



Appeal Decision

Site visit made on 5 February 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/Z3825/W/23/3323557

1 Station Road, Cowfold, West Sussex RH13 8DB

- 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 Andy Field against the decision of Horsham District Council.
 - The application Ref DC/23/0118, dated 20 January 2023, was refused by notice dated 17 March 2023.
 - The development proposed is erection of a single-storey, one bedroom dwelling in the rear garden of 1 Station Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline form with all matters reserved for future consideration. Whilst I have treated the submitted plans as indicative in nature, the site area and constraints are such that the point of access and siting of the dwelling would be similarly limited in any event.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effects of the proposal on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites (the Protected Sites), with particular regard to water abstraction.

Reasons

Character and appearance

4. The host dwelling, No 1 Station Road, is an end of terrace dwelling on the western side of Cowfold and marks the transition from urban edge to rural settlement along Station Road (the A272). The host dwelling is a traditional semi-detached cottage constructed of brick, with a hipped roof. It has a modest parking area to the front and generous long, enclosed rear garden with many trees on the boundary. There is a modest space to the western side of the dwelling which currently provides pedestrian access to the rear.
5. In the vicinity of the appeal site, Station Road only has a linear form of residential development to its northern side, a form of 'ribbon' development. The linear form is made up of numerous pairs of semi-detached dwellings, set relatively close together and aligned to address the road with a similar degree

- of set back. The street arrangement is a typical one, with pleasant, characterful dwellings that address the street with regular frontages and gardens set to the rear.
6. The appeal proposal seeks to introduce a dwelling at the far end of the rear garden belonging to the host dwelling, set on a reduced floor level relative to the existing ground level. The space to the side of the dwelling would provide the vehicular access and the parking area would be provided in the mid-section of the garden. As submitted indicatively, the new dwelling would contain a single bedroom and an open plan living/kitchen space. It would be within a single storey chalet-style building of around 3 metres overall height. The rationale behind the design of the proposal is to make it appear as if it were an ancillary building to serve the host dwelling, rather than as a separate dwelling in its own right.
 7. Given the way in which the dwelling would be positioned to the rear of No 1 Station Road without any street frontage, it would constitute a form of backland development with clear indicators of the plot being subdivided. There does not appear to be a local precedent for such a form of development elsewhere in Cowfold, with most dwellings having typical front-to-front arrangements on either sides of a street, or estate layouts that have some logic to the way that the dwellings are positioned alongside one another. Where buildings exist in the rear gardens of dwellings, they are incidental domestic outbuildings.
 8. Siting a dwelling in a backland arrangement such as that proposed would undermine the logical streetscene arrangement and create a contrived and poor quality of development. Whilst examples are provided of another dwelling that has been approved along the street¹, that resulted in a new dwelling being added to the linear arrangement with frontage on to Station Road and relatively typical rear garden arrangement. Only limited details have been given of the other examples elsewhere in Cowfold, but all appear to me to be incidental outbuildings in the rear of dwellings rather than separate backland dwellings. These do not lend to me finding that the appeal proposal would be acceptable.
 9. I have considered the Appellant's point that the building would appear alike an outbuilding. However, having to disguise the building in such a way underlines my finding that the development would be contrived. The domestic paraphernalia, subdivision of the plot and comings and goings of new residents and vehicles alongside No 1 Station Road would be at odds with the locally distinctive character of the area. Similar reasons can be drawn in relation to a scheme that is not widely publicly visible. Just because the number of visual receptors would be limited, it does not mean that it would be visually acceptable and appropriate for the surrounding context. The scheme would be small and effects relatively localised but would severely erode the locally distinctive character.
 10. For the above reasons, the proposal conflicts with, in particular, Policies 25, 32, and 33 of the Horsham District Planning Framework (HDPF) (adopted 2015). These Policies seek to promote development that protects, conserves and enhances the locally distinctive character of the district and seeks for buildings to contribute to a sense of place and laid out to relate sympathetically to the

¹ Approval Ref DC/18/2282, 8 Station Road

landscape and built surroundings. Similarly, Policy 9 of the draft Cowfold Neighbourhood Development Plan requires that developments within the built-up area of Cowfold are of a sympathetic scale and relates positively to the character, function and layout of the area. I have had regard to this Policy given its advanced stage of preparation.

Protected Sites

11. Water supply to Horsham District is largely provided by Southern Water from its Sussex North Water Resource Zone (WRZ) which is an area of serious water stress. The appeal site would also be supplied with water from the WRZ.
12. The River Arun and its floodplain contain habitats and species of international importance, recognised within the designation of the Protected Sites under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitats Regulations). They support a series of wetland meadows, alluvial grazing marsh and former raised peat bog, dissected by a network of ditches. Variation in soils and water supply lead to a wide range of ecological conditions and hence a rich and diverse flora and fauna. The relevant qualifying features of the Protected Sites formally comprise: wildfowl and waterbird assemblages, including Bewick's swan, shoveler, teal and widgeon; wetland invertebrates, as well as a range of rare flora, including duckweed, water-cress, milfoils, dropworts and pondweeds.
13. The conservation objectives for the Protected Sites are to ensure their integrity by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats and species, the processes on which they rely and the population and distribution of those species within the sites. The hydrology of the Arun River is the major factor affecting the quantity, depth and flow of water within the Protected Sites, which in turn contribute to achieving the favourable conservation status of their qualifying features.
14. Water abstraction within the WRZ is adversely affecting the integrity of the Protected Sites through the reduction in water levels and flow within their wetland habitats. This is set out in the Position Statement and Addendum of Natural England² (NE). Accordingly, NE advises that further developments within the WRZ must not add to existing impacts, and that one way of achieving this is to demonstrate water neutrality, i.e., no additional abstraction from the WRZ.
15. The proposal would result in the addition of one dwelling to the area which would mean abstracting water from the WRZ and therefore, without mitigation, would harm the Protected Sites' integrity. Under Regulation 63 of the Habitats Regulations, I am required to undertake an Appropriate Assessment of the implications of the proposed development, including consideration of any conditions or restrictions, such as legal obligations, to which it is proposed a permission should be given and to the manner in which it is proposed the development should be carried out.
16. The Appellant has sought to identify the water demand arising from the proposal in the submitted *Water Neutrality Report*³. The water consumption

² Natural England's Position Statement for Applications within the Sussex North Water Supply Zone September 2021 – Interim Approach and Addendum to Natural England's Position Statement

³ CGS Civils, December 2022

from a single bed dwelling restricted by the Building Regulations quota of 110 litres (l) per person (p) per day (d) (l/p/d) equates to a total of 145.2 l/day.

17. Through installing a range of fittings and with a specified efficiency rating (including WC, shower, taps, dishwasher, washing machine, outside hosepipe flow restrictor and smart water meter), the proposal would create a demand of 117.5 l/day. Further, through the installation of a rainwater harvesting tank to facilitate the reuse of greywater, the scheme could further reduce water consumption to 81.312 l/day. This figure is the amount that needs to be offset.
18. The host dwelling, No 1 Station Road, is a two bed dwelling in the ownership of the Appellant and is not subject of any water usage restrictions. The Appellant is offering to retrofit all fittings within the existing dwelling and to fit a specified rainwater harvesting system to reduce the water demand from 212.74 l/day to 116.42 l/day. This would capably offset the demand of 81.312 l/day from the proposal with some headroom, or modest betterment.
19. The measures specified within the Water Neutrality Report would need to be implemented by way of planning conditions if in the event the appeal were allowed. Therefore, I am satisfied, based on the best available scientific evidence, that the scheme could be made water neutral and would therefore avoid harm to the integrity of the Protected Sites, thus complying with, in particular, Policy 31 of the HDPF which seeks to protect the hierarchy of designated sites and habitats. The scheme would also accord with the Habitats Regulations and the National Planning Policy Framework (the Framework).

Housing Land Supply

20. It is common ground between the parties that the Council cannot demonstrate a five year supply of deliverable housing sites relative to the five year requirement under the Framework, with around a 3 year supply capable of being demonstrated. This housing land supply deficiency triggers the 'tilted balance' set out in paragraph 11 (d) of the Framework that indicates that permission should be granted unless: (i) the application of policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or (ii), any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. I have not found any clear reason for refusing the development under paragraph 11 (d) (i) as the Protected Sites' integrity could be maintained through appropriate mitigation. As such, the balance under paragraph 11 (d) (ii) is set out below.

Planning balance and conclusion

22. Though the scheme could employ mitigation to avoid harmful effects on the Protected Sites, there would be severe harm to the character and appearance of the area. For this particular reason, the scheme is in conflict with the development plan when taken as a whole.
23. The public benefits of the scheme would be generated by the creation of a single dwelling within the built up area of Cowfold to add to the local housing stock. The modestly scaled dwelling would be at the more affordable end of the market given its limited size and future residents would contribute to the local economy due to their reliance on local facilities and businesses. There would

also be some construction phase economic benefits. The contribution towards the housing land shortfall from a single dwelling would be small, but valuable nonetheless. I therefore attribute the public benefits modest weight in favour of the development. The absence of other harms is a neutral factor in the overall balance.

24. However, on balance, my view is that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits. Therefore, the tilted balance does not form a consideration of such materiality that it indicates that a decision should be taken other than in accordance with the development plan when taken as a whole. There are no other considerations that do so either.
25. For the foregoing reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR