



Appeal Decision

Site visit made on 17 April 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/Z3825/W/23/3326472

Thakeham Manor Coolham Road, Thakeham, West Sussex RH20 3EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Thain and Wigley against the decision of Horsham District Council.
 - The application Ref is DC/22/1981.
 - The development proposed is described as the 'Construction of new single storey Ancillary Staff Accommodation'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) whether or not the proposed development would accord with policies regarding the location of housing; and b) the effect of the proposed development on protected species and habitat.

Reasons

Location

3. The broad spatial strategy for the district is set out in Policy 2 of the Horsham District Planning Framework 2015 (HDPF). It seeks to focus development in and around the key settlement of Horsham whilst allowing for growth in the rest of the district in accordance with the identified settlement hierarchy that is set out in Policy 3. Policy 4 sets out the strategic policy for settlement expansion. It supports the growth of settlements across the district to meet identified local housing needs and permits the expansion of built up areas in certain situations.
4. Policy 26 only permits development in the countryside where such a location is essential, and the proposal meets one of four criteria. These are that it either supports the needs of agriculture or forestry; enables the extraction of minerals or the disposal of waste; provides for quiet informal recreational use; or enables the sustainable development of rural areas.
5. These policies are broadly consistent with the National Planning Policy Framework (the Framework) both in terms of allowing villages to grow and thrive whilst limiting development in the open countryside.
6. The main parties agree that the proposal is in the countryside. Accordingly, whilst noting its position close to Thakeham and Street village boundaries, I am satisfied that the appeal site falls outside the scope of Policy 3 of the HDPF

which only permits development within towns and villages that have defined built up areas. As regards Policy 4, the site does not adjoin an existing settlement edge. Therefore, the location of the development requires justification as an exception as per Policy 26.

7. The proposed dwelling would provide accommodation for staff working at Thakenham Manor. This in turn would allow the existing staff accommodation within the main dwelling to be used by a family member who, for health reasons, the applicant is anxious to support.
8. The location of the proposed dwelling may be of benefit to the appellant and suit their requirements, particularly as it would be located close to the existing dwelling. However, this does not equate to it being an essential need for a countryside location.
9. The proposal clearly does not accord with the first three exceptions of Policy 26 and there is no substantive evidence before me to indicate that the proposal would enable sustainable development of rural areas. Accordingly, I do not consider that this is a situation that would reasonably justify the release of land for development under Policy 26 and thus a departure from the wider spatial strategy.
10. For all these reasons, I conclude that the development would not provide a suitable location for housing, having regard to its position within the countryside and the spatial strategy for the district, as set out in Policies 2, 3, 4 and 26 of the HDPF, and which collectively seek to protect such areas from development.

Protected Species and Habitat

11. Part of the appellant's appeal submission included a Biodiversity Impact Calculation and a Bat Impact Assessment. Both reports appear to be comprehensive and were undertaken by suitably qualified persons.
12. Principally the reports conclude that there would be a net gain in habitat and that, as proposed, the development would not impede access or foraging routes of any bats roosting in the nearby trees. The preparation and submission of further survey work and plans could be conditioned.
13. The Council has not indicated that it disagrees with the reports' findings or has information to the contrary. Based on my site visit and the substantive evidence before me, I too have no reason to come to a different conclusion to the reports.
14. Therefore, I am satisfied that the proposal would not cause harm to protected species or habitat, and I conclude that the development would not conflict with Policy 31 of the HDPF which broadly seeks protection and enhancement of biodiversity and nature conservation features.
15. The proposal would also accord with the Framework's approach of seeking to protect biodiversity and avoiding adverse impacts to it.

Other Matters

16. I have sympathy for the appellant and note that allowing the proposal would enable them to meet their personal circumstances and that of their family. However, Planning Practice Guidance advises that planning permission usually

runs with the land, and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission but there are not sufficient grounds in this case to justify such an approach.

17. Even if I were to impose a condition limiting who could reside in the new building, this would not overcome the requirement for the countryside location to be essential for the development to proceed. Similarly, whilst the Council raises no objections to the building's design or scale this does not negate the need to have regard to the policy requirements.

Planning Balance

18. There is no disagreement between the main parties that the Council cannot demonstrate a five-year supply of housing. Therefore, paragraph 11d of the Framework is engaged.
19. The proposal would make a small numerical contribution to reducing the housing supply deficit but would nevertheless accord with the Government's objective outlined within the Framework to boost the supply of homes from a variety of sites. This attracts considerable positive weight. However, the extent of the benefit would be very modest given the small scale of the development.
20. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. However, the benefits associated with a single dwelling would be small, and I give them modest weight.
21. The design accords with the Framework's approach of ensuring development is sympathetic to local character and there would be no unacceptable effects on protected species or habitats. However, these represent an absence of harm rather than a benefit and so are neutral factors.
22. Conversely, the site is not in a location that is deemed appropriate for new dwellings. Allowing the appeal would undermine the Council's spatial strategy and the Framework objectives in these respects. Such harm would be long lasting. As a consequence, it is worthy of significant weight.
23. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not therefore be sustainable development.

Conclusion

24. Whilst there would be some beneficial aspects of the scheme, considered overall the development would cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
25. Therefore, I conclude that this appeal should not succeed.

Stewart Glassar
INSPECTOR