



Appeal Decision

Site visit made on 16 June 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2025

Appeal Ref: APP/Z3825/W/24/3349522

Smithers Farm, Guildford Road, Rudgwick RH12 3BX

- 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 Stewart Heath against the decision of Horsham District Council.
 - The application Ref is DC/22/0068.
 - The development proposed is described as Erection of a dwelling house and change of use of existing dwelling into office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, the 2023 Housing Delivery Test (HDT) results and the revised National Planning Policy Framework (2024) (the Framework) have been published. I have given the Council and appellant the opportunity to comment upon these matters and taken the responses into account in determining the appeal.
3. I have been provided with a previous appeal decision¹ for a scheme for a change of use of existing dwelling and erection of new dwelling at the site. While a previous decision letter can be a material consideration, and I have noted its contents, I am not bound by it, and I have considered this appeal scheme on its own merits.
4. The appellant disputes the plans on the decision notice are those that represented the final scheme submitted for the Council's consideration. Upon seeking further clarification, the Council has stated some of the plans are listed in error. Therefore, I have had regard to the plans as provided by the appellant in determining this appeal, which the Council has had the opportunity to comment upon.

Main Issues

5. The main issues are:
 - the effect of the proposal upon the character and appearance of the area;
 - the effect of the proposal upon green infrastructure;
 - whether or not the proposal is consistent with policies for the location of new development;
 - the effect of the proposal upon designated habitats sites; and,

¹ Ref. APP/Z3825/W/20/3257617.

- the effect of the proposal upon the operation of the highway and parking provision.

Reasons

Character and appearance

6. The area can be characterised as one of occasional clusters of rural buildings and operations within a wider landscape of rolling, mostly agricultural fields, lined by mature hedgerows, trees, and wooded areas. Smithers Farm is a cluster that includes some residences, converted former agricultural buildings of various forms, purpose-built business units, containers, yard areas for operational uses, parking vehicles, plant and machinery, either side of its main internal access route.
7. The existing dwelling to be converted is single storey with roof accommodation lying quite discretely rear of the access within the existing cluster. The location of the new dwelling includes a flat parking area behind a hedge and a young orchard area close to the highway frontage. Though parts of the appeal site may be regarded as brownfield land, given the limited amount of built development, good degree of tree and vegetation cover and its prominent position, the appeal site overall, makes a positive contribution to the character and appearance of the area.
8. Though noting reductions and changes from the previous scheme, the new dwelling would still constitute quite a large imposing two storey structure afront of the existing building complex towards the A281 frontage, with a sweeping driveway and courtyard. Despite the wider business park backdrop, its scale, bulk, being sited forward of the main building cluster and its orientation, would result in the dwelling appearing as a large and quite discordant feature.
9. I am not provided with compelling evidence this new dwelling can be considered to be within the curtilage of the existing dwelling. However, even were I to adopt that position, the new dwelling would have a larger overall floor area than the dwelling it proposes to replace, and its overall scale and massing would appear visually disproportionate to it. This scheme would result in a sizeable development that would erode the countryside character and would not appear of a scale appropriate to its countryside location. Overall, it would be out of keeping with and harmful to the character and appearance of the area, and the landscape.
10. I note the Council's view that some materials and details would not appear to be reflective of those on dwellings within the close visual context of the appeal site. It is, however, possible some more locally reflective materials could be secured by means of suitably worded planning conditions, within the scope of this appeal scheme, to comply with the aims of policies in respect of materials such as RNP6 of the Rudgwick Neighbourhood Development Plan (2021) (the RNDP).
11. However, there are aspects of the proposed design such as multiple cross gable roof forms, quite dense fenestrations on the left-hand front side, gable chimneys and frontward projecting bay windows which result in quite a complex building. It would bear little resemblance to the buildings to its rear or the dwellings on the A281 frontage nearby. Such fundamental design aspects could not be addressed within the scope of this appeal scheme. As such, the new dwelling would appear jarring and significantly at odds with the modest and simple forms of those nearby.

12. Though the site benefits from some screening from buildings to the north and some mature tree cover, the dwelling would be located on land higher than that to its south and to the west along the highway, which are quite open. Therefore, the building would be prominently sited, and the harm would be visible from quite a significant length along the A281 corridor, and to the south. I am not satisfied that suitably worded planning conditions could sufficiently address the harm.
13. Therefore, for the reasons set out above, the proposal would be harmful to the character and appearance of the area. This would conflict with Policies 25, 26, 28, 32 and 33 of the Horsham District Planning Framework (2015) (the HDPF). Amongst other things, these require development is of high-quality design, integrates sympathetically with its surroundings, protects, conserves and enhances the locally distinctive character of the built environment and landscape, having regard to matters such as scale, massing and appearance, and would not be disproportionate to the size of the dwelling it replaces.
14. It would also conflict with Policies RNP 7, 8 and 9 of RNDP which in combination require that development is designed with reference to features of the local vernacular, provide an appropriate relationship with existing built development, be of a scale and massing to respect local character. I have not concluded against Policy RNP6 on the basis that this might be overcome within the scope of planning conditions. However, this does not mitigate the other harm I have found.

Green infrastructure

15. Policy 31 of the HDPF states that development that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for losses. RNDP Policy RNP17 states proposals which involve the loss of existing trees should incorporate proposals for their replacement to an identical environmental value either within the site itself or elsewhere within the immediate locality.
16. The location of the dwelling includes hardstanding lined by a tall conifer hedgerow and some other significant trees. Though the exact numbers, size and species that would be affected are not fully explained in the evidence, this appeal scheme would necessitate the removal of a significant number existing trees, resulting in the loss of a notable amount of green infrastructure.
17. The appellant states the orchard planting was undertaken voluntarily in advance of submitting the current application, upon Council officer advice. This attracts some positive weight. However, no details are provided as required by Policies 31 and RNP17. Therefore, I am unable to understand from the written evidence, the extent of this advance planting and how this can be measured against the large amount of established trees to be lost.
18. In consequence, it is unclear how the development plan policy requirements could and would be met and secured on land within the appellant's control, and I am not provided with a compelling justification to set aside adopted development plan policy requirements. In-light of the absence of evidence, the tree losses, and development plan policy requirements, this should not be left to conditions.
19. Therefore, for the reasons set out above, it is not demonstrated the proposal would not have an adverse effect upon green infrastructure. This conflicts with Policies 25 and 31 of the HDPF and Policies RNP9 and 17 of the RNDP. In combination

these require that development should demonstrate the loss of green infrastructure shall be compensated and mitigated, should not result in a net loss of trees, that proposals shall maintain and enhance the green infrastructure network, and incorporate suitable planting and landscaping of an identical replacement value.

Location

20. The HDPF seeks to ensure development retains and enhances the settlement pattern and rural landscape. Outside built-up area boundaries is considered countryside, where development will be more strictly controlled. Policy 2 of the HDPF outlines a strategy to maintain the rural character whilst ensuring community needs are met through sustainable growth and suitable access to services and local employment. Policy 3 outlines a development hierarchy based upon settlement roles and their services and facilities. Policy 4 lists circumstances under which settlements may be expanded outside boundaries.
21. On the ground the new dwelling would appear to be outside a settlement in the countryside and there is no substantive argument to persuade me otherwise. RNDP Policy RNP1 states outside settlement boundaries new residential development will only be supported on allocated sites or where they accord with development plan residential exception policies. The appeal site is not allocated.
22. Smithers Farm is off the A281 around 1km east of the settlement of Rudgwick, with the rural settlements of Slinford and Clemsford further away, to which the routes I saw along the main road had no footways or street lighting. Therefore, the appeal site is away from other settlements and day-to-day services and facilities, within the open countryside. It is not put to me and from the evidence before me, I cannot consider the proposal constitutes the expansion of a settlement. Therefore, the proposal falls to be considered under relevant exception policies.
23. Policy HDPF 26 states the rural character and undeveloped nature of the countryside will be protected against inappropriate development. A proposal must be essential to its countryside location, meet one of four criteria, and meet another policy section in respect of being of an appropriate scale, not significantly increasing levels of activity, and protecting and enhancing key landscape character features and characteristics. A scheme must meet all three parts of the policy.
24. This scheme is necessitated upon the desire to convert the existing dwelling to a commercial use, and replace that dwelling with one more suitable. Though I note the business has established in its current countryside location, there is little meaningful case to demonstrate that the proposed location is essential to it.
25. It is also not demonstrated the scale and amount of floorspace is essential for the staffing and function of the business, or that there are not alternative suitable buildings in which any such functions could reasonably be accommodated. While some were in use and others clearly unsuitable, there is little evaluation and discounting of existing buildings, including the under-construction business units. Moreover, given the harm and policy conflicts under the first two main issues, the new dwelling would also fail to protect, conserve or enhance key features and characteristics of the landscape. Therefore, the scheme fails to meet the first and third requirements of Policy 26, so fails against the policy as a whole.
26. I note the appellant's view the development should be regarded as a rural worker's dwelling with an occupancy restriction. The development could help improve

management and security and be tied to the land. However, there is no demonstration the existing situation is detrimental to existing businesses, or that such a new large dwelling is an essential part of any necessary solution. There may also be potential benefits to the appellant's living conditions, although the new dwelling would be close to the main access, and I see no reason why the appellant could not control the existing hours and type of access by companies on their land. The Council refers to an existing courtyard that could be utilised as a play area for visiting grandchildren, and there is no substantive demonstration it is inadequate.

27. The appeal scheme gains some degree of support from Policy 10 of the HDPF as it would contribute to the rural economy and the business premises would be located in an existing suitable building within an established rural industrial estate. However, this does not mitigate or obviate the need to meet other policies in respect of the location of development.
28. Therefore, for the reasons set out above the proposal is not consistent with policies for the location of new development, in conflict with Policies 3, 4 and 26 of the HDPF and Policy RNP1 of the RNDP, the relevant provisions of which I have set out above. I have not concluded against Policy 1 of the HDPF, as it sets out a presumption in favour of sustainable development as a decision-making process following assessment of a scheme against the development plan and Framework read as a whole, so it is not a specific policy requirement for locating development.

Habitats sites

29. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require where a scheme is likely to result in a likely significant effect (LSE) on a designated habitats site, a competent authority must make an appropriate assessment of its implications on the integrity of a habitats site, in view of its conservation objectives. Any LSEs arising from a scheme need to be considered alone and in combination with other development in the area, adopting the precautionary principle.
30. The site is within the Sussex North Water Resource Zone (SNWRZ) which includes supplies via groundwater abstraction. The abstraction is close to the designated habitats sites of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (the Arun Valley sites). They are designated as they are important habitats for threatened invertebrate species, a rich variety of flora including nationally rare and scarce species, the Little whorlpool ram's-horn snail, Bewick's swan, and internationally important waterbird assemblages (the qualifying features).
31. The Arun Valley sites' conservation objectives are to maintain or restore their integrity by contributing to achieving a favourable conservation status of the qualifying features, by maintaining or restoring: the extent, distribution, structure and function of the qualifying features and habitats, the population and distribution of the qualifying features within the sites, and the supporting processes on which the habitats of the qualifying features rely.
32. The Natural England (NE) Position Statement² explains NE cannot conclude groundwater abstraction from the SNWRZ does not result in adverse effects upon

² Natural England's Position Statement for Applications within the Sussex North Water Supply Zone, September 2021 – Interim Approach.

the integrity (LSEs) of the Arun Valley sites, so developments must not add to the impacts. This scheme would create new development that would draw its water from the SNWRZ, so, without mitigation secured it is not certain the appeal scheme would not result in LSEs upon habitats sites. A way to demonstrate there would not be LSEs, is to demonstrate water neutrality.

33. The appellant's Water Neutrality Statement (WNS) explains off-setting against the existing dwelling water demand and proposes measures such as water efficiency devices to reduce consumption and rainwater harvesting (RWH). At the application stage NE's view was that adverse effects upon the integrity of the Arun Valley sites could not be ruled out, without further information being provided, such as in respect of robust evidence to show existing baseline water use, and use of Part G and/or BREEAM calculators for water use calculations. In responding to a consultation to this appeal, they express similar views.
34. Though the appellant implies the Council has altered a previous view, in an appeal the Inspector becomes the competent authority. While the appellant has provided a bill indicating water usage, it appears to be over a single month timeframe only. Moreover, there is no detailed Part G or BREAAM calculations detailing precise use, and reductions from efficient fittings, and there is an absence of clarity as to details of RWH and consumption of the commercial use.
35. The appellant states a willingness to supply all the required information and calculations, and full technical details of the RWH system. I have considered the appellant's submissions in respect of applying a Grampian-style condition including the authority they refer to³. However, that judgement was not in respect of designated habitats sites subject of Regulation 63(5). Regulation 63(5) of the Regulations states that a competent authority may agree to a plan or project, only after having ascertained it will not adversely affect the integrity of habitats sites.
36. I note the Council's suggested planning conditions advanced despite its doubts, and the evolution of the SNOWS scheme⁴. No access to SNOWS is secured by this scheme. I would need details of any other secured mitigation scheme to assess its robustness. The appellant has access to a large roof area for RWH theoretically capable of providing a sizeable benefit. However, there is little clarity as to which roofs would be used, that they are suitable, or any meaningful detail of the location and specification of the RWH system and details of fittings.
37. In-light of the foregoing, there is a very limited detail provided, and so a suitably detailed mitigation package is not before me to assess. Therefore, given my duties under Regulation 63(5), it would neither be appropriate or acceptable to address this matter by a Grampian-style planning condition. I note the appellant's views upon the determination period, and the date of NE's views upon the application, but they were set out in the Council's report. Therefore, there has been adequate time to address matters through the appeal submission process.
38. The appeal scheme does not make adequate provision to demonstrate water neutrality to ensure there would not be LSEs upon the Arun Valley sites, thus maintaining their integrity in view of their conservation objectives. It is not demonstrated there are no alternative solutions to providing insufficiently development at the appeal site. Imperative reasons of overriding public interest do

³ R (Network Rail Infrastructure Ltd) v Secretary of State for the Environment, Food & Rural Affairs [2017] EWHC 2259 (Admin).

⁴Sussex North Offsetting Water Scheme (SNOWS) Applicant User Guide (March 2025).

not exist and there are no other considerations that clearly outweigh the harm to the Arun Valley sites. Given I may agree to a plan or project, only after having ascertained it will not adversely affect the integrity of habitats sites, Regulation 63(5) precludes the proposal from proceeding.

39. For the reasons set out, I cannot be certain the appeal scheme would not have LSEs upon designated habitats sites. This conflicts with Policy 31 of the HDPF, which states that development that has the potential to impact upon the Arun Valley will be required to provide necessary mitigation. It would conflict with Framework paragraphs 192 and 193 which seek to protect and enhance biodiversity and state that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then permission should be refused.

Highways matters

40. It appears undisputed by both main parties that the sand school area is currently utilised as a parking area, which would be lost as a consequence of the appeal proposal. Though only a brief snapshot in time, at my visit, a modest number of vehicles were parked on the land and there is no substantive evidence suggesting what I saw was untypical at that time. Were the appeal allowed, it would seem vehicles would be displaced elsewhere within what was seemingly a well-used commercial site with a number of different units and businesses.
41. In addition, the commercial use, office and associated facilities would also generate the need for further parking, for which the Council indicates a need for 22 additional spaces. The appellant has provided very little detail in respect of trip and parking generation and there is no substantive evidence demonstrating an alternative figure. The Highway Authority raises no objection, although its consideration appears to have been limited to the existing access and proposed dwelling. However, the displaced parking and the requirements of the change of use mean a good deal of additional parking would be necessary in this rural location.
42. Noting the current layout as I saw it and as shown on the existing site plans, much of the confines of the complex was occupied by buildings and yard areas. The extent to which the existing layout could safely accommodate parking to ensure satisfactory and safe operation is unclear. One of two business unit buildings⁵ was under construction, the plans for which indicate it was permitted with significant additional parking. Though presumably much of this was necessary to serve that scheme. That it can be ensured that scheme would be fully built out, and that there would be surplus parking to meet the needs of this scheme, is not demonstrated.
43. The highway outside the site is a national speed limit road with solid white lines along each side, which I understand do not permit parking, and I have no reason to believe the highway laws would not be adhered to and enforced. However, insufficient arrangements could have the potential to result in vehicle and pedestrian conflicts within the site, parking along the access road, the potential for cars queueing resulting in limited access visibility, and even vehicles queueing on the carriageway. Such scenarios could be prejudicial to highway safety. Given the limited information, there is insufficient to assess the highway effects of the appeal scheme, be assured a Grampian condition could be discharged, and that its requirements would fall within the scope of this appeal scheme.

⁵ Ref. DC/19/1787.

44. Therefore, based upon the evidence submitted I cannot be certain the proposal could ensure adequate parking provision, and that it would not be prejudicial to the operation of the highway. This would conflict with Policies 40 and 41 of the HDPF which require any parking to be lost shall be adequately mitigated or suitable alternative provision is secured, adequate parking and facilities are provided within developments to meet the needs of anticipated users, and that proposals provide safe and suitable access.
45. Though the Council's fifth reason for refusal refers to a conflict with Policy 33 of the HDPF, in respect of this main issue I cannot see a direct conflict with criteria 1 – 7 I have been provided with.

Other Matters

46. I note the appellant's expression of frustration at the length of the application process, evolutions of the scheme, some suggested changes in positions of the authority and changes in case officers. However, my assessment of the appeal scheme is upon its planning merits, based upon the evidence before me.
47. The appellant's submissions discuss 'grey belt' at some length. Though I note the general drive towards building out a greater amount of development and the emphasis upon efficiently using land, including utilising previously developed and some other less environmentally valuable land, the appeal site is not within the Green Belt, therefore this site does not constitute grey belt.

Planning Balance

48. The proposal would result in some limited temporary economic benefits from its construction. The scheme would create new business space, allow local rural business to grow and expand and may be of some benefit overall site management, with benefits to the rural economy, on-going spend and support to local services and facilities. The scheme gains support from development plan and Framework policies and objectives in respect of adding value to materials and products that may otherwise be discarded thereby reducing the need to produce new goods, and materials being disposed of, with some sustainability benefits.
49. The appeal site appears to include previously developed land, gaining policy support. Though noting the appellant's submissions in respect of the Councils housing requirements and supply, including that the Council may only have a 1-year housing land supply⁶, I cannot conclude there would be any net numerical benefit in terms of housing delivery matters. Even were this to have been the case a net single dwelling would be a small benefit. As what might be able to be secured as a self- or custom-build (SCB) dwelling, an additional SCB dwelling attracts some limited positive weight.
50. The scheme may provide better living conditions to the appellant's family, though there is no demonstration they are currently unacceptable or that this scheme is the only and most appropriate solution. It might be possible that there may be provision for some degree landscaping, drainage and biodiversity enhancements. However, there is little substantive evidence in this regard. At best having regard to the nature of the land and possible scope of suitably worded planning conditions

⁶ Para 3.2 of the Horsham District Council Housing Delivery Test Action Plan – April 2025.

these would be likely to be moderate longer-term benefits at best. Overall, the benefits, in combination, attract moderate weight in favour of the appeal scheme.

51. Were I to agree the development is, or could subject to the imposition of suitably worded planning conditions be, compliant with policies and standards in respect of matter such as the living conditions of neighbouring occupiers, sustainable design and construction other than in respect of water neutrality, and flood risk matters, these would be neutral matters in the balance.
52. However, the appeal scheme conflicts with the development plan strategy for the location of new development, and would be harmful to the character and appearance of the area. Given the harm and degree of policy conflict, these attract significant weight against the appeal scheme. I also cannot be certain the scheme would not be prejudicial to highway operation, ensure sufficient parking, or compensate for lost green infrastructure. These are also important matters which due to an absence of sufficient information, there is a conflict with specific development plan policies. That LSEs on designated sites are not mitigated is harm of a high order that attracts substantial weight, and ultimately means under the Regulations, the project cannot proceed. In this circumstance, paragraph 11d) of the Framework is clear that the tilted balance does not apply.
53. Overall, the adverse effects and policy conflicts from the appeal scheme significantly outweigh its benefits. Therefore, for the reasons given, the appeal should not succeed.

Conclusion

54. The proposed development conflicts with the development plan read as a whole, the Framework read as a whole, and the Regulations. There are no material considerations, including the policies of the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR