



---

## Appeal Decision

Hearing held on 18 May 2022

Site visit made on 18 May 2022

**by G Pannell BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 June 2022**

---

### **Appeal Ref: APP/Z3825/W/21/3279901**

### **Barns to the South of Adams Gardens, Henfield, BN5 9RF**

- 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 Jones against the decision of Horsham District Council.
  - The application Ref DC/20/2444, dated 7 December 2020, was refused by notice dated 10 February 2021.
  - The development proposed is change of use, conversion and extension of existing barn store to provide a three-bedroom dwelling and alterations to existing stable store building with associated landscaping.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.
3. During the hearing the appellant provided a copy of an appeal decision<sup>1</sup>. As the Council was aware of this decision and it was part of the parties written evidence I have taken it into account.
4. The appellant also provided a copy of two paragraphs from the Planning Practice Guidance (PPG) which gives guidance on the consideration of sustainability/location matters in relation to prior approval applications. This is not directly relevant to the consideration of the appeal before me; however I am content that the parties would be familiar with this government guidance. Therefore, I accepted this information as late evidence.
5. The appellant also submitted an issues and options document dated 2018, wishing to draw my attention to the lack of a specific policy on residential conversions which the Council has sought to address as part of their emerging Local Plan. However, there was uncertainty as to whether this document had been superseded as part of the Local Plan process and therefore, I have not had regard to this document in my consideration of the appeal.

---

<sup>1</sup> APP/Z3825/A/13/2197450

## **Main Issue**

6. The main issues in this appeal are whether the appeal site is:

- an appropriate location for the proposed development with reference to the spatial strategy in the development plan; and
- an appropriate location having regard to access to services and facilities.

## **Reasons**

### *Spatial Policy Context*

7. The appeal site forms part of the settlement of Henfield, albeit outside of its defined built up area boundary. The Councils spatial strategy generally encourages development within existing built up area boundaries and that outside of these boundaries development will be more strictly controlled.
8. Policy 2 of the Horsham District Planning Framework 2015 (HDPF) focuses 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, whilst encouraging the effective use of previously developed land. It also seeks to manage development around the edges of existing settlements to protect the rural character and landscape.
9. The appeal site comprises two existing buildings, previously used for equine purposes which are now redundant. The parties agree that the site comprises previously developed land and there is nothing before me in the evidence which would lead me to disagree. The redevelopment of the site would therefore accord with Policy 2 (8) of the HDPF in this regard, which encourages the reuse of previously developed land.
10. Policy 3 of the HDPF identifies Henfield as a larger village where there is a good range of services and facilities with reasonable bus services. It recognises that these settlements act as hubs for smaller villages to meet their daily needs but recognises there will be some reliance on larger settlements to meet some other requirements. As the site lies outside of its defined built up area, the development would fail to accord with Policy 3.
11. Policy 4 of the HDPF sets out the strategic policy for settlement expansion and supports the growth of settlements across the District to meet identified local housing needs. It permits the expansion outside of the built up area boundary subject to 5 criteria, including that the site is allocated in the Local Plan or in a neighbourhood plan and adjoins an existing settlement edge. In the case before me it is agreed that the proposed development would not accord with this part of the policy.
12. During the hearing it was discussed whether development would have to meet all of those criteria in order to comply with the policy, despite the lack of wording to definitively set this out. In particular, criteria 4 and 5 of Policy 4 are linked with a semi colon and the word and, which indicates that both criteria must be met to be acceptable. However, the other criteria are all finished with a full stop.
13. Therefore, I am not persuaded that development can only be considered against the first criteria of Policy 4 and that compliance would also be possible

if, as in this case, the expansion was appropriate to the scale and function of the settlement type and therefore would accord with Policy 4(2) in this regard.

