



Appeal Decision

Site visit made on 17 September 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2024

Appeal Ref: APP/Z3825/W/24/3343699

Nightingale Farm, Sincox Lane, Shipley, West Sussex RH13 8PT

- 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 Kevin Jacobs against the decision of Horsham District Council.
 - The application Ref is DC/23/1705.
 - The development proposed is 'extension to existing Glamping site approved reference DC/20/2046'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form, although I note that the Council's decision notice and appeal form give an abbreviated description of 'extension to existing Glamping site'. An interested party has commented that neither version accurately captures the development proposed which involves the change of use of land. Nevertheless, the application form notes that the last use of the site was agricultural land with mixed equestrian use, and I have considered the proposal as seeking to change the use of the area shown to provide for an extension to the existing glamping site to glamping use.
3. The application as originally submitted to the Council referred to the addition of 8 glamping units on the site. During the course of the application, amended plans were submitted showing the addition of 4 glamping units on a reduced site area and it is this reduced proposal that is referenced in the appellant's appeal submissions. The Council's appeal statement also refers to the 4-unit scheme, and I note that its decision notice listed the revised site plan, and that its assessment of the application referred to these amended proposals, albeit alongside the original proposal. I have therefore based my assessment on the reduced proposal for 4 units, and given the nature of the revisions, I am satisfied that my doing so would not cause unlawful procedural unfairness to any party.
4. As part of the appeal, the appellant submitted additional plans which were not before the Council and interested parties at the time of the application (plan Nos 100 Rev D and 110 Rev D) showing detail of proposed soft landscaping on the site. Such information is commonly provided through planning conditions and would not involve a substantial difference or fundamental change to the application. The Council has also been able to comment on the plans as part of the appeal. In these circumstances, I am

satisfied that acceptance of the additional plans would not cause unlawful procedural unfairness to any party and I have taken them into account.

5. The appeal submission also included a Water Neutrality Report ('WNR'). Subsequently, the appellant submitted a revised Water Neutrality Report Rev P2 dated 27 August 2024 ('the Revised WNR') seeking to address comments on the WNR in the Council's appeal statement. The Council were invited to comment on the Revised WNR, and while no response was provided, I am satisfied in this case that no unfair prejudice would be caused by my having regard to this information.
6. An interested party suggests that the glamping accommodation and rainwater harvesting tanks (referred to in the WNR and the Revised WNR) may comprise operational development requiring planning permission. However, the appeal application does not explicitly seek planning permission for any operational development and no operational development is illustrated on the submitted plans. I have assessed the proposal on that basis. Should operational development be intended, any requirement for planning permission would be a matter for the parties involved.

Main Issues

7. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on European sites.

Reasons

Character and Appearance

8. The appeal site is located within the countryside, some way outside of any defined built up area identified by the Horsham District Planning Framework 2015 ('the HDPF'). The Horsham Landscape Character Assessment 2003 ('the HLCA') indicates that the site is part of the Broadford Bridge to Billingshurst Farmlands Landscape Character Area ('LCA') which is described as having a predominantly rural character except for some suburban influences extending into the countryside near Ashington and around Coolham. Key characteristics of the LCA include many scattered woods and copses, a mostly small scale pattern of fields with a strong sense of enclosure but larger arable fields in parts, and a mostly strong network of hedgerows/shaws; and key sensitivities are noted as including small scale incremental changes eroding character. The HLCA further sets out planning and land management guidelines including, broadly, conserve the mostly rural character of the area; ensure that development is well integrated with the surrounding landscape by setting it within the existing pattern of small native woodlands, hedgerows and shaws; and encourage planting of small woods, respecting existing field patterns.
9. There are some buildings in the vicinity of the appeal site, but these are typically scattered individual buildings or loose groups which are for the most part set reasonably close to roads. Much of the surrounding area comprises open fields or paddocks with tree and hedgerow boundaries or areas of woodland in keeping with key characteristics of the LCA. Overall, there is an open and distinctly rural character and appearance to this part of the countryside.
10. The appeal site itself is set back from Sincox Lane and includes 8 glamping units which are arranged on an elongated parcel of land between two

hedgerows containing substantial trees. The site also includes land to the south west of this parcel which is part of a large field with post and wire fencing marking out paddocks. This part of the site is separated from the existing glamping units by the tree and hedgerow margin and as part of the open and undeveloped field, I find that it is appreciated as open countryside which contributes to the rural character and appearance of the area.

11. The appeal proposes use of the south west part of the site to provide 4 additional glamping units. The application form indicates that these would be unique, following the theme of those existing. However, I saw that the existing units are of varied form and construction, including a bell tent, an Airstream caravan, a horsebox and a wooden summerhouse style structure, and in some cases the units comprise a collection of different constructions in a group. There is also accompanying gravel surfacing and boundary treatment as well as lighting, outdoor furniture and other paraphernalia. In the absence of firm plans or specifications, the exact nature of how the proposed glamping units would manifest on the site is therefore somewhat unclear.
12. Nevertheless, even if they were of modest height, the presence of structures of any form would result in a loss of openness in comparison to the existing undeveloped field. The nature of the use with units providing overnight accommodation would also introduce a more formal and domestic appearance to this part of the site. As a consequence and given the position beyond the hedgerow margin which contains the existing units, I find that the proposal would result in a marked and unwelcome encroachment of urbanising development into the open countryside and the erosion of the rural character and appearance of the area.
13. There would also be activity, comings and goings associated with the occupation of the units. In combination with the existing accommodation, the resulting concentration and level of activity at the site would be somewhat unusual in this part of the countryside and would exacerbate the impression of intrusion to the rural landscape.
14. Vegetation, including the tree and hedgerow margins on the site, serves to restrict views of the existing development from the surrounding area. However, even with the fairly dense vegetation coverage that was present at the time of my visit, some glimpses were possible from the west, including from Coolham Road. From this direction, there would be far greater potential for views of the appeal development given its position to the west of the established hedgerows on the site. I saw planting to the west boundary of the site where the appellant indicates provision of new vegetation to provide screening of the development. Nevertheless, any planting would take some time to mature, and is unlikely to fully conceal the development.
15. Moreover, the proposed hedgerow would not reflect any clear natural feature or boundary and with the development would result in an irregular incursion that I consider would appear anomalous within the wider field. There would also be disruption to the historic field pattern which is a feature of the landscape here to the detriment of landscape character.
16. For these reasons, I conclude that the proposal would result in a marked and incongruous encroachment of urbanising development into the countryside causing harm to the rural character and appearance of the area. Given the relatively small size of the site and that vegetation would restrict or at least

filter views from many points, the effect would be localised and limited in magnitude. Even so, the proposal would conflict with Policies 11, 25, 26 and 33 of the HDPF insofar as they include requirements seeking broadly to conserve and enhance landscape character and characteristics including field patterns; as well as sympathetic development of appropriate scale that reinforces local distinctiveness and that protects the rural character and undeveloped nature of the countryside.

European Sites

17. In circumstances where a proposal is likely to have a significant effect on a European Site designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), there is a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment. This duty would now fall to me. In accordance with the National Planning Policy Framework ('the Framework'), Ramsar sites should be afforded equivalent protection to European Sites.
18. The Arun Valley Special Area of Conservation ('SAC') and Special Protection Area ('SPA') are European Sites, and are of relevance to the appeal proposal along with the Arun Valley Ramsar site (together, the 'Arun Valley Sites'). The information before me indicates that the SPA is designated for waterfowl assemblages, including Bewick's swan. The SAC is designated for the little whirlpool Ramshorn snail, while the Ramsar Site is listed for its wetland invertebrates and plant species; waterfowl assemblages; and duckweed, water-cress, water milfoils, water dropworts and pondweeds flora. The conservation objectives of the SPA and SAC seek broadly to ensure that their integrity is maintained or restored and that the sites contribute to achieving the favourable conservation status of qualifying features by maintaining or restoring the extent, distribution, structure, function and population of qualifying features and the supporting processes on which habitats of the qualifying features rely.
19. Natural England has issued a Position Statement identifying that existing groundwater abstraction within the Sussex North Water Supply Zone ('the SNWSZ'), within which the appeal site is located, cannot be ruled out as contributing to adverse effects on the integrity of the Arun Valley Sites. It further advises that new development with a requirement for abstraction within the SNWSZ would be likely to have an adverse effect on the Arun Valley Sites.
20. Specific details of the proposed glamping units have not been provided, but insofar as they would provide for overnight accommodation, there would be an associated demand for water which could result in increased water abstraction in the SNWSZ. On that basis, the appeal proposal, either alone or in combination with other plans and projects, could have a likely significant effect on the integrity of the Arun Valley Sites.
21. Natural England indicates that one way to ensure that development would not have an adverse impact on the integrity of the Arun Valley Sites is to demonstrate 'water neutrality'. The Revised WNR suggests that the development could achieve water neutrality through the installation of water efficient fittings, implementing rainwater harvesting techniques to existing and proposed units and the purchase of water credits.

22. However, I have no plans or other details showing the roof area of the existing or proposed units or how rainwater may be collected, and the Revised WNR offers no clear explanation of how the roof area used in calculations of rainwater harvesting potential has been derived. Furthermore, installation of rainwater harvesting tanks is suggested but while an example brochure has been provided, a tank is not part of the development specifically applied for and I have no clear details to show how any system of transfer would operate.
23. Even taking the calculations in the Revised WNR at face value, it proposes that a remaining water demand would be offset through the purchase of water credits via Sussex Water Neutrality. It advises that discussions for the purchase of credits have begun. However, no further detail is provided to demonstrate how the purchase of water credits would be effective as a means to offset remaining water demand associated with this proposal. Moreover, even if I were satisfied that purchase of water credits would be effective in principle, there is no suitable mechanism before me to secure this approach and ensure that offsetting measures were in place before the proposed development.
24. Taking these matters together, I find that there is insufficient evidence to demonstrate that the proposal is capable of achieving water neutrality. Accordingly, I conclude that adverse effects on the integrity of the Arun Valley Sites can not be excluded. I have no firm reason to find that there are no alternative sites that could accommodate the development with lesser effects on the integrity of the designated sites, nor that there are imperative reasons of overriding public interest that would outweigh the adverse effects. In these circumstances, the operation of the Habitats Regulations would preclude the proposal. There would also be conflict with the Framework and with Policy 31 of the HDPF which seeks to avoid adverse effects on sites or features for biodiversity.

Planning Balance

25. The proposal would provide additional overnight accommodation which the Council's Economic Development team advise would align with the Visitor Economy Strategy. It would also support local employment and businesses, contributing to the economy and I acknowledge general support for tourism and rural economic development within Policies 7, 10 and 11 of the HDPF. However, the small scale of the proposal means that these benefits would be relatively limited and while the appellant has referred to the proposal as being required to secure the long term viability of the enterprise and to support farming activities at Nightingale Farm, no firm details have been provided to substantiate these assertions. The appellant also refers to biodiversity enhancement through the addition of hedgerows, but the degree of benefit has not been quantified and would also be likely to be small.
26. On the other hand, the harm that I have identified to the character and appearance of the area would be localised but would still weigh against the proposal. I have also found that adverse effects on the integrity of the Arun Valley SPA, SAC and Ramsar site cannot be excluded. This is a matter of overriding concern and I find that the cumulative adverse effects of the proposal would far outweigh the modest benefits.

Conclusion

27. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR