



Appeal Decision

Site visit made on 3 July 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/Z3825/W/22/3307114

Oldfield Cottage, Fryern Road, Storrington RH20 4BJ

- 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 Paul Jefford against the decision of Horsham District Council.
 - The application Ref DC/21/2168, dated 19 September 2021, was refused by notice dated 4 April 2022.
 - The development proposed is described on the application form as, "to build a new single dwelling family home".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Differing to the description of development in the banner header above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Erection of a two storey dwelling". I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms.

Main Issues

3. The main issues are:
 - whether the appeal site would be a suitable location for new housing, with particular regard to the settlement strategy for the area;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on habitats sites, with particular regard to water abstraction levels for the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites.

Reasons

Location

4. The appeal site comprises a field which is located adjacent to Oldfield Cottage on Fryern Road. The site is part of a small number of existing properties and buildings which are found nearby on Fryern Road, which are set apart from the settlement of Storrington.
5. Paragraph 3.22 of the Horsham District Planning Framework (excluding South Downs National Park) (adopted November 2015) (HDPF) provides that, amongst other things, the spatial strategy seeks to retain the existing

settlement pattern and ensure that development takes place in the most sustainable locations as possible.

6. Policy 2 of the HDPF, described in the HDPF as an overarching policy, provides that, amongst other things, the spatial strategy is to focus development in and around the key settlement of Horsham, and allow for growth in the rest of the district in accordance with the identified settlement hierarchy. The development hierarchy is set out in Policy 3 of the HDPF which provides that, amongst other things, development will be permitted within towns and villages which have defined built-up areas.
7. The appeal site is located outside of a built-up area boundary. Being a site in the countryside, the requirements of Policy 4 of the HDPF are applicable, which contains a number of criteria which must be fulfilled for development in such areas to be supported.
8. As the site is not allocated in the Local Plan or in a Neighbourhood Plan and does not adjoin an existing settlement edge, the proposal conflicts with criterion 1. of Policy 4. As the proposed dwelling would not be essential to its countryside location, conflict also arises with Policy 26 of the HDPF.
9. It is clear, then, that whilst the proposal would not create an isolated home in the countryside in the terms of paragraph 80 of the National Planning Policy Framework (the Framework), proposal would conflict with the Council's spatial strategy for development in the area. The Framework provides at paragraph 15 that, amongst other things, the planning system should be genuinely plan-led, and accordingly this policy conflict is of significant importance.
10. The site forms part of a small grouping of existing properties and other buildings. Storrington is listed in the HDPF as being a settlement with a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and / or bus services.
11. Although the site is approximately less than a mile away from Storrington Village centre, no site-specific details or information has been provided for any bus services (such as the destinations and frequency of any bus services, for example) which might provide access to Storrington or any other settlements. Moreover, I observed that Fryern Road in the vicinity of the site has no footway or street lighting, which would likely cause difficulties for pedestrians accessing any bus services, particularly during the night-time.
12. On this basis, although I am mindful of paragraph 105 of the Framework which provides that, amongst other things, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and paragraph 79 of the Framework seeks to promote sustainable development in rural areas, it appears from the limited information supplied that the site's location does not offer convenient access to services and facilities by sustainable modes of transport, including those which would potentially meet the day-to-day needs of the future occupiers of the proposed dwelling.
13. I therefore find that the appeal site would not be a suitable location for new housing, with particular regard to the settlement strategy for the area. The proposal would conflict with Policies 2, 3, 4, and 26 of the HDPF, the relevant parts of which have been set out above.

Character and appearance

14. The site is an undeveloped agricultural field, situated amongst a small cluster of buildings located off Fryern Road within a wider rural area. The wider plot of land within which the site sits is heavily screened by trees and hedgerow to the south, west, and east, with Oldfield Cottage and associated buildings to the north obscuring views of much of the site from that direction.
15. The proposal would involve the removal of an area of hedgerow on site for the construction of a new accessway. However, this accessway would link up with the existing access to Oldfield Cottage, meaning that views into the site would not be opened up by any meaningful degree.
16. Considering the above, whilst the proposal would result in an increase in activity on an open and undeveloped site in a rural location, given the highly secluded nature of the site and that only one residential unit is proposed, on balance I consider that the proposal would not harmfully impact on the character and appearance of the area.
17. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the area. No conflict would arise with Policies 25, 32, and 33 of the HDPF which collectively provide that, amongst other things, development will be expected to complement locally distinctive characters and heritage of the district.

Protected habitats

18. The site is within the zone of influence for the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites. The Council has raised concerns that insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of these internationally designated sites by way of increased water abstraction.
19. Natural England's Position Statement Interim Approach (September 2021) advises that plans and projects affecting sites where an existing adverse effect is known must demonstrate certainty that they will not contribute further to the existing adverse effect on the internationally designated sites. Accordingly, as the competent authority, it is incumbent upon me to undertake an Appropriate Assessment in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). Mitigation measures and their effectiveness must also be taken into account.
20. The appellant has submitted a Water Neutrality Report¹ (the Report) and has provided comments in relation to hydrogeology. The Report concludes that, on implementation of the suggested measures, the site would become water neutral.
21. However, a key part of the strategy detailed in the Report is the installation of a borehole within the boundaries of the site. The Council's Water Neutrality FAQs provides that, amongst other matters, private boreholes are capable of providing a suitable source of water (potable and non-potable) to achieve water neutrality, however a significant level of survey work will be required to

¹ CGS Civils (18 July 2022)

support any proposal, both before any planning permission is granted and before first occupation of any property.

22. Taking account of the comments submitted from B. A. Hydro Solutions Ltd, much of the information and data required as set out in the Council's Water Neutrality FAQs has not been provided. This includes a water quality assessment (based on nearby borehole evidence if present), including anticipated levels of contaminants and the measures to ensure potable water quality will be secured, and details of the Source Protection Zone around the borehole including a map/plan of the zone, a list of properties with land within the zone, a list of all the activities restricted within the zone, and how occupiers will be notified of these restrictions in the event permission is granted.
23. Given the lack of information and data supplied in relation to the requirements of the Council's Water Neutrality FAQs, it has not been adequately demonstrated that any private borehole on site would be capable of providing a suitable source of water to contribute to achieving water neutrality, and thereby avoiding adverse effects upon the internationally designated sites.
24. Given the lack of certainty at this stage as to whether the proposed development would achieve water neutrality, and therefore whether the impacts of the proposed development on the internationally designated sites can and would be mitigated, it would not be appropriate for planning conditions to be imposed to require compliance with the Report.
25. The letter referred to by the appellant from the Environmental Services team relates to the Environmental Impact Assessment aspect of the appeal only, rather than an assessment under the Habitats Regulations, and therefore does not change my findings.
26. In concluding my Appropriate Assessment, I find that it has not been demonstrated that there would not be adverse effects on the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites with particular regard to water abstraction levels arising from this proposal when considered in combination with other development. It follows that the proposal would not comply with the Habitats Regulations and s40 of the Natural Environment and Rural Communities Act 2006 (as amended).
27. The proposal would conflict with part 4 b) of Policy 31 of the HDPF which provides that, amongst other things, where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that the reason for the development clearly outweighs the need to protect the value of the site and that appropriate mitigation and compensation measures are provided.

Other Matters and Planning Balance

28. The finding on the second main issue above, that the proposed development would have an acceptable effect on the character and appearance of the area, is a neutral matter, which does not weigh in favour of the proposal.
29. The proposal would result in the creation of one new family-sized dwelling, which would provide a valuable contribution to both the Government's objective of significantly boosting the supply of homes, and the Council's housing supply, in the context of the Council's absence of a 5-year supply of deliverable housing sites.

30. The proposal would enable the appellant's family to assist in the upkeep of the surrounding farmland, including help with livestock, and to be nearby to assist in the care and support of a family member. Few details have been provided to illustrate the wider benefits of the proposal in this regard, and as these benefits would be partially private in nature, they have been given limited weight in favour of the proposal.
31. Although the proposal would in principle make an efficient use of land, considering my findings on the first main issue the proposal would not comply with paragraph 124 c) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as the scope to promote sustainable travel modes that limit future car use.
32. It is intended that the proposed dwelling would incorporate sustainable construction methods, with an eco-friendly design which would provide energy and water savings methods on site.
33. The proposal would provide work for construction professionals, including potentially generating employment opportunities locally, and would provide economic benefits through the use of construction-related services and suppliers. These benefits would be constrained by the limited duration of any construction works.
34. The future occupiers of the proposed new dwelling would likely provide an economic and social contribution to the local area by way of using local services and facilities.
35. The various benefits summarised above would necessarily be restricted by the limited quantum of development, resulting in no more than moderate weight in favour of the proposal. Planning harm has been identified with respect to the appeal site not being a suitable location for new housing, and it not being demonstrated that there would not be adverse effects on habitat sites. In combination, these harms, which would conflict with the need for the planning system to be genuinely plan-led and for the natural environment to be conserved, would be considerable, resulting in significant weight in opposition to the proposal.
36. Overall, as a matter of planning judgement, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified. The proposal would conflict with the development plan when considered as a whole, including Policy 1 of the HDPF which seeks to secure development that improves the economic, social and environmental conditions in the area.
37. The Council lacks a 5-year supply of deliverable housing sites, which means that the policies which are most important for determining the appeal are deemed to be out-of-date in accordance with paragraph 11 d) of the Framework. However, as described above, the benefits of the proposal are not sufficient to outweigh the harm identified to the relevant habitats sites. Taking account of the requirements of paragraph 11 d) i. of the Framework (including footnote 7 of the Framework), the application of policies in the Framework that concern habitats sites provides a clear reason for refusing the proposed

development. It follows that the proposal would not benefit from the presumption in favour of sustainable development.

38. I therefore find that none of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

39. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR