Planning Inspectorate

Appeal Decision

Site visit made on 22 May 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/Z3825/W/25/3361744
Need's Farmhouse, Steyning Road, Partridge Green, West Sussex RH13 8ED

- 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 Reverend David Ingall against the decision of Horsham District Council.
- The application Ref is DC/24/1566.
- The development proposed is described as We propose to install a 22.95kW solar system on a field on our property, comprising 54 ground mounted PhotoVoltaic Panels (in 3 rows), 2 batteries and an inverter.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have been provided with policies of the emerging Horsham District Local Plan 2023 – 2040 (the HDLP). The Council advises at this time, they should only attract limited weight, which the appellant has not disputed. I have had regard to the policies I have been referred to in determining this appeal.

Main Issue

3. The main issue is the effect of the proposed development upon the setting and significance of Grade II Listed designated heritage assets.

Reasons

4. The appeal scheme lies within the setting of the Grade II Listed Need's Farmhouse and the War Memorial on Need's Hill. Section 66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCAA) requires special regard is had to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest it possesses.

5. Paragraph 202 of the National Planning Policy Framework (2024) (the Framework) highlights designated heritage assets are an irreplaceable resource. Paragraph 212 requires when considering the impact upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. Harm to significance, including from development within its setting, requires clear and convincing justification (paragraph 213).

6. Need's Farmhouse is a two-storey 18th century house faced with Roman cement with an eaves cornice, historic window openings, under Horsham slabs, and a gabled porch under Horsham slabs. Its special architectural and historic interest

and significance, derives from its construction as a repository of historic building techniques, its architectural and aesthetic values, and its historic rural origins.

7. The setting of the Farmhouse includes its driveway, gardens, the highway, and the local landscape including the hedgerows, trees and fields to the south, which includes the appeal site. The setting of the Farmhouse contributes to its significance as the historic rural landscape within which it was and is viewed, experienced, and associated with, reflective of its role and function within the historic agrarian landscape over time.

8. The War Memorial is of the First World War, with additional inscriptions from the Second World War, reduced after storm damage in 1987. It comprises a granite cross on stepped cap above a tapering stone pedestal. The front (east) face has a plaque paying tribute to the Fallen from local rural settlements that lost their lives during the First World War, with lists of names on the north and south face. The west face pays tribute and lists names of those under the dates 1939 – 1945 for the Second World War. Its special architectural and historic interest, and significance, is in its simplicity, its resonating testament to the Fallen, and in its recognition of the impacts of world wars upon the local rural communities.

9. The setting of the War Memorial includes the hedgerow lining it, the highway, the local rural landscape including the fields, trees and hedgerows to the south, which includes the appeal site. The setting contributes to its significance as it comprises the rural landscape in which this testament to the Fallen was purposefully placed between the communities of the fallen, to be viewed, used and experienced within.

10. These panels require no foundations, are effectively temporary, and the land could be returned to its original condition once use has ceased. However, the panels would collectively form a sizeable, isolated feature in relatively flat grassland field, appearing discordantly placed within it well away from its boundaries. It would present as a significant modern, somewhat distracting and strident feature in the setting of, and in proximity to, both designated assets.

11. Though such panels are of increasing prevalence in some areas, in this location these panels would appear incongruous to the setting of both these assets. I appreciate the settings of both assets have evolved over time, and now include highway signage, poles and cables, cabinets, modern road surfacing, and increased traffic. These changes are generally either directly associated with what is a longstanding throughfare, and/or involve quite minor or lightweight structures. However, these panels, sited in the position as proposed, would not be viewed in the same way, and would be more strident and harmful.

12. The Council does not appear to express objection to elements such as the temporary impact of cabling, or the cabinet, which are minor aspects of the scheme. Any effects of the cabling would be very short lived, and the cabinet would be a small feature sensitively placed adjoining other infrastructure. Therefore, their effects would be largely neutral.

13. The panels would be of a lower height than the primarily deciduous hedges surrounding the War Memorial, and it seems possible there may be no direct intervisibility when stood at or very close to the memorial, were they retained as such. However, this would not necessarily prevent all intervisibility further south.

14. At my visit, largely deciduous thick hedges and trees provide some partial seasonal screening and filtering, of the panels and Farmhouse. However, the appeal site had some limited visibility from a significant length of the highway above a hedge, which will also have seasonality to it. Even were the appellant to have full control over the height of these hedgerows, this offers little certainty of hedgerows further south outside their control. The panels would still interfere with views from Need's Hill, and particularly part of the wider landscape to the south where their siting means they would be a prominent and strident feature of the foreground.

15. Moreover, Listed Buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained. Therefore, hedge growth would only mitigate part of the harm, and the proposed development would fail to preserve or enhance the special architectural and historic interest, and significance of the assets. Based upon the evidence before me, I am not satisfied the harm could be adequately overcome within the scope of suitably worded planning conditions.

16. The harm is less than substantial harm. Nevertheless, the proposal would neither preserve or enhance their settings, in conflict with the aims of section 66 of the LBCAA. It would also conflict with Policies 32, 33 and 34 of the Horsham District Planning Framework (2015) (the HDPF) insofar as these seek that development complements locally distinctive heritage, integrates with and relates sympathetically to its surroundings, and retains and improves the setting of heritage assets.

Other Matters

17. Though the appellant refers to other permitted applications[1], there is very little detail provided of them, such that I am unable to make any meaningful comparison of their circumstances, with those of this appeal proposal, which I have assessed upon its own merits and impacts based upon the evidence before me. In consequence, these decisions attract little weight.

18. I take note the appellant's concern that dismissing this scheme sets a wider precedent for renewable energy schemes around listed buildings. While the legislation and policy in general, sets a high bar, in many cases it is by no means an insurmountable one. The effects and benefits of each scheme are generally quite circumstance, location and asset specific. While the policy requirements may be similar, the exact circumstances relating to this appeal proposal are unlikely to be directly repeated elsewhere. Therefore, the appellant's concerns, though noted, are not a significant consideration in favour of allowing this appeal.

19. The Council is satisfied the development alone and in combination with other developments would not adversely affect the integrity of designated habitats sites. The appeal site is within a red impact risk zone for Great Crested Newts (GCN), but the Council is satisfied the proposal would represent a low risk to GCNs and their habitats. Absence of adverse effects upon such sites and species, thereby complying with policies and legislation, would be neutral matters in the balance.

20. Were I to agree the development would be, or subject to the imposition of suitably worded planning conditions, could be made compliant with policies in respect of matters such as the location, access, and the living conditions of neighbouring occupiers, these would also be neutral matters in the balance.

[1] Refs. DC/23/1016, DC/22/1513, DC/22/2316, DC/20/0629.

Heritage and Planning Balance

21. The proposal would result in less than substantial harm to the setting and significance of two Grade II listed designated heritage assets. Framework paragraph 215 states where a development would lead to less than substantial harm to the significance of a designated heritage asset, it should be weighed against the public benefits. Paragraph 212 states that great weight should be given to an asset's conservation, so less than substantial harm should not be equated with a less than substantial planning objection.

22. There is strong support for the scheme from the Framework, including paragraphs 161, 163, 164, 167 and 168. It seeks mitigation and adaption to climate change, reduction of greenhouse gas emissions, and increases in the supply of low carbon and renewable energy. It also gives significant weight to the need to support to low carbon and renewable energy, the benefits associated with renewable generation, and the value of small-scale projects in contributing towards a net zero future, as mandated by the Climate Change Act 2008 (as amended).

23. The Council is understood to have declared a climate change emergency, stating a robust support for development plan policies in related regards. This proposal gains support from policies including 35 – 37 of the HDPF which amongst other things seek proposals utilise renewable energy, sustainable construction, and expresses support for proposals that make a clear contribution to mitigating and adapting to climate change, including use of renewable energy supply systems. There seems to be increased emphasis upon similar policy priorities in the emerging HDLP.

24. Policy 36 of the HDPF states the Council will permit schemes for renewable energy where they do not have a significant adverse effect upon heritage assets. The Council has not concluded a conflict with the policy. However, Policy 36 is one policy that needs to be considered in assessing the proposal against the development plan read as a whole and other material considerations. Satisfying Policy 36 does not address the policies of the Framework, which are an important material consideration.

25. The development would annually generate of the order of 25,000kWh of electricity, which is a significant proportion of that consumed at the property. As well as reducing grid drawn energy, there would also be the potential for it exported back into the grid. It would contribute to reducing the cost of upkeep of a sizeable, designated heritage asset, which is a factor of note. There would also be some related wider limited economic benefits such as temporary construction benefits.

26. The Council's definitive view is unclear upon whether or not the scheme has a legislative requirement to achieve a Biodiversity Net Gain (BNG) of 10% and is subject of an associated condition. The appellant's initial and revised submissions imply various gains, the latest of which, under the small sites tool, outlines a gain above 10%. Habitat unit gains of the order of the magnitude set out, and longer-term management, would be quite limited overall benefits, attracting moderate weight at best.

27. The Council's heritage adviser suggests an alternative location, considering it would be screened from the Farmhouse, vegetation would act as a foil, and it would be largely out of sight from Need's Hill. Alternative, more discrete sitings may be achievable. It is not a mandatory requirement to address alternative locations, and

such areas may have their own inherent constraints. However, there is limited demonstration that this particular siting is the only feasible, viable and reasonably available option, to contribute to a view that this proposal has a clear and convincing justification to outweigh the harm to heritage assets.

28. Overall, the policies and matters advanced in support, and public benefits of the order set out, attract significant weight in favour of this scheme. However, it would result in harm to the setting and significance of two designated heritage assets, which attracts great weight. When giving great importance and weight to the special regard I must have to the desirability of preserving the setting and significance of these assets, the harm that would arise from this scheme is not outweighed. Accordingly, the proposal conflicts with Framework paragraph 213 as the harm to designated heritage assets is not outweighed by the public benefits, so does not have a clear and convincing justification.

Conclusion

29. For the reasons set out above, the proposal is contrary to the development plan read as a whole, the Framework read as a whole, and section 66 of the LBCAA. There are no material considerations advanced that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR