



Appeal Decision

Site Visit made on 19 October 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/Z3825/W/21/3271720

The Copper Cabin and Geodesic Dome, Land to the East of Fryern Road, Storrington RH20 4BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Simon Oliphant-Hope against the decision of Horsham District Council.
 - The application Ref DC/20/0455, dated 28 January 2020, was refused by notice dated 24 September 2020.
 - The development proposed is described as 'retrospective planning permission for short-term studio holiday let and ancillary Geodesic Dome (Use Class C1) with associated access, car parking, and landscape.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have suggested various amendments to the proposal, including the removal of the geodesic dome, the bridge across the pond to the cabin and other pathways. A new, alternative access path is also suggested, through the field to the north of the cabin. These changes represent fundamental differences to the scheme considered by the Council. I also note that no details are provided of any remediation works which may be required or details of the new footpath. As such, if I were to take them into account, these amendments would prejudice any interested parties from making comment. I have therefore considered the proposed development as it was determined by the Council.
3. An amended Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements thereof remain the same as the previous iteration in regard to the main issues of the appeal.

Main Issues

4. The main issues are a) the effect of the development on the character and appearance of the area with specific regard to Ancient Woodland (AW), a Green Gap (GG) and the landscape; and b) the effect of the development on protected species.

¹ National Planning Policy Framework (2021)

Reasons

Character and Appearance

5. Policy 3 of the Horsham District Planning Framework (HDPF) 2015, seeks to focus development on existing towns and villages in order to maintain and enhance the district's settlement pattern and the character of the rural landscape. Other policies in the HDPF do allow for rural economic development, tourism facilities and other uses such as quiet informal recreational uses outside of the built-up area boundaries. Although these policies have individual requirements, generally such development must, as a minimum, maintain the quality and character of the area.
6. The appeal site is within open countryside to the north of the village of Storrington and to the south of West Chiltington. Part of the development is within an area designated as AW. Both the HDPF, at Policy 31, and the Framework, at Paragraph 180, attach great importance to the protection of such a resource. Indeed, the Framework is clear that development resulting in the loss or deterioration of irreplaceable habitats such as AW should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
7. AW is defined as an area that has been wooded continuously since at least 1600 AD. Generally, such areas will be undisturbed by development and beyond some limited management will have been subject to very little interaction with humans. It is a result of this, that they develop their diverse range and mix of plants, fungi, insects and other species and thus become an irreplaceable resource
8. In the case of the appeal site, the AW appears to have remained largely untouched and unmanaged for some time, thus developing many of the characteristics associated with this resource. Accordingly, introducing built form, ground works and a holiday-let usage into such an area would be out of keeping and uncharacteristic with such a setting. Accordingly, it would not, in my opinion, be considered an appropriate location for the type of proposal which is before me and would not maintain the quality and character of the area.
9. The main parties are in broad agreement that the works undertaken have resulted in some modest damage to a small part of the AW. There are additional concerns regarding on-going harm to the woodland, caused through a combination of visitors to the accommodation and by staff servicing the site. Some immediate measures to address these concerns are proposed by the appellants, including roping off areas to prevent visitors entering the woodland and controlling the use of artificial lighting.
10. Whilst roping off access may deter some visitors it would be difficult to enforce, particularly by the Council through a planning condition. It would also run slightly counter to one of the appellants stated advantages of the proposal, which is that it provides increased opportunities for visitors to experience the benefits of the AW.
11. Similarly, lighting could be timer controlled or be switched to an ambient lighting source, but visitors may well have access to their own form of artificial lighting or possess electronic devices which emit light. I noted on site the

provision of a pull-down screen and projector, which would be difficult to subject to such lighting restrictions. Similarly, headlights from vehicles entering or leaving the appeal site could not be controlled in this way. It is also not clear to me that such an approach would in practice be workable, given that visitors are likely to want to use the facilities during hours of darkness and ambient lighting may not always be practicable, thereby increasing the likelihood of visitors bringing or using their own lighting.

12. The proposal has not avoided damage to the AW and the proposed mitigation measures would not adequately mitigate against further damage. Compensation measures should in any event be a last resort and will only partially compensate for the loss or damage caused. I have had regard to the compensation measures proposed, which include a woodland management plan, a new area of woodland (which could be up to 1.2 hectares in size), the possibility of a new pond and a wildflower buffer. I am satisfied that this would provide appropriate compensation.
13. However, given my conclusions regarding the inappropriateness of the development in this setting and the potential for ongoing damage to the AW, there remains an overriding objection to the proposal. I have had regard to the Horsham District Hotel & Visitor Accommodation Study (2016), the support from local businesses, the proximity of the site to other tourist attractions, the direct and indirect benefits of the proposal but have not found there to be any wholly exceptional reasons which would justify the need for this development within the AW.
14. Policy 27 of the HDPF is designed to prevent settlement coalescence and avoid a sense of continuous urbanisation. The supporting text makes clear that the policy is seeking to ensure that there is a sense of leaving one settlement and passing through open countryside. It is stated that buildings, signs and other development in the countryside between settlements can prevent this from occurring. Policy 9 of the Neighbourhood Plan² (NP) supports this approach with regard to the gap between Storrington and West Chiltington.
15. The proposal does represent development in the gap between Storrington and West Chiltington. Whilst it would not be of a scale to represent a significant reduction in openness, as per criteria 1 of Policy 27, the physical development and associated vehicle movements do have an urbanising effect. The appellants contend that any urbanising effect would also not be significant, particularly given the position of the cabin, pathways and dome within the woodland. However, criteria 2 of the Policy merely seeks an absence of urbanising effects, not an absence of significant urbanising effects. The appellants point me towards the comments of the Council's Landscape Architect as a factor in support of the proposal. However, these comments, when identifying the level of harm, also use the qualification that it would not be significant.
16. The main part of the development would be within the AW and therefore its wider visibility would be reduced. I also acknowledge that there are no nearby public rights of way which would offer views of the site. However, the proposal does adversely affect the immediate landscape and environs of the woodland and just because it is not widely seen does not make it acceptable. It is something that could be repeated all too easily, and so would undermine the development plan policies which seek to protect the intrinsic qualities of the

² Storrington, Sullington & Washington Neighbourhood Plan (2019)

undeveloped countryside, the GG and the local landscape. Based on the nature of the proposal, and my own observations, I find that the proposal would have an urbanising effect, contrary to Local Plan policy.

17. The development is said to be of the highest design quality possible and locally distinctive in character, which helps to create its own sense of place. However, Policy 32 of the Local Plan, in seeking to ensure developments contribute a sense of place, also requires development to integrate with their surroundings and any historic landscape in which they sit. Given the sensitivity of the location, it is considered that a shipping container, albeit clad in copper sheeting, together with the associated decking, geodesic dome, walkways and handrails, is incongruous and thus out of keeping with the historic landscape of the AW.
18. The proposal does not represent an appropriate form of development within an AW and would continue to cause harm to it. It would also result in development within a GG which would have an urbanising effect and cause harm to the landscape. As such it would be contrary to Policies 1, 3, 10, 11, 26, 27, 31, 32 and 33 of the HDPF and Policy 9 of the NP. Amongst other things, these policies seek to protect the open countryside and areas such as AW from inappropriate development. They seek to ensure that development does not take place in the GG between Storrington and West Chiltington as well as ensuring that development is sympathetic to the landscape in which it is located. The proposal would also be contrary to Paragraph 180 of the Framework, which amongst other things, indicates that proposals which result in harm to an AW should not be permitted.

Protected Species

19. Following the submission of further evidence in regard to this main issue from the main parties, the appellants have suggested the use of a planning condition to control the use of lighting at the site. Timer controls or the use of ambient lighting with low lux level, has been identified by the updated Ecological Assessment (EA) as the most appropriate mitigation strategy in relation to bats, and also for dormice. The EA contemplates a possible ecologically sensitive lighting landscape scheme as being a way forward. However, based on the information before me, and for the reasons previously stated, I could not be confident that the approach outlined would be compatible with the holiday-let use and the needs of visitors and thus negate the possible introduction of alternative harmful light sources into the area.
20. Although there is disagreement between the main parties as to whether there is sufficient information on dormice, given my findings in relation to artificial lighting, I am satisfied that the proposal would have adverse effects and thus cause harm to protected species. Accordingly, I find that the proposal would be contrary to Policy 31 of the HDPF, which amongst other things, seeks to resist development which does not retain or enhance features of nature conservation. The proposal would also be contrary to Paragraph 179 of the Framework, which amongst other things, seeks to protect habitat and biodiversity.

Other Matters

21. As I am dismissing this appeal for other reasons, it is not necessary for me to have regard to the Conservation of Habitats and Species Regulations 2017,

which would otherwise require me to consider whether the project would result in significant effects on The Mens Special Area of Conservation.

22. Similarly, in view of my findings, it is not necessary for me to take any action in relation to Natural England's position statement regarding development within the Sussex North Water Supply Zone. However, in the event of another application being submitted there may be a need for further investigation at that time regarding any potential effect upon the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site.
23. The appellant refers to other sites which have received planning permission for other visitor accommodation and considers the appeal site to be comparable and in certain respects have lesser impacts. However, I do not have the full details of those schemes before me and therefore cannot be sure that they represent a direct parallel particularly with regard to the sensitivity of the location. In any case, I have determined the appeal on its own merits.
24. Parallels have been drawn between the proposed development and Paragraph 80 of the Framework regarding isolated homes in the countryside. However, I have found that the AW provides the immediate setting for the proposal, but it would not be significantly enhanced as a result of the development. Accordingly, this does not provide any basis for leading me to allow the appeal.

Conclusion

25. The proposal would harm the AW and its immediate landscape. It would also represent development within a GG and would fail to sufficiently protect the habitat of protected species. It would therefore conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR