Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2025

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/Z3825/W/24/3344901
Priory Fields, Monastery Lane, Storrington, West Sussex RH20 4LN

- 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 Philip Orpwood of the Norbertine Order against the decision of Horsham District Council.
- The application Ref is DC/24/0414.
- The development proposed is convert volunteers storage barn into a dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the appeal form as this more clearly identifies the location of the site than that given on the application form and decision notice.

3. During the course of the appeal an updated version of The National Planning Policy Framework (the Framework) was published on the 12 December 2024. In light of this, the main parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.

Main Issues

4. The main issues are:

    - whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy;

    - the effect of the proposal on the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site (Arun Valley Protected Sites), with particular regard to increased water abstraction; and,

    - the effect of the proposal on ecology and biodiversity on the site.

Reasons

Whether appropriate location

5. The appeal site is located at the edge of Storrington, adjoining, but outside of the Built-up Area Boundary (BUAB*)* as defined in the Horsham District Planning Framework November 2015 (HDPF) and Storrington, Sullington and Washington Neighbourhood Plan 2018-2031 (September 2019) (NP). Storrington and the adjoining settlement of Sullington fall into the '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 rail and / or bus services. 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 BUAB's, on allocated sites or in accordance with other development plan policies for the location of development in the countryside.

6. 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.

7. The appeal site adjoins an existing settlement edge and therefore complies with the second part of criterion 1 to NDPF Policy 4. It also complies with criterion 2-4 by virtue of being a small scale conversion of a building appropriate to the scale and function of the settlement; meeting an identified local housing need by addressing the acknowledged undersupply of housing in the district, a matter that I will address further below; help to support services and facilities through provision of a new dwelling; and, not prejudicing comprehensive long term development. It would also comply with criterion 5 given the presence of the existing building on the site and existing tree planting and boundary with the adjacent cemetery that would suitably contain the development within existing defensible boundaries and character features. However, as the appeal site is not allocated for residential development in the HDPF or NP, it does not comply with the first part of criterion 1 to HDPF Policy 4 requiring sites to be allocated in the Local Plan or in a Neighbourhood Plan. As a result, the proposal is contrary to this policy.

8. HDPF Policy 26 states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. To meet the policy requirements, proposals must be essential to their countryside location, 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. Although I have had regard to the landscape and ecological benefits from work outside of the appeal site, these are not directly related to the proposal for a dwelling. As such, the proposal cannot be considered appropriate development in the countryside under HDPF Policy 26.

9. In light of the above, the appeal site is not in an appropriate location for housing, with particular regard to the local development strategy. As such, it is contrary to HDPF Policies 3, 4 and 26 and NP Policy 1, the aims of which I have outlined above.

10. Furthermore, the proposal does not gain support from paragraph 84 c) of the Framework as the existing building is not redundant or disused.

Integrity of designated sites

11. The appeal site is located within the Sussex North Water Supply Zone (WSZ). As stated by Natural England in its Position Statement for Applications within the Sussex North Water Supply Zone (September 2021) (PS), developments within the WSZ must not add to the impacts on the Arun Valley Protected Sites. The PS further states that Plans and Projects need to demonstrate certainty that they will not contribute further to existing adverse effect.

12. The River Arun and its floodplain contain habitats and species of international importance, recognised within the designations of the Arun Valley Protected Sites under the

Conservation of Habitats and Species Regulations 2017, as amended. The protected sites support a series of grazing marshland. The relevant qualifying features of the Avon Valley Protected Sites formally comprise assemblages of waterfowl, including Shoveler, Teal, Wigeon, Berwick Swan, Little Whirlpool Remshorn snail, seven wetland invertebrate species as well as a diverse range of rich flora, including British duckweed, water-cress, British water milfoils, British water dropworts and British pondweeds.

13. The conservation objectives for the Arun Valley Protected Sites are to ensure their integrity by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats and species, the processes on which they rely and the population and distribution of those species within the sites. The hydrology of the Arun River is the major factor affecting the water within the protected sites, which in turn contribute to achieving the favourable conservation status of their qualifying features.

14. The evidence before me indicates the reduction in water levels and flow within the wetland habitats and that water abstraction within the WSZ is adversely affecting the integrity of the Arun Valley Protected Sites. As a result, further developments within the WSZ must not add to existing impacts. The PS states that one way of achieving this is to demonstrate water neutrality.

15. The provision of an additional dwelling would increase water usage within the WSZ. Any additional water usage would inevitably increase water abstraction within the WSZ. As such, impacts on the Arun Valley Protected Sites' integrity cannot be screened out. Under Regulation 63 of the Habitats Regulations, I am therefore required to undertake an Appropriate Assessment of the implications of the proposed development, including consideration of any conditions or restrictions to which it is proposed a permission should be given and to the manner in which it is proposed the development should be carried out.

16. In relation to this, the submitted water neutrality statement provides details relating to underground rainwater tanks, use of aerated taps, re-use of grey water, low flush toilets and efficient white goods. However, the information does not clearly demonstrate that the proposal would use less water than the existing barn, particularly given that the existing water usage is collected from rain water, is used for watering plants, and it is stated that this would continue in the short term at least.

17. The appellant states that the water usage could be conditioned to limit usage to 45 litres per person per day as per other development and that the Council are working on a water off-set payment scheme. However, even if this is the case, the proposal lacks sufficient details in relation to existing and future projected water usage. While I have had regard to the water neutrality statement advising that water consumption should be less than 85 litres per person per day, this would exceed the 45 litres that I have been advised has been accepted elsewhere. Moreover, this does not demonstrate water neutrality. A condition requiring a financial payment towards a water off-set payment scheme would be unreasonable, particularly in the absence of details of any agreed scheme.

18. Given this, I cannot conclude with certainty that overall, the development would result in being water neutral or conclude that likely significant effects to the integrity of the Arun Valley Protection Area would not be avoided. It is noteworthy that Natural England came to a similar conclusion in this regard.

19. In the absence of sufficient information, I must conclude that the additional dwelling would have an adverse effect on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site, with particular regard to increased water abstraction. As such, the proposal is contrary to Policy 31 of the HDPF. Amongst other things, this seeks to give particular consideration to the hierarchy of sites and habitats in the district, and in particular, special protection areas and special areas of conservation.

Ecology and biodiversity

20. The planning application is supported by A Preliminary Ecological Appraisal (PEA) by Greenspace Ecological Solutions which is dated April 2022. However, the surveyed area relates to land adjacent to and outside of the appeal site red line area.

21. Paragraph 2.4 of the PEA states that development within that site 'will result in the loss of semi-improved neutral grassland and disturbance, with associated impacts on a range of protected and notable species, including the potential risk of killing and injury; loss of foraging, sheltering and/or hibernation habitat; and indirect impacts such as lighting rendering habitat unsuitable.' Paragraph 2.5 states that further surveys with regards to great crested newts have been recommended. The PEA further states on the page proceeding the Contents that should more than 12 months elapse between the date of the survey and any subsequent development, it may be necessary to consider the need for an update survey to be undertaken.

22. Given that the PEA is based on a different site and is almost 3 years old at the time of writing, it does not form a reliable basis for understanding any biodiversity implications of the proposal on the appeal site. Given the findings of the PEA in relation to a site nearby, and given likely activity on the site from a residential use, I cannot discount that the appeal site contains similar features of potential habitat or foraging value, despite its current use, built form and mown grass condition of proposed garden areas. Wider benefits to the area provided outside of the site through tree planting, management and access to land by the public do not directly address these potential effects on the appeal site. In order to adequately mitigate any harmful effects, any potential implications need to be known at the time of the decision.

23. For the above reasons, in the absence of evidence to the contrary, the proposals would harm ecology and biodiversity on the site. As such it is contrary to HDPF Policy 31. Amongst other things, this seeks to maintain or enhance the existing network of green infrastructure and states that the Council will support new development which retains and/or enhances significant features of nature conservation.

Other Considerations

24. As a result of the Council being unable to demonstrate a five-year supply of deliverable housing sites, it published a document entitled Facilitating Appropriate Development 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 provided that it adjoins a BUAB. 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.

25. In light of the removal in the FAD of the need for sites to be allocated within the HDPF or NP to be considered acceptable, given the location of the site in close proximity to a range of services and facilities, and on the basis of the individual merits of the scheme, the material considerations indicate that the location of development is acceptable notwithstanding the conflict with the development plan.

26. The benefits of the appeal scheme include the delivery of a single dwelling on a windfall site, suitably located, that could be built out quickly and with some associated economic benefits from both conversion and to the wider settlement from future spend from occupiers. Furthermore, the proposal would make an efficient use of the site. However, given the small scale of the proposal, the benefits would be limited.

27. The appellant has stated that the barn would be converted to a dwelling following the completion of the tree planting and new hedgerows by the volunteers who currently use the

barn. In the absence of strong evidence to the contrary, or any identified harm from the loss of the barn, I have no reason to conclude that the loss of the existing use of the barn would be harmful or contrary to any identified planning policy.

28. I note that the Council do not raise any concerns regarding the design of the dwelling or to the setting of the adjacent Conservation Area given that it would appear similar to the existing barn. Furthermore, there are no concerns raised regarding highway safety. I have had regard to the lack of objection to the proposal from the South Downs National Park, the Council's conservation department and landscape consultants. While I have no reason to disagree with these matters, I give them limited weight in favour of the proposal given that good design and a safe access is a requirement of local and national planning policy and guidance.

29. As stated above, there is no dispute between the parties that the Council cannot demonstrate the required supply of deliverable housing land relative to the five year requirement set out in the Framework. Consequently, the Council acknowledge that the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework is engaged.

30. However, by reason of the harm to the integrity of the Arun Valley Protected Sites the proposal would be contrary to the provisions in Chapter 15 of the Framework that seek to conserve and enhance the natural environment. Given footnote 7 to Paragraph 11 d) i. of the Framework, and the harm I have identified to assets of particular importance, this provides a strong reason for refusing the development proposed. As such, there is no need for me to carry out the assessment in Paragraph 11. d) ii. in relation to assessing whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

31. My attention has been drawn to a number of previous applications and appeal decisions relating to adjoining land. However, none of the previous applications or appeals relate to exactly the same appeal site, scale and nature of development. As such, they are not directly comparable to the appeal before me. My attention has also been drawn to the merits of enforcement action on the appeal site, but this is a matter that falls outside of the remit of this appeal.

32. The appellant's comments in relation to the Council's handling of recent planning applications and appeals are not a relevant consideration in relation to this appeal. I have reached my decision on the basis of the merits of the proposal before me.

Conclusion

33. Although I have found that the location of the proposed development would be acceptable, I have found significant harm to the Arun Valley Protected Sites and on ecology and biodiversity on the site. In my view, these are the prevailing considerations, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.

34. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR