



Appeal Decision

Site visit made on 24 April 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/Z3825/W/22/3295542

Blanches Farm Bungalow, Littleworth Lane, Partridge Green RH13 8JF

- 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 S Simmons against the decision of Horsham District Council.
 - The application Ref DC/21/2635, dated 25 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is the erection of two dwellings on land to the north of Blanches Farm Bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposed development on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site;
 - b) the effect of the proposal on the character and appearance of the area; and
 - c) whether the site is a suitable location for housing, having regard to its accessibility to services and facilities.

Reasons

European sites

3. The appeal site falls within the Sussex North Water Supply Zone. Natural England has raised concerns over the impact of groundwater abstraction on a number of designated sites which include the Amberley Wild Brooks Site of Special Scientific Interest (SSSI) and Pulborough Brooks SSSI. These form part of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site. These 'European sites' are legally protected for their wintering birds, wetland habitats, a rare snail species, invertebrates and several rare and uncommon aquatic and wetland plants.
4. Natural England is undertaking work to establish the condition of the SSSIs that make up the European sites. However, based on water levels, the present indication is that the sites' condition is Unfavourable. Some areas have been shown to be linked hydrologically to a layer of rocks from which water is currently being abstracted, and in other locations the hydrological link cannot be

ruled out. Consequently, it is impossible to eliminate the possibility that the existing public water supply abstraction within the Supply Zone is having an adverse effect on biodiversity. Any further development which requires an increase in water abstraction would be likely to have an adverse impact on the European sites. This includes modest developments such as that proposed, due to their in-combination effects with other plans and projects.

5. Natural England is working in partnership with relevant authorities to develop a strategic long-term approach, but in the interim its advice is that schemes may only proceed where it can be demonstrated that they would be water neutral – in other words the proposed development should not result in a net increase in water consumption from the public supply.
6. The proposal would lead to an increase in water usage from the occupation of the dwellings. The appellant has not provided any details of how water neutrality would be achieved. Furthermore, I have seen no evidence to indicate that substantive progress has been made on finding a strategic solution.
7. The proposal is likely to have a significant effect on European sites and an appropriate assessment would therefore be needed prior to planning permission being granted. This would need to demonstrate, beyond all reasonable scientific doubt, that the scheme would not adversely affect the integrity of the protected sites. On the information submitted, the proposal would not meet this high evidential bar. Since I cannot be certain that harm would not arise, there would be conflict with Policy 31 of the Horsham District Planning Framework (2015) (HDPF) and paragraph 180 of the National Planning Policy Framework (the Framework) which seek to protect the biodiversity of the European sites. The provisions of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 have not been met, and this is fatal to the appeal.

Character and appearance

8. The site is situated in the hamlet of Littleworth to the north of Partridge Green. This is a linear settlement, with housing extending along both sides of the main street and additional ribbon development in Mill Lane. Littleworth Lane features a range of garden sizes, with some of the detached properties occupying spacious plots. However, the built form is mostly continuous. The site represents one of the few gaps, comprising a paddock behind a dense roadside hedge. There are glimpses of the land across the frontage of Blanches Farm Bungalow when travelling northwards, but the site is not prominent in the street scene.
9. The proposed dwellings would be modest, single-storey structures, not dissimilar in scale to other bungalows in the hamlet. They would be well-spaced and would occupy good sized plots. The retained hedge along the site frontage would mostly screen the development in views from Littleworth Lane, but from where it is visible, the scheme would read as a natural addition to the hamlet. The Council contends that the development would encroach on the countryside and suburbanise the immediate setting. However, the rear gardens would be shallower than other plots on this side of the lane and the bungalows would have a close visual and physical relationship with surrounding built form. I do not consider that the development would be harmful to the local landscape.
10. The Council argues that the proposal would reduce the open and spacious character that defines the gap between the built-up area of Partridge Green to the south and Littleworth to the north. The maintenance of the separate

identities of these settlements is identified as a strategic objective within the West Grinstead Parish Neighbourhood Plan (2021) (WGNP). Policy 1 of the WGNP designates a Local Gap which comprises a block of agricultural land on the west side of Littleworth Lane, bounded by Mill Lane to the north, the B2135 to the west and the built-up area of Partridge Green to the south. The appeal site lies outside of the Local Gap, and it follows that it is not important to achieving the objective of maintaining settlement identity. Policy 1 of the WGNP has no bearing on this case.

11. Overall, I conclude that the proposal would complement the character and appearance of Littleworth and cause no material harm to the countryside or landscape interests. There is no conflict with Policies 25, 26, 32 and 33 of the HDPF, which jointly seek to ensure that new development integrates with its surroundings by, amongst other things, respecting landscape character.

Accessibility to services and facilities

12. The site lies outside of the built-up area boundary of any settlement, and it is therefore in the countryside for the purposes of applying development plan policy. Policy 26 of the HDPF restricts development in the countryside to that which is essential to its countryside location. The proposal is not being advanced as supporting the needs of agriculture or forestry and there is no overriding justification for market housing in this location. As such, there is conflict with Policy 26, and with the provisions of Policy 4 to restrict settlement expansion to allocated sites adjoining an existing settlement edge.
13. Notwithstanding the above, the Council is unable to demonstrate a five-year supply of deliverable housing sites. The Annual Monitoring Report for 2020/21 calculates supply at 4.0 years, and I have seen no evidence to suggest that the position has improved. The conflicts with HDPF Policies 4 and 26 therefore attract limited weight. The pressing need for new homes means that the location outside of settlement boundaries is not a determinative factor in this appeal.
14. Although outside of the built-up area boundary, the site is located close to the settlement of Partridge Green. This is identified within Policy 3 of the HDPF as a 'Medium Village' which is acknowledged to have a moderate level of services and facilities and community networks, together with some access to public transport. The site is 500m from Jolesfield Primary School and it is not much further to shops and facilities, and employment opportunities in the High Street. There is also a regular bus service along Littleworth Lane, serving the higher order centres of Horsham, Henfield and Brighton. Overall, I am satisfied that occupants of the proposed dwellings would have reasonable access to services and facilities; the location would not be a reason to dismiss the appeal.

Other Matters

15. The officer report refers to the lack of information on protected species and biodiversity enhancement. This is not a reason for refusal, but it does not alter my conclusions on the main issues in any event.

Planning Balance and Conclusion

16. The absence of a five-year supply of deliverable housing sites engages paragraph 11 d) of the Framework. This indicates that where the requisite land supply cannot be demonstrated, permission should be granted unless i. the application of policies in the Framework that protect areas or assets of

particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

17. Footnote 7 of the Framework confirms that the policies referred to under the first limb include those relating to habitats sites (also known as European sites) and SSSIs. Given my findings on the first main issue, the proposal would not qualify as sustainable development and the tilted balance in the second limb of Framework paragraph 11 d) would not apply. The conflict with HDPF Policy 31 carries significant weight, given the overriding importance of the Habitats Regulations, and this brings the scheme into conflict with the development plan taken as a whole. The social and economic benefits of delivering two small dwellings do not justify a decision otherwise than in accordance with the development plan.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR