



Appeal Decision

Site visit made on 10 September 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/Z3825/W/24/3337331

**Land north of High Winds, Reeds Lane, West Sussex, Southwater
RH13 9DQ**

- 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 A Langtree against the decision of Horsham District Council. The application Ref DC/23/0010, dated 30 December 2022, was refused by notice dated 17 August 2023.
 - The development proposed is the construction of detached two storey dwelling with attached double garage and access from Reeds Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. However, the proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these reforms and their responses have been taken into account, where received.

Main Issues

3. The main issues are: whether the proposal would be in a suitable location for housing; and the effect of the proposal on ecology and biodiversity.

Reasons

Suitable Location

4. The appeal site comprises an area of land on Reeds Lane, contained by boundary treatments. The immediate surrounds are largely rural in nature, with Reeds Lane lined on either side by open fields and clusters of development, including residential dwellings in the vicinity of the site.
5. The Council's spatial strategy is set out in Policy 2 of the Horsham District Planning Framework (the HDPF). It seeks to focus development in and around the settlement of Horsham whilst allowing for growth in the rest of the district in accordance with the identified settlement hierarchy set out in Policy 3. Policy 4 sets out the strategic policy for settlement expansion. It supports the growth of settlements across the district and permits the expansion of built up areas in certain situations. This includes for identified local housing need

provided, amongst other things, that a site is allocated in a development plan and adjoins an existing settlement edge.

6. Policy 26 permits development in the countryside where such a location is essential, and the proposal meets one of four criteria. These are that it 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.
7. The appeal site is some 0.45km from the settlement boundary of Southwater. Given its proximity to surrounding residential dwellings it would not result in the development of an isolated home in the countryside. Nevertheless, it would not be within the built-up area boundary of Southwater, clearly visually separated from this by intervening open land and the A24, nor could it be deemed to adjoin the settlement edge for the same reason. There is also nothing before me to suggest that the appeal site has been allocated in a development or neighbourhood plan, as per Policy 4 of the HDPF.
8. I did not observe any meaningful services within the immediate vicinity of the appeal site that would support the day to day living needs of future occupiers of the proposal. I note that Southwater, as a small town and larger village, is deemed to have a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. On my visit I observed the range of services and transport links in Southwater to largely align with this. However, I found there to be limited accessibility to these services from the appeal site.
9. While a public right of way to Southwater is beside the site, the immediate sections are rural, being unmade and unlit. Combined with the distance involved, future occupiers would be unlikely to undertake the journey from the site to Southwater on foot or by bicycle, particularly at night or in poor weather. While I have limited substantive information before me on the public transport services, I also did not observe any bus stops within the immediate vicinity of the site. There would therefore be limited opportunity for future occupiers to access the services and facilities of Southwater for day to day living by means other than private vehicle. Even acknowledging that sustainable transport opportunities are more limited in rural area, this nevertheless limits the overall suitability of the site for housing.
10. Turning to Policy 26 of the HDPF, there is nothing substantive before me demonstrating that the proposal would enable the sustainable development of rural areas, with a single dwelling doing little to enhance or maintain the vitality of the surrounding rural community. There is nothing to suggest that its location in the countryside would be essential for any of the reasons recognised by the local development plan policies. Overall, this leads to conflict with the provisions of Policy 26 of the HDPF.
11. While a single dwelling may not result in a significant amount of development and, in this case due to the surrounding residential properties would not read as out of place in context, for the reasons given it remains that it would not be suitably or sustainably located at the appeal site.
12. Having regard to all of the above, for the given reasons I find that the proposal would not be in a suitable location for housing. The harm that would arise in this regard would be significant. The proposal would also fail to comply with Policies 2, 3, 4 and 26 of the HDPF in this regard.

Biodiversity and Ecology

13. The appeal site is an area of grassland bounded by hedging and mature trees, with wider surrounds comprising open fields and woodland. The Council acknowledges ponds located within 200m of the site, which is also located in the red impact zone, noting a high risk of great crested newt habitat. While no ecology information was submitted with the application or appeal, the appellant has since provided a reptile survey in respect of the site, which the Council has been provided the opportunity to comment on.
14. The submitted survey includes no specific reference to great crested newts. However, it details a presence/ absence survey in respect of reptiles undertaken with refugia that found only a low population of grass snake at the site. On this basis the survey suggests mitigation measures, which it deems could be secured by way of planning condition.
15. However, Natural England standing advice in respect of great crested newts is that when assessing a scheme it is necessary to look at other great crested newt habitats within 500m, with surveys of ponds being appropriate between March and June. The survey makes no reference to the ponds identified by the Council within 200m of the site such that it appears on the information before me that the appellant did not survey the ponds for great crested newts.
16. It is essential that the presence or otherwise of protected species, and the extent to which they may be affected by development is established before planning permission is granted. While no great crested newts have been identified in the reptile survey undertaken at the site, because of the lack of noted pond survey, I cannot be sure that great crested newts are not present on the site, and likely to be affected by the development.
17. Furthermore, the Council has raised concerns that no information was provided to ascertain how the development will contribute to measurable biodiversity net gain. While the appellant has suggested that reports would be submitted to demonstrate that such a biodiversity net gain can be achieved, no such information is before me. As I am dismissing for other reasons, I have not sought a further update on this.
18. For the reasons given above, on the information submitted I cannot be certain that the proposal would not result in a significant adverse effect on ecology and biodiversity. As such, it would fail to comply with Policy 31 of the HDPF insofar as it seeks to ensure development contributes to the enhancement of biodiversity, creates and manages habitats, and retains significant features of nature conservation.

Other Matters

19. The main parties agree that the Council cannot demonstrate a five year housing land supply, with the appellant's evidence suggesting a housing land supply of 2.9 years. The Council has adopted a 'Facilitating Appropriate Development' document as an interim position given its housing land supply position and delays experienced in progressing its emerging local plan. Paragraph 5.7 outlines scenarios whereby the Council is likely to consider residential development outside of defined built-up areas favourably. However, these do not differ substantially from the relevant development plan policies such that, in this instance and for the reasons outlined, the proposal would not comply with all relevant criteria.

20. The appellant has referred to various examples of similar schemes which have been approved outside of settlement boundaries, including in situations where the Council cannot demonstrate a five year housing land supply. Each application is decided on its own site specific merits, and reference to development elsewhere will carry limited weight.
21. The main parties agree that the proposal would not result in adverse effects on the character and appearance of the area, the living conditions of residents of surrounding properties, trees, climate change, or highway safety. Such lack of harm is neutral in the planning balance.
22. The appeal site is located within the Sussex North Water Supply Zone, which includes supplies from groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the Arun Valley Special Area of Conservation, Arun Valley Special Protection Area and Arun Valley Ramsar Site. However, as I am dismissing for other reasons, I have not considered this matter further.

Planning Balance and Conclusion

23. As the main parties agree that the Council cannot demonstrate a 5 year housing land supply, paragraph 11(d) of the Framework is engaged.
24. The proposal would provide an additional housing unit. This would contribute to the housing mix and supply of the area and to the local rural community and economy. However, even noting the contribution small and windfall sites can make, which can be built out quickly, the single dwelling nature of the proposal is such that this benefit attracts limited weight. While the appellant states that the property would be self-build, there is limited information before me to suggest with certainty that this would be the case, nevertheless, this too remains a benefit of the proposal.
25. I have found that significant harm would arise as a result of the proposal not being in a suitable location for housing. I also cannot be certain on the information before me that the proposal would not result in harm to biodiversity and ecology, including to a protected species. This too weighs significantly against granting planning permission for the scheme.
26. As such, even taking account of all other matters outlined above, including the WMS and proposed Framework changes, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. My conclusion in this regard would be the same, even if I were to find that the proposal would have no adverse effect on the integrity of the Arun Valley Special Area of Conservation, Arun Valley Special Protection Area and Arun Valley Ramsar Site. As a result, the presumption in favour of sustainable development does not apply.
27. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR