Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/Z3825/W/24/3346736
Paiges Yard, Nep Town Road, Henfield BN5 9DZ

- 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 Keith Henley of HHC Developments Ltd against the decision of Horsham District Council.
- The application Ref is DC/24/0465.
- The development proposed is demolition of existing buildings, cessation of commercial vehicle repair business use, provision of new access and erection of two buildings containing overall 3 x 2-bed dwellings and 2 x 2-bed apartments along with ancillary parking and a utility building for each unit.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr and Mrs Keith Henley of HHC Developments Ltd against Horsham District Council. This application is the subject of a separate decision.

Preliminary Matters

3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test (HDT) results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.

4. The application was accepted as valid by the Council and there is insufficient evidence before me to allow me to conclude that they were in error to do so. I therefore proceed to determine the appeal.

Main Issues

5. The main issues in this appeal are:

   - whether the proposal would have an acceptable effect on the provision of employment space;
   - the effect of the proposal on the character and appearance of the area including the Henfield Conservation Area;
   - the effect of the proposal on the living conditions of neighbouring occupiers with respect to outlook and daylight and future occupiers with respect to noise.

Reasons

Commercial Space

6. Horsham District Planning Framework (adopted 2015) (HDPF) Policy 7 supports the redevelopment, regeneration, intensification and smart growth of existing employment sites and confirms that sustainable local employment growth would be encouraged via neighbourhood plans. Henfield Neighbourhood Plan (made May 2021) (HNP) Policy P3.2.2 confirms that the redevelopment of existing employment sites to non-employment uses will not be supported unless the employment use is no longer appropriate for its location or it has been demonstrated that it would not be viable.

7. There is no substantive evidence before me such as marketing or evidence of the costs of redevelopment in comparison to any likely return which would demonstrate that the site could not be put to an employment use. There are no planning controls over the site, however it has operated in proximity to residential properties in the past, as the neighbouring commercial property at Vinalls Business Centre continues to do. Nor is there any robust evidence before me that the only interest in the site would be from uses which would conflict with the residential uses. It may be that the appellant has experience in the demands of the market in this area, but this has not been translated into any robust evidence before me.

8. HNP Policy P3.2.2 would have been prepared and subsequently made in the knowledge that it was seeking to retain existing employment land alongside further allocations for employment/ commercial uses. It therefore cannot be assumed that the allocations provide a reason to accept the loss of this employment space in the absence of robust evidence. The support of the parish council would not change my assessment of the proposal against the employment policies of the development plan.

9. It therefore has not been demonstrated that the proposal would not have an adverse effect on the provision of commercial space. It would therefore be contrary to HDPF Policy 7 and HNP Policy P3.2.2 which taken together seek to retain existing employment sites.

Character and Appearance

10. The site comprises a number of buildings and containers of varying designs, materials and states of repair. To one side is a commercial business centre, while to the other side and opposite side of the road are further residential properties. The structures are generally located into the site, with only a very limited relationship to the road.

11. The site lies within the Henfield Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is derived from its historic interest as a large loosely planned village which evolved from a dispersed Saxon village to a medieval linear settlement and outlying hamlet and finally to its present form.

12. The buildings on the site are not classified on the building audit map contained within the Henfield Conservation Area Appraisal and Management Plan (HCAA). They do not have the appearance of historic buildings but rather appear modern and do not provide any evidence of the historic development of the area. There is no compelling reason to retain this arrangement on the site. The Council assesses them as having a neutral effect. The audit map shows the neighbouring commercial units as a mixture of negative and neutral buildings, although the text does acknowledge the neighbouring complex of light industrial buildings as being a detractor in the CA. Having regard to this, and my observations at my site visit, I consider the appeal site to have a negative effect on the character and appearance of the CA.

13. The HCAA, in its analysis of the Nep Town area of the CA, sets out otherwise that dwellings are generally set well back from the road behind walls and hedges and sheltered by trees. It also notes that vegetation is prominent. My observations at my site visit confirm this remains the case. The arrangement of the dwellings at Nep Close around a central hardstanding is also noted as detracting from the CA.

14. The proposal would see dwellings set to the rear of the site with storage units along the boundary to Nep Close. There would be a parking court to the front which would be defined by cobbled sets to the front and a low palisade fence. The frontage arrangement would be similar to that at Nep Close with development fronting onto a hardstanding. The proposal would therefore replicate a layout which has a negative effect on the CA and would not integrate with the prevailing character and appearance of the residential aspects of the CA.

15. While the existing site detracts from the CA, this would not justify a redevelopment which would also fail to preserve and enhance the character and appearance of the CA. Paragraph 212 of the Framework confirms that great weight should be given to the conservation of heritage assets and paragraph 213 that any harm to the significance of a designated heritage asset should require clear and convincing justification. Given that the harm would be localised to Nep Town Road in proximity to the site, I find the harm would be less than substantial, but nonetheless of considerable weight.

16. In such circumstances, paragraph 215 sets out that this harm should be weighed against the public benefits of the proposal. The proposal would deliver five additional dwellings in an area which can demonstrate at best a 2.9 year supply of deliverable housing land and has not met the requirements of the HDT. As a small site, it is likely the proposal could be delivered quickly. The proposal would also allow the installation of a stair lift in two units. However, these benefits are not sufficient to outweigh the harm I have identified.

17. I therefore conclude the proposal would fail to preserve or enhance the character and appearance of the Henfield Conservation Area. It would fail to satisfy the requirements of the Act, section 16 of the Framework, HDNP Policy 34 and HNP Policy 12 which require development to reinforce the special character of the district's historic environment and be consistent with the special character of conservation areas.

Living Conditions

18. The neighbouring properties on Nep Close have their rear elevation facing onto the appeal site. The gardens of those properties are of a limited length. The

boundaries to these properties were of a typical domestic scale at the time of my site visit. While some had landscaping, this was not particularly substantial. While the existing structure on the site also sits adjacent to this boundary, it has a monopitch that slopes away from the boundary and is a modest single storey structure overall.

19. The proposal would see the introduction of development 1m from the boundary with the rear garden of some of those properties. Although the proposal has been designed with a shorter length than the other properties, and the upper floor has been incorporated into the roof, the proposal would nonetheless be particularly prominent when viewed from the properties on Nep Close that it would be immediately adjacent to. This would result in an increase in the sense of enclosure and a loss of outlook to occupiers when using the gardens that would have an adverse effect on their living conditions.

20. I do not have documentation demonstrating that a 25 degree line would be achieved in this case. However, even if that were shown to be the case, it would not mitigate for the adverse effects I have identified above.

21. The site is immediately adjacent to the Vinalls Business Centre. There is no substantive evidence before me as to any planning permission or lawful use certificate which would define the use of that site. I therefore cannot be certain what the potential there is for there to be uses on the site in future which could have an adverse effect on the living conditions of future occupiers of the proposed residential properties. On the basis of the written evidence before me, along with my observations at my site visit, I prefer the appellant's view on this matter. However, this is a separate issue to the harm to the living conditions of existing occupiers I have identified.

22. I conclude that the proposal would have an adverse effect on the living conditions of neighbouring occupiers with respect to outlook. This would be contrary to HDNP Policies 32 and 33 and HNP Policy 12 which require development to provide functional environments that respects and avoids unacceptable harm to the amenity of occupiers of nearby properties.

Other Matters

23. The appeal site is within the Sussex North Water Supply Zone. The Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site are vulnerable to pressures arising from groundwater abstraction from this supply zone. The appellant has submitted a water neutrality statement in mitigation. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats site and if the mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue, as a finding that the proposal would not have an adverse effect on the integrity of the habitats sites, with or without any mitigation, would be at best a neutral matter.

24. There is no detail before me of the relocation premises or the extant planning agreement from 1992 that encourages residential development at the site. There is no substantive evidence before me of any intention to bring forward residential development at the Vinalls Business Centre that would weigh in favour of the proposal.

25. No concern with the appearance of the dwellings has been raised, and I have no reason to reach a different conclusion. Sufficient parking would be provided and there would not be an adverse effect on the operation of the highway network. Appropriate living conditions would be provided for future occupiers of the proposed dwellings. Appropriate provision for drainage could be made and mitigation for contamination could be secured by condition. There would be a negligible effect on biodiversity and enhancements could be secured. However, these are to be expected of any well designed development and would be neutral in my assessment.

Planning Balance

26. It is not in dispute that the Council cannot display a five year deliverable supply of housing land which at best would be 2.9 years. The results of the most recent housing delivery test show a rate of 62%. There is some uncertainty around the emerging Local Plan. In such circumstances, paragraph 11d) of the Framework is engaged.

27. My findings in respect of the harm to the CA means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

28. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR