



Appeal Decision

Site visit made on 15 August 2023

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2023

Appeal Ref: APP/Z3825/W/22/3308170

Bonwyks Lodge Farm, Ifield Wood, Crawley RH11 0LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Arthur against the decision of Horsham District Council.
 - The application Ref DC/21/2072, dated 6 September 2021, was refused by notice dated 12 August 2022.
 - The development proposed is erection of a building to provide 4 no. Class B2/Class E (g) commercial units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought but with access, appearance, layout and scale to be considered at this stage. Matters relating to landscaping are reserved for future consideration. I have determined the appeal on this basis.
3. The description of development on the application form referred to Class B8 units. Therefore, I have taken the description from the decision notice and appeal form as this provides a more up to date and accurate description.

Main Issue

4. The main issue is the effect of the proposed development on the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site.

Reasons

5. The Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites are habitats sites that have a high level of protection. They are designated because they support rare and diverse plant, invertebrate and bird assemblages.
6. The appeal site is within the Sussex North Water Supply Zone. Natural England have advised the Council that it cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley sites. And that developments within this area must not add to this impact. One way of achieving this is to demonstrate water neutrality which means that the use of water in the supply area before the development is the same or lower after the development is in place.
7. The Appellant has sought to demonstrate this through a water neutrality report, and I have used these figures for the purposes of this appeal. The report is on the basis that the existing stables on site accommodate 10 horses.

This would result in water usage of 350 litres per day. The 5 existing commercial units on site are estimated to use 72.1 litres per day. The report does not include any information regarding existing water use for water troughs and any previous decrease in water usage would not alter the current baseline. The report states that the proposed commercial units would use 129.78 litres per day.

8. The appeal site is a disused equestrian sandschool, which was previously used in association with the adjacent stables. These stables are not currently in use for stabling horses and the information before me states that this use ceased as it did not sit kindly with the industrial units. Conversely the appellant's submissions also state that if the appeal is dismissed, a livery use would recommence. However, as set out above, this is stated to be incompatible with the current uses on site. Therefore, based on the submitted evidence I am not satisfied that it would be likely that the stables would be used for livery with 10 horses in future and, importantly, the site is not in this use currently.
9. Natural England have also commented that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity and that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.
10. Consequently, I am not provided with a baseline figure that enables me to conclude that the use of water in the supply area before the development would be the same or lower after the development is in place. As such, although the impact from 4 commercial units would be small, when combined with other plans and projects the proposal is likely to have a significant effect on the internationally important interest features of the protected sites.
11. In such circumstances, the Conservation of Habitats and Species Regulations 2017 therefore require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA).
12. The appeal scheme would introduce 4 new commercial units, with their associated water usage to this site. This would increase abstraction within the Sussex North Water Supply Zone and consequently the development would contribute towards increased deterioration of the integrity of the Arun Valley sites.
13. I am not provided with any details of a collective water neutrality strategy, nor a mechanism to secure any mitigation for the adverse effect on the interest features of the SAC, SPA and Ramsar site from this scheme. The appeal is for 4 commercial units and therefore there are alternative solutions, for example a provision outside the Sussex North Water Supply Zone which would have a lesser effect on the integrity of the site. Consequently, there would be a significant effect on the interest features of the site, and I cannot be certain that there would be no adverse effect on the integrity of the SAC, SPA and Ramsar site.
14. Consequently, there would be an adverse effect on the Arun Valley SAC, SPA and Ramsar sites contrary to Policy 31 of the Horsham District Planning Framework (2015) which requires that where development is anticipated to have a direct or indirect adverse effect on sites for biodiversity development will be refused unless appropriate mitigation is provided or the need for the

development outweighs this harm, and that SPA and SAC sites are afforded particular consideration.

Other Matters

15. The decision must be made in accordance with the circumstances at the time of the decision, not the submission of the application. Therefore this main issue is directly relevant to the appeal scheme. I am not provided with any detail of the application reference DC/22/0553. Nevertheless, it is clear that the issue of water neutrality is relevant to this appeal scheme, and as such I must consider water usage in my decision.

Conclusion

16. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR