
Appeal Decision

Inquiry held on 21 to 24 June 2016

Site visit made on 23 June 2016

by Anthony Lyman BSC (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 August 2016

Appeal Ref: APP/Z3825/W/15/3131603

Old Clayton Boarding Kennels, Storrington Road, Washington, West Sussex, RH20 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Abingworth Strategic Limited against the decision of Horsham District Council.
 - The application Ref DC/14/0921, dated 30 April 2014, was refused by notice dated 20 February 2015.
 - The development proposed is the demolition of existing kennels and cattery, associated buildings and structures, and West Clayton, the retention of Old Clayton and the redevelopment of the site to provide up to 41 residential dwellings including provision of 40% affordable housing and new vehicular access. All matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters other than access reserved for future determination. An illustrative plan of the suggested layout was submitted including internal roads, the distribution of dwellings, and potential landscaping. Indicative elevations showing cross sections through the site before and after the construction of the dwellings were also submitted.
 3. The appeal application was determined in accordance with the policies of the development plan at that time, which included the Horsham District Core Strategy and the Horsham General Development Control Policies Development Plan Document referred to in the reasons for refusal. In November 2015, the Council adopted the Horsham District Planning Framework (HDPF) which replaced the above documents. In the light of the newly adopted HDPF, the proposed development was reconsidered by the Council and an additional reason for defending the appeal was authorised. This included conflict with the overarching strategy for development set out in the newly adopted HDPF and Policies 2, 3 and 4. I will have regard to this additional submission and the HDPF in determining this appeal.
 4. During the appeal process, the appellant submitted a new planning application for the site, with a revised illustrative layout for 41 dwellings. The revised
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layout allowed for the retention of curtilage buildings to the Grade II listed 'Old Clayton' that were proposed for demolition under the appeal application. This new application was also refused by the Council. The appellant requested that the Inquiry proceed on the basis of the revised layout. The Council raised no objection to that suggestion. The revised indicative layout had been the subject of consultation on the second application, and I considered that no-one's interests would be likely to be prejudiced by the Inquiry proceeding having regard to the indicative site plan No. 1640 2402 Revision F.

5. A completed s106 planning obligation by way of Unilateral Undertaking (UU), dated 24 June 2016, was submitted at the Inquiry. The UU relates to the provision of affordable housing, landscaping/landscape management plan and fire hydrants on site, and financial contributions to mitigate the impact of the development on local facilities and services. These include education provision, libraries, fire and rescue services, community facilities, open space and recreation, and transport improvements. I will return to this S106 obligation later in my Decision.
6. The Statement of Common Ground (SoCG) confirms that, subject to a completed legal agreement, as outlined above, the Council would not pursue reason for refusal No.4 relating to the lack of a mechanism to secure affordable housing and contributions towards infrastructure improvement/provision.
7. Shortly after the close of the Inquiry, Appeal Decisions¹ relating to another site in Storrington were published on 27 June 2016. The Council requested that I take these into account. Both parties were allowed time to submit comments on the Decisions, and I have had regard to their submissions in determining this appeal.

Main Issues

8. The main issues to be considered are, i) the effect of the proposed development on the character and appearance of the area including the adjacent South Downs National Park (SDNP), ii) whether the proposal would preserve the Grade II listed 'Old Clayton' or its setting, iii) whether the site is appropriate for residential development having regard to national and local planning policies relating to development in the countryside, iv) the loss of employment land, v) whether the proposal would be sustainable development.

Reasons

Background

9. The appeal site is on the north side of the busy A283, Storrington Road in the open countryside part way between the settlements of Storrington and Washington. The site is currently used for a relatively substantial kennels and cattery business and includes the owner's Grade II listed dwelling, Old Clayton, with its curtilage courtyard of largely traditional single storey farmyard buildings. On site there are also two timber clad bungalows specifically built as dwellings for kennel staff, and a privately owned bungalow, West Clayton, adjacent to the garden to Old Clayton. Various other low profile buildings and wire fenced enclosures have been erected in connection with the kennels. Although significant parts of the site are maintained as grassed areas, with a variety of trees and shrubs, there was no dispute between the parties that the

¹ APP/Z3825/W/15/3128935 and 3141250

land within the red line appeal site boundary is previously developed land. The site is relatively well enclosed to the east, west and south by deciduous and coniferous hedgerows and boundary trees.

10. Under the revised scheme, the proposal is to demolish all structures on the site other than Old Clayton and its historic curtilage buildings, to construct a highway access from Storrington Road, and to build up to 41 houses, 40% of which would be affordable homes. The proposed indicative layout also includes the removal of the substantial conifer hedge along the A283 that currently largely obscures Old Clayton in views from the highway.
11. To the west and north of the appeal site a new housing development of up to 78 dwellings, known as Millford Grange is nearing completion. That development was granted planning permission on appeal in 2012², on the site of former sand workings and engineering workshops.

Character and appearance of the surrounding area

12. Both parties submitted proofs of evidence from expert landscape professionals and assessments prepared in accordance with the third edition of the Guidelines for Landscape and Visual Impact Assessment. I have considered these landscape and visual assessments and their differing conclusions, in the context of my own observations of the site and the surrounding countryside. References have been made to several landscape character assessments at national, county and local level. In the Horsham District Landscape Character Assessment (October 2003) the appeal site is within the Parham and Storrington Wooded Farmlands and Heaths landscape character area (LCA). The overall character is described as *a distinctive landscape of rolling sandy ridges and stream valleys with a complex mosaic of oak-birch woodland, conifer plantations, heathlands and rough pasture*. The area is characterised by mostly well hedged pasture fields and is generally a well enclosed landscape. The LCA notes that despite the proximity of the urban edge of Storrington and the intrusion of traffic, the area retains surprisingly rural qualities.
13. The appeal site is in open countryside outside the development boundary of Storrington. With the exception of Old Clayton, all of the other scattered buildings and structures on the site have a low profile and are largely obscured in most external views by the dense hedgerows and trees on and around the site. The northern and eastern part of the land is maintained as grassland and/or as private garden to West Clayton. Given the relatively low density and scale of the existing development, and the substantial tree belt along the western boundary, the site acts as a semi-rural transition between the prominent new urban housing development of Millford Grange and the attractive open rural landscape of the SDNP that immediately abuts the eastern boundary of the appeal site. The National Park boundary also runs parallel with the southern side of the site, albeit on the opposite side of the A283.
14. The adjacent Millford Grange housing estate is also outside the development boundary, although the northern and part of its western edge, abut the Storrington and Sullington built up area boundary. However, the housing development is separated from the urban fringe to the west by an area of extensive former sand workings, now the Sandgate Park. To the north of the

² APP/Z3825/A/12/2176793

new dwellings, a further area of former workings is being developed as an extension to the country park which separates Millford Grange at the lower level of the former quarry, from an extensive residential area known as Heath Common, which rises up Longbury Hill. This area comprises a network of private roads serving secluded detached dwellings in extensive wooded grounds.

15. Within the adjacent SDNP, the landscape context presents a very robust rural setting comprising hedged pasture field, woodland blocks and tree belts, scattered cottages and farm buildings. To the east, the land rises to Washington Common and Warren Hill. Approximately 1.5km to the south, the South Downs escarpment rises to over 200m. The South Downs Way runs along the ridge of the escarpment, affording expansive views, including towards Storrington, Heath Common, Warren Hill, the appeal site and the Millford Grange housing estate.
16. From the public vantage points on the escarpment, the new housing on Millford Grange can be clearly seen, albeit forming only a small part of the wider panorama. This is despite the fact that much of that estate is built at lower levels associated with the former workings and is partially obscured by the steeply sloping quarry sides that, in some places, are about level with the eaves height of adjacent dwellings. The Inspector, in granting the Millford Grange permission, considered that that development would *appear as an uncharacteristically concentrated residential enclave in this predominantly rural environment*. In the short to medium term the Inspector concluded that the development would have a moderately harmful effect on the rural character and appearance of the area, and that it would be about 15 years before the new landscaping reduced the visual impact to neutral or even positive.
17. In views from the escarpment and from limited parts of the nearby public bridleway to the east in the National Park, the proposed development of up to 41 dwellings would appear more visually intrusive than the adjacent estate due to the higher level of the land and the limited scope for extensive landscaping within the site. Despite the proposal to limit the height of the dwellings to 8m by a condition, and notwithstanding the proposed boundary landscaping, the development would appear prominent, exacerbating the impact of the adjacent housing estate, and adding significantly to the harm to the rural character of the area. Unlike the Millford Grange development, I am not convinced that the harmful impact of 41 houses on the appeal site would be adequately ameliorated by landscaping for many years, due to the elevated site.
18. Cumulatively with Millford Grange, the proposed development would appear as a prominent, isolated urban development in the countryside, remote from the built up form of Storrington. Although Heath Common is nearby to the north, the dwellings there are largely unobtrusive. The properties are hardly noticeable in views from the SDNP due to their low density, large gardens and extensive tree cover that, at the time of my site visits, was largely visually impenetrable. The development would be out of character with the established Heath Common area and would appear incongruously urban amidst the dispersed settlements and isolated farmsteads character of the wider countryside and the SDNP.
19. The urbanising impact of the development would be further exacerbated by the amount of light pollution potentially arising from the proposal. Although the

appellant indicated that the street lighting would be discreet and unobtrusive, the domestic lighting from 41 dwellings, and the associated illumination from car headlights, would have a detrimental impact on the dark night skies of the area and the SDNP, notwithstanding the existing illumination associated with Millford Grange.

20. Policy 25 of the HDPF seeks to protect the natural environment and landscape character of the District, and requires development, amongst other things, to conserve or, where possible, to enhance the setting of the SDNP. The appeal site, although not part of a designated landscape, forms a locally important part of the National Park's setting, by acting as a semi-rural transition between the extensive, isolated urban form of Millford Grange and the attractive open countryside of the adjacent SDNP. The appeal site would change from a low density semi-rural activity with a few dispersed dwellings and structures, to a residential development with the density and appearance of an urban housing estate. The Millford Grange development, despite a much narrower frontage and some of the houses being set at a lower level, is prominent in views from the main road. The proposed development would significantly exacerbate that prominence by creating a combined extensive frontage of built development in the open countryside, mid way between Storrington and Washington.
21. The appellant conceded that there would be some harm to the protected landscape of the SDNP, contrary to Policy 25, but argued that the detrimental effect on the wider landscape would be very limited. Nevertheless, the National Planning Policy Framework (the Framework) confirms that valued landscapes should be protected and enhanced, that the National Parks have the highest status of protection, and that great weight should be given to conserving their landscape and scenic beauty. By failing to protect, conserve or enhance the setting of the SDNP, the landscape character of the area, and the rural character of the countryside, the development would be contrary to HDPF Policies 25 and 26.

The significance of the Heritage Asset

22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
23. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
24. Old Clayton is a Grade II listed former farmhouse, said to date back to the C16th but with subsequent mainly C19th and C20th extensions and alterations. A group of brick built, traditional outbuildings arranged around a courtyard are within the curtilage of the listed building, and together with the house, form an important historic farmstead. The farm buildings are prominently positioned close to Storrington Road. The former farmhouse is set further back and, apart from the upper parts of the roof and the chimneys, is largely obscured in views

from the A283 by a tall conifer hedge along the highway boundary. The appeal site forms part of the setting to the heritage asset, although there would be no works or alterations to Old Clayton or its curtilage outbuildings under the revised indicative layout.

25. The appellant did not doubt the value of the heritage asset as a farmstead of historic interest and argued that the asset's value would not be diminished by the proposed development. The thrust of the appellant's argument was that the significance of the heritage asset had been eroded and diminished by unsympathetic development within its setting, including the erection of the dwellings, buildings and structures of 'low quality', mainly associated with the kennels and cattery business. The appellant argued that the historic asset's setting would be significantly enhanced visually and physically by the demolition of the various structures, by the erection of the 41 houses of 'higher quality' and by the removal of the dense conifer hedge which currently obscures views of the facade of Old Clayton. I am not persuaded by these arguments for the following reasons.
26. The significance of the heritage asset relates to its architectural importance as a building of the local vernacular, albeit altered over time, and its interpretation as an historic farmstead that has evolved to suit ongoing local farming practises. The buildings retain the appearance of a dispersed farmstead that has undergone little change to the historic form. The low profile kennel buildings and enclosures are subservient to Old Clayton, and are not dissimilar in scale and appearance to often low quality poultry sheds or pig units traditionally associated with farmsteads. Even ancillary dwellings for farm workers or retirees, similar to those on the appeal site, are not an uncommon feature of traditional farmsteads.
27. The existing landscaping on the site and the structures associated with the kennel business obscure some views of the historic farmstead. However, it can still be read in the context of its predominantly rural surroundings, including the semi-rural appeal site. Furthermore, Planning Practice Guidance (PPG) confirms that considerations of the setting may be other than visual, and that matters such as the historic relationship between places, may influence the way in which an asset is experienced.
28. The erection of 41 relatively tight knit houses on the land closely and historically associated with the farmstead would sever the link between the former farm and its immediate hinterland and would introduce a substantial urban development into the landscape from which the heritage asset is seen and experienced. Contrary to the appellant's assertions, the scale of the new development would overpower and dominate the heritage asset, the significance of which would be harmed by the erosion of the historic rural setting. At the Inquiry, the appellant suggested that the proposed layout could be altered further to remove the two plots to the east of Old Clayton, thereby retaining an open relationship between the farmstead and the fields in the SDNP beyond the site. Although this suggestion would have some merit, it would not outweigh the substantial harm to the setting, and thereby the historical significance of the heritage assets, caused by the urban form of a housing estate in such close proximity to the listed building.
29. The proposed removal of the tall enclosing frontage conifer hedge would enhance the setting of Old Clayton and enable the heritage asset to be more

- readily appreciated from the A283. However, I attach little weight to this aspect of the proposal. It was stated at the Inquiry that the hedge had grown up since the building was listed in 1990, and I see no reason why its removal has to be linked to the proposed development. It could be felled at any time.
30. PPG confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset and that, in general terms, substantial harm is a high test and may not arise in many cases. The introduction of the two storey dwellings within the grounds of the former farmhouse with all the activity and traffic associated with 41 new houses, would harm the setting and thereby the significance of the heritage assets. However, given that the listed building would be retained unaltered, the harm would be less than substantial. Nevertheless, less than substantial harm attracts considerable importance and weight against the development and, in accordance with paragraph 134 of the Framework, should be weighed against the public benefits of the proposal, including securing its optimal viable use.
31. The appellant's case was based on there being no harm to the significance of the heritage asset. Nevertheless, the appellant contended that, in any case, substantial public benefit would accrue, principally by means of enhancing the setting of the listed building. For the reasons set out above, it is not accepted that the setting of the building would be enhanced or that this would be a public benefit, other than by the removal of the hedge which is not dependent on the development. The appeal site is currently used for a successful and expanding kennel and cattery business, and the non-viability of the site for commercial purposes has not been demonstrated. Therefore, little weight can be attached to securing its optimum viable use as a public benefit. The provision of market and affordable housing would be a benefit of significant weight and would accord with the Framework's requirement to boost significantly the supply of houses. However, there is no dispute between the parties that the Council can demonstrate a five year supply of housing land, albeit that is not to be taken as a ceiling.
32. As set out above, the Act requires special regard to be had to the desirability of preserving (that is not harming) listed buildings or their settings. The development would cause harm, albeit less than substantial harm, to the setting of the listed building and thereby its special architectural and historic interest. In the balancing exercise, these matters attract considerable importance and weight which would outweigh the public benefits of the proposal.
33. On that basis, the development would be contrary to the provisions of the Act, the policies of the Framework that seek to conserve and enhance the historic environment, and HDPF Policy 34 which, amongst other things, requires new development to retain and improve the setting of heritage assets.

Development in the countryside

34. Policy 3 of the HDPF establishes the development hierarchy for the District and permits development within towns and villages which have defined built-up areas. Storrington with Sullington is identified as a second tier settlement having a good range of services and facilities, strong community networks, local employment provision and reasonable public transport provision. HDPF Policy 4 supports the growth of settlements to meet identified local housing, employment and community needs. Outside built-up area boundaries,

development will be supported where, amongst other things, the site is allocated in the Local Plan or a Neighbourhood Plan and adjoins an existing settlement edge. This spatial strategy was found to be sound in October 2015 and was adopted by the Council the following month.

35. The appeal site is not allocated in any development plan document and is in the open countryside some distance from the defined development boundary. Clearly the proposal conflicts with Policy 4 which is an integral part of the HDPF spatial strategy for a plan-led approach to the provision of sustainable development in Horsham District. The failure to accord with Policy 4 carries significant weight against the proposal.
36. The appellant argued that the Millford Grange development had, in effect, extended the boundary of the built up area of Storrington, and that consequently, the appeal site now abuts the '*de facto*' edge of the settlement. In support of this argument the appellant referred me to a recent appeal Decision³ relating to a site in Lower Beeding in Horsham District. In that Decision the Inspector considered that the present development boundary could be deemed to be out of date, as the Neighbourhood Plan (NP) for that settlement was at an early stage of preparation and could well involve a review of relevant built-up area boundaries.
37. However, as Policy 4 sets out the criteria by which settlement boundaries can be extended, it is logical that the starting point for such an exercise must be the current boundaries identified in the HDPF. After all, there is no certainty that settlements will prepare a NP or that a NP would necessarily result in extensions to the development boundaries. The Council have confirmed that this approach was tested at the HDPF examinations which resulted in the plan being found sound. I am satisfied, therefore, that the Millford Grange development could not, and has not extended the current boundary to Storrington as identified in the HDPF. Accordingly, as the appeal site is remote from the settlement boundary, the proposal conflicts with Policy 4.
38. The appeal site was not proposed to be allocated for development in the draft Storrington, Sullington and Washington Neighbourhood Plan as it scored poorly in the site selection process used. However, following independent examination, the NP was not recommended to proceed, as the examiner had concerns about a number of issues including the site allocation matrix. In a letter to the Inquiry, the NP Steering Committee confirmed that work is proceeding to address the examiner's concerns, and that the appeal site is not one being put forward for housing development. However, given the set back to the NP and its emerging status, little weight can be attributed to it.
39. The appellant contended that the appeal site would be a windfall development that would contribute to the HDPF requirement set out in Policy 15, for 750 windfall units to be delivered within the plan period to 2031. With reference to another appeal Decision in West Chiltington⁴, the appellant also argued that the HDPF and Policy 4 fail to provide a mechanism for assessing windfall sites outside settlement boundaries. However, it is clear from the Council's evidence that windfall sites within settlement boundaries will be likely to deliver well in excess of the required 750 units from small non-allocated sites or from office-to-residential conversions. I heard no evidence to the contrary. I am

³ APP/Z3825/15/3138611

⁴ APP/Z3825/W/15/3022944

persuaded by the Council's argument that windfall units should be within built up areas in accordance with Policy 3, or should satisfy the requirements of Policy 4 for sites outside built up area boundaries. The proposal fails to satisfy either of these Policies, and as it would not be essential for the development to be in a rural/countryside location, the proposal would also be contrary to HDPF Policy 26.

40. In conclusion on this issue, the recently adopted HDPF sets out a spatial strategy for sustainable development in the District by establishing, amongst other things, a development hierarchy and policies whereby settlements can grow and expand over the lifetime of the plan. The plan has been found to be sound and in accordance with the Framework and its emphasis on the importance of the plan-led system. In the SoCG the parties acknowledged that the Inspector's report on the HDPF found that, on the evidence provided at the HDPF examination, a five year housing land supply could be demonstrated, although an early review would be necessary to identify areas for new housing needed towards the end of the plan period. Therefore, the HDPF policies relevant to the supply of housing are up-to-date, and the paragraph 14 test of the Framework does not apply. The proposed development of 41 houses in the open countryside, detached from the settlement boundaries of Storrington or Washington would not accord with HDPF policies referred to above and those policies of the Framework that seek to protect the countryside. I conclude therefore, that the appeal site would not be an appropriate location for the proposed development.

Employment land

41. HDPF Policy 9 seeks to protect employment sites to ensure there are sufficient local employment opportunities to meet the needs of the District. Outside Key employment areas, the Policy requires proposals for the redevelopment of employment sites to demonstrate that the site/premises are no longer needed and/or viable for employment use. That part of the appeal site currently being used for the kennels and cattery business is in employment use and the appellant confirms that contrary to Policy 9, the non-viability of the site for commercial purposes in general has not been demonstrated.
42. The owner of the business gave evidence that since the development of the adjacent Milford Grange, complaints had been received from the new residents about dogs barking. The owner was fearful that this could impact on the business, if a noise abatement order was issued by the local authority. The appellant argued that there would be no loss of employment opportunities as the intention was to relocate the kennels to a more rural location to enable the business to continue and expand. Whilst I do not doubt the intentions and integrity of the owner, I have no mechanism before me to guarantee in planning terms that the business would relocate and successfully gain planning permission in another location, to ensure that employment would be secured.
43. The HDPF identifies a shortfall in employment land and buildings, and the Council considered that the loss of such sites for housing, without confirmed alternative employment provision, would undermine the economic sustainability of the District. The appellant suggested that the retained curtilage buildings could be put to an employment use. However, details were not before the Inquiry, and the economic use of those buildings is not part of the appeal scheme.

44. On the evidence before me I conclude that the proposal would lead to the loss of employment land in breach of Policy 9, and Policy 10 which seeks to encourage and maintain the rural economy.

Sustainability

45. Storrington is an attractive settlement with a good range of services and facilities. It is a sustainable location for development reflecting its second tier designation after Horsham, in the development hierarchy set out in HDPF Policy 3. However, the appeal site is some distance from these local services and the pedestrian route alongside the busy A283 is narrow, and in places is unlit and very close to the edge of the carriageway. There are alternative, slightly longer routes along Hamper's Lane and through Heath Common, but these are mostly narrow private roads, lacking footways and street lighting. They include long sections that are not overlooked, that would feel somewhat isolated and uninviting particularly on winter nights and mornings. I agree with the findings of the Millford Grange Inspector that the pedestrian links would be unlikely to be used due to the distances involved, unattractiveness and safety issues.
46. New bus shelters have been provided on the A283 as part of the highway improvements resulting from the Millford Grange development. There are reasonable daytime bus services to the village and other local centres but evening and Sunday services are poor. I consider that it is highly likely that the occupants of the proposed houses would be dependent on the use of the car and that, due to the lack of effective walking routes, the location would not provide an adequate realistic choice of modes of transport contrary to HDPF Policy 40. Although the appellant argues that car journeys to the local shop and facilities would be short, I conclude that the proposed development would not be in a sustainable location.
47. In terms of the three dimensions of sustainable development set out in the Framework, the proposal would generate substantial social gains through the provision of market and affordable housing. However, the relative remoteness of the site may not encourage the strong, vibrant and healthy communities sought by the Framework. Investment in the local economy would arise from the significant expenditure on construction of the scheme and from the likely support for local businesses by future occupants. However, this economic benefit would be offset by the loss of the employment site, and the potential loss of local jobs. The more intense re-use of this previously developed site would be an environmental gain, but this would not outweigh the harm to the setting of the SDNP and to the significance of the heritage assets.
48. The Framework confirms that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. Notwithstanding the benefits identified, I conclude that the Framework's requirements would not be satisfied and that, given the conflict with recently adopted policies of the HDPF, the proposal would not represent sustainable development when considered against the spatial strategy of the HDPF as a whole and the Framework. Accordingly, the Framework's presumption in favour of sustainable development would not apply.

Overall Planning Balance and Conclusion

49. The provision of up to 41 market and affordable dwellings would help towards the Framework's requirement for a significant boost in housing and attracts

weight in this Decision. For although a five year housing land supply can be demonstrated, it is not to be taken as a ceiling. Notwithstanding that benefit, the development would conflict with the Council's recently adopted spatial strategy, would cause some harm to the setting of the SDNP and result in the potential loss of employment land. The proposal would also cause harm, albeit less than substantial harm, to the setting and thereby the significance of the designated heritage asset. This is a matter to which I must attach considerable importance and weight in the planning balance. Overall, I conclude that the totality of the harm identified would outweigh the benefits, and that the appeal should not succeed.

50. This conclusion may seem at odds with that reached by the Inspector in allowing the adjacent Millford Grange residential development. However, there are significant differences in circumstances and material considerations, including the lack of a five year supply of housing land and a significant shortfall in housing at the time of that Decision. Policies relevant to the supply of housing in the then development plan were consequently out-of-date, and as the emerging HDPF was at a very early stage, its policies and spatial strategy attracted very limited weight. Other different material considerations included the topography and the fact that Millford Grange site was, in part, adjacent to the existing development boundary. Heritage assets were not an issue in that appeal.
51. The s106 Obligations to mitigate some of the impacts of the proposal are set out in my preliminary matters section above. These obligations would not outweigh the overall harm identified, and in view of my conclusion, there is no need for me to consider their compliance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
52. For the reasons given the appeal is dismissed.

Anthony Lyman

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Hugh Richards of Counsel

He called

Ines Watson	Horsham District Council
Catherine Howe	Horsham District Council
Deborah Gardner	DGC (Historic Buildings) Consultants
Rosemary Foreman	Horsham District Council

FOR THE APPELLANT:

Rupert Warren Queen's Counsel

He called

Liz Simes	fabric Limited
Mark Sanderson	The Heritage Advisory
Alan Lewis	WSP Parsons Brinckerhoff
Huw James	ECE Planning Limited

INTERESTED PERSONS:

Yvonne Copp Old Clayton Boarding Kennels

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Statement of Common Ground
2. Appellant's Opening Points
3. Opening Submissions on Behalf of the Local Planning Authority
4. Letters of Notification dated 22 October 2015 and 6 June 2016
5. Abstract from Updated Position Statement – July 2015
6. Copy of Unilateral Undertaking dated 10 October 2012 re - Millford Grange
7. Errata sheet to Appellant's Landscape Proof of Evidence
8. Plan of the Millford Grange Site
9. Unilateral Undertaking dated 24 June 2016
10. Closing Submissions on Behalf of the Local Planning Authority
11. Appellant's Closing Submissions

DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Appeal Decision re Land at Bax Close, Storrington
2. Council's Comments on the above Decision - dated 4 July 2016
3. Appellant's Comments on the above Decision - dated 4 July 2016