



Appeal Decision

Site visit made on 7 September 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/Z3825/W/21/3285014

Craymore, Cray Lane, Codmore Hill RH20 2HX

- 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 G Bowbrick against the decision of Horsham District Council.
 - The application Ref DC/21/0729, dated 25 March 2021, was refused by notice dated 26 July 2021.
 - The development proposed is construction of detached tree house style dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council made its decision, Natural England (NE) issued a position statement with regards to the Sussex North Water Supply Zone¹ in relation to their effect on European protected sites and habitats within the Arun Valley. This includes the Special Protection Area, Special Area of Conservation and Ramsar site (the protected habitats sites). The appeal site is located within this zone. I have sought the parties' views on this matter. I return to this later in my decision.

Main Issues

3. The main issue is whether or not the appeal site is a suitable location for a new dwelling having regard to local and national policy for the delivery of housing.

Reasons

4. The appeal site is located at the junction of Cray Lane and Broomers Hill Lane. There is some limited development nearby, including the host property but the area is otherwise surrounded by open fields. The entrance to the site lies some 200 metres outside the defined built-up area boundary of Codmore Hill. For planning purposes, the site is in the countryside.
5. The Council's strategy for managing housing growth is set out under Policy 2, 3 and 4 of the Horsham District Planning Framework 2015 (the HDPF). These together seek to focus development in the main settlements and allow for growth in the rest of the district in accordance with the identified settlement hierarchy, as set out under Policy 3. Pulborough and Codmore Hill are together included in the settlement hierarchy under the category of Small Towns and

¹ Natural England's Position Statement for Applications within the Sussex North Water Supply Zone – September 2021 Interim Approach

Larger Villages. Such settlements are considered to have a good range of services and facilities together with reasonable public transport services. The reason for this approach is to maintain the District's unique rural character and to ensure that the needs of the community are met through sustainable growth and suitable access to services and local employment. Policy 4 allows for the growth of settlements outside built-up area boundaries subject to certain criteria.

6. The countryside is protected against inappropriate development by Policy 26 which requires development to be essential to its countryside location and for proposals to meet one of four criteria, namely supporting agriculture or forestry, enabling mineral extraction or waste disposal, providing for informal recreation or enabling the sustainable development of rural areas.
7. The appeal site has not been allocated for development and does not adjoin the settlement edge as required under Policy 4. It would also not meet any of the criteria set out under Policy 26. I appreciate that the distance from the settlement boundary is not significant. However, it is separated from this by an area of open countryside. Access between the site entrance and the settlement would be along a narrow single track lane with no street lighting or footpaths. This would be neither attractive, convenient or safe for future residents.
8. There is a bus service from Stane Street which forms part of the defined settlement, around 300 metres away. However, this would not be easily accessible on foot for the reasons I have already set out. I therefore consider that despite the physical proximity of the appeal site to the settlement, the use of the private car is likely to be the only practical means that residents would have to reach the facilities and services they require either within Pulborough and Codmore Hill or further afield.
9. In terms of the remaining criteria under Policy 4, there is nothing before me to suggest that this proposal would meet an identified local housing need. I recognise that as a single dwelling the proposal would not undermine any long term development plans and would not be inappropriate in scale or function for the adjacent settlement. It would also be contained within the garden of an existing dwelling and would not unduly harm the landscape or townscape character.
10. Due to its proximity to the settlement boundary and other dwellings, the proposed dwelling would not amount to an isolated dwelling in the countryside in terms of paragraph 80 of the National Planning Policy Framework (the Framework). Nevertheless, it would not be conveniently located to the settlement.
11. In view of the above, I conclude that the appeal site would not be a suitable location for a new dwelling. The proposal would therefore conflict with Policies 1, 2, 3, 4 and 26 of the HDPF as referred to above.

Other Matters

12. NE is concerned about groundwater abstraction within the Sussex North Water Supply Zone which is having a detrimental impact on the protected habitats sites. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 prevents the competent authority from granting permission unless the

proposal would not adversely affect the integrity of the European sites. I am the competent authority for the purposes of this appeal.

13. The proposal for an additional dwelling would increase water demand. This would be likely to have a significant effect on the protected habitats sites either alone or in combination with other plans and projects. NE has advised that to avoid any such harmful effect, new development should achieve water neutrality.
14. The appellants have submitted a Water Neutrality Report which concludes that water demand can be reduced through the installation of water efficient products and water reuse. In addition, the appellants would implement methods to reduce water within the host property in order to offset any remaining water demand.
15. The Council has not commented on the Water Neutrality Report and the measures proposed therein. Had I been minded to allow the appeal, I would have sought further information on this matter to enable me to reach a conclusion as to whether the proposed mitigation would be sufficient to avoid any adverse effect on the integrity of the protected Arun Valley sites. However, as I am dismissing for other reasons this has not been necessary.
16. The proposed dwelling would be set away from other properties, including the host property and would not give rise to any overlooking or other effects on the living conditions of nearby occupants. This is a neutral factor.
17. The proposed dwelling may be a high quality design that is capable of integrating with its surroundings. The appellant has explained that it would be designed using locally sourced materials, taking into account the need for environmentally friendly construction and maintenance, through which it would seek to obtain a zero-carbon footprint. Such measures would help to support the Government's targets of reaching net zero by 2050. However, this would have to be weighed against a development where future occupants would be largely reliant on the use of the private car. For this reason, these benefits would not overcome the harm that would arise from its inaccessible location.

Planning Balance

18. Recent appeal decisions² have indicated that the Council cannot currently demonstrate a five year supply of deliverable housing sites. On this basis, paragraph 11 of the Framework which sets out a presumption in favour of sustainable development would apply.
19. There would be some limited social, economic and environmental benefits from the provision of one additional dwelling. However, the environmental harm I have identified through reliance on the private car due to the inaccessibility of the location outweighs these limited benefits.
20. I have not assessed the effects of the proposal on the protected habitats sites for reasons set out above. However, even if I were to find that mitigation could be provided in this regard which would avoid harm to the protected habitats sites, this would be a neutral factor in the balance.

² APP/Z3825/W/21/3266503, APP/Z3825/W/20/3257700, APP/Z3825/W/21/3269125

21. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

Conclusion

22. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR