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**REPRESENTATIONS ON BEHALF OF**

**[REDACTED] PUCKS CROFT, HORSHAM ROAD, RUSPER,  
RH12 4PR**

**OUTLINE APPLICATION FOR THE ERECTION OF 4 NO. DWELLINGS, EXTENSION  
TO EXISTING COTTAGE, ALTERATIONS TO ACCESS AND PROVISION OF  
LANDSCAPING (DC/25/1120) AT LAND ADJACENT TO PUCKS CROFT COTTAGE,  
HORSHAM ROAD, RUSPER, RH12 4PR**

14<sup>th</sup> August 2025

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## **1.0 Introduction**

- 1.01 These representations have been prepared on behalf of [REDACTED] Pucks Croft, immediate neighbours adjoining the application site.
- 1.02 An appeal was dismissed on 21 July 2022 for the erection of 7 no. houses with all matters reserved except for access (DC/20/2465). The appeal decision is a material consideration of significant weight in the consideration of the planning application. Having studied the current planning application and planning history of the site, in particular the appeal decision we consider the main issues to be:
- Whether the proposal is harmful to the character and appearance of the area
  - Whether the development would harm residential amenity
  - Whether significant landscape and tree impacts could be avoided
  - Whether there be any material circumstances that would outweigh any policy harm
  - Whether there is an inaccuracy on the application drawings regarding the garage for Pucks Croft cottage

## **2.0 Planning History**

- 2.01 The main issues raised by the 2022 appeal Inspector were:
- Suitability of the location
  - Character and appearance
  - Nature conservation sites
  - Highway safety
- 2.02 The appeal decision stated that indicative drawings submitted with that application suggested that the proposed dwellings together with associated access, parking and gardens would spread across a considerable proportion of the site. Irrespective of nearby buildings, the encroachment of the development onto currently undeveloped land would be urbanising and would result in a loss of openness.
- 2.03 The Inspector considered that the open site has a stronger connection, both spatial and visual, with the adjacent development to the south of this part of Horsham Road where the Inspector saw that the closest dwellings are typically set back varying distances from the street on large plots in a loose-knit linear arrangement which provides for a spacious and informal character. The decision stated that this provides for a noticeable impression of transition between the village centre and the surrounding open countryside, and a different character to the opposite side of Horsham Road where a more regular and tighter arrangement of buildings was observed by the Inspector.

### **3.0 Planning Policy**

#### ***National Planning Policy Framework (as amended February 2025)***

- 3.01 The NPPF introduces a presumption in favour of sustainable development (paragraph 11). For decision-making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
  - ii. 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.
- 3.02 Paragraph 135 requires decisions to ensure developments will function well and add to the overall quality of the area over the lifetime of the development. Development should be sympathetic to local character and history, including the surrounding built environment, and landscape setting.
- 3.03 Paragraph 187 requires that decisions should contribute to and enhance the natural and local environment. Decisions should recognise the intrinsic character and beauty of the countryside.

#### ***Planning Practice Guidance***

- 3.04 PPG guidance on design is of particular relevance to this planning application, which advocates consideration should be given to layout, form and scale of development.

#### ***Horsham District Planning Framework (2015)***

- 3.05 Relevant policies of the adopted Local Plan include:

Policy 1 – Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles

### ***Rusper Neighbourhood Plan 2021 (RNP)***

3.08 The RNP comprises part of the development plan.

### ***Facilitating Appropriate Development 2022 (FAD)***

3.09 The council have set out guidance to applicants submitting applications that would deliver sustainable and appropriate development. Paragraph 5.7 states that the council will consider positively applications that meet all of the following criteria:

- The site adjoins the existing settlement edge as defined by the BUAB;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

## **4.0 The Principle of the Development**

4.01 Policy 1 reflects the NPPF presumption in favour of sustainable development. The majority of the application site is outside the built-up area, and within the countryside, where policy 2 of the HDPF sets out the main growth strategy focusing development in the main settlements. In accordance with policy 3, development should take place in the most sustainable locations as possible. Rusper is not one of the larger settlements identified. Policy 26 of the HDPF requires proposal for development outside of built-up area boundary to be essential to its countryside location.

4.02 Policy 4 of the HDPF refers to the expansion of settlements outside the built-up area and states that development outside the built-up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The site is not identified in the Local Plan or the Neighbourhood Plan and therefore does not meet the criteria specified in Policy 4 of the HDPF. The council produced the FAD guidance document in 2022. Paragraph 5.6 states that Policy 4 is still relevant and relates well to the current settlement form of the district. However, it recognises that it is likely to receive applications for development outside of defined built-up area boundaries. For the reasons set out in this representation the development does not meet all of the criteria of the FAD guidance.

4.03 The 2022 appeal decision concluded that the location of the majority of development within the countryside, as is the case in the current planning application, would conflict with the spatial strategy for the District and Policies 2, 3, 4 and 26 of the HDPF, and on this basis it would not be a suitable location for housing. (The weight to be given to these local plan policies was considered in the planning balance section of the appeal decision and is considered in section 8.0 of these representations.)

## **5.0 Whether the proposal is harmful to the character and appearance of the area**

5.01 The site falls within an area of open land, the majority of which is outside the built-up area of the village. It consists mainly paddock land, together with a barn in the south-east corner of the site. Paragraph 2.03 above details the Inspector's assessment of the form of development in the locality and the character of this part of the village.

5.02 A Landscape Appraisal is submitted with the planning application however, it should be noted that as stated in the report it is not intended as a Landscape and Visual Impact Appraisal / Assessment (LVIA) and should not be interpreted as such. The appraisal states that it does not strictly follow the methodology as laid out with the Guidelines for Landscape and Visual Impact Assessment (Third Edition). It is intended to provide only an overview of the existing landscape character and visual amenity as well as any constraints which may inform the proposed scheme and mitigating planting design.

5.03 The site clearly forms part of the open setting of adjoining agricultural fields. It provides an important open countryside buffer to the settlement edge. The Inspector found that the site contributes an attractive rural character and setting to the village.

5.04 Although layout is a reserved matter, illustrative drawings have been submitted. Compared with the previous appeal scheme, the proposal has been amended to reduce the number of additional dwellings proposed to four, together with retention and extension of the existing cottage on the site. The site area has been reduced, and the layout has been amended.

5.05 Paragraph 14 of the 2022 appeal decision stated, with regard to the spread of development, that irrespective of nearby buildings, the encroachment of the development onto currently undeveloped land would have been urbanising and would have resulted in a loss of openness.

5.06 The applicant's planning statement suggests at paragraph 6.3.5 that the layout ensures that development would not extend beyond the established building line of the linear housing to the north-east. However, the proposed site plan indicates that development would quite clearly extend beyond the building line of the linear frontage development to the north-east. The proposal is also similar to the previous scheme in terms of the spread of development across a considerable proportion of the site.

- 5.07 Paragraph 17 of the appeal decision stated that the layout would have been at odds with the generally linear ribbon character of the adjacent buildings on this side of Horsham Road and would have given the development a more formal and suburban character which, it was considered, would have been somewhat incongruous at this edge of the settlement. The Inspector found that given these factors the proposal would have eroded the spacious character along this side of Horsham Road, disrupting the perception of a gradual transition between the village and the surrounding countryside.
- 5.07 The applicant's planning statement refers to a verbal discussion with the Council's Landscape Architect at the pre-application stage regarding two options submitted. The planning officer confirmed that a frontage layout was considered to better reflect the build pattern of the immediate surroundings, clustering development within the same area as the adjacent linear development. However, the illustrative layout does not show frontage development and appears to contradict the comments of the Inspector noted above.
- 5.08 The illustrative layout proposes a form of development which would create a central area towards the rear of the site dominated by hardstanding with no apparent relief by way of landscaping possible, owing to the design of the access, parking provision and turning areas.
- 5.09 The illustrative layout demonstrates that the development does not accord with the FAD guidance as it would not be appropriate to the scale and function of the settlement it relates to, would not be contained within an existing defensible boundary and would not maintain and enhance landscape character features.
- 5.10 The proposed development would not conserve and enhance landscape character or be of high-quality design that complements local character and contributes to a sense of place and would be in conflict with policies 25, 32 and 33 of the HDPF, the FAD guidance and paragraphs 135 and 187 of the NPPF.

## **6.0 Whether the development would harm residential amenity**

- 6.01 Policy 33 of the HDPF requires development to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.02 The illustrative layout includes a 4-bed dwelling (plot 5) very close to the northern boundary with Pucks Croft. Whilst there are currently the remains of a barn building in a similar location, and appearance is a reserved matter, should first floor rear windows form part of a detailed scheme my client is concerned about the potential for overlooking into their rear garden area.
- 6.03 The rear garden area of Pucks Croft would suffer noise and disturbance from development depth, extending close to the boundary, impacting on its current quiet

enjoyment. This area of Pucks Croft's plot is a well-used family garden, featuring a swimming pool with sitting out areas. The noise and disturbance resulting from an additional four dwellings would be harmful to the amenity of the occupants of Pucks Croft.

- 6.04 The access drive serving the development is in very close proximity to the annexe of Pucks Croft. The proximity of the access drive and the increase in vehicular movements, by some 22 per day suggested in the transport statement, would create a significant increase in noise and disturbance compared with the current single dwelling on the site.
- 6.05 The additional vehicular movements resulting from an increase of four dwellings, compared with the existing driveway serving one dwelling, would be unacceptable and contrary to the provisions of Policy 33 of the HDPF by way of the impact on the amenity of Pucks Croft.

## **7.0 Whether significant landscape and tree impacts could be avoided**

- 7.01 The council's arboricultural officer has raised concern, in comments made on 30/7/25, that existing trees adjacent to the road frontage junction will likely be detrimentally impacted upon by the proposal. The comments state that the submitted tree survey utilises out of date tree measurements recorded in the 2020 survey, does not off-set key root protection areas to take account of existing constraints, mis-identifies species and poorly attempts to estimate the size of off-site trees of significant landscape value.
- 7.02 The arboricultural officer also raises concern regarding the life expectancy of two off-site trees (pine and beech) immediately adjacent to the proposed site access. The officer states that they are foreseeably likely to have their limited safe useful life expectancy reduced further by the proposed works.
- 7.03 The arboricultural officer comments on the loss of hedging for access and sightlines, which he considers would be inevitable.
- 7.04 In addition to the pine and beech trees adjacent to the road frontage, within my client's ownership, my clients are also concerned about the implications for several oak trees on their land in close proximity to the boundary of the application site.
- 7.05 In particular my clients raise the following concerns relating to the adverse impact on trees.
- The access would be within the root protection area of a pine tree within my client's land.
  - The dwelling on plot 5 would be within the buffer zone of what my client believes to be a veteran oak on their land, close to the southern application site boundary.

- The dwelling on plot 3 would be close to a eucalyptus tree on my client's land near the south-western application site boundary.

7.06 Further advice is being taken by my clients regarding the potential implication of the development on trees. Further representations might be submitted in this respect.

## **8.0 Whether there be any material circumstances that would outweigh any policy harm**

8.1 Paragraph 11d of the NPPF needs to be considered as the Council cannot demonstrate a five-year housing land supply at the time of the planning application. As at May 2025, the Council considered that it has a 1.0-year housing land supply.

8.2 The presumption in favour of granting planning permission under Paragraph 11 of the NPPF does not apply where adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.3 The NPPF recognises that small and medium sized sites can make an important contribution to meeting housing requirements but also seeks to conserve the natural environment and the intrinsic character and beauty of the countryside. The proposal would cause significant harm to the character and appearance of the area, as discussed in the paragraphs above.

8.4 The adverse impacts of the proposed development, highlighted in these representations would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case, because the development would not be sustainable. There are no other material considerations, including the provisions of the Framework that outweigh the harm identified.

8.5 Were the Council to grant planning permission for this development, it would be difficult to resist development on other sites around the periphery of Rusper, including land adjoining the application site.

## **9.0 Whether there is an inaccuracy on the application drawings regarding the garage for Pucks Croft cottage**

9.1 There appears to be a possible inaccuracy in the planning application. The existing garage serving Pucks Croft cottage appears to be excluded from the red line site area on the site plan and shown as land within the ownership of the applicant. However, the site section drawing appears to suggest garage as part of the proposed scheme

adjacent to plot 1. My clients would like clarification regarding the garage as it attached to their annexe.

## **10.0 Conclusions**

- 10.01 The principle of development is unacceptable; it is contrary to development plan policy and would not accord with the NPPF presumption in favour of sustainable development. The proposal would have a harmful impact on the amenity of Pucks Croft. There would be a harmful impact on the character and appearance of the locality. There is concern regarding the potential impact on off-site trees.
- 10.02 The proposed development would not be in accordance with the development plan and there are no overriding material considerations which would indicate permission should be given, contrary to development plan policy.