



Appeal Decision

Site visit made on 25 April 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/Z3825/W/22/3303406

St Crispins Church, Church Place, Pulborough RH20 1AF

- 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 Jason Vince of Earlswood Homes against the decision of Horsham District Council.
 - The application Ref DC/21/1815, dated 30 July 2021, was refused by notice dated 25 May 2022.
 - The development proposed is demolition of existing buildings and redevelopment of the site to provide 7 dwellings with associated access, parking, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The Council have not provided a statement of case or any additional evidence to support the second reason for refusal, which identifies Policy 34 of the Horsham District Planning Framework¹ (HDPF). As this relates to heritage assets, I have proceeded on the basis that the Council consider the proposed scheme would have a harmful effect on the Pulborough (Church Place) Conservation Area (CA) and the Grade II listed Ramblers Rumpus Cottage The Presbytery (Broadview), hereon after referred to as the Ramblers. This is alongside harm to the character and appearance of the surrounding area.
4. As part of the appellant's evidence, a Technical Note² (technical note) related to water neutrality has been provided, which identifies the proposed offsetting location to achieve water neutrality. As this does not fundamentally alter the scheme proposed and the Council and Natural England (NE) have had the opportunity to comment, I do not feel that interested parties would be unfairly prejudiced, and I therefore have had consideration to the technical note.

Main Issues

5. The main issues are:

¹ Horsham District Planning Framework (excluding South Downs National Park) – November 2015

² Technical Note TN01: Water Neutrality Statement dated 7th July 2022

- whether or not the proposed development would affect the integrity of the Arun Valley Special Area of Conservation, Special Protection Area, and Ramsar Site (the Arun Valley sites) and;
- The effect of the proposal on the character and appearance of the area, including the CA and the setting of the nearby Grade II listed Ramblers.

Reasons

Arun Valley sites

6. The Arun Valley sites are European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). Regulation 63 prevents the competent authority from granting permission unless an appropriate assessment can show that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of European sites. For the purposes of this appeal, I am the competent authority.
7. NE³ issued a position statement regarding development within the Sussex North Water Supply Zone. The statement expresses concern about groundwater abstraction within this zone. NE is concerned that this is having a detrimental impact on the protected features within the Arun Valley sites.
8. From other appeals I am determining elsewhere in the District, I am aware that the habitat sites are home to low-lying wetland areas that offer a variety of ecological conditions, providing internationally important habitats with rich flora and fauna, invertebrates and supporting important numbers of wintering birds. As a result, within this zone, it cannot be concluded with the required degree of certainty that new development would not have an adverse effect on the integrity of the wetland sites unless it is demonstrated that the development would achieve a level of water neutrality and so avoid further pressure for water abstraction.
9. The appeal site falls within this identified zone. As such, additional water usage from new residential development would increase abstraction and contribute to adverse effects on the protected sites. On this basis, the proposal for an additional seven residential dwellings is likely to have a significant effect, which in combination with other plans and projects, would harm the integrity of the protected habitats sites.
10. The NE position statement has identified that one way to mitigate this would be for development to achieve water neutrality which is ensuring that the use of water in the supply area before the development is the same or lower after the development takes place.
11. The appellant has submitted a Water Neutrality Statement (WNS), which sets out the appellant's proposal to mitigate the adverse effect of the proposal and to achieve water neutrality. The intention is to offset water usage arising from the dwellings through internal water efficiency products and appliances with rainwater and rainwater recycling. The WNS advises that this would result in a scheme that uses between 73 and 81 litres/person/day. Further to this, the WNS goes on to state that off-site offsetting measures could be achieved via a

³ Natural England's Position Statement for Applications within the Sussex North Water Supply Zone – September 2021 Interim Approach

financial contribution to water efficiency initiatives on existing properties within the Sussex North Water Supply Zone. The technical note goes further and identifies St Gabriel's Church and Parish Hall for the proposed offsetting site.

12. In accordance with the Regulations I consulted NE, as the relevant statutory nature conservation body, and I have had regard to its representations. In this instance, NE does not consider that the proposed scheme can demonstrate water neutrality. This is because it considers insufficient evidence and justification have been provided regarding a site survey, usage patterns and visitor numbers at the proposed offsetting site at St Gabriel's Church.
13. From the details before me, there is no evidence by which to establish a baseline of past water use in the absence of metered water bills. The provided WNS on page 11 at 3.24 indicates that even with the efficiency and reduction measures proposed on site the development would not achieve water neutrality. As such, offsetting through efficiency improvements on existing dwellings and buildings is required to achieve water neutrality.
14. The appellant has indicated a willingness to provide additional offsetting that is required to St Gabriel's Church and Parish Hall. Following the completion of the offsetting measures, the figures provided with the technical note show a water surplus. However, no site survey, usage pattern or actual visitor numbers have been provided. Instead, the technical note sets out a baseline as to how these offsetting figures have been arrived at. Therefore, whilst the offsetting proposed may help reduce water consumption, I do not have the firm evidence I require to be certain that it would be sufficient to offset water usage from the proposed development.
15. Furthermore, even if the calculated figures that show water neutrality can be achieved had been supported by additional evidence, I have nothing before me to show how these offsetting measures would be secured. Off-site mitigation and water-saving methods are proposed which may help reduce water consumption. However, I do not have the substantive evidence I require to be certain that they would be sufficient to offset water usage from the proposed development. I am therefore unable to conclude that the scheme would achieve water neutrality.
16. I note the appellant's comments in relation to Policy 37 of the HDPF. Even if the proposed development limited water use to accord with Policy 37, a conflict would nevertheless still remain with HDPF Policy 31. Additionally, I have been provided with a definition of water neutrality by the appellant⁴. However, as NE are a statutory consultee and have provided a definition of water neutrality within their holding statement, I am not persuaded to take a differing view as to how this should be considered.
17. In conclusion, the proposal would have a likely significant effect on the protected Arun Valley sites and appropriate mitigation has not been demonstrated. I am therefore unable to rule out the possibility that the proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the protected sites. No alternative solution, imperative reasons of overriding public interest or secured compensatory measures have been put forward. Consequently, having regard to the Habitats Regulations, permission must not be granted.

⁴ Paragraph 3.2 of Water Neutrality Statement Earlswood Homes dated January 2022.

18. I therefore conclude that the proposed development would adversely affect the integrity of the Arun Valley sites. In light of my conclusions, Regulation 63(5) of the Regulations would preclude the proposal from proceeding. The proposal would also conflict with Policy 31 of the HDPF, which states development should be refused if it is likely to have an adverse impact on biodiversity sites unless appropriate mitigation measures are provided. It would also be contrary to the National Planning Policy Framework (the Framework) objectives for the protection of biodiversity and the conservation of the natural environment.

Character and appearance

19. The appeal site is located within the CA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. In addition, there is the Grade II listed Ramblers near the site and therefore I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
20. The significance of this part of the CA lies largely in the form, scale, detailing and materials of its historical buildings of different ages and styles. Whilst there is a variety to the architecture, many of the properties are of traditional appearance and have a degree of consistency as they are largely parallel the road with short front gardens.
21. The Grade II listed Ramblers derives its significance from its historical character and prominent position on a curve in the road along Church Place. Unlike many other buildings nearby, it is set almost adjacent to the road with a set of steps leading to the entrance, further adding to its appearance as an imposing building which draws the eye.
22. The existing church building and wider appeal site are somewhat at odds with the existing pattern and grain of development found along this section of the road in that it sits well within its boundaries away from the road and is of lower height than the surrounding two-storey properties found nearby.
23. From my observations, the existing building, given its orientation away from the road and more modern appearance, fails to share any characteristics with the position or appearance of other buildings found nearby in the CA. Given its lower height and more centralised position within the site, it makes a neutral contribution to the CA. I also note that the Pulborough Conservation Area Appraisal and Management Plan identifies the appeal building as making a neutral contribution, which reflects my findings.
24. Plots 1-5⁵ would face towards Church Place. In terms of building footprint, design and distance to the road, the dwellings on these plots would not be dissimilar to those found on some nearby properties. With regards to plot sizes, these would not provide large-sized gardens but would be of sufficient size to ensure Plots 1-5 have a spaciousness around them reflective of nearby built form. Additionally, small areas of vegetation/planting towards the front boundaries of the site would be created. These would help ensure the development reflects the close relationship with the road shared by other properties along Church Place to the junction with Church Hill.

⁵ As shown on plan ref: 01365/PL01 Revision D

25. The houses on plots 6-7 would be sited to the northern area of the site and be located to the rear of plots 1-5, facing a communal parking area. The layout of surrounding properties means that plots 6-7 would also be to the rear of the dwelling on Church Place, nearest plot 1 and the Hermitage, a dwelling located on the adjoining cul-de-sac. Whilst not a common feature of the surrounding area, both plots 6 & 7 would incorporate open-sided carports to the side.
26. Whilst located at what could be considered the rear of the site, the dwellings on plots 6 & 7 would be set well in from the adjacent boundaries with landscaped front gardens and parking. These plots would also provide well-sized gardens to the rear. Given the position of these plots and the position of plots 1-5 and nearby properties, visibility into the back of the site would be glimpsed views from along Church Place. When viewed from the access on the cul-de-sac and communal parking areas, the layout and spaciousness around these two plots would ensure the development would not appear unduly cramped either in combination with the proposed scheme or existing built form nearby. As such, a visual sense of openness would remain around the appeal site.
27. Furthermore, there is some variety in the appearance of nearby dwellings such that the introduction of a new style of dwelling would complement the existing character of the area.
28. The proposed development would reinforce the characteristics of the CA, namely dwellings located close to the road and generally of two storeys. The scheme would not have a significantly greater presence when viewed from within the CA but respect the existing pattern of development along Church Place and the wider CA. Additionally, the proposed dwellings on plots 1-5, which would be closest to the Grade II listed Ramblers, would be of similar scale and constructed of materials found nearby. As such, I find that there would be no harm to the setting of this listed building.
29. For the purposes of the Framework, the CA and listed building are designated heritage assets. Within the overall context, I consider that the proposed scheme would, given the building it replaces, and the location and style of dwellings proposed, preserve the character and appearance of the CA and the setting of the nearby listed building.
30. For these reasons, the development would not harm the character and appearance of the area, including the CA and the setting of Grade II listed Ramblers. In these regards, it would comply with Policies 32, 33 and 34 of the HDPPF. Together these seek, amongst other things, development is of a high quality and inclusive design which respects the character of the area and sustains and enhances the historic environment. The proposal would also accord with the provisions of the Framework in regard to conserving and enhancing the historic environment and development being sympathetic to local character and history.

Other Matters

31. The appellant asserts that should the scheme be allowed, it would provide a contribution in the form of payment through The Community Infrastructure Levy (the levy). However, as the levy is used to help deliver the infrastructure needed to support development such as the scheme proposed this is a neutral matter that does not weigh in favour of the proposed scheme.

32. I acknowledge that a number of letters of support have been received setting out the benefits of the proposed scheme, which I discuss in more detail below.
33. I have had regard to other matters raised by interested parties, which include matters related to the neighbourhood plan, drainage, parking, living conditions of existing occupiers, access rights and traffic. However, as I am dismissing the appeal for the reasons set out, I have not pursued these matters further.
34. Had I been minded to approve the proposed development, it would have been necessary for me to ensure the proposal would not adversely affect the integrity of The Mens and Ebernoe Common SAC. However, as I am dismissing the appeal, there is no need for me to consider the implications upon it further because the scheme is unacceptable for other reasons.

Planning Balance

35. The Council cannot demonstrate a 5-year land supply for housing. Where this is the case, paragraph 11(d) of the Framework deems the policies most important for determining the appeal 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.
36. The application of policies in the Framework, insofar as they relate to habitat sites based on my findings above, therefore provides a clear reason for refusing the development proposed. The proposal does not therefore benefit from the presumption in favour of sustainable development. The proposal would nonetheless re-use an unallocated brownfield site making a small contribution towards the Council's housing stock in an accessible location close to shops and services with the new dwellings being built to modern efficiency standards. However, given the scale of the proposal, this would not outweigh the harm identified for the reasons set out in the first main issue.

Conclusion

37. I have found that the proposal would not harm the character and appearance of the area. However, the proposal fails to demonstrate that it would achieve water neutrality and I am therefore unable to conclude that it would not adversely affect the protected Arun Valley sites.
38. For this reason, the appeal cannot succeed, and I therefore conclude that the appeal is dismissed.

A Hickey

INSPECTOR