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## Appeal Decision

Site visit made on 8 May 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

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**Appeal Ref: APP/Z3825/W/24/3353777**

**Land at Maple Road, Billingshurst, West Sussex RH14 9TS**

- 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 Rehnsi of G&H Property Developments Ltd against the decision of Horsham District Council.
  - The application Ref is DC/22/1848.
  - The development proposed is described as 'erection of new dwelling and public play area'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. During the course of the appeal a new National Planning Policy Framework has been published (the Framework). As the policies which are most relevant to this appeal have not been subject to substantive changes, I am satisfied that no party would be prejudiced by my taking it into account.

### Main Issues

3. The main issues are: i) the acceptability of the reduced size of the designated Local Green Space, and ii) the effect of the proposal on designated habitats sites.

### Reasons

#### *Local Green Space*

4. The appeal site is acknowledged as an area of Local Green Space in the Billingshurst Neighbourhood Plan 2021 (the BNP). The evidence base for the BNP acknowledged it as an average quality facility, comprising 'informal open space used by youngsters playing ball games etc.' Policy BILL15 of the BNP states that development proposals within the designated Local Green Spaces will only be supported in very special circumstances. I consider this to be a matter of judgement, as described in the supporting text, rather than relating to the tests for Green Belt land.
5. There is dispute as to whether there is a public right of access to the land. However, I note the comments of the Highways Authority regarding highway rights and I observed there to be no barriers to access at the site. It comprises an area of mixed grassland with trees and shrubs peppered throughout, and it provides a verdant break in the otherwise reasonably dense surrounding residential development. Comments from local residents suggest the land is valued as an area used by children and dog owners, and similarly valued for its verdant qualities

and contribution to local wildlife. The Council report the site is also designated as an asset of community value for its contribution to the wellbeing and social interests of the local community. During my site visit I observed the gradient of the site to be fairly gentle and it is not apparent that its gradient, or littering or fouling by dogs, undermines its value as a local green space.

6. As above, Policy BILL15 requires consideration of very special circumstances. It is proposed that the northern part of the site would be retained as a community space of reduced size, with new soft landscaping and children's play facilities. Potentially such a space could be of value to the local community, even if other play facilities exist a short distance away. In any event, in the absence of a mechanism to deliver and maintain the space for public purposes, I cannot be satisfied that this would be the case if the appeal were allowed. This severely limits the weight which I can give it as a consideration in favour of granting planning permission. While the appellant has experienced difficulties engaging with the Council on this matter, the appeal scheme still lacks the necessary reassurances. Given the uncertainty surrounding its ability to be delivered, neither would a condition to secure it be reasonable. While there could also be some biodiversity enhancements, it has not been substantiated that this would necessarily be greater than the existing site. In the absence of details of the new planting, I can similarly not be satisfied that this would amount to a very special circumstance.
7. In terms of other benefits, the proposal would provide a new home, which would be in an existing settlement and with good accessibility to local services and facilities including public transport. This is of particular importance given the acknowledged under supply of land for homes in the District. Nonetheless, the proposal would make only a small contribution to the overall shortfall, and the benefit of the new home attracts only moderate weight. Economic benefits arising from the construction process and ongoing expenditure by future occupants would also be limited by the scale of the development.
8. For these reasons, the very special circumstances necessary to justify the proposal in Policy BILL15 have not been demonstrated. Accordingly, the proposed loss of part of the designated local green space would be unacceptable and would conflict with Policy BILL15 of the BNP. There would also be conflict with the Framework, where it requires planning decisions to recognise that some undeveloped land can perform many functions, and where it acknowledges the importance of access to open space to the health and well-being of communities.

#### *Habitats Sites*

9. The Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Sites support many nationally and internationally protected species and were primarily designated because they support a rich and diverse range of water-dependant flora and fauna. This includes uncommon invertebrates, outstanding dragonfly assemblages, breeding and wintering bird populations, as well as rare plant species. These contribute to the designated features of the habitats sites. Condition surveys have highlighted potential issues, including inappropriate water levels and water abstraction, impacting both the condition of the species and habitats of these sites and their resilience to future pressures. Cumulatively those impacts have led to many of the designated features of the sites being in unfavourable condition.

10. The appeal site lies within the Sussex North Water Supply Zone as defined by Natural England, which draws its water from groundwater abstraction at Hardham. Natural England have reported that it cannot be concluded with the required degree of certainty that new development in this Zone would not have an adverse effect on the integrity of those habitats sites. The proposal, through increasing the local population and water demand and abstraction, would therefore have a likely significant effect on the qualifying features of the designated sites when considered either alone or in combination with other projects.
11. Although the development would incorporate greywater and rainwater harvesting facilities, this would not amount to the development being 'water neutral'. As such the appellant acknowledges the need for additional offsetting for water usage. Based on the information before me, no such scheme is currently being implemented and if the appeal were allowed there would not be a mechanism to ensure that the required offsetting would be secured. As such, it is not possible to rule out an adverse effect on the integrity of the Arun Valley designated sites as a result of the development. Based on the evidence, there are not imperative reasons of overriding public interest of a social or economic nature that are sufficient to override the harm to the habitats sites.
12. In conclusion on this main issue, the proposal would have an adverse effect on the integrity of the designated habitats sites. It would conflict with Policy 31 of the Horsham District Planning Framework insofar as it relates to designated habitats sites including the Arun Valley, and the Framework which states that development resulting in the deterioration of irreplaceable habitats should be refused unless specific circumstances apply, which would not be the case here.

### **Other Matters**

13. The Council acknowledge that it cannot demonstrate a five year land supply for housing and therefore the provisions of paragraph 11d) of the Framework apply to the appeal. However, the application of policies in the Framework that protect habitats sites provide a strong reason for refusing the development proposed. As such, the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework. A balance of other considerations which would weigh in favour of the development has been undertaken above in line with the requirement of Policy BILL15, and these do not amount to material considerations of sufficient weight to indicate that a decision should be made other than in accordance with the development plan.
14. I have had regard to the other issues raised by third parties, however I have not addressed these further as they would not alter the outcome of the appeal.

### **Conclusion**

15. For the reasons given, the appeal is dismissed.

*C Shearing*

INSPECTOR