Planning Inspectorate

Appeal Decision

Site visit made on 5 August 2025

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2025

Appeal Ref: APP/Z3825/W/25/3362988
Waterside House, 17 Lower Street, Pulborough, West Sussex RH20 2BH

- 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 Brent Dowson against the decision of Horsham District Council.
- The application Ref is DC/24/0941.
- The development proposed is described as the "demolition and rebuild of dilapidated single dwelling building providing 10 self-contained apartments".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Waterside House is in the Pulborough Conservation Area and within the appeal site is a grade II listed lime kiln. There are also other grade II listed buildings nearby, namely Templemead House and Templemead Lodge, the Coach House, Willow Cottage, and Malt House. As required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) special regard has been paid to preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

3. The main parties were provided with an opportunity to comment upon the effect of the scheme upon the settings of nearby listed buildings. Those responses received have been considered in the appeal.

4. Waterside House has been identified by the Council as a Non-Designated Heritage Asset (NDHA). There is no disagreement between the parties that the building is an NDHA, and the appeal has been considered on that basis.

5. The appeal site is within the setting of the South Downs National Park (NP). As required by Section 245 of the Levelling-up and Regeneration Act 2023, special regard has been paid to seeking to further the statutory purposes of the NP.

6. The principle of housing development upon the site is not a matter of dispute between the main parties, and the appeal has been considered on that basis.

Main Issues

7. The main issues in this case are:

   - the effect of the proposal upon the character and appearance of the area, having particular regard to the heritage significance of the existing building,

whether the scheme would preserve or enhance the character or appearance of the conservation area, and whether it would preserve the settings of nearby listed buildings;

- the effect upon protected species;
- the effect upon protected habitat sites;
- whether the scheme would result in an unacceptable flood risk, having regard to both river and surface water flooding; and
- whether adequate provision would be made for securing any additional need arising from the development, having particular regard to affordable housing.

Reasons

Character and Appearance

8. Waterside House is a detached two storey house with basement and attached brewhouse. The house is part of the loose row of mostly detached residential properties that are found to the southern side of Lower Street and it is positioned within a generous garden that sweeps down to the river.

9. The house is within the Pulborough Conservation Area, and a distinct feature of the village is the domination of the river and the concentration of historic buildings along Lower Street. The river bridge forms a focal point for the village, and near to it and extending along the southern side of Lower Street there are several large, imposing historic houses. Many of these houses have active relationships with both the road and with the river, as is the case with Waterside House. The houses are mostly two storey and have richly detailed frontages to enhance their status and importance within the street scene. There is also a repeated palette of materials that gives a distinct identity to the area, with the use of plain tiles, red brick and the local stone, being part of the significance of the conservation area. All these features, along with the gaps that exist between the buildings providing views from the road to the river and countryside beyond, are distinct elements of the character and appearance of the conservation area.

10. The high quality historic nature of this part of Lower Street is reflected in the presence of numerous listed buildings along one side of the road. These dwellings and their former outbuildings make an attractive loose knit linear group to the southern side of Lower Street. Templemead House, Templemead Lodge, the Coach House, and Malt House are imposing buildings, in part due to their size and their rich architectural detailing, and because they form a row of buildings that have been constructed to draw the eye. This, their size and form, and use of local materials is part of their special historic and architectural interest. Despite having a more modest vernacular style and form, Willow Cottage also has a deliberate public face with its stuccoed front elevation. It is also constructed from local stone and the rich red brick and plain tiles that are such a feature of the area, all of which are part of this building's special interest.

11. Part of the historic interest of these listed houses is that they have active relationships with the road as well as being carefully positioned up above the river's floodplain. 1 and 2 Temple Mews are a pair of modern semi-detached dwellings between Waterside House and Templemead Lodge, but these houses do not disrupt the distinctive dominance of the historic buildings nor the broad

sweep they form to one side of the road. Looking from the river up the valley side these houses make an impactful, imposing group, and they are prominently visible, both as a group and individually, with the gaps between them emphasising the individuality of each building. As such these listed buildings have expansive, interlocking settings, as they have individual impact and from being part of a group of clustered historic buildings. Their impact can be seen from the road and also from the riverside. These houses form a cluster of historic houses that make a positive contribution to the distinctiveness of the village and conservation area.

