
Appeal Decision

Site visit made on 27 October 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/Z3825/W/25/3365004

Lower Batchelors, Emms Lane, Barns Green, Horsham RH13 0QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a permission in principle.
 - The appeal is made by Mr and Mrs Christian John against Horsham District Council.
 - The application Ref is DC/25/0005.
 - The development proposed is the demolition of an existing structure and erection of a single dwelling.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. I have removed wording from the description of development in the banner heading above that does not describe development.
3. The proposal is for permission in principle, which the Planning Practice Guidance (PPG) advises is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (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. The appeal relates to the first stage.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of the subsequent technical details application, if permission in principle is granted. I have determined the appeal on this basis.
5. The appellant has referred to the draft Horsham District Local Plan (Local Plan 2021-2038), but I have not been directed to any specific policy within this plan. There is limited evidence before me in relation to the current stage of the emerging local plan nor detail of its policy approach regarding new housing in the countryside. I therefore attach limited weight to this plan in my decision.
6. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council submitted putative reasons for refusal in its evidence, which I have used to formulate the main issues below.
7. During my consideration of this appeal Natural England has withdrawn its water neutrality position in Arun Valley. I shall return to this matter later in my decision.

Main Issues

8. The main issues are:

- whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development; and
- the effect of the proposal on the integrity of protected Habitats sites.

Reasons

Whether the site is suitable for residential development

9. The site lies outside the defined settlement boundary and therefore it is within the countryside for the purposes of planning policy. Policy 2 of the Horsham District Planning Framework 2015 (HDPF) sets out the broad spatial strategy for the district, and seeks to focus development in and around the key settlement of Horsham and allow for growth in the rest of the district in accordance with the identified settlement hierarchy, which is set out in HDPF Policy 3.
10. HDPF Policy 26 sets out that, outside built-up area boundaries, any proposal must be essential to its countryside location, and in addition meet the criteria listed. There is no compelling evidence before me which indicates that the scheme would meet any of the exceptions listed. Therefore, the proposal would not be supported under HDPF Policy 26.
11. HDPF Policy 4 sets out that, outside built-up area boundaries, the expansion of settlements will be supported where the criteria listed are met. In terms of the criteria set out under this policy, the site is not allocated in the Local Plan or in a Neighbourhood Plan. Moreover, since the appeal site is outside, and distinctly detached from, the settlement of Barns Green, the proposed development would not be an acceptable settlement expansion as defined in Policy 4. Since the proposed development would fail to meet this criterion, the extent to which it would meet with the remaining criteria is of little consequence.
12. The Council's Facilitating Appropriate Development Document 2022 (FAD) sets out an approach to boosting the supply of housing, pending adoption of the emerging Local Plan. It takes a more positive stance on applications for housing outside settlement boundaries, subject to the criteria listed, all of which need to be satisfied. These maintain the requirement that any such applications should be for sites which adjoin the existing settlement edge as defined by the built-up area boundary. As the proposed development would not meet that requirement, the extent to which it would accord with the other criteria is of limited relevance. Thus, the scheme would not be in an appropriate location or land use.
13. The appeal site is part of the agricultural surroundings of Barns Green, where open fields and paddock land interspersed with blocks of woodland dominate the landscape. Emms Lane, in the vicinity of the appeal site, is a narrow lane without road markings which is bound by trees and hedges. Development along this stretch of Emms Lane is sparse and where present it includes agricultural buildings as well as residential properties.
14. The appeal site comprises a modest parcel of land which currently accommodates a detached block of stables with a rural appearance which is adjacent to a collection of agricultural buildings. As such, despite being located near Barns

Green, the site is more closely related to the countryside than to the built form of the settlement.

15. Hence, while the proposal would replace existing built form, the introduction of a residential plot in this location with a dwelling and associated features, including domestic paraphernalia, would formalise and urbanise the plot. The proposal would significantly erode the contribution the appeal site makes to the countryside setting of the settlement and harm the rural character of the area.
16. The nearby residential dwellings vary in design; however they generally have good sizes and are accommodated in commensurate plots. The appeal site is constrained in size and, on the evidence before me, I am not persuaded that a single dwelling could be successfully accommodated within it in such a manner that would relate well with the surrounding context. Consequently, the proposed amount of development would be inappropriate.
17. In light of the above, the site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. The appeal scheme would therefore conflict with HDPF Policies 1, 2, 4, 25, 26, 32, and 33. Amongst other things, these policies seek to restrict development outside of settlement boundaries, and to promote development that protects, conserves and enhances the landscape character.

Habitats sites

18. In September 2021, Natural England advised that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. As a consequence, and to comply with the legal duties set out in the Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations), all new development since has been required to demonstrate water neutrality.
19. However, on 31 October 2025, Natural England formally withdrew the 2021 Position Statement, citing a package of measures that it was satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence by March 2026.
20. The Council advised that, given the licence change has not yet taken place in Horsham, currently there is no certainty that new development would not result in adverse impacts on the Arun Valley sites. To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures).
21. In light of the above, I am satisfied that the scheme would not adversely affect the integrity of protected Habitats sites. Consequently, the proposal would accord with HDPF Policy 31, which seeks to protect the integrity of the Arun Valley sites.

Other Matters

22. The Council has confirmed that the site does not lie within the Green Belt. Consequently, I have not considered the appeal on this basis.

Planning Balance

23. The Council confirmed that it cannot currently demonstrate a five-year supply of deliverable housing sites, and advanced that the figure is 1 year, which is not disputed by the appellant. In such circumstances paragraph 11 d) ii of the National Planning Policy Framework (the Framework) states 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 the Framework taken as a whole.
24. In terms of benefits, the appeal scheme would provide one dwelling, making an effective use of land. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. As a small site, it could also be built-out reasonably quickly. There would be associated economic benefits during construction of the home and related employment for its duration, as well as future occupiers spending in the local economy. Future residents would be active in the local community. Taken together, these benefits weigh in favour of the proposal, albeit the limited number of dwellings proposed means that they attract modest weight in favour of the proposed development.
25. The proposal would be located outside the settlement boundary for Barns Green and would therefore be contrary to the spatial strategy and FAD guidance for the location of housing. Given the housing shortfall within the borough, I ascribe limited weight to the conflict with HDPF Policies 2, 3, 4 and 26.
26. However, as I have set out, the proposal would be harmful to the character and appearance of the area. The Framework seeks to ensure that development is sympathetic to local character, including the surrounding built environment and landscape setting. Therefore, the conflict between the proposal and HDPF Policies 25, 32 and 33 should be given significant weight in this appeal.
27. Thus, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

28. 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.

P Terceiro

INSPECTOR