
Appeal Decision

Site visit made on 29 October 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal Ref: APP/C3810/W/25/3368207

**Potwell Copse, Potwell Park, Arundel Road, Fontwell, Arundel, West Sussex
BN18 0QP**

- 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 William Hislop against the decision of Arun District Council.
 - The application Ref is WA/26/25/PL.
 - The development proposed is change of use of stable to tourist accommodation, the barn to residential with a small extension and the erection of 2 dwellings on former paddock, with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing building on the site benefits from a lawful development certificate for use as offices for a construction business and ancillary residential accommodation for family members¹. It is common ground between the parties that the proposed conversion and extension of the building for tourist and residential use is acceptable. The matter in dispute is the proposed erection of two dwellings on the land beside the building.

Main Issue

3. The main issue in this appeal is whether the appeal site would be a suitable location for the proposed development having regard to the spatial characteristics of the area and the character of Copse Lane.

Reasons

4. The appeal site comprises an area of open land which contains one building. The proposal is to erect two detached dwellings on the land, utilising the existing access.
5. The existing use of the land is unclear. On the application form, the use is stated as office and ancillary accommodation in association with Potwell Copse, but this use relates to the existing building rather than the associated land. The description of the proposal refers to the land as a former paddock, whilst the Planning Design and Access Statement indicates that since 2009 the site has been used to store materials and vans in association with the office use of the building. The Council

¹ LPA reference WA/88/24/CLE

has referred to the site as extended garden land for the existing dwelling at Potwell Copse, which does not tally with the information supplied by the appellant.

6. I did not observe the land being used for commercial purposes, and nor did the land appear to function as the extended garden of the dwelling at Potwell Copse. In the absence of a lawful development certificate for the land where the houses are proposed, and given that the lawful development certificate which does exist excludes this land, I cannot be certain that it constitutes previously developed land.
7. There is woodland to the north and south of the site and belts of trees to the east and west, such that the site is generally well screened from the surrounding countryside, albeit glimpsed views into the site from the adjacent Copse Lane are possible. The proposal would have a comparable character and density to nearby dwellings at Potwell Copse, Woodcote and Silver Wings. However, the land has a pleasing open aspect which the introduction of two dwellings would reduce. If it is the case that this part of the appeal site is previously developed land, then its open aspect could be reduced irrespective of the outcome of this appeal; but in a scenario where this part of the appeal site is not previously developed land, the proposal would significantly alter its character and appearance.
8. Although the appeal site is located outside the built-up area boundaries of Walberton and Fontwell and in the countryside, it is located close to other dwellings and is not therefore isolated in the terms set out in the National Planning Policy Framework (the Framework). The Council has characterised the proposal as backland development, and whilst there is no generally agreed definition of the term 'backland', the fact that the site has an existing access and is not separated from Copse Lane to the north by dwellings indicates that the proposal is not backland development.
9. The Council estimates that the appeal site is 900 metres away from Walberton, a settlement which contains local facilities and is on a bus route. It is common ground between the parties that the site is sustainably located such that future residents would not be wholly reliant on the private car. Whilst the pedestrian route is along Copse Lane, part of which is a bridleway which is unlit and not fully surfaced, this is a relatively short section of the overall route and unlikely to deter future residents from using it. I therefore consider that the site is sustainably located in the terms set out in paragraphs 110 and 115 of the Framework, which require sustainable transport modes to be prioritised taking into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
10. The appellant has indicated that the proposal is for self build dwellings, which would be occupied by members of the appellant's family. Although the Council has indicated that its Self Build Register currently contains 54 individuals and one association, it has confirmed that 12 self build units have been secured on land north of Chalcraft Lane and 30 units on the Ford strategic site, and that it is hoping to secure self build plots on other sites. It has referred me to a recent appeal at Toddhurst Farmhouse² in which the Inspector accorded only limited weight to the self build aspect of a housing proposal in light of the Council's efforts to identify sites for self build homes. I further note that no mechanism has been provided to secure the proposed units as self build.

² PINS reference APP/C3810/W/24/3344161.

11. The appellant also has described the proposal as affordable housing for families with local connections, but no mechanism to secure the units as affordable has been provided.
12. I have been referred to two nearby housing developments: Daffodil Gardens, a development of eight dwellings on the fringes of Fontwell; and Hazel Close, a development of eight dwellings on the edge of Walberton. However, both sites were allocated in the Walberton Neighbourhood Development Plan 2015-2035, which thereby established the principle of development, and clearly distinguishes them from this proposal.
13. Two appeals have been drawn to my attention. An appeal for up to 400 dwellings and non-residential floorspace on Land east of Fontwell Avenue in Fontwell³ was allowed in 2017 despite the site being outside the built-up area boundary. In light of the Council's housing land supply shortfall, the Secretary of State attached significant weight to the benefits of providing a large number of houses. Moreover, the Written Ministerial Statement on Neighbourhood Planning dated December 2016, which was subsequently incorporated as paragraph 14 of the Framework, was considered not to apply as the Council had less than three years housing land supply, which was a component of the policy at that time. The circumstances were therefore clearly distinguishable from the current appeal.
14. An appeal for a dwelling outside the built-up area boundary at Poachers, Eastergate Lane⁴ in Eastergate was allowed in 2021, with the Inspector concluding that the harm from the proposal would not significantly and demonstrably outweigh the benefits, having regard to the Council's housing land supply shortfall. At the time, the Barnham and Eastergate Neighbourhood Development Plan 2014-29 was more than five years old, and the Inspector's decision makes no reference to the guidance in paragraph 14 of the Framework. Consequently, the circumstances in that appeal differed notably from those which pertain to this appeal.
15. Whilst I have found that the proposal would be sustainably located, the appellant has not demonstrated that the site is previously developed land, as a consequence of which the proposal would reduce the site's open aspect, with resultant harm to the character of the area. The proposal would conflict with policies C SP1, D DM1 and D SP1 of the Adoption Arun Local Plan 2011-2031 (July 2018) (ALP) and policies HP1 and HP13 of the Walberton Neighbourhood Development Plan 2019-2031 (WNDP). Together these policies restrict development in the countryside to a limited range of uses, excluding new houses, and require new development to reflect or improve upon the character of the site and contribute to local character by creating a sense of place.
16. The Council has referred to its Interim Housing Statement (IHS) from February 2021, and argued that the proposal does not meet the IHS's requirement for new housing to be located adjacent to settlement boundaries. However, as I am not certain of the current status of the IHS, given that it dates from 2021 and was described at that time as an interim policy, I have placed limited weight on this conflict. I have likewise placed limited weight on the fact that the appeal site is not identified in the Housing and Economic Land Availability Assessment (HELAA) and consequently does not gain support from the IHS's strategy of bringing forward sites in the HELAA as a priority.

³ PINS reference APP/C3810/W/16/3143095

⁴ PINS reference APP/C3810/W/20/3262770

Other Matters

17. Interested parties have offered support for the proposal on the basis that it is a well designed small scheme which offers benefits to both the appellant's family and the local community. Reference is made to the fact that the proposal would have no impact on neighbouring properties, generate low traffic levels and deliver biodiversity benefits. However, these benefits do not outweigh the harm I have identified.
18. The land to the north and south of the site is designated as ancient woodland. The plans show a 15 metre buffer retained between the proposed dwellings and the ancient woodland, as well as between the ancient woodland and the proposed extension to the existing building. Were I minded to allow the appeal, it would be feasible to impose conditions to ensure the protection and enhancement of the buffer.

Planning Balance

19. Two new build houses are proposed, and it is not in dispute that the Council cannot demonstrate a five year supply of housing land. Therefore, paragraph 11(d) of the Framework applies. The application of policies in the Framework that protect areas or asset of particular importance, as defined in Footnote 7, do not provide a strong reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development applies as set out in paragraph 11(d)ii and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
20. The delivery of two homes for family members in a sustainable location would be a social benefit, allowing them to remain in the area and freeing up an existing house. Economic benefits would accrue from the construction phase and from expenditure on goods and services by future occupiers. Environmental benefits would result from the use of heat pumps, low energy electrical fittings and water saving devices. The scheme is capable of being constructed quickly, which counts in its favour. The scheme would deliver an increase in Council Tax and a New Homes Bonus. Although the appellant has indicated that the proposal is for affordable self build dwellings, no mechanism is before me to secure these benefits, and I am therefore unable to afford weight to these aspirations. Positively contributing to the Council's housing land supply, albeit in a relatively modest manner for two dwellings, is a particular benefit given the Council's housing land supply shortfall. I therefore attach moderate weight to the benefits that the scheme delivers.
21. The ALP and WNDP set out a strategy for directing housing away from the countryside. The harm I have identified as arising from the proposal relates to the site's countryside location, and specifically a reduction in its currently open aspect as a result of erecting two houses on a site which has not been shown to be previously developed land. I attach significant weight to this harm.
22. Paragraph 14 of the Framework advises that where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, in situations where the neighbourhood plan became part of the development plan five years or less before the date on which

the decision was made, and the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

23. The WNDP was 'made' on 14 July 2021 and therefore became part of the development plan less than five years ago. It is however unclear whether the WNDP contains policies and allocations to meet its identified housing requirement. In an appeal decision earlier this year for 95 houses on Land east of Wandleys Lane in Fontwell⁵, the Inspector concluded that whilst there was uncertainty as to whether the indicative housing requirement in the WNDP was properly formulated or underpinned by adequate evidence, it was not the role of appeals under s78 of the Town and Country Planning Act to rerun arguments tested at Examination. The Inspector concluded that paragraph 14 should be engaged as a precaution, and I see no reason to take a different approach.
24. I therefore conclude that in this case the adverse impact of allowing development that conflicts with the neighbourhood plan would significantly and demonstrably outweigh the benefits.

Conclusion

25. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR

⁵ PINS reference APP/C3810/W/24/3349836