Planning Inspectorate

Appeal Decision

Site visit made on 31 March 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/Z3825/W/24/3353401
Crays Cottage, Crays Lane, Goose Green, West Sussex RH20 2LR

- 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 M Rayner against the decision of Horsham District Council.
- The application Ref is DC/24/0144.
- The development proposed is conversion of existing car barn to create a one-bedroom dwelling including front dormer extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging Local Plan has been submitted for examination. However, at time of my decision there is uncertainty regarding the progress of the examination. Having regard to the paragraph 49 of the National Planning Policy Framework (the Framework), in the absence of evidence regarding the degree of consistency of the relevant policies in the emerging plan with the Framework and extent of unresolved objections, I afford the draft policies limited weight in my decision.

Main Issues

3. The main issues in this appeal are:

   - Whether the proposed development would be in a suitable location, having regard to the local development strategy;
   - The effect of the proposed development on the character and appearance of the area;
   - The effect of the proposed development on protected species;
   - The effect of the proposal on the integrity of European sites; and
   - Whether other material considerations outweigh any harm identified such as to justify the development.

Reasons

Whether in a suitable location

4. The proposed development would involve conversion of a detached garage building within a residential plot. The site is in a rural location comprising sporadic dwellings, agricultural land and buildings, and woodland.

5. Policy 3 of the Horsham District Planning Framework 2015 (HDPF) classifies the district's towns and villages into a settlement hierarchy based upon their characteristics and function. The appeal site is not within any identified settlement.

6. HDPF Policy 2 seeks to maintain the district's unique rural character, whilst ensuring the needs of the community are met through sustainable growth and suitable access to services and local employment, by focussing development in and around the key settlement of Horsham and allows for growth in the rest of the district in accordance with the identified settlement hierarchy.

7. The appeal site is approximately one mile from the village of Thakeham which has a pub, village hall, café and village store, sports clubs, vet, preschool, hotel, and bus stops. The village of Ashington is around two miles away, and there are larger settlements further afield. Crays Lane is a narrow rural road with no footways, street lighting, cycle infrastructure, or bus stops. Occupants of the proposed dwelling would be reliant on use of a private motor vehicle to access day-to-day services. The proposed location therefore offers poor accessibility to services and local employment.

8. The appeal site is within the countryside. Policy 26 of the HDPF generally restricts development in the countryside to protect its rural character and undeveloped nature but supports development that requires a countryside location. The proposed residential development would not support agriculture, forestry, minerals extraction, waste disposal, or recreation uses, and therefore is not essential to its countryside location.

9. Whilst Policy 26 also supports proposals that would enable the sustainable development of rural areas, I have been provided no compelling evidence that the proposed development would be located so as to enhance or maintain the vitality of rural communities. Therefore, the proposal would not enable the sustainable development of rural areas.

10. Policy 4 of the HDPF also supports development outside built-up area boundaries where certain criteria are met, including where the site is allocated by the Local Plan or a Neighbourhood Plan. However, the site is not allocated in any plan.

11. The Council's advice note, Facilitating Appropriate Development October 2022 (FAD), provides additional criteria for the location of development. The appeal site does not adjoin any built-up area boundary, and therefore would not comply with this guidance.

12. The appellant has drawn my attention to appeal decisions permitting residential development outside of built-up area boundaries[1]. However, the appellant acknowledges that both examples were significantly closer to the built-up area of the nearest settlement. In one decision, the Inspector concluded the harm in respect of accessibility would be tempered by the short distance to the village centre, and the other decision recognised occupants would benefit from a bus service. Therefore, the location of the appeal proposal is materially different from the appeal decision examples cited.

13. Policy Thakeham9 of the Thakeham Parish Neighbourhood Plan 2017 supports the conversion of agricultural buildings in the countryside, and HDPF Policy 10

[1] Appeal refs: APP/Z3825/W/22/3303603 & APP/Z3825/W/23/3325926

permits conversion of rural buildings. The appellant has provided an example of a grant of planning permission by the Council involving conversion of an agricultural building[2], and a recent appeal decision involving conversion of a stable block and store buildings which appear to serve equestrian purposes[3]. Since the appeal proposal involves conversion of a domestic outbuilding, these policies and decisions are of limited relevance to the appeal proposal.

14. HDPF Policy 1 supports proposals which accord with the policies in the development plan. As set out above, there are no policies which positively support the proposed development in this location. Therefore, having regard to the local development strategy, namely HDPF Policies 1, 2, 3, 4, and 26, the proposed development would not be in a suitable location.

Character and appearance

15. The host property is a large, detached, two-storey, chalet-style dwelling with brick elevations, tile hung gable ends, and a tiled roof, set back in the site within an open and spacious garden.

16. The garage building is sited toward the front of the host dwelling's garden, near the shared boundary with a neighbouring dwelling. Near to the garage building is a brick outbuilding, timber shed, and concrete hardstanding. The site has the appearance of a group of outbuildings surrounding a yard within a dwelling plot.

17. The existing detached garage building has a tiled, half-hipped roof and an open front with timber supports, providing three parking bays. A staircase leads to a storeroom/workshop in the attic. Due to its form, scale, and siting, the garage building has the appearance of a traditional outbuilding that is subordinate and ancillary to the host dwelling.

18. The surrounding landscape principally comprises agricultural land and woodland. The area has a green, countryside character. However, there are sporadic dwellings along Crays Lane, which are typically large, detached dwellings within generous plots.

19. The proposal would create a one-bedroom dwelling with living accommodation across two storeys through addition of a front dormer extension, insertion of windows and doors, and enclosure of the log store. The building's footprint would remain unchanged, and the design seeks to retain the building's traditional barn appearance. It would utilise materials that are sympathetic to the site and its surroundings. Nonetheless, the building's appearance would alter from an ancillary outbuilding to a separate, independent dwelling.

20. Whilst significantly smaller than the host dwelling's plot, the appeal site is not wholly dissimilar in size to the neighbouring dwelling plot, Crossways. The application form indicates the site area measures 1,206sqm, and therefore the proposal would be low density development.

21. However, the expansive area of concrete hardstanding and large brick outbuilding are sited prominently to the front of the garage building. The proposal suggests the hardstanding would be retained for parking and turning of vehicles, and the

[2] LPA ref: DC/21/2323
[3] Appeal ref: APP/Z3825/W/24/3341171

outbuilding would provide cycle and bin storage. Therefore, a significant portion of the site area is occupied by the outbuilding and hardstanding.

22. The appellant asserts there is sufficient space within the site to accommodate outdoor amenity space of a suitable size. However, the building is set back in the site, with its rear elevation positioned close to the boundary and the proposal does not include details of boundary treatments. Therefore, it is unclear where private outdoor amenity space would be accommodated within the site layout.

23. Through the layout of built features within the site and absence of details of private amenity space and boundary treatments, the proposed dwelling would appear cramped and out of keeping with the spacious and open character of dwelling plots within the surrounding area. For these reasons, the proposal would harm the character and appearance of the area.

24. The proposal would therefore conflict with HDPF Policies 32 and 33 which together require proposals be of high-quality design based on a clear understanding of the context of the development which complements locally distinctive character, integrates with the surroundings, ensures that the scale, massing and appearance of the development is of a high standard of design and layout, and respects the character of the surrounding area.

Protected species

25. The Preliminary Ecological Appraisal (Arun Ecology, May 2024) indicates the open-faced garage building has moderate bat roost potential and recommended two bat emergence surveys be undertaken. The appellant has submitted the Bat Survey Report September 2024.

26. No bats were recorded emerging/re-entering the building by the bat emergence surveys. The report concludes the development is reasonably unlikely to result in the damage or destruction of a bat roost, and the development is reasonably unlikely to result in harm to individual bats. Therefore, the report concludes that it is not foreseen that bats or their roosts would be impacted by the development.

27. The report recommends that in the unlikely event a bat is discovered during the construction phase of the development at the site, all works should stop, and a bat mitigation licence should be sought.

28. Therefore, the submitted evidence demonstrates the proposed development would not harm protected bat species or their roosts. The proposal would comply with the statutory duties of s40 of the Natural Environment and Rural Communities Act 2006 (as amended) and would not result in wildlife crime under s17 of the Crime and Disorder Act 1998.

29. The proposal would therefore comply with HDPF Policy 31 which seeks to avoid direct or indirect adverse impacts on biodiversity features.

European sites

30. The appeal site is within the Sussex North Water Supply Zone. Natural England advise it cannot be concluded with the required certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar

sites. The Arun Valley SPA/SAC is afforded protection by the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

31. The conservation objective for the SPA is to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive. The qualifying features of the SPA are its population of Bewick's swan and waterbird assemblage.

32. The conservation objective for the SAC is to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, namely, the little whorlpool ram's-horn snail.

33. The proposal would create one additional unit of residential accommodation. This would result in an increase in water abstraction associated with occupation of the proposed dwelling. The proposal would therefore have a likely significant adverse effect on the integrity of the SPA/SAC.

34. The Habitats Regulations require that permission only be granted after having ascertained that it will not affect the integrity of a European site. I may consider measures to secure mitigation with a view to ensuring that the proposal would not adversely affect the integrity of European sites.

35. Natural England require proposals await an area-wide water neutrality strategy or demonstrate water neutrality. The Water Neutrality Statement (WNS) sets out the site's baseline water consumption is zero. The proposed water consumption is 145.20 l/day before mitigation. Installation of water efficient fittings along with the implementation of rainwater harvesting techniques within the proposed dwelling, along with retrofitting the host dwelling's toilets, showers, taps, and washing machines with water efficient devices would offset the additional water usage. Therefore, the WNS demonstrates the proposal would be water neutral.

36. Natural England were consulted on the proposal and raised no objection subject to the delivery, management and maintenance of measures identified in the WNS to achieve water neutrality. The proposal has not materially changed since the Council's determination. Therefore, the advice remains relevant, and I have taken it into account.

37. Subject to securing the strategy for water neutrality through a planning condition, the proposal would not increase water abstraction. Therefore, the potential harm to the integrity of the Arun Valley SPA/SAC would be adequately mitigated.

38. I therefore consider appropriate mitigation would be secured and is necessary to make the development acceptable. Consequently, the proposal would not have significant effects on the integrity of the Arun Valley SPA/SAC and the proposal would satisfy the requirements of the Habitats Regulations.

39. The proposal would therefore comply with HDPF Policy 31 which requires development with the potential to impact the Arun Valley SPA/SAC be carried out in accordance with mitigation measures.

40. In addition, the proposal would comply with paragraphs 192 and 193 of the Framework which safeguards internationally designated sites and requires proposals avoid or mitigate significant harm to biodiversity.

Other considerations

41. The proposed development would contribute one additional dwelling to the area's housing supply. In addition, the proposal would have socio-economic benefits such as short-term construction employment, and spending in the local economy by future occupants.

42. Unless exempt, section 2A of the Self-Build and Custom Housebuilding Act 2015 places a duty on the Council to give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area. The appellant asserts the proposal would contribute one unit of self-build housing. However, I have been provided no mechanism to ensure the proposal would satisfy the definition of self-build and custom housebuilding or contribute toward meeting the area's demand for serviced plots for eligible households. Therefore, there is insufficient certainty that the proposal would provide a self-build or custom build home.

Planning Balance

43. It is not disputed that the Council is unable to demonstrate a five-year supply of deliverable housing sites. The area's housing supply is equivalent to 2.9 years, and therefore there is a substantial shortfall against the housing requirement.

44. As acknowledged by the FAD, in this circumstance paragraph 11 of the Framework is engaged whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, and (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, and 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.

45. As set out above, subject to the proposed mitigation, the proposal would not harm the integrity of European sites. Therefore, the Framework's policies that protect areas of particular importance do not provide a strong reason for refusal. In this context, the proposal's compliance with HDPF Policy 31 through mitigation of harm to protected species and European sites is a neutral factor in the planning balance.

46. Footnote 9 lists the Framework's key policies for the purposes of paragraph 11.d(ii). Of particular relevance to this appeal are paragraphs 84, 110, 115, 129, 135, and 139.

47. Whilst outside of any settlement, the proposed dwelling would be close to other dwellings and would not be isolated within the context of paragraph 84.

48. However, occupants of the proposed dwelling would be reliant on use of a private motor vehicle. Even taking into account that opportunities to maximise sustainable transport solutions vary between urban and rural areas, the proposed location would be incompatible with paragraphs 110 and 115 which focus development on locations which limit the need to travel, offer a choice of transport modes, and prioritise sustainable transport modes with suitable access for all users.

49. Conversion of an existing building would represent an efficient use of land. However, paragraph 129 requires development take into account the desirability of

maintaining an area's prevailing character. Furthermore, paragraph 135 requires proposals be sympathetic to local character, including the surrounding built environment and landscape setting, and paragraph 139 indicates development that is not well designed should be refused, especially where it fails to reflect local design policies. As set out above, I have found the proposal would harm the character and appearance of the area and would conflict with the development plan on this basis.

50. In addition to those key policies, Paragraph 125(c) of the Framework gives substantial weight to the value of using suitable brownfield land for homes. However, the Framework is clear that such land should be *within settlements* and thus would not apply to the proposal. Paragraph 84(c) of the Framework supports development that would re-use redundant or disused buildings and enhance its immediate setting. However, the building is functional and in use for ancillary domestic purposes, and I have no evidence to suggest it should be considered redundant or disused.

51. The proposal would not comply with relevant policies of the Framework and, in this circumstance, the conflict between the proposal and HDPF Policies 1, 2, 3, 4, 26, 32, and 33 carries significant weight against the development.

52. Set against this harm, the benefits associated with a single dwelling would be modest, even taking account of the Council's poor housing land supply position and the Framework's objective of significantly boosting the supply of housing.

53. Consequently, the adverse impacts regarding the district's rural character and accessibility to services and the character and appearance of the area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

54. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR