



Appeal Decision

Site visit made on 21 October 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/Z3825/W/25/3371528

Lavender Cottage, Blackstone Gate Farm, Henfield Road, Albourne, Hassocks BN6 9JJ

- 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 Mrs Caroline Jones against the decision of Horsham District Council.
 - The application Ref is DC/23/1595.
 - The development is described as the construction of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the site address is 'Lavender Cottage, Henfield Road', whereas the decision notice and appeal form refer to the site as 'Lavender Cottage, Blackstone Gate Farm, Henfield Road'. I have taken the address from the appeal form as this is more precise. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.
3. The description of development in the heading above and my formal decision has been taken from the planning application form. In section E of the appeal form it is stated that the description of development has not changed from that stated on the application form. However, a different description has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application form. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.
4. The application form states that the development has already taken place. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the development.
5. The appellant has submitted a Technical Note 2: Water Neutrality Statement¹ (WNS). I consider the proposal before me (should the WNS be included), is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this information. As such I am satisfied that the information does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the WNS.

¹ Dated 10 July 2025, prepared by Motion.

6. The other appeal on the site regarding the erection of dog grooming/reception building, alterations to design and use of stables for mixed equestrian and dog daycare and change of use of land for exercising dogs and associated works (Ref: APP/Z3825/W/25/3371529) is the subject of a separate decision.
7. On 31 October 2025, Natural England (NE) notified relevant local planning authorities that its advice has now changed on the basis of new evidence. Consequently, NE has withdrawn its 'Position Statement for Applications within the Sussex North Water Supply Zone Interim Approach September 2021' (PS). In collaboration with the Environment Agency and Southern Water, NE has agreed a package of ecological resilience measures and proposed licence amendments that will address the risk of further decline of the Arun Valley sites as a result of the existing abstraction. These measures are to be implemented by March 2026. In Natural England's view this provides certainty that development in the Sussex North Water Supply Zone (WSZ) will not have a likely significant effect on the Arun Valley sites in line with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

Main Issues

8. The main issues are:
 - whether the site is a suitable location for housing, with regard to development plan policy and accessibility to services and facilities; and
 - the effect of the proposed development on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites, with regard to water neutrality.

Reasons

Suitable location

9. The appeal site consists of an existing dwelling, known as Old Dairy East Cottage, and further land beyond Old Dairy West Cottage, which is not within the site. Lavender Cottage is set back within the site. The parties agree that the site comprises previously development land and is outside of a built-up area boundary, as defined by the Horsham District Planning Framework 2015 (PF).
10. The development is for a dwelling, which is located beyond the existing dwellings comprising Old Dairy East Cottage and Old Dairy West Cottage. Policy 2 of the PF sets out the overarching approach to development in the District through sustainable growth and suitable access to services and local employment, and encourages the effective use of land by reusing land that has been previously developed.
11. Policy 1 of the Woodmancote Parish Neighbourhood Plan 2017 (NP) reflects this approach provided proposals accord with other provisions of the Neighbourhood Plan and development plan. Policy 2 of the NP supports small scale housing development on previously development sites within the Parish where, amongst other things, the site lies within or adjoins a designated Green Link. The site is neither within nor adjoins a Green Link as indicated on the policy map of the NP. Consequently, the development does not accord with Policies 1 and 2 of the NP.

12. Policy 4 of the PF supports settlement expansion outside of built-up areas provided the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. The appeal site does not adjoin a settlement boundary, nor is it an allocated site within the PF or the NP. Accordingly, the development conflicts with Policy 4.
13. Policy 26 of the PF is a strategic policy which seeks to protect the countryside. It details that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected, and proposals must be essential to their countryside location and meet at least one of four criteria. The appellant acknowledges that the development would not meet any of the four criteria and consequently the development conflicts with Policy 26.
14. The appellant states that Lavender Cottage is required to support the overnight dog boarding business. While part of the business operates from the buildings and land close to Lavender Cottage, the overnight boarding has typically taken place within, and the licence relates to, the dwelling at Old Dairy East Cottage. The dwelling at Lavender Cottage provides accommodation for appellant's family at the site of the business. However, whilst a dwelling at the site is more convenient for the day-to-day operations of the business, there is limited substantive and robust evidence before me that demonstrates that there is an essential need to live at or near their place of work. Moreover, given that the overnight boarding and licence is associated with Old Dairy Cottage East and the other business activities take place during daytime hours, the evidence before me does not demonstrate an essential need for an additional dwelling.
15. The site is detached from the nearest settlements, and remote from those with everyday facilities and services. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, there is a lack of suitable footways and street lighting, which may discourage walking and cycling. In addition, there is no indication as to the proximity of bus stops to the site or the service provision available. Accordingly, the likelihood is that future occupiers would be highly reliant on private vehicles to access facilities and services in larger settlements.
16. I conclude that the site is not a suitable location for the development, with regard to development plan policy and accessibility to services and facilities. The development therefore conflicts with Policies 1, 2, 4 and 26 of the PF and Policies 1 and 2 of the NP, as set out above.

Water neutrality

17. The appeal site draws its water from groundwater abstraction in the Sussex North WSZ, which affects the Arun Valley SPA, SAC and Ramsar sites. The SPA, SAC and Ramsar sites are European sites protected under the Habitats Regulations. Under the Habitats Regulations, an Appropriate Assessment is required in relation to the effect of the development on the integrity of the sites. This responsibility falls to me as competent authority in the context of this appeal.
18. The Arun Valley SPA, SAC and Ramsar sites consist of low-lying grazing marsh, largely on alluvial soils with an area of peat derived from a relict raised bog. The conservation objectives for the Arun Valley SAC & SPA are to ensure that the

integrity of the site is maintained or restored as appropriate; and ensure that the site contributes to achieving the aims of the Wild Birds Directive.

19. The qualifying features of the Arun Valley SAC & SPA include its assemblage of waterfowl, in particular shoveler, teal, wigeon, and Bewick's swan, and its populations of little whirlpool ramshorn snail. The features of the Arun Valley Ramsar include seven threatened wetland invertebrate species, four nationally rare, and four nationally scarce plant species, with diverse and rich flora including species of duckweed, watercress, milfoils, dropworts, and pondweeds.
20. In September 2021 NE issued a PS to the relevant local planning authorities advising that new development within the Sussex North WSZ should demonstrate water neutrality. This is to protect the Arun Valley habitats from potential impacts linked to Southern Water's groundwater abstraction at Pulborough. However, NE's PS has now been withdrawn. This indicates that it can be concluded that existing abstraction within Sussex North WSZ is not having an impact on the Arun Valley SPA, SAC and Ramsar sites and advises that development within the WSZ would not add to this impact.
21. I conclude that the development does not adversely affect the integrity of the Arun Valley SPA, SAC and Ramsar site. The development therefore accords with Policy 31 of the Horsham District Planning Framework, the Habitats Regulations and, insofar as it relates to habitats sites, the Framework, which collectively require all impacts on habitats sites to be mitigated for.

Planning Balance

22. The Framework does not change the statutory status of the development plan as the starting point for decision making. The site is not in a suitable location for the development, when assessed against the aforementioned policies of the PF and the NP. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
23. The Council concedes that it is unable to demonstrate at least a five year supply of deliverable housing sites that the Framework requires. The appellant's assertion that the Council can only demonstrate a one year supply of housing land has not been disputed. Paragraph 11. d) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
24. The development makes a positive contribution to housing supply with associated social and economic benefits. Nevertheless, despite the acute housing supply position, the contribution of the dwelling to meeting housing need in the District and the associated benefits are limited by the scale of development. Moreover, while the dwelling is close to the appellant's business, the site is remote from everyday facilities and services and the occupants of the dwelling are heavily reliant on private vehicles to access these. Accordingly, I attribute limited weight to the contribution the dwelling makes to the supply of deliverable housing sites.

25. The dwelling at Lavender Cottage occupies the broad position of a former stables building that had planning permission² for the conversion to holiday let accommodation. While the details of the approved development have not been presented, the evidence before me indicates that the building has since been demolished. Consequently, the holiday let accommodation can no longer be implemented and the weight I can attribute to this is therefore minimal.
26. The appellant has drawn my attention to appeal decisions at Marlpost Meadows³, Cowfold Lodge Cottage⁴ and Butlers⁵, which are all within the District. While the three proposals were for housing outside of the defined built-up area boundary, I note that the Inspectors considered their proximity to larger settlements, namely Southwater, Cowfold and Horsham, and the associated accessibility weighed in favour of these proposals. Given that the site is distant from the nearest settlement, and everyday facilities and services, the circumstances are different to those within the identified appeals. In any event, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations, which is what I have done in this case.
27. In the particular circumstances of this case, I have concluded that the development is not a suitable location for the development and would conflict with the relevant policies of the development plan and the Framework in this regard. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development.

Other Matter

28. Permission has been sought retrospectively for the development. Nevertheless, the provisions of Section 73A of the Town and Country Planning Act 1990 allow for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing.

Conclusion

29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR

² DC/20/1019

³ APP/Z3825/W/22/3303603

⁴ APP/Z3825/W/23/3325926

⁵ APP/Z3825/W/25/3360134