



Appeal Decision

Site visit made on 11 July 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Appeal Ref: APP/Z3825/W/22/3301126

Holmbush Manor Farm, Hayes Lane, Slinfold, West Sussex RH13 0SL

- 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 Dr Labib Fanous against the decision of Horsham District Council.
 - The application Ref DC/22/0079, dated 16 December 2021, was refused by notice dated 15 March 2022.
 - The development proposed was described as 'conversion of existing stables into a new dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a separate, cojoined appeal before me by the same appellant relating to a site near the current appeal site¹. Though for a different residential development some considerations are common to both appeals. It is subject to a separate decision and I have determined each appeal on their respective individual planning merits.
3. The description of development in the banner above is taken from the application form but the submitted plans show the stable converted to two dwellings. This was how the Council considered the application and made its decision. The appellant has referred to two dwellings in the appeal form. I have, therefore, determined the appeal on this same basis.

Main Issues

4. The main issues in this case are:
 - whether the site is an appropriate location for dwellings by conversion of an existing building having regard to local and national planning policy for residential development; and
 - the effect of the proposal on the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site having regard to water neutrality.

Reasons

1. The site contains a U-shaped stable block with internal courtyard. This building would be converted and its use changed into two single-storey semi-detached dwellings.

¹ APP/Z3825/W/22/3300138

Location

2. There is no evidence that the stable block, with capacity for 10 horses, was used for agricultural purposes in connection with the operation of Holmbush Manor Farm or a forestry enterprise. Equestrian use would therefore be previously-developed 'brown field' land (PDL) as defined in the National Planning Policy Framework (Framework)². Policies 2(8) and 33(1) of the Horsham District Planning Framework 2015 (HDPF) seek to prioritise effective use of land by reusing PDL and buildings.
3. However, the Council's development plan spatial strategy for residential development includes the objectives of HDPF Policies 2, 3, 4 and 26. These seek to meet the needs of communities through sustainable growth and suitable access to services and facilities by development within or next to the defined built-up area boundaries of villages such as Slinfold. Outside of these boundaries development could meet housing need provided, amongst other things, a site is allocated in the development plan and it adjoins an existing settlement edge. Elsewhere in the countryside development must be essential to its rural location and at least enable sustainable development of rural areas.
4. The site is in the countryside, about 350m from the defined built-up area boundary of Slinfold with no direct visual or spatial relationship to the village. As a result, it is not in this settlement nor does it adjoin the village edge. It is not allocated for development in the development plan and the dwellings would not be essential in the countryside for any reason recognised by the development plan.
5. Slinfold is a 'medium village' with a moderate level of services and facilities. While a public footpath from the site to Hayes Lane is surfaced, it is unlit, narrow, sinuous in places and is shared with vehicles, albeit likely low in frequency and speed. Hayes Lane is a reasonably 40mph main route for traffic into the village from the south. This narrow country lane has no pavements, no street lighting and grass verges are tight against hedgerows for most of its length from the footpath into the village.
6. The significant walk (about 1.5km) from the site to most of the services and facilities in the core of the village is not therefore conducive or safe for pedestrians. While some cyclists could travel to Slinfold, the occupants of the dwellings would be mainly reliant on a car to meet daily living needs. Even if this helped to enhance or maintain the vitality of Slinfold, two households (or even three taken with the cojoined appeal) would have a limited proportionate effect in these regards. There is no evidence that the dwellings would support or grow Slinfold or any other rural settlement in a significant way to meet community needs.
7. The site is near dwellings at Orchard Cottage, Holmbush Manor and Wild Harry's and some redundant farm buildings. Even if three of the farm buildings were already converted to dwellings permitted by an extant Class Q prior approval³ and permission was granted for two dwellings in this current appeal and a dwelling in the cojoined appeal, this small cluster of buildings would still be scattered or sporadic development in the countryside so not in, or form, a settlement. The Class Q prior approval should not have been determined

² Annex 2: Glossary

³ DC/21/0314 – referred to as the Stone Barn (or the Barn), the White House and the Granary

against the development plan so it does not set a precedent for the dwellings in this appeal. Nor does the cojoined appeal because it relates to a new build dwelling.

8. Taking account of all the above, even if the stable block is PDL, the site would not be an appropriate location for dwellings by conversion of an existing building having regard to local planning policy for residential development. Consequently, the proposal is contrary to HDPF Policies 2, 3, 4 and 26.

Water neutrality

9. The site is in the Sussex North Water Supply Zone (SNWSZ) and a zone of influence of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site (the European protected sites). A likely significant effect on the integrity of habitat and species in the European protected sites would occur from the proposal alone, or in combination with other development, in an area which is sensitive to increased abstraction of drinking water.
10. As the competent authority in this appeal, it is necessary for me to undertake Appropriate Assessment⁴. I have consulted Natural England (NE) who inform me that development in the SNWSZ must not add to this impact on the European protected sites. One way to do this is to demonstrate water neutrality so that use of water before the development is the same or lower after the development is in place. The appellant claims a net reduction in water demand compared to the historic use of the whole farm and on this basis considers the proposal would be 'water negative'.
11. However, NE consider that water neutrality should be calculated within the red line of the appeal site, not against the whole farm, factoring in any offsite mitigation. Moreover, that no mitigation measures have been detailed by the appellant to offset potential increased water demand. As a result, that water neutrality has not been demonstrated. In essence this is the Council's position.
12. In these circumstances the proposal would therefore significantly harm the nature conservation interests of the European protected sites so adversely affect their integrity. Consequently, it is contrary to HDPF Policy 31 which includes that development anticipated to adversely affect biodiversity sites or features must provide appropriate mitigation measures.

Other Matters

Personal circumstances

13. As well as the stable block, the farm is owned by the appellant (as is Orchard Lodge, Holmbush Manor and the Class Q buildings). It became unviable and ceased use over 10 years ago. The stable block and other buildings were not maintained or suffered unauthorised anti-social use and vandalism. The appellant has been advised by the Police to increase the number of dwellings on or near the site. I sympathise with these circumstances but there is no objective evidence that converting the stable block to two dwellings is the only way to make it safe or remedy the condition of this building, make Orchard Lodge or Holmbush Manor more attractive for occupation or lead to implementation of the Class Q dwellings. The Class Q dwellings taken with maintaining and permanently occupying Orchard End and Holmbush Manor

⁴ Conservation of Habitats and Species Regulations 2017 (as amended)

would give a residential presence to help deter vandalism or anti-social behaviour in the area.

Compulsory purchase

14. It has been suggested that buildings at Holmbush Manor Farm are, or will be, subject to compulsory purchase by others and result in alleged discrimination against the appellant. However, these are private matters between the respective parties and outside the remit of this appeal.

Planning Balance

15. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites and its suggested 4-year supply is not disputed by the appellant. By virtue of footnote 8, Framework paragraph 11(d) is therefore engaged. The starting point is that planning permission should be granted.
16. For the reasons explained earlier above, the application of policies in the Framework that protect areas or assets of particular importance (in this case the European protected sites) provide a clear reason for refusing the development. In these circumstances the proposal does not benefit from the presumption in favour of sustainable development.
17. Two small dwellings on this small windfall site would make efficient use of this land and could be built relatively quickly, creating employment during construction. It would also improve the visual appearance of the site. These outcomes would be aligned with objectives of the Framework to significantly boost the supply of homes, support the economy, achieve well-designed places and enhance the natural environment. While notable, these would be modest social, economic and environmental benefits from two dwellings so have limited weight in support of the proposal.
18. However, the site is not an appropriate location for dwellings by conversion of an existing building. Given the housing land supply position, reduced, moderate weight applies to this conflict with the development plan. The proposal would not promote walking, cycling or public transport in any meaningful way or result in a pattern of development that supported these aims or ensured the safety of pedestrians. While transport opportunity varies between urban and rural areas, the dwelling would not be in a location that is or could be made sustainable by limiting the need to travel or offer a genuine choice of travel modes. It would undermine the Council's development plan objectives in these respects, which are consistent with rural housing and sustainable transport objectives of the Framework.
19. While the dwellings would not be isolated in the sense of their proximity to nearby buildings, they would not be in or next to any settlement. Accordingly, although the proposal would re-use a redundant or disused building, it would result in physically separate and remote, isolated homes in the countryside so not meet the circumstance set out in Framework paragraph 80(c)⁵.

⁵ *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 and *City and Country Bramshill Ltd v SSHLG and others* [2021] EWCA Civ 320

Conclusion

20. The proposal does not accord with the development plan taken as a whole and conflicts with relevant provisions of the Framework. There are no other material considerations which override these findings. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR