



Appeal Decision

Site visit made on 9 October 2023

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 18TH October 2023

Appeal Ref: APP/Z3825/W/22/3312093

Hoes Farm, Cowfold Road (A272), Shipley, Horsham RH13 8PF

- 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 T Mordaunt, Platinum Ambulance Service, against the decision of Horsham District Council.
- The application Ref DC/22/1204, dated 27 June 2022, was refused by notice dated 22 August 2022.
- The development proposed is retention of an ambulance station and parking areas.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site includes a compound with office space, staff facilities and storage grouped in one corner. Immediately in front of these is a yard area enclosed by fences used for parking and servicing of ambulances. The Platinum Ambulance Service began on a smaller scale in the compound either around October 2011 or sometime between 2012 and 2018.
3. The Service has expanded significantly including merging with another similar company retaining those jobs. It now provides 999 emergency frontline services across the south of England for NHS ambulance trusts as well as a full range of private ambulance services for individuals, businesses and event medical support. Between 2018 and 2022 parking commenced on a further area of land to the south of the original compound.
4. Whilst the use clearly is taking place, and has done for some time, there is insufficient evidence to substantiate the date of commencement or to confidently conclude that it is lawful.
5. The main issues for this appeal are: whether the site is an appropriate location for the appeal scheme taking into account local and national spatial planning policy; the effect on the character and appearance of the area; the effect on the living conditions of nearby residents; and the effect on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area, and Ramsar Site (the Arun Valley sites).

Reasons

Spatial Strategy

6. The appeal site is a significant distance from any built-up area boundary and is in the countryside for planning policy purposes. Offices, staff facilities and parking and servicing of ambulances do not have an essential need to be in the

countryside. These are not uses that contribute to sustainable farming enterprises or promote countryside recreation and enjoyment as envisaged in Policy 10 of the Horsham District Planning Framework (HDPF). The location is convenient for access to major roads and is efficient and practical for the Service. However, this in itself does not justify this countryside location given the wide area over which services are provided. There may well be other more policy compliant sites with equally convenient access.

7. Access is from the A272 via a drive which also serves Hoes Farmhouse and Hoes Farm Cottages and is a public right of way. There are no footpaths or streetlights along this part of the A272. It is some considerable distance to the relatively few services or public transport options available in Coolham. Staff rely predominantly on the private vehicle for journeys to work.
8. The appeal proposal therefore conflicts with those parts of the spatial strategy set out in Policies 1, 2, 10 and 26 of the HDPF which seek to direct development to the most accessible locations, to protect the countryside from inappropriate development and to reduce reliance on the private vehicle.
9. HDPF Policies 2(8), 7 and 10, and Policy CO2 of the Shipley Parish Neighbourhood Plan and the National Planning Policy Framework (the Framework) together support small scale employment and the reuse of existing buildings and previously developed land. However, whilst the original compound may amount to previously developed land there is no evidence to indicate the land to the south was previously developed.
10. For the above reasons I conclude that the appeal site is not an appropriate location for the appeal scheme in this case due to the conflict with local and national spatial planning policy as identified above.

Character and Appearance

11. The appeal site is within the G4 Southwater and Shipley Wooded Farmlands Landscape Character Area (the G4 Area) whose key characteristics include a gently undulating, strongly wooded landscape, with many woods and fields interspersed with small hamlets and isolated farms with noticeable traffic noise along the main routes. Hoes Farm has a character typical of the G4 Area and the noise from the A272 is noticeable.
12. The appeal site is a compound enclosed by wooden fences and hedges well set back from the main highway but adjoining the public right of way along the drive. The immediate environs are the woods, fields and manege of Hoes Farm.
13. The single storey, relatively small, structures occupy part of the original compound. This is relatively well enclosed and concealed from most views by wooden fences trees and hedges. There are views into it through the wide gateway and parts of the rear timber walls of some of the structures are visible from the access and public right of way. The structures are not overly dominant or intrusive or significantly different than many farmyards or commercial premises in rural locations. Nor is the parking of vehicles unexpected in the countryside and the parking areas are informally surfaced and well screened. They do not cause undue harm to the appearance of the countryside.
14. The site operates with shifts 24 hours a day 7 days a week and the evidence indicates there are currently 8 ambulances. The Transport Statement calculates the Service generates/will generate approximately 112 daily two-way trips.

This is based on 40 staff driving to and from the site (80 trips) and 8 ambulances making 2 journeys per day between 7:00am to 19:00pm (32 trips). Outside of this time, ambulance vehicle movements are stated to be lower and more infrequent but little information is forthcoming in this respect. The application form proposes 26 car parking spaces and 17 ambulance spaces. These are shown on the indicative plan at Appendix B of the Traffic Statement although each space would not be independently accessible at all times.

15. The level of vehicular activity arising from 8 ambulances and the associated staff is more intensive than might be expected along a drive serving a farm and which is a public right of way away from a main highway. Such frequent comings and goings detract from the peaceful enjoyment of such a countryside location and the ambulances, with their distinctive bright colours, stand out as a discordant note in this rural landscape. Should planning permission be granted there would be nothing to prevent the Service expanding to accommodate more ambulances, as is strongly indicated by the application form and the Indicative Parking Bay Markup. This would further detract from the peaceful countryside character.
16. The appeal scheme would not exacerbate harms identified as key issues in the G4 Area such as pressure for development around Southwater, urban features near the A24, conifer planting or pylons. However, this is to be expected of all developments and does not particularly count in favour of the scheme.
17. I conclude the effect of frequent vehicle movements associated with the Service have a harmful effect on the character of the area. This conflicts with Policies 24, 25, 32 and 33 of the HDPF which seek high quality design of an appropriate scale and nature that protects, preserves and enhances the landscape of the District.

Living Conditions

18. Numbers 1 and 2 Hoes Farm Cottages front the A272. Their parking area is accessed from the drive. They are separated from the drive by a small area of overgrown land enclosed by hedges. It is stated that these dwellings are in the same ownership as the appeal site but land in the same ownership or control as the appellant is not edged blue on the plan.
19. The traffic noise from the A272 is noticeably intrusive around the Cottages and to a lesser extent further along the drive. However, the Service adds additional noise and disturbance through vehicle movements to the rear of those properties, including at night-time, when residents could expect peaceful enjoyment of their homes. This would be exacerbated if the Service and the frequency of vehicle movements increased in line with the proposed details. The Service is described in the evidence as "an emergency frontline service" which appears to contradict other evidence that the station is purely a 'make ready' collection point. However, there is no mechanism to prevent the use of sirens and blue lights which, if used, would cause further noise and disturbance.
20. In the absence of evidence to indicate otherwise I conclude the Service has a harmful effect of the living conditions of the occupiers of Nos 1 and 2 Hoe Cottages which would be likely to increase if the appeal were to be allowed. Accordingly, there is conflict with HDPF Policies 32 and 33 and the Framework require, amongst other things, high quality inclusive development that avoids

unacceptable harm to the amenity of occupiers/users of nearby property or land.

The Arun Valley Sites

21. The appeal site is within the Sussex North Water Supply Zone where Natural England (NE) have advised¹ that developments must not add to the impact of water abstraction on the Arun Valley Sites. These Sites are home to low-lying wetland areas providing internationally important habitats with rich flora, fauna and invertebrates that support important numbers of wintering birds. For proposals where increased demand for water resources is the only pathway for impacts, NE's considers that such developments without mitigation will result in a likely significant effect on the Arun Valley Sites either alone or in combination with other developments in the Supply Zone. Therefore, such developments, even where mitigation is proposed, must progress to Appropriate Assessment.
22. NE has identified that one way to mitigate the impact would be for development to achieve water neutrality. This appeal is accompanied by the Water Neutrality Statement Rev P4 dated 28 November 2022 (the WNS), which uses BREEAM water calculators², and an Existing Fittings Survey of Hoes Farmhouse.
23. The WNS is not based on actual water usage by the Service. Rather it is calculated on the basis of 5 workers on site throughout the day using the office and staff facilities. However, the planning application form gives a figure of 40 full time members of staff. Even though staff work in shifts, and even if it is unlikely there would be more than 15 members of staff on site at any given time, it is likely that the WNS significantly underestimates water demand. Whether there is any water usage that might be required for the ambulances, including any higher level of cleaning due to the Covid-19 pandemic, has not been addressed.
24. The WNS suggests demand could be significantly reduced following the fitting of water efficient devices, a water meter and rainwater harvesting and that any remaining water demand could be offset by retrofitting water efficient features in the 9 bedroomed Hoes Farmhouse. However, the water demand may have been underestimated so the offsetting proposed may not result in water neutrality. Moreover, there is no mechanism or timetable proposed to secure the proposed measures or to retain them into the future.
25. I cannot confidently conclude that water neutrality has been demonstrated or that the proposal, alone or in combination with other plans and projects, would not have a likely significant effect on the integrity of the Arun Valley Sites by way of water abstraction. As such Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prevents me from granting permission. I find conflict with Policy 31 of the HDPPF, the environmental objectives of the Framework and the Regulations in this respect.

Other Matters

26. The appeal site is within the agricultural context of the Hoes Farmhouse Grade II Listed Building. There is a significant distance and many trees between

¹ Natural England's Position Statement for Applications within the Sussex North Water Supply Zone – September 2021 Interim Approach

² Building Research Establishment Environmental Assessment Method

them. The appeal buildings are single storey and not dissimilar to structures that would be found in a farmyard. The trees and buildings separate the parking areas from the Listed Building. I find the appeal proposal has a neutral effect on the Listed Building and the setting in which it is appreciated.

27. Two proposals at Hoes Farm for a modern base with more appropriate staff facilities have not progressed. These involved substantial new buildings in countryside locations. There is no evidence that any other sites have been investigated. Even if the Service use falls within the Community Facilities, Leisure and Recreation supported on sites outside built-up areas it has not been demonstrated that the appeal site is the only practicable option and that no suitable site well-related to an existing settlement exists. Accordingly, HDPF Policy 43, gives relatively little support to the appeal proposal.
28. There are many reasons as to why objections to planning applications/appeals or complaints are not raised. Neither the absence of objections, nor the support of the Parish Council, go to the heart of the planning matters for the appeal.

Planning Balance and Conclusion

29. Local and national planning policies give broad encouragement to sustainable rural economic development particularly that which re-uses previously developed land and buildings. The Framework specifically recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, provided the development is sensitive to its surroundings.
30. Local employment and valuable, highly rated, health care and community services are provided for the local community, the wider area and internationally including in relation to the Covid-19 Pandemic. These are material considerations that weigh significantly in favour of the scheme.
31. However, it has not been demonstrated the use is lawful on the site. Activity goes beyond the re-use of previously developed land and buildings and has a harmful effect on living conditions and the peaceful character of the local area so is not sensitive to its surroundings. The proposal does not require a countryside location. The scheme is therefore not a sustainable development and does not comply with the spatial strategy. Crucially I cannot confidently conclude that water neutrality has been demonstrated. These matters significantly out-weigh the identified benefits.
32. It is not necessary for a proposal to accord with every policy within the development plan. However, in failing to comply with those Policies of the development plan set out above, the appeal scheme cannot be said to comply with the development plan taken as a whole. I find insufficient material considerations to out-weigh the conflict with the development plan.
33. For the reasons given above I conclude that the appeal should be dismissed.

S Harley

INSPECTOR