
Appeal Decision

Site visit made on 9 September 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2025

Appeal Ref: APP/Z3825/W/25/3362513

Winstons, Muttons Lane, Ashington, Horsham RH20 3AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs James Thorns against the decision of Horsham District Council.
 - The application Ref is DC/25/0003.
 - The development is for demolition of the existing stables building and erection of a single dwelling on the footprint.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second 'technical details consent' stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.

Procedural Issues

4. Certain types of development are excluded from the grant of permission in principle. Habitat development is one such exclusion¹ and is defined as including development, which discounting mitigation measures, is likely to have a significant effect on a qualifying European site under the Conservation of Habitat and Species Regulations 2017 (as amended) (hereafter referred to as the Habitat Regulations).
5. The PPG sets out that permission in principle must not be granted for development which is habitats development.

¹ Article 5B(1)(b) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

6. In these circumstances, an appropriate assessment should be undertaken at the outset by the competent authority to establish whether the development would adversely affect the integrity of the protected site. If the outcome of the appropriate assessment is unfavourable, it would preclude the grant of permission in principle, and it becomes unnecessary to consider any further matters.
7. The appeal site lies within the Sussex North Water Supply Zone (SNWSZ). Natural England (NE) have issued a Position Statement which sets out that the reduction in water levels and flow within the wetland habitats and that water abstraction within the SNWSZ, is adversely affecting the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site (hereafter the Arun Valley sites).
8. The conservation objectives for the Arun Valley sites are to ensure their integrity by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats and species, the processes on which they rely and the population and distribution of those species within the sites. The hydrology of the Arun River is the major factor affecting the water within the protected sites.
9. The NE Position Statement is clear that further developments within the SNWSZ must not add to existing adverse impacts. One way of achieving this is for applications to demonstrate water neutrality which provides the necessary certainty that they will not contribute further to the existing adverse impact.
10. In the absence of any mitigation, the proposal for a new dwelling would be likely to increase demand for water abstraction and thus would, in combination with other plans and projects, likely have a significant effect on the integrity of the Arun Valley sites.
11. In order to achieve the necessary water neutrality, the submitted Water Neutrality Report sets out a number of mitigating measures. These include on-site water reduction measures, such as fixtures and fittings to be used in the development and rainwater harvesting. However, it also relies on capturing rainwater from the roof of an adjacent barn, not located within the appeal site. Whilst these mitigation measures are appropriate, there is no means of securing them. A condition would not be appropriate in this situation. Furthermore, no legal agreement or undertaking is before me to include the mitigation provisions with the trigger for its delivery linked to the associated technical detail consent.
12. Given this, I cannot conclude with certainty that overall, the development would result in being water neutral or that likely significant effects to the integrity of the Arun Valley sites would be avoided. Therefore, I must conclude that the proposed dwelling would have an adverse effect on the protected habitat site, having regard to its increased demand for water abstraction. As such the proposal would not comply with the Habitats Regulations.
13. As the outcome of the appropriate assessment is unfavourable, irrespective of the merits of the scheme, it is exempted from qualifying for permission in principle. It is therefore not necessary for me to consider the matters of location, land use and amount any further as they would not be determinative to the outcome of this appeal. Consequently, the appeal must be rejected on procedural grounds.

Conclusion

14. For the reasons set out above, the appeal should be dismissed.

C Walker

INSPECTOR