



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: 29 May 2025

Appeal Ref: APP/Z3825/W/24/3353504

Holme Farm Orchard, Winterpit Lane, Mannings Heath, West Sussex RH13 6LZ

- 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 Wayne Bayley against the decision of Horsham District Council.
 - The application ref is DC/22/2045.
 - The development proposed is described as 'removal of existing yurts and associated infrastructure, demolition of amenity building, cessation of recreational use of land and erection of a dwelling incorporated into the landscape'.
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Decision

1. The appeal is dismissed.

Costs Application

2. An application for costs has been made by Mr and Mrs Wayne Bayley against Horsham District Council. That application is the subject of a separate decision.

Preliminary Matters

3. During the course of the appeal a revised National Planning Policy Framework has been published (the Framework). As the policies which are most relevant to the assessment of this appeal have not been subject to substantive changes I am satisfied that no party has been prejudiced by my taking it into account.
4. A revised site location plan has been submitted with the appeal, which amends the blue line boundary to reflect a change in land owned by the appellant. Given this does not amend the proposal or the extent of the appeal site, I have taken this drawing into account.

Main Issues

5. During the course of the appeal the Council have confirmed that it will no longer pursue the third reason for refusal, which relates to effects on biodiversity on the site. As this matter is no longer in dispute between the main parties I have not dealt with it as a main issue of the appeal.
6. The main issues are: i) whether the site is suitably located for a new house, having regard to the Council's spatial strategy and the provisions in the Framework for isolated housing, and; ii) effects on habitats sites.

Reasons

Spatial Strategy

7. Policies 2, 3 and 4 of the Horsham District Planning Framework 2015 (the HDPF) relate to the location of new development in the District. Together they seek to focus development around existing settlements, adopting a hierarchical approach where areas around Horsham are the main focus, followed by smaller settlements. Policy 2 describes that its purpose is to maintain the District's unique rural character, while ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. Policy 26 relates to development outside built-up area boundaries and sets out criteria which should be met, including that the proposal must be essential to its countryside location.
8. The appeal site is in a rural location, and not within or adjacent to an existing settlement. Neither would the development comply with the criteria for development in the countryside set out in Policy 26. As such, the development of the appeal site for housing would conflict with the Council's spatial strategy in policies 2, 3, 4 and 26.

Isolated Homes

9. The appellant considers the provisions of paragraph 84 of the Framework to be relevant to the appeal. This seeks to avoid the development of isolated homes in the countryside unless one of the criteria listed applies. Point e) relates to exceptional design quality, and states that, in summary, it should be i) truly outstanding and ii) would significantly enhance its immediate setting.
10. The proposed development would incorporate a unique design which would respond to the characteristics of the site, in particular its gently undulating grass slopes. I have no strong reason to doubt that it would be capable of providing a high quality and innovative development. However, while a design review panel is not necessarily the only way to demonstrate high design quality, there is not substantive evidence with the appeal to support that the proposal should be considered as truly outstanding or reflecting the highest standards in architecture, as set out in the Framework. While the proposal would adhere to the principles set out in the West Sussex Design Commission's 'Design Principles' and would incorporate energy and water saving measures, these attributes do not equate to the design necessarily being truly outstanding. Accordingly, based on the evidence before me, the high bar set out by paragraph 84e)i) would not be met.
11. The appellant has evidenced an appeal decision relating to a dwelling built into the hillside in Rutland¹. However, I do not have full details of that scheme and it was not considered in light of the provisions for isolated homes and the test for truly outstanding design, which is the case here. As such it does not provide a reason to alter the above judgement.
12. Paragraph 84e) of the Framework also requires that point ii) be met. The site currently contains two white canvas yurts raised above the ground level on wooden bases, as well as a single storey utility building. Despite the relative permanence of these structures, together they are low level and set towards the eastern side of the site, where the ground level slopes gently downwards. The parking and bin storage areas are set closer to the access road, although they are set predominantly behind the boundary trees and hedgerows, limiting their visibility from outside the site. As a consequence, the features associated with the existing

¹ Appeal decision APP/A2470/W/21/3282349

use sit relatively comfortably on the site, and do not appear visually intrusive or unusual in a rural setting. Even if the site were used more extensively for camping, any visual effects would be seasonal and comprised of low level and transient structures.

13. While the proposed development would be capable of having acceptable visual effects on the landscape, this would not amount to a significant enhancement to the site's immediate setting. As such the proposal would not adhere to the provisions set out in paragraph 84 of the Framework relating to isolated housing.

Habitats Sites

14. 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.
15. 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.
16. The appellant describes that the proposal would consume less water than the existing yurts and associated amenity building. Water bills have been provided which suggest a consistent level of water consumption from the existing use throughout the year from a nearby field trough. However, these are estimated bills, rather than providing certainty surrounding existing water consumption. The proposed development would provide a permanent three bedroom dwelling, likely to be occupied for much of the year, and it would include multiple bathrooms. As such I cannot be satisfied that the level of consumption is currently the same or more than the proposed development. Even if the existing site could be used more intensively for camping and could be connected to a mains water supply, these are not existing circumstances and there is not credible evidence to support the level of that consumption or the likelihood of this otherwise occurring. Where the Council have referred to a fallback position on another site², it is not apparent that the same circumstances and considerations apply here. For these reasons, and adopting the required precautionary approach, a likely significant effect on the qualifying features of the habitats sites, that would undermine its conservation objectives, cannot be ruled out and an Appropriate Assessment is required.
17. As above, the proposed development would be located within the water supply zone relevant to the habitats sites and could increase water consumption, in turn contributing to adverse effects on the integrity of those sites through increased water abstraction. The proposed development would include measures intended to

² Council's reference DC/21/2733

avoid the need for a mains water supply and achieve water neutrality, including harvesting water from the adjoining field and via the retaining wall to the northern side of the proposed dwelling.

18. The field to be harvested remains in the appellant's ownership and Natural England have confirmed this to be a plausible mitigation measure. I have no strong reason to doubt that it could be used for this purpose and the water treated on site as described. However, Natural England have raised a number of concerns regarding the effectiveness of the proposed measures in particular relating to land contamination matters raised by Environmental Health. Concerns have also been raised regarding the calculations for future usage which are based on occupancy by two people and which are specific to the appellants, and which exclude water required by intended livestock. In the absence of reassurances on those matters, together with the absence of details of a mechanism for the delivery, retention and ongoing maintenance of the harvesting system, it cannot be concluded with the necessary certainty that the proposal would not increase water consumption. Given the importance of this information in assessing the effects of the proposal on the designated habitats sites, it would not be reasonable or appropriate to secure it at a later date by planning conditions.
19. I acknowledge other initiatives elsewhere, including storage capacity of water reserves and wider water resilience plans. However, I do not have evidence of the success of those measures and cannot be satisfied that they would mitigate for the effects of the scheme before me. 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.
20. In conclusion on this main issue, an adverse effect on the integrity of the habitats sites cannot be ruled out beyond all reasonable scientific doubt and the development would slow or even prevent the delivery of a favourable condition. It would conflict with Policy 31 of the HDPF insofar as it relates to designated habitats sites including the Arun Valley, and the Framework insofar as it requires decisions to protect and enhance sites of biodiversity.

Other Matters

21. The Council accept that it does not have a five year land supply for housing, and that the provisions of paragraph 11d) of the Framework are therefore relevant 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 and this is reiterated in paragraph 195. This approach is consistent with Policy 1 of the HDPF which reiterates the approach to sustainable development in the Framework.
22. The proposal would deliver benefits including the provision of a new home, which would contribute to the national objective to boost the supply of homes as well as the local supply, which is particularly important given the acknowledged under supply of land for homes. The Framework acknowledges the important contribution which small sites can make to meeting the housing requirement, and the importance of brownfield land for this purpose, although given the site's location the provisions of paragraph 125c) do not weigh in favour of the proposal. There

would be some economic benefit arising from the construction process and ongoing expenditure into the local economy by future occupants.

23. The proposal would provide ecological improvements as well as integrated energy saving measures and water turbines to the nearby water course, although it is not apparent that they would be secured by any planning permission if it were granted. I note the letters in support of the proposal, referring in particular to its important sustainability measures. I have not given additional weight to the proposed rainwater harvesting measures, given the uncertainties discussed above.
24. The proposal could provide a self-build development and a home for the appellant's who wish to downsize from their current home. However, there is not a mechanism before me to ensure that it would be secured for these purposes. As above, the existing structures on the site have not been found to be visually intrusive and, where the proposal has been found to be otherwise acceptable in terms of its visual effects, this does not amount to a benefit of the proposal but is neutral in the planning balance. While the proposal would change the way in which traffic uses the access and lane, there is little supporting evidence on this matter to demonstrate the reduction in vehicle movements. Neither is there evidence to suggest the lane at present is unsafe and the Highways Authority note that the access and visibility appear suitable for the speed limit involved.
25. Overall, while there would be some benefits to the development, together these attract moderate weight given the scale of the proposal and would not outweigh the harms identified.

Conclusion

26. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR