 8 affords the right to respect for private and family life, home and correspondence. Article 1 of the First Protocol states that every person is entitled to the peaceful enjoyment of their possessions and no one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. These are qualified rights, and interference may be justified where it is in the public interest.

28. I recognise that to dismiss the appeal would interfere with the appellant's rights under Article 8 and Article 1 of the First Protocol. However, given the harm identified in the enforcement notice, I will need to weigh the time for compliance specified in the notice against this.

29. The enforcement notice provides a compliance time frame of 12 months, however the appellant states that a period of 12 months is the minimum necessary to undertake the requirements of the enforcement notice. It is unclear from the submission if this is a further 12 months i.e. 24 months in total. The appellant highlights the delays in the planning process, which necessitates the retention of the mobile home for an extended temporary period, given that the existing occupants are dependent on the new dwelling being constructed.

30. I have been presented with little evidence that would lead me to otherwise conclude that the period of 12 months is reasonable and proportionate to remedy the breach of planning control. Nevertheless, I appreciate that despite obtaining multiple permissions, providing suitable accommodation on site may not be a speedy or straightforward process, particularly given the sensitive location of the appeal site. Consequently, I do not find it unreasonable to extend the compliance period to 15 months, to provide a workable timeframe to ensure adequate progression of any of the relevant permissions, for a new dwellinghouse for the appellant.

31. In weighing the competing considerations and taking into account the appellant's personal circumstances, I conclude that the compliance period should be extended to 15 months. This would strike an appropriate balance whilst ensuring the action

is in accordance with the law and pursues legitimate aims of protecting the environment and is necessary and proportionate to the situation.

32. I therefore conclude that the ground (g) appeal succeeds and I will vary the enforcement notice accordingly.

**Overall Conclusion**

33. For the reasons given above, Appeal A should be dismissed.

34. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent for Appeal B.

*Robert Naylor*

INSPECTOR