14. Policy 10 of the HDPF deals with rural economic development and permits the conversion of suitably located buildings to development which would contribute to the wider rural economy. It concludes by stating that proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance. The appellant considers that the nature of the buildings means that they would be most suitable for Class B8 storage uses, and the traffic generation created by such a use would be incompatible with the sites rural location.
15. However, the wording within the policy clearly indicates that consideration of commercial uses should be within suitably located buildings and the limitations of the sites access, with only one route in and out along West End Lane, directly into the centre of Henfield, would need to be taken into account if the Council were to be considering an application for commercial use of the site. However, the lack of suitable commercial uses for the site has not been formally established through any marketing of the site.
16. Therefore, from the evidence before me I can not conclude that alternative commercial and employment uses have been fully explored and therefore the residential use of the building would be in conflict with Policy 10 of the HDPF.
17. Policy 26 of the HDPF is a strategic policy for Countryside Protection. It sets out that the rural character and undeveloped nature of the countryside will be protected against inappropriate development and that any proposal must be essential to its countryside location and meet one of four criteria. Of relevance to this appeal is that development should enable the sustainable development of rural areas. Having identified conflict with Policy 10, I cannot conclude that a residential use of the building would be the most sustainable form of development and therefore the proposal fails to comply with Policy 26 in this regard.

### *Neighbourhood Plan*

18. The Henfield Neighbourhood Plan 2021 (HNP) sets out a spatial plan for the parish and includes allocations. The supporting text within the plan indicates that they have sought to place additional housing to the north of the village with better access to the main village amenities. It considered consolidating development on the western boundary of the village, referencing the newly constructed development along West End Lane, which is close to the appeal site. But concluded that it would be situated too far from the village centre.
19. Policy 1 of the HNP allows for development outside of the built-up area boundary provided that they conform to national and HDPF policies. Paragraph 5.3 of the HNP confirms that control should be exerted over development proposals in the countryside of the Parish.
20. As I have identified conflict with HDPF policies, the development would be contrary to the neighbourhood plan.

### *Conclusion – spatial strategy*

21. In conclusion, whilst the proposed development would be appropriate to the scale and function of the settlement of Henfield as required by Policy 4, it is located outside of the settlement boundary and would be contrary to the growth of the existing settlement as provided for within the overall spatial strategy of the Council. The proposal would conflict with policies 3, 10 and 26 of the HDPF and would therefore be contrary to the Neighbourhood Plan.

### *Appropriate Location*

22. The appeal site is located to the west of West End Lane and is opposite a small development known as Adams Gardens. West End Lane is a rural lane that leads into the centre of Henfield, the road is relatively wide for most of its length and as it gets nearer to the village does have footpaths. The section nearest the appeal site is narrower without footpaths, although some grass verges exist which would enable refuge for pedestrians to avoid any passing cars. This would be less convenient however for those with pushchairs or wheelchair users.
23. Henfield is defined as a larger village within the HDPF and has a range of services which would be capable of sustaining the everyday needs of the future occupiers of the development. Although, I recognise that there would be a need for travel beyond Henfield for secondary education and employment opportunities. Future occupiers would also likely travel to the wider range of services and facilities provided within Horsham, but it was confirmed at the hearing that the village is served by a regular bus service to both Horsham and Brighton.
24. The policies that I have set out earlier in my decision are intended to ensure housing is located in areas which have good access to services and facilities. However, these policies do not prevent the development of land outside of settlement boundaries.
25. In order to access the services and facilities within Henfield, future occupiers could cycle into the village, which would take approximately 10-15 mins or walk approximately 25-30 mins along West End Lane. For walkers, the route does not have a continuous footpath but it would not be particularly unattractive during summer months. I have also had regard to the number of public rights of way within the vicinity of the site which make it popular with recreational walkers.
26. However, it is unlikely that anyone would choose to walk this distance in inclement weather and given the narrowness of the road in places, which may deter less confident cyclists and those with young children, it is more likely that occupiers would choose the convenience of a car in order to access day to day services.
27. In order for new housing to be sustainable it should be easily and safely accessible, on foot or bicycle or public transport, to local facilities and services, at any time of the day or night and whatever the weather, which the appeal proposal would not be.

28. Therefore, I cannot conclude that the proposed dwelling would be located where it would enhance or maintain the vitality of rural communities as envisaged by paragraph 79 of the Framework and as such it would not be the sustainable development that the Framework seeks to promote in rural areas.
29. There would be negative environmental and social effects arising from the location in terms of the accessibility of local services as occupants would be reliant on the private car. This is an adverse matter to which I afford significant weight.
30. In conclusion, the introduction of the proposed development into the appeal site, would fail to adhere to the relevant policies relating to housing in rural areas. It would conflict with Policies 1 and 2 (5) of the HDPF which together seek to promote sustainable development of settlements.
31. Furthermore, even if I were to conclude that the proposal was essential to its countryside location, it would fail to accord with Policy 26 of the HDPF which seeks to enable the sustainable development of rural areas.

## **Other Considerations**

### *National Planning Policy Framework*

32. Paragraph 79 of the Framework promotes sustainable development in rural areas, through locating housing where it will enhance or maintain the vitality of rural communities. It recognises that groups of smaller settlements may support services in a village nearby. Paragraph 80 seeks to avoid the development of isolated homes in the countryside, unless the development would re-use redundant or disused buildings and enhance its immediate setting.
33. I have been referred to the Braintree ([2018] EWCA Civ. 610) and Bramshill ([2021] EWCA Civ 320) judgements. The judge in the Braintree case set out that a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. He went on to state that whether, in a particular case, a group of dwellings constitutes a settlement, or a “village”, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker.
34. The appellants appeal statement sets out that there are a total of 65 dwellings accessed off West End Lane, with the appeal site being part of an existing enclave of 10 dwellings. Having regard to the number of dwellings which exist along West End Lane and the grouping of development opposite the appeal site, I do not accept the appellants case that the site is isolated and therefore the proposal would not result in an isolated home, which the Framework seeks to avoid except in certain circumstances.
35. I have taken into account the support offered within the Framework for the reuse of rural buildings. I have had regard to Paragraph 152 of the Framework which encourages the reuse of existing resources, including the conversion of existing buildings, however paragraph 84 clearly advises that the reuse of existing buildings can help support a prosperous rural economy and this also includes growth and expansion of all types of business in rural areas.

36. Therefore, the Framework does not alter my findings on the main issue and as Policy 10 is not inconsistent with the Frameworks approach, the conflict I have identified is therefore a matter of significance.

#### *Social, Economic and Environmental Benefits*

37. Local finance considerations are cited by the appellant as a benefit. However, the Planning Practice Guidance, states that whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. In this case, I do not consider that the local finance considerations would outweigh the conflict I have identified with the Council's spatial strategy and therefore I have attributed it only limited weight in my overall decision.
38. The development would result in the re-use of previously developed land, which is offered support through both Policy 2 (8) of the HDPF and the Framework and I have given this modest weight in my consideration.
39. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services, albeit from a remote base. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
40. The conversion has been designed to be zero carbon and includes water recycling measures. The building would also be one of the first, if constructed, to meet the requirements of the RIBA 2030 Climate Challenge, which provides a number of performance targets for building projects in order to achieve net zero carbon. The appellant has submitted a detailed environmental sustainability report which demonstrates how the design of the building and the additional tree planting and solar panels are part of a package of measures which deliver clear environmental sustainable benefits.
41. It is clear that the building has been designed to meet high standards of sustainable design and construction and that the appellant has looked to exceed current expected standards for carbon reduction, operational energy requirements and the use of water. The development would also include landscape enhancements through tree planting and improving the opportunities for wildlife and biodiversity and these are all benefits to which I have afforded significant weight.
42. I have had regard to the design of the conversion and am satisfied that it does maintain the utilitarian character of the building, with the use of shutters to minimise the impact of the proposed glazing and to ensure that it can minimise heat loss. The absence of harm to the character and appearance of the area would therefore be neutral in the consideration of the planning balance.

#### **Other Matters**

43. The appeal site is located within the Sussex North Water Supply Zone, which includes supplies from groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the Arun Valley Special Area of Conservation, Arun Valley Special Protection Area and Arun Valley Ramsar Site.



44. Developments within Sussex North must therefore not add to this impact and one way of achieving this is to demonstrate water neutrality. The appellant has submitted evidence of how the scheme could meet this requirement. However, the consideration of any measures to avoid or reduce the harmful effects upon the Arun Valley site and achieve water neutrality can only be taken into account at the Appropriate Assessment stage of Habitats Regulation Assessment.
45. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
46. Both the Council and appellant submitted a number of other decisions, both those made by the Council and those decided at appeal for my consideration. During the Hearing these were discussed in detail to identify whether there were any similarities to the case before me.
47. The appellant has submitted 9 decisions made by the Council on similar forms of development, however in some of these cases the sites were considered to be isolated for the purposes of paragraph 80 of the Framework and therefore the same considerations do not apply in this case. There were also examples given where the principle of development had already been established or that a fallback existed through a prior approval and this is not the case before me. A further two decisions also contained considerations relating to heritage assets.
48. Of those submitted, I identified similarities between the case before me and DC/20/0910 for the change of use of existing barn to a single dwelling and use of attached ancillary building for ancillary residential use with associated access, parking and landscaping. In this example the Council accepted that the site was not isolated, but gave weight to the re-use of an existing underused building and noted that it could have the potential to enhance the vitality of the rural community.
49. Although I am not bound by the decisions of the Council, I am satisfied that in the case before me the sites location in relation to the nearest local services means that I cannot conclude that the proposed dwelling would be located where it would enhance or maintain the vitality of rural communities. As this is a matter of judgement, I can depart from the Councils decision in this regard.
50. I have also had regard to the appeal decision, APP/Z3825/A/13/2197450, for the development opposite the site at Adams Gardens. This was a former commercial site and the Inspector acknowledged that the future occupants would be unduly reliant on the private car and the development would reinforce an unsustainable development pattern which was contrary to the provisions of the Framework. This conflict with policy was weighed against a number of other considerations, including a reduction in traffic from the existing commercial operation and the Inspector concluded that the benefits associated with the development outweighed the harm identified. Therefore, I am satisfied that my conclusions on the location of the site and access to services is consistent with this decision.

51. The appellant has referred me to the emerging policy which they consider indicates a direction of travel towards permitting residential conversions of redundant buildings. However, I have not been provided with copies of the emerging policies and the Council confirmed at the Hearing that given the extent of unresolved matters the emerging plan could only be afforded limited weight. I have therefore relied upon the policies within the HDPF and the Framework in coming to my decision.

### **Planning Balance**

52. Common ground exists between the main parties that the Council can not demonstrate a five-year supply of housing, with the statement of common ground confirming that the supply is 4 years and therefore paragraph 11d of the Framework is engaged.
53. Paragraph 14 of the Framework indicates that in situations where the presumption within paragraph 11d applies, the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that certain conditions apply.
54. The neighbourhood plan, having been made in 2021 and containing allocations meets the requirements of paragraph 14a and 14b. The parties agree that the council can demonstrate a 4 year supply of housing and the 2021 Housing Delivery Test results, published in January 2022, indicate that Horsham District Council has delivered 147% of the housing requirement over the previous three years. As such the conditions of paragraph 14c and d are also met. As a result the identified conflict with the NP carries weight of a high order.
55. The proposal would conflict with the development plan for the reasons previously outlined, as set out above the appellant has put forward a number of benefits, which they consider are material considerations which would outweigh this conflict.
56. Nevertheless, the cumulative benefits would be outweighed from the identified adverse impacts of the development. Namely, the conflict with the development plan and the neighbourhood plan to which I have afforded significant weight and the moderate negative environmental and social effects arising from the location in terms of the accessibility of local services. This would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

### **Conclusion**

57. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

*G Pannell*

INSPECTOR



## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr & Mrs C Jones

Peter Young, Associate Director - Dowsett Mayhew Planning Partnership

Jennifer Forman, Planner - Dowsett Mayhew Planning Partnership

Keir Black, Director/Architect - Field Architecture

### **FOR THE LOCAL PLANNING AUTHORITY:**

Giles Holbrook, Senior Planning Officer

### **INTERESTED PARTIES:**

David Jemmett - Henfield Parish Council

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Copy of appeal decision APP/Z3825/A/13/2197450
2. Local Plan Review: Issues and Options – Employment, Tourism and Sustainable Rural Development, April 2018
3. Paragraph 108 -109 Planning Practice Guidance