



Appeal Decision

Site visit made on 9 March 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/Z3825/W/21/3283116

The Granary, Hurston Lane, Pulborough, RH20 2EW

- 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 and Mrs Nick Clague against the decision of Horsham District Council.
 - The application Ref DC/21/0420, dated 17 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is change of use of redundant stable building to a single unit of tourist accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposed tourist accommodation would be in a suitable location having regard to the spatial strategy for the District and local policies concerned with the countryside, rural economic development and tourism and cultural facilities; and
 - The effect of the proposed development on the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site.

Reasons

3. The appeal site includes a modest stable building and associated land. It is part of wider equestrian facility used for the stabling and schooling of the appellants' polo ponies. Whilst there is a cluster of development at and around The Granary, the site is located in deep and remote countryside outside of the built-up area boundary of any settlement.
4. Policy 2 of the Horsham District Planning Framework (HDPF) establishes that development should be focussed in and around Horsham. Growth is allowed in the rest of the District in accordance with the identified settlement hierarchy set out in Policy 3. Outside built-up areas boundaries the countryside will be protected against inappropriate development according to Policy 26. Policy 1 of the Storrington, Sullington and Washington Neighbourhood Plan confirms that development plan policies concerned with the management of development in the countryside will apply outside built-up area boundaries.
5. The use of the building is specifically for tourist accommodation and a condition could be imposed to ensure that it is only occupied for holiday and short-term

let purposes. Nevertheless, the broad thrust of the overarching policies, which set out the spatial strategy for the District, is to concentrate development in the main settlements and to restrict it outside of them. No specific exception is made for tourist accommodation.

6. However, HDPF Policy 26 does allow for some development in the countryside. Any proposal must be essential to its countryside location and also meet one of four criteria which include providing for quiet informal recreational use and enabling the sustainable development of rural areas.
7. Measures that promote tourism will be encouraged according to Policy 11. Amongst other things, development should increase the range, or improve the quality, of accommodation for visitors in the District. That is what the proposed change of use would do. A building of rural character would also be retained and the new use would be likely to assist with rural diversification by adding another string to the bow of the activities at the site. This policy therefore provides support for the proposal.
8. The proposed use would also fulfil the aim of the Horsham Visitor Economy Strategy of 2017. This indicates that the District should capitalise more fully on the strong national and regional growth in overnight visitors. To do so it seeks to focus on increasing visitor spend, providing bases to visit the wider area, fostering a close relationship with the Sussex Downs National Park and building up the accommodation offer. The proposal would achieve many of these expectations especially given its very close proximity to the National Park. Indeed, this material consideration strongly favours the proposal.
9. Policy 10 encourages rural economic development. The proposal would not directly generate local employment opportunities. Nevertheless, there would be likely to be economic and social benefits to local communities by reason of increased expenditure within the area. However, the policy stipulates that proposals for conversion to business and commercial uses will be considered favourably over residential in the first instance. This policy therefore offers only limited support to the proposed use.
10. The Council accepts that the proposal would support walking and cycling to some degree especially given the closeness to the Sussex Literary Trail. The site is also adjacent to the West Sussex golf course. The unit may also be attractive to those with an interest in horses or fishing. The appellants maintain that these would be made available for occupants of the tourist accommodation. This cannot be controlled through the planning system but, in any event, the proposal would increase access to rural recreation activities. Nevertheless, the proposed use, in itself, would not provide for quiet informal recreational use as referred to in Policy 26.
11. Appeal decisions from 2019 in respect of the residential use of a barn at The Granary (Refs: W/4000109 & W/4000112) concluded that the development would not be in a suitable site for housing with particular reference to its accessibility by sustainable transport modes. Although public rights of way which could afford access to bus stops run past and near the site, it is likely that at least some, if not most, journeys would be undertaken by private car. However, that is likely to be the case for many visitors to rural areas.
12. There are various places of interest close at hand and it is likely that those staying at the appeal site would wish to explore the local area rather than

travel further afield. This means that journeys would be likely to be short. Furthermore, those staying temporarily at The Granary would be unlikely to make trips to employment or education destinations. The precise amount of car borne travel would vary between visitors but it is unlikely to be as frequent or as regular as a residential use, especially as holiday units are not normally occupied all year round. There are therefore differences between the proposed use and permanent residential occupation and the transport implications that would arise do not amount to an objection to the proposal.

13. The appellants maintain that the building is redundant since stabling can be accommodated in a barn following permission given in 2020 for the relocation of equestrian stables. In granting that permission the Council referred to evidence of "additional capacity need" as part of the rationale for the proposal. Be that as it may, Policy 26 contains no requirement for existing buildings to be redundant before new uses can be accepted.
14. Drawing things together, Policy 11 of the HDPF provides support for the proposal but the policies concerned with the strategic pattern of development and rural economic development do not. Nevertheless, there would be likely to be some indirect benefits by, for example, increased expenditure in the local area and the location and type of accommodation would be in line with the Visitor Economy Strategy. Links with the existing recreational activities at the site could also be developed and the site is well-located for access to other nearby attractions including the National Park and rights of way. There are no other detailed objections to the proposal including its scale.
15. In these circumstances and due to the need for rural visitor accommodation to be located in the countryside, the use can be regarded as "essential" for the purposes of Policy 26. Due to the benefits that would occur, and when viewed in the round, the proposal would result in sustainable development in this rural area. As the proposed use would not be inappropriate development in the countryside when judged against Policy 26, the location would be suitable.
16. An appeal (Ref: APP/Z3825/W/18/3210560) against the refusal of permission for conversion of an existing barn for holiday let/tourism purposes at Slinfold was dismissed in 2019. That Inspector considered the same policies that are referred to in this case. However, the use was initially considered as residential having regard to the planning history at the site. Furthermore, this proposal is different due to its closeness to the National Park and the link with existing horse-related activities and the scope for fishing. I have also concluded that in this particular case the proposal would accord with Policy 26 and so the balance undertaken was not the same. The findings in this appeal can therefore be distinguished from that decision.
17. The Council explains that the permission given for a holiday let at Little Wantley, Fryern Road, Storrington was not analogous given that it was already in use for residential purposes as staff accommodation.

Integrity of the Arun Valley habitats sites

18. After the application was determined, the Council received a Position Statement from Natural England. This advises that the effects of groundwater abstraction within the Sussex North Water Supply Zone cannot be objectively demonstrated to be compatible with the conservation objectives of protected sites and habitats within the Arun Valley. These include the Special Protection

Area (SPA), Special Area of Conservation (SAC) and Ramsar site. To avoid a detrimental impact, Natural England also advises that new development should achieve water neutrality. This is defined as the use of water in the supply area being the same or lower after the development has taken place.

19. Whilst the issue of water neutrality was raised at about the time the appeal was lodged, this does not obviate the need to consider it as part of this decision. The requirements of the Conservation of Habitats and Species Regulations apply. Furthermore, the appellant has had the opportunity to respond to the matter and so there is no breach of natural justice.
20. The appeal site falls within the Sussex North Water Supply Zone. Occupation of the building as tourist accommodation would lead to water usage. No information has been provided regarding the level of water use in connection with the stables and so there is no certainty that there would not be an increase as a result of the proposal. Therefore, because of its location and based on the available evidence, there would be a likely significant effect on the protected habitats sites, either alone or in combination with other plans and projects. Furthermore, no measures are included within the proposal to mitigate the impact or to secure water neutrality.
21. As a result, following an appropriate assessment, the proposal would adversely affect the integrity of the Arun Valley SPA/SAC. In these circumstances, Regulation 63(5) precludes the proposal from proceeding. The proposal would also conflict with HDPF Policy 31 which establishes that permission will be refused where development is anticipated to have an adverse impact on biodiversity sites such as SPAs and SACs, unless appropriate mitigation measures are provided.

Other Matters

22. The Wiggonholt Association refer to a building that should have been removed by 2015. However, this appears to relate to the barn the subject of appeals in 2019 and where permission has now been given for stabling. As the appeal is to be dismissed there is no need to consider this further.
23. Representations also express concern about "creeping overdevelopment". Whilst the activities at The Granary may well have expanded over the years a small tourist unit would not be likely to have a significant impact on the tranquillity and beauty of the surroundings.

Conclusion

24. As the proposal would not achieve water neutrality, it would adversely affect the integrity of the Arun Valley SPA/SAC. Because of the provisions of the Regulations and notwithstanding that the proposed development would be in a suitable location for tourist accommodation, this is an overriding consideration. Overall it would be contrary to the development plan and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR