



Appeal Decision

Site visit made on 2 July 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/Z3825/W/24/3358014

Woodcroft, Okehurst Lane, Billingshurst, West Sussex, RH14 9HR

- 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 Wayne Lee against the decision of Horsham District Council.
 - The application Ref is DC/22/0697.
 - The development proposed is erection of steel barn to store machinery.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the lifetime of the application, the appellant confirmed that the proposed building would be used for the storage and repair of traffic management equipment in addition to its use for the storage of machinery associated with the maintenance of the land. The Council determined the application on this basis, and I have taken the same approach with the appeal.
3. The Council submitted the draft Horsham District Local Plan 2023-2040 for examination in July 2024 and the hearings commenced in December 2024. However, the Council has confirmed that it has since received a letter from the examining Inspector, in which it is recommended that the plan is withdrawn. Because there is a high degree of uncertainty that the plan would proceed to adoption in its current form, it carries very limited weight in my decision.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for the proposed development, having regard to its countryside location and its effect on local character; and,
 - the effect of the proposal on protected species and biodiversity.

Reasons

Whether the site is a suitable location

5. The appeal site comprises a field located between Woodcroft and the A29 road. The site is close to Billingshurst, but it falls outside of the defined boundary of the settlement and is in the open countryside.
6. Taken together, Policy 3 of the Horsham District Planning Framework (excluding South Downs National Park) (November 2015) (HDPF) and Policy BILL 1 of the

Billingshurst Parish Neighbourhood Plan 2019-2031 (NP) seek to focus development within the built-up area boundaries (BUAB) of existing settlements, including Billingshurst. The HDPF takes a more restrictive approach to development outside of BUABs, such as on the appeal site. However, it does allow for some development within the open countryside where certain circumstances apply.

7. Policy 4 of the HDPF sets out the circumstances in which the expansion of settlements would be supported. However, given the distance between the site and the edge of Billingshurst, the proposal would not have the character of settlement expansion. Therefore, notwithstanding the scale of the proposal and its siting within existing defensible boundaries, the scheme cannot rely on support from Policy 4.
8. Policy 26 of the HDPF sets out other circumstances in which development outside of defined settlements could be supported. It states that proposals must be essential to their countryside location; and they must also meet one of four other criteria. Those criteria include that the development would support the needs of agriculture or forestry; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, and amongst other things, the policy requires that development must not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.
9. Policy 10 of the HDPF provides support for rural economic development proposals, including where it would contribute to farming enterprises or the wider rural economy. Whilst Policy 10 does not preclude new buildings for rural economic development proposals, it expects consideration to first be given to sites with buildings that are capable for conversion or are located within existing industrial estates.
10. The effective management and maintenance of the land enables it to contribute positively to the rural character of the area. This requires the use of machinery and, given that there is a history of theft occurring from the site in the past, there would be a clear benefit arising from the provision of a secure building within which machinery and other equipment could be stored. Due to the proximity of the proposed barn to the adjacent dwelling, the building could also feasibly provide for some quiet informal recreational use. Nonetheless, the proposal would, in part, support the needs of agriculture and forestry.
11. However, there is limited information before me about the intended scale and intensity of the commercial use that would be undertaken within the building other than that it would not be the main use of the barn. Nonetheless, even if the commercial use of the building would be modest in scale, I am not convinced there would be reasonable or enforceable planning controls available to prevent the activity from potentially being upscaled in the future. This may not be the appellant's intention at this time. However, planning permission runs with the land, and it is therefore necessary for me to consider the longer-term implications of allowing a commercial use of the building.
12. The commercial use proposed would, in all reasonable likelihood, necessitate comings and goings and on-site activities that would be unlikely to occur if the building were to be used solely for the storage of agricultural and forestry equipment. In the absence of sufficient information that sets out the likely noise

effects, and the type and frequency of vehicle movements to and from the site, I cannot be certain that the proposal would not lead to significant harm to the rural character of the area through increased noise and disturbance.

13. Furthermore, there is evidence that the appellant's business currently operates from a separate yard in the local area. Therefore, whilst it may be convenient for the appellant to store traffic management equipment and to undertake repairs close to his home, the evidence does not lead me to conclude the development would lead to increased employment or other economic benefits. Therefore, on the basis of the information before me, the commercial use of the building would not enable the sustainable development of the rural area. Furthermore, whilst there would be some benefit arising from the provision of secure storage facilities, there is no definitive information to show that consideration has been given to carrying out the commercial element of the proposal from an existing building or from a site within an existing industrial estate, as Policy 10 of the HDPF requires.
14. On my site visit, I observed that there are other commercial developments located near to the appeal site, including the adjacent hotel and café, the nearby contractor's yard, and on other sites located off the A29 road between the site and Billingshurst. I do not have sufficient information before me to be certain as to the circumstances that led to those developments becoming established. Nonetheless, the presence of these other developments does not alter the fact that there is little evidence to demonstrate that there is an exceptional need for a new commercial building to be located in this open countryside location.
15. I have considered whether it would be appropriate to limit the use of the building for agricultural and forestry purposes via a condition. However, the appellant has not disputed in his evidence that the building is intended to be used, in part, for non-agricultural and forestry purposes. Indeed, there is correspondence in the evidence which suggests the description of the development was specifically altered to remove reference to the proposed building as an 'agricultural barn'. On this basis, such a condition would be unreasonable, and it would not meet the tests for conditions set out in the National Planning Policy Framework. Should the appellant wish to seek planning permission for a building solely for the use of agriculture or forestry, it would be open to him to submit a revised planning application on this basis.
16. Taking all of the above into account, and based on the information before me, the site is not a suitable location for the development as it has been proposed. The proposal does not carry support from Policies 4 and 10 of the HDPF, and there would be conflict with Policy BILL1 of the NP, and Policies 3 and 26 of the HDPF insofar as they seek to steer development towards existing settlements other than in certain circumstances which have not been demonstrated for the appeal scheme. There would also be conflict with Policy 1 of the HDPF insofar as it seeks to secure development that improves the economic, social and environmental conditions in the area.

Protected species and biodiversity

17. The District Newt Licensing Officer has stated that the site has a low potential to support Great Crested Newts. However, given the site's proximity to woodland and other natural landscape features, it is reasonably likely that the site could provide suitable habitat for other species, including protected species. I have a statutory

duty under the Natural Environment and Rural Communities Act 2006 (as amended), to have regard to the purpose of conserving biodiversity.

18. The appellant has clearly sought to manage the land in a way that has improved its value for wildlife. However, in the absence of a preliminary ecological appraisal or other authoritative technical evidence, I cannot be certain about the ecological baseline of the site, and therefore there is uncertainty as to the degree of harm that could be caused to protected species. Furthermore, it is not possible to identify the nature, necessity and effectiveness of any mitigation measures that could need to be secured if the appeal were to be allowed.
19. It is open to the appellant to address this issue through a revised planning application, inclusive of the necessary information that definitively establishes the effect of the proposal on protected species and habitats. However, in the absence of this necessary information before me, I cannot be satisfied with any degree of certainty that protected species would be safeguarded.
20. The appellant clearly intends to continue to maintain and improve the quality of the land, including through additional planting and other habitat enhancement measures. Given the size of the site, I have no reason to conclude that these measures could not be secured through condition to ensure a net gain in biodiversity would be achieved.
21. However, as I have set out above, protected species could be harmed. Therefore, the proposal would conflict with Policy 31 of the HDPF insofar as it seeks to protect features of biodiversity from direct or indirect adverse impacts.

Other Matters

22. No neighbouring residents have expressed concerns with the proposal. Moreover, the Council has not identified any harm would arise in respect of the appearance of the building, trees, or highway matters. Based on the evidence, I see no reason to take a different view on these matters. The absence of harm weighs neither for nor against the proposal.
23. The determination of the planning application took place over a protracted period, that extended well beyond the relevant statutory time limits. I also acknowledge the frustration expressed by the appellant with the Council's communication during the application process. This undoubtedly caused uncertainty for the appellant and his family without any clear justification. However, the relationship between the parties during the application process falls beyond the scope of this appeal, which I have necessarily considered with regard to the planning matters before me.

Conclusion

24. The proposal would conflict with the development plan and the material considerations do not lead me to a conclusion otherwise than in accordance with the development plan. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

E Catchside
INSPECTOR