



Appeal Decision

Site visit made on 25 May 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal Ref: APP/Z3825/W/22/3295552

Land at Stonepit Lane, Henfield, West Sussex BN5 9QU

Grid Ref Easting: 520130, Grid Ref Northing: 116245

- 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 L Chapman against the decision of Horsham District Council.
 - The application Ref DC/21/2490, dated 5 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is: Construction of detached, two-storey, five-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is a suitable location for the proposed development, with regard to the development plan;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.

Reasons

Location

3. It is proposed to erect a dwelling at the appeal site, which has been described as 110 metres outside the Henfield village boundary. Notwithstanding its proximity to that boundary, the appeal site is in a rural area, located outside the built-up areas defined by the Horsham District Planning Framework (2015) (HDPF). It is therefore within the countryside.
4. Policies 2 and 3 of the HDPF seek to focus development to existing built-up areas within existing towns and villages in accordance with an identified settlement hierarchy. This is to maintain the district's unique rural character and settlement pattern whilst ensuring that the needs of communities are met through sustainable growth and suitable access to services and local employment, amongst other things.

5. Development outside built-up areas is supported by Policy 4 of the HDPF where 5 criteria are met. The first criterion is that the site should be allocated for development in the Local Plan or in a Neighbourhood Plan and adjoin a settlement edge. Policy 26 of the HDPF also applies to development outside built-up areas, requiring development to be essential to its countryside location, amongst other things.
6. The relevant Neighbourhood Plan is the Henfield Neighbourhood Plan 2017 – 2031 (HNP), which was 'made' on 23 June 2021. Policy 1 of the HNP supports developments outside the built-up area where they conform, as appropriate to their location in the neighbourhood area, to national and local policies in respect of development in the countryside.
7. The appeal site is not allocated for development in the HDPF or the HNP and the proposal would not be essential to its countryside location. In the context of the development plan, the appeal site would not be a suitable location for the proposed development, as it would conflict with Policies 2, 3, 4, and 26 of the HDPF and Policy 1 of the HNP, the requirements of which are set out above.

Character and Appearance

8. The appeal site is a former stone quarry which has since been infilled, with raised levels along its southern boundary. It is skirted by trees and has an extensive area of hardstanding. Its northern boundary is marked by split-rail fencing and a five-bar gate.
9. Stonepit Lane is a narrow, undulating, and partially unmade highway which links up with public rights of way. It is lined with hedgerows and trees and serves a small number of houses¹, what appear to be former farm buildings, and a horticultural nursery. These form small clusters of buildings separated by wide open spaces. A housing development of 172 units has recently been constructed immediately to the east of Stonepit Lane. Restricted glimpses of that development can be seen along the western end of Stonepit Lane. Open fields border Stonepit Lane in other directions.
10. Notwithstanding partial views of the housing development to the east and the presence of some large dwellings on Stonepit Lane, the appeal site's surroundings are distinctly rural in character and appearance. Thick planting either side of the lane and the undulating landscape create an intimate environment which is remote from the suburban edges of Henfield to the east.
11. There is little evidence before me as to the lawful use of the appeal site, and I note planning permission has previously been granted for the erection of a tool/feed store². The appeal site appeared to be in use at the time of my site visit for the parking of a vehicle and the siting of skips and storage containers, amongst small piles of waste material. The appeal site therefore currently has the appearance of an untidy low-scale commercial operation, which causes a moderate level of harm to the character and appearance of the area.
12. The proposed dwelling would be 2 storeys in height and of contemporary design with pitched and flat roofed sections. It would be finished in a mix of brickwork, timber and zinc cladding and would be served by a wide driveway bounded by a wall and sliding gate to the front. Planting is proposed along the

¹ Including Flocktons House, to the west

² The Council's ref: HF/63/98

remainder of the front boundary and around the proposed driveway within the appeal site.

13. In contrast to the current state of the appeal site, the proposed introduction of a substantial dwelling and driveway with formalised boundary treatment would have a significant harmful impact on the pleasant and rustic characteristics of the area. The proposal would not represent a modest and appropriate addition to Stonepit Lane.
14. Although the proposal would be experienced as one of a few large houses in the area, it would have a disruptive suburbanising impact on this country lane by partially infilling the generous separation space between Flocktons House and the nursery. This would be contrary to the prevailing pattern of development in the area. The scale of the proposed building and the expanse of proposed hard surfacing would be clearly visible along Stonepit Lane, even if existing boundary trees were retained behind proposed planting either side of the proposed boundary wall and gate.
15. As a former stone quarry, there are few natural landscape features within the appeal site other than trees. Most of these would be retained and those which would be removed³ are not significant features in the landscape. A mature Oak tree⁴ which makes a positive contribution to the character and appearance of the area is close to where the proposed driveway would be located. The location and spread of that tree in relation to the proposed driveway would likely result in pressure to heavily prune and/or fell that tree, which would cause further harm to the rural character and appearance of the area.
16. The proposed development would therefore cause significant harm to the character and appearance of the area. This would conflict with Policies 25, 26 and 33 of the HDPF and Policies 10 and 12 of the HNP. These require, amongst other things, development to be of high quality design which respects the undeveloped nature of the countryside and existing patterns of development, and to be of a scale and appearance which relates sympathetically with its surroundings.

The SAC, SPA, and Ramsar Site

17. The SAC, SPA and Ramsar site are designated as European Sites, as defined in the Habitats Regulations⁵, for their nature value. I have not been provided with sufficient information which clarifies the species of flora and/or fauna those sites support.
18. The appeal site is located within the Sussex North Water Supply Zone (SNWSZ). Natural England has advised⁶ that as it cannot be concluded that existing water abstraction within the SNWSZ is not having an impact on the SAC, SPA and Ramsar site, any new development within the SNWSZ must not add to any such impact. One way of achieving this would be to demonstrate water neutrality.
19. The appellant has not provided any details relating to the anticipated water needs of the proposal, or how these would be met. Instead, it has been

³ Tree numbers 10 and G2 identified in the Tree Survey Schedule by David Archer Associates, dated June 2021

⁴ Tree number 1

⁵ The Conservation of Habitats and Species Regulations 2017 (as amended)

⁶ The Council's Appendix D: Natural England's Position Statement for Applications within the Sussex North Water Supply Zone: September 2021 – Interim Approach

claimed that the proposal would result in a negligible difference in water abstraction within the SNWSZ, that the Council has not demonstrated that such difference would cause significant harm to biodiversity, and that a negatively worded condition could be used to prevent the proposed development from being carried out until site specific solutions or a wider strategy to deal with water neutrality have been identified and agreed with the Council.

20. In accordance with the Habitats Regulations, it would be necessary for me as the competent authority to carry out an Appropriate Assessment to consider the effect of the proposal on the integrity of the SAC, SPA and Ramsar site, if I was minded to grant planning permission. As I have found the proposal would be contrary to the development plan in respect of the first and second main issues, there is no need for me to carry out an Appropriate Assessment unless other considerations indicate planning permission should be granted.

Other Matters

21. The Council is unable to demonstrate a 5-year housing land supply. Where this is the case, paragraph 11(d) of the National Planning Policy Framework (the Framework) explains that the policies which are most important for determining the application are deemed to be out-of-date, and that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas of particular importance, such as European Sites, 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. Policy 1 of the HDPF, which has been referred to by the Council with regard to the first main issue in the appeal, is consistent with this.
22. The proposal would conflict with the Council's strategic approach towards the delivery of housing and cause significant and long-lasting harm to the character and appearance of the area. Taking the policies of the Framework into account, I assign significant weight to that harm.
23. The proposal would contribute a family sized energy efficient and accessible dwelling towards the Council's housing land supply, on a site which has been described as previously developed land within walking distance of Henfield village centre and a short distance from the built-up area boundary of the village. It would be near to existing dwellings and the built-up area boundary, and it could be built relatively quickly. This could contribute towards maintaining the vitality of Henfield, which has a 'good range of services and facilities, strong community networks and local employment provision' and reasonable bus services⁷.
24. Paragraph 14 of the Framework states that in situations where paragraph 11(d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided 4 criteria apply. The Council has claimed that all those criteria apply in this case, but the appellant has disputed whether the third criterion is met, in the absence of further supporting evidence.

⁷ The settlement characteristics and function described by Policy 3 of the HDPF as applicable to Henfield, as a small town or larger village.

25. Even if paragraph 14 of the Framework does not apply in this instance, considering the policies in the Framework, the benefits of granting planning permission for the proposal would be modest. I assign modest weight to those benefits in favour of the proposal.
26. Taking the above and all other matters raised into account, the adverse impacts of granting planning permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development set out at paragraph 11 of the Framework does not therefore indicate planning permission should be granted for the proposal, and there is no need for me to carry out an Appropriate Assessment in respect of the third main issue in this appeal.

Conclusion

27. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that indicate planning permission should be granted. For the reasons outlined above, I conclude that the appeal should be dismissed.

L Douglas

INSPECTOR