12. Waterside House forms part of the historic row of two-storey houses to one side of Lower Street, and as established by the Inspector for appeal decision APP/Z3825/A/12/2185298, the house contributes significantly to the character of the area. The size of the house, its height and imposing front elevation, its functional rear, and that it is constructed from the palette of materials that characterises the area, are all part of the significance of this NDHA. There is also evidence of historic layering with the presence of a classically styled stucco frontage and front door, the pair of hipped pitched roofs on the main house, and the presence of the attached brewhouse. These features are also part of the significance of this NDHA, as is the size of its plot, and the separation between the house and those nearby. The house and its grounds enhance the high quality historic street scene and illustrates the linkages of the dwelling with the river. The house has significance in its own right, and whilst the appellant's Heritage Report (2025) considers it makes neither a critical or demonstrably important component of the settings of nearby listed buildings, given that it shares many of the features of those buildings, including size and height, imposing style and form, and relationship with the road, the house makes a positive contribution to the character and appearance of the conservation area and also to the settings of the nearby listed houses and lime kiln.

13. The houses along Lower Street comprise a variety of ages and styles, with the historic properties being particularly impactful and creating a distinct identity to the area. Despite their differences, what they have in common is that they are of similar heights, are positioned above the river and below the road, and the historic buildings have organic forms that have developed over time, with rich detailing upon the principal elevations so as to make an impact within the public realm. These qualities are evident upon Waterside House, and the building thereby makes an important, positive contribution to the area.

14. The existing building would be demolished and replaced with a two storey apartment block with a basement providing car parking. The building would have an essentially rectangular footprint that would be much larger than the existing dwelling, and it would also be taller, having a hipped crown roof. The bulky, box-like shape of the building, with its long elevation lengths that would have no articulation, along with its height, would make it conspicuously prominent in the street scene and surrounding area. Taken as a whole, the large size and bulk of the building, along with its height and appearance, would be at strident odds with the intricacies of the form, styles, and historic layering of the nearby listed houses.

15. The building would include what is described in the appellant's heritage statement as Georgian features. There would be porticos to the front and western side, but this and the stone detailing and the use of brick would not mitigate the dominating size and large bulky form and appearance of the building. The proportions of the building would not have the mannered elegance of a Georgian house, and the

presence of casement windows and Juliette balconies and the car park access entrance would give the building a legibly contemporary appearance that would fail to reflect the rich diversity of the nearby historic buildings. The loss of the existing building's distinctive double-pitched hipped roof would be apparent from long distances, and the extensive, unbroken lengths of the roof ridges would have a monotonous uniformity that would draw the eye. As such the building would have a conspicuously intrusive impact within the area, disrupting the harmonious appearance of the street scene that characterises Lower Street, and such a domination would erode the significance of the conservation area as well as detract from the settings of the listed houses.

16. The replacement building would also erode the significance of the listed lime kiln. The special architectural and historic interest of this listed building derives from it being a rare example of an industrial draw kiln, having a robust functional form, with its position on the riverbank near to the silted-up dock illustrating the economic importance of the river to the village. Whilst the Heritage Report (2025) refers to the separation of the house and lime kiln by an orchard, there is a physical and historic functional linkage of the lime kiln with the river that remains evident despite the overgrown nature of the kiln. The lime kiln contributes to the setting of Malt House and Willow Cottage as it demonstrates the separation of the historic houses along Lower Street from the industrial uses associated with the river. Although the visible functional linkages of the lime kiln with the river and the dock would remain, the visual linkages with Waterside House as a historic building would be lost. The size and form of the overtly modern replacement would dominate the setting of this listed building, and this and the loss of the historic cohesion with Waterside House would render the lime kiln as a curiously isolated historic industrial building, to the detriment of its significance.

17. The National Planning Policy Framework (the Framework) requires that the effect of a scheme upon the significance of a NDHA should be taken into account when determining an application, with a balanced judgement being required having regard to the scale of any harm or loss and the significance of the heritage asset. Waterside House as a whole would be demolished so the scale of the loss would be total.

18. The house is unoccupied, and whether it has been vacant for the six years stated in the original application or for over thirteen years as referred to in the appellant's Condition Survey Report (2024) and by local residents, this report identifies that the house and the lime kiln have suffered from a lack of maintenance. There is evidence of water ingress in the house and movement in the extension, and the lime kiln is surrounded by trees and shrubs, including some growing upon it. However, remedial work for the lime kiln has neither been assessed nor proposed, and whilst significant work is considered to be required to restore the integrity of the house, the estimated costings of this have been redacted. What remains unclear is whether the state of the building is such that it is incapable of repair and use.

19. Despite the current appearance of the house, it is one of several high quality historic houses that makes a positive contribution to the distinctive character and appearance of the conservation area and to the settings of the nearby listed buildings. Irrespective of the appellant's view that the house adds little value to the conservation area, the Framework makes it clear that where there is evidence of deliberate neglect, the deteriorated state of the heritage asset should not be taken

into account in any decision. Whilst deterioration of the existing building is occurring, it has not been demonstrated that it is so significant as to warrant the loss of this NDHA, nor that repairs can be discounted as a viable option.

20. In addition to the harm resulting from the loss of the house, the replacement building would in itself also significantly harm the conservation area and the settings of nearby listed buildings. The Framework requires that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case there would be less than substantial harm to the conservation area and to the settings of nearby listed buildings given the size of these as a whole, with the harm being at the lower end of the scale.

21. Nevertheless, such harms would be of considerable importance and weight, and the Framework advises that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. Future occupiers would be near to a variety of services and facilities, and the development of a windfall site would make an effective use of land, providing additional dwellings at a time when the Council has a housing land supply shortfall. These would be public benefits of the scheme, but they would be modest, and would not outweigh the considerable harm to the conservation area, and to the settings of the nearby listed houses and lime kiln.

22. For these reasons the scheme would harmfully detract from the character and appearance of the area. The unjustified removal of the NDHA and the replacement building would result in considerable harm to the character and appearance of the conservation area and would not preserve the settings of nearby listed buildings. The suggested conditions would not overcome these fundamental harms. There would be conflict with the Framework, with the Act and also with Policies 4, 32, 33 and 34 of the Horsham District Planning Framework (2015) (PF), as these policies require, amongst other things, that development maintains and enhances the landscape and townscape, is of a high quality of design that complements locally distinctive characters and heritage, relates sympathetically with built surroundings, reinforcing the special character of the historic environment, and that which is consistent with the special character of conservation areas.

23. The Pulborough Neighbourhood Plan (2020) is at the public consultation stage, and although this limits the weight that can be attributed to it, Policy 15 has been referred to by the Council. As this policy also requires development to respect the conservation area and reflect the architectural and historic character and scale of the surrounding buildings, for the reasons given above there would also be conflict with this policy.

Protected Species

24. The appellant's Preliminary Ecological Appraisal (2024) (EA) has found that there is a high potential for bats in the house and lime kiln for roosting and hibernation, with the trees and river having foraging value. Reptiles are also likely to be present on the site. The EA recommends that further survey work is undertaken to establish the presence of protected species on the site.

25. The presence of protected species is a matter that should inform the nature of any scheme, with Circular 06/2005 – Biodiversity and Geological Conservation (the

Circular) making it clear that the presence of a protected species is a material consideration when development is being considered. The Circular states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

26. Whilst the site has been cleared and most of the trees have been felled, there remains a high potential for protected species to be using the buildings and the site. However, the recommended additional surveys have not been provided, and the Biodiversity Net Gain Assessment and Metric (2024) documents identify a net loss in habitat. It cannot be assumed that pre-commencement conditions would provide sufficient certainty that the bats or any other protected species would not be harmed by the scheme, and particularly so given the demolition of the house and the identified habitat loss.

27. For these reasons, the scheme has failed to demonstrate that protected species and their habitats would not be harmed by the development. There would be conflict with PF Policy 31, as this requires amongst other things, that development contributes to the enhancement of existing biodiversity, and that where development will have a direct or indirect adverse impact on biodiversity it will be refused unless it can be demonstrated that it outweighs the need to protect the site and that appropriate mitigation and compensation measures are provided.

Habitat Sites

28. The site falls within the Sussex North Water Supply Zone, which requires that development is water neutral to ensure that the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar is maintained. These internationally important sites are recognised and protected as they host priority habitats and species, including biodiverse floodplain wetlands that support a rich diversity of aquatic and wetland flora, rare invertebrates, wintering birds and wildfowl. These sites are experiencing wildlife decline in part due to water supply within the area, and new development must demonstrate that total water use be equal to or less than the total water use before the development.

29. The Council consider the baseline for calculating water neutrality in the appellant's Water Neutrality Statement (2024) (WNS) is unreliable as it has been based on just over three people living in the dwelling, despite the house having been unoccupied for several years. Whilst it may be the case that Natural England have accepted the provision of credits in an offsetting scheme elsewhere, in this case Natural England have objected to the scheme, pointing out that robust information is required to demonstrate that the development will not result in increased levels of abstraction. Even if mitigation could be offset through the purchase of credits, no means of securing this has been provided.

30. The Framework makes it clear that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated, then planning permission should be refused. In this case, it has not been conclusively demonstrated that the scheme would be water neutral, and the ambiguities surrounding the WNS are such that the suggested conditions cannot be relied upon to reduce the adverse effect to a neutral level that could be secured for

the lifetime of the development. No other means of securing the required mitigation has been provided, and consequently the scheme would adversely impact the integrity of the Arun Valley SAC, SPA, and Ramsar. This harm would conflict with the Conservation of Habitats and Species Regulations (2017) (the Regulations), with objectives of the Framework, and also with PF Policy 31, as this seeks amongst other things, that where development will have a direct or indirect adverse impact upon biodiversity it will be refused unless it can be demonstrated that it outweighs the need to protect the value of the site and that appropriate mitigation and compensation measures are provided.

31. The Regulations require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects, either alone or in combination with other schemes, and this duty falls to occur with the appeal. Given the above findings, it has not been necessary to examine this matter in greater detail, including undertaking Appropriate Assessments to assess the likely significant effects of the proposal on the integrity of the habitat sites.

Flood Risk

32. The Framework and PF Policy 38 seek to direct development away from areas at the highest risk of flooding, whether existing or future risk, and if it is necessary in such areas, the development has to be made safe for its lifetime without increasing flood risk elsewhere. There is a requirement of national policy to undertake a Sequential Test to steer new developments to areas with the lowest risk of flooding, and if it is not possible to do this, then an Exception Test needs to be applied, where it has to be demonstrated that the development would provide wider sustainability benefits to the community and that its occupiers would be safe for the lifetime of the development without increasing flood risk elsewhere.

33. Lower Street and most of the properties along it are raised up above the river, and although the house is within Flood Zone 1, other parts of the site are within Flood Zones 2 and 3. Both fluvial and tidal flooding occurs, with evidence from local residents supporting the occurrence of these events and that they can occur several times per annum. The appellant has provided a Flood Risk Assessment (2022) (FRA) and a Sequential and Exception Test (2025) (SET). Unlike the FRA, which is for a different development, the SET is specifically related to the appeal scheme and provides details of proposed mitigation measures, including finished floor levels, and means of escape.

34. As the new building would be outside Flood Zones 2 and 3, the SET has established that the Sequential Test is not required. However, the building and the southern extent of the parking and access areas would be very close to areas that flood. Although the Environment Agency have not objected to the scheme, engineering works for the access road and parking would be required. Neither this nor details of works around the building have been provided in any detail, including the extent and nature of such works, and whether they would impact upon site drainage and areas that flood.

35. In addition to these uncertainties, details of surface water drainage arrangements have not been provided, including how runoff would be managed to ensure flood risk is not increased elsewhere. The access and parking provision shown on the proposed site layout drawing (No 2123/001) shows an increase in the areas of hardstanding across the site above what is currently present. Furthermore,

engineering works could also alter the site drainage. Whilst reliance is placed upon the anticipation that a suitable surface water drainage scheme could be implemented and that no access or land raising would occur within the floodplain, ambiguities remain and it cannot be assumed that conditions would be sufficient to mitigate flood risk occurring elsewhere.

36. The SET refers to wider community benefits arising from the scheme, including the provision of additional dwellings at a time of a national housing crisis, the replacement of a building that is considered an eyesore, and economic benefits deriving from construction and future residents supporting the local economy. However, these benefits would not outweigh the uncertainties surrounding drainage and flood concerns and the consequential risk to people and property.

37. Given these unresolved issues, it cannot be assumed that the scheme would not cause flooding within the site or elsewhere. It follows that conditions would not provide sufficient certainty that these matters could be satisfactorily addressed, and there would be conflict with the Framework and with PF Policy 38.

Affordable Housing

38. On sites providing between five and fourteen dwellings, PF Policy 16 requires 20% to be affordable, or if a site is larger than 0.5 hectares in size, then 35% of the dwellings should be affordable. Where on-site provision is not achievable a financial contribution equivalent to the cost of the developer providing the units on site should be secured, with both this policy and the guidance in the Planning Obligations and Affordable Housing Supplementary Planning Document (2017) advising that the viability of a scheme could be a consideration.

39. The Framework specifies that affordable housing should not be sought for residential schemes that are not major developments. The definition of major development as given in the Framework's Glossary is for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

40. The appellant considers the requirements of the Framework make it clear that the provision of affordable housing should not be sought for residential developments with fewer than ten dwellings. Notwithstanding this, the original application form gives the site area as being 5020.00 sq metres, a figure confirmed at the appeal. Consequently, as defined by the Framework the site area is such that the scheme is major development. Given this, on-site affordable homes or a financial contribution for off-site provision should be provided, and in their absence, the scheme thereby fails to accord with the requirements of national policy and also with the requirements of PF Policy 16.

Other Matters

41. The appeal site lies within the setting of the South Downs NP. The Framework requires that the scale and extent of development within the setting of the NP should be sensitively located and designed to avoid or minimise adverse impacts upon the designated area. Although the scheme would harm the character and appearance of the conservation area and fail to preserve the settings and significance of nearby listed buildings, it would conserve the setting of the NP. The building would be in a similar position as the existing one, and the apartments

would appear as part of the line of buildings that are found to the southern side of Lower Street.

42. Local residents have raised a number of matters, including the impact of the scheme upon the living conditions of nearby occupiers, the adequacy of the access and sewers, and the lack of green energy initiatives. Following the findings on the main issues, there is no need to consider these matters further.

Planning Balance.

43. The scheme would conflict with development plan policies concerning the character and appearance of the area, designated and non designated heritage assets, flood risk, affordable housing provision, and protected species and protected habitats. The Council has acknowledged that it cannot demonstrate a five year housing land supply, with a provision of 2.9 years. In such a context, nine additional homes would be an important benefit of the scheme that would weigh in its favour. The Framework supports the development of windfall sites and the use of under-utilised land, with great weight occurring from the use of a site within an existing settlement. Future occupiers would be close to nearby local services and facilities and their use of these would result in modest environmental, social and economic benefits. There would also be modest, time-limited economic benefits arising from the construction of the homes.

44. The Framework requires that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. PF Policies 4, 16, 31, 32, 33, 34, and 38 are broadly consistent with objectives of the Framework, which also requires development to be sympathetic to local character and history, and sustain and enhance the significance of heritage assets. There is PF Policy consistency with objectives of the Framework with regard to affordable housing provision where sites are 0.5 hectares or more in size, and also with requirements to protect and enhance sites of biodiversity value, and that to ensure development is safe to its lifetime from flooding and that it does not increase the risk elsewhere. The conflict of the proposal with these PF Policies is therefore afforded significant weight.

45. Although a key aim of the Framework is to significantly boost the supply of housing when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The Framework makes it clear that where protected areas and assets are harmed by a scheme, and this includes habitat sites, designated heritage assets, and areas at risk of flooding, then such harms provide a strong reason for refusing the development. As there would be harm to these protected areas and assets, it follows that despite the benefits there are strong reasons for refusing the scheme.

Conclusion

46. For the above reasons the scheme would result in significant harms that could not be overcome by conditions, and there would be conflict with the Act and also with the development plan when considered as a whole. There are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR