



Horsham  
District  
Council

## HORSHAM DISTRICT COUNCIL CONSULTATION

<b>TO:</b>	Horsham District Council – Planning Dept
<b>LOCATION:</b>	Land to the West of Shoreham Road Small Dole, West Sussex
<b>DESCRIPTION:</b>	Outline planning application for up to 45 dwellings (including affordable homes) with all matters reserved apart from access.
<b>REFERENCE:</b>	DC/25/1019
<b>RECOMMENDATION:</b>	Advice / <del>No Objection / Objection / More Information / Modification / Refusal</del>

### **SUMMARY OF COMMENTS & RECOMMENDATION:**

The proposal for up to 45 dwellings on a site 5.45HA (13.47 acres) in size, located to the immediate north of Small Dole village centre and accessed from the Shoreham/ Henfield Road (A2037). To the north of the site is private road New Hall Lane, with residential properties backing onto the boundary. To the south of the site is a ditch with open fields beyond. The site is located within Small Dole, which is identified in the HDPF Policy 3 as a smaller village and is considered to be a sustainable location for development.

## **Preamble**

The application site is 5.45 hectares (13.47 acres) in size, located to the immediate north of Small Dole village centre and accessed from the Shoreham/ Henfield Road (A2037). To the north of the site is New Hall Lane, with residential properties backing onto the boundary. To the south of the site is a ditch with open fields beyond. The site is located within Small Dole, which is identified in the HDPF Strategic Policy 3 as a smaller village with limited services, facilities and social networks. Smaller villages are quite often reliant on larger settlements to access higher levels services.

These comments focus on potential conflicts with the Development Plan (namely the Horsham District Planning Framework (HDPF), Henfield Neighbourhood Plan and with national planning policy and guidance. The status of the emerging Horsham District Local Plan 2023-40 (HDLP) is also considered. All views are without prejudice to the recommendation of the case officer.

The comments do not discuss the Council's Housing Land Supply position or Housing Delivery Test performance in any detail. However, the case officer will be aware that the 'tilted balance' is effect per NPPF para 11dii) unless it is assessed that the exemptions identified in 11di) and related footnote 7 apply. In addition, the comments provide no commentary relating to the need for development to be water neutral, of which the case officer will also be aware.

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

The HDPF was adopted by the Council on the 27 November 2015 and, together with "made" Neighbourhood Plans, forms the current development plan for the Horsham District. The HDPF sets policies and proposals for development in the district up to 2031. It is for the case officer to determine the weight of relevant HDPF policies in the context of the Council's five year housing land supply position and as weighed against the tilted balance; this will respectively depend on the policies' alignment with the NPPF, and the evidence relevant to matters covered by those policies including evidence related to the site. This may include the considerations I have set out below.

### **Strategic Policy 3: Development Hierarchy (advice)**

This policy sets out the hierarchy of towns and villages where development will be supported within built-up area boundaries, ensuring the pattern of development and rural nature of the district is retained. Small Dole is identified in the settlement hierarchy in the smaller villages tier. Smaller villages cited within this tier have limited services, facilities, social networks but with good accessibility to larger settlements (e.g. road or rail) or settlements with some employment but limited services facilities or accessibility. Residents are reliant on larger settlements to access most of their requirement. Small Dole village falls within two separate parishes (Henfield and Upper Beeding). The application site is located within Henfield parish.

### **Strategic Policy 4: Settlement Expansion**

**Strategic Policy 4 of the HDPF** (and Strategic Policy 3 of the draft HDLP) support expansion of settlements subject to specified criteria including allocation in the Development Plan. However, taking into account that the tilted balance is engaged, this essentially means that applications which meet the following criteria, reflecting HDPF Policy 4, will be considered positively:

- 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.

As expanded on below, the emerging Horsham District Local Plan 2023-40 proposed allocation of the application site, therefore the above criteria are deemed to be satisfied and the principle of development is therefore supported.

#### **Policy 16 – Meeting Local Housing Needs (advice)**

HDPF Policy 16 in summary requires that development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment. Criterion 3(a) requires that sites providing 15 or more homes are required to provide 35% of the dwellings to be affordable.

The outline application provides no indication of the mix of dwelling sizes. This will need to be detailed in the reserved matters application, which must show alignment of the housing mix with the latest Strategic Housing Market Assessment<sup>1</sup>. It may be that the design and layout is adjusted to ensure the design and layout is suitable for accommodating the requisite mix.

Whilst the Planning and Affordable Housing Statement confirms that 35% of units will be affordable, there is no detail of the mix within that, in terms of both tenure (social/affordable rented and shared ownership) and unit sizes (number of bedrooms). These matters should be determined by reference to the Strategic Housing Market Assessment recommendations and/or advice from the Council's Housing Team. It is advised that these matters are agreed at the outline application stage and secured as appropriate ahead of the reserved matters application.

#### **Policy 30 - Protected landscapes (advice)**

Attention is drawn to **HDPPF Policy 30: Protected Landscapes**. Given the site's proximity and strong relationship with the South Downs National Park (the site is located to the west of the national park), careful consideration will be needed as to how the criteria of this policy are met and whether the setting of the South Downs National Park is respected.

**Policy 38: Flood Risk:** There is evidence of risk of surface water on the southern boundary of the site. The case officer must be satisfied any proposal must manage surface water flood risk through effective management measures which have been incorporated in the proposed development's master plan.

#### **Five-year housing land supply**

Paragraph 11(d) of the NPPF and footnote 8 sets out that where a Council is unable to demonstrate a 5-year housing land supply, or sufficiently delivered housing against relevant targets over the past 3 years (using the Housing delivery Test), relevant development plan policies will be considered out-of-date. This engages the "tilted balance", where a presumption in favour of sustainable development applies. It is confirmed that the Council is unable to demonstrate a 5-year housing land supply (and at the current time can only demonstrate a 1-year supply), and further has not met the 75% threshold for 'passing' the Housing Delivery Test in recent years. Therefore the "tilted balance" is engaged, albeit the Henfield Neighbourhood Plan also holds significant weight (see below).

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<sup>1</sup> Northern West Sussex Strategic Housing Market Assessment (2019):  
[https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0020/79130/Northern-West-Sussex-Strategic-Housing-Market-Assessment.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0020/79130/Northern-West-Sussex-Strategic-Housing-Market-Assessment.pdf)

## **Water Neutrality**

The application is supported by a Water Neutrality Statement which has not been assessed as part of these comments. It is for the Case Officer to assess whether the terms of the Natural England Position Statement can be met and secured.

## **Horsham District Local Plan (HDLPLP) 2023-2040**

The Council embarked on a review of the HDPLP and prepared the draft Horsham District Local Plan 2023-2040 which was submitted to the Secretary of State for formal examination in July 2024. The draft plan sets out planning policies and proposals intended to guide development in the district, excluding the South Downs National Park, up to 2040. Examination hearings started in December 2024, but the remaining hearings were cancelled by the Inspector in a Holding Letter dated 16 December 2024. On 22 April 2025 the Council published the Inspector's subsequent Interim Findings Letter which has recommended that the Plan be withdrawn, due to his view that the Council has failed to satisfactorily comply with the legal Duty to Co-operate.

In his Interim Findings letter, the Inspector has indicated that, in relation to its evidence base, "the Council could utilise much of the good and comprehensive work already undertaken" to commence work on a new local plan. There is, therefore, no reason to think that relevant sections of the local plan evidence base could not equally be used in determining planning applications.

Following member discussion at Communities and Place Policy and Scrutiny Committee on 23 July and upon direction from members, and a subsequent Cabinet Member Decision taken on 8 August by the Cabinet Member for Planning and Infrastructure, the Council wrote to the Planning Inspector on 18 August 2025. The letter requested that he reopen the examination hearings to revisit his conclusions on the Duty to Cooperate and conduct a further hearing on the matter, that includes representatives of neighbouring authorities, particularly given the context of proposed changes to the planning system (which includes the revocation of the Duty to Cooperate) and local government reorganisation. A response to the letter was received from the Inspector on 28 August 2028 inviting further evidence from the Council, which it is due to provide shortly.

It is the Council's view that the submission Horsham District Local Plan 2023-2040 remains the emerging Local Plan (eLP) in the context of NPPF para 49 at the time of writing. However, given the context described, it is considered that only limited weight should be given to its policies.

The housing policies and site allocations in the emerging draft Horsham Local Plan have sought to address housing need. Therefore, in certain circumstances it may be reasonable to attach some limited weight to site specific policies, or other policies seeking to maximise the delivery of housing and affordable housing. Of most relevance to this application therefore is Policy HA16, together with SMD1. The case officer will need to review the proposed draft policy in full. But, in summary HA16 seeks to deliver approximately 40 dwellings including affordable housing subject to the following policy criterion:

- a) Are limited to the eastern end of the site with a significant proportion of the site (western and northern parts) given to public open space and recreation use;

- b) Deliver sustainable drainage systems (SuDS) along the southern boundary;
- c) Are designed to take account of the rural character around the site, and incorporate measures to mitigate against any harm to the landscape character; and
- d) Deliver access from the A2037.

In principle, development of the site was supported by the draft Local Plan, subject to meeting particular requirements as listed above. The policy requirements stem from a suite of evidence base documents which positively supported the allocation – including the Site Assessment Report<sup>2</sup>, Landscape Capacity Assessment<sup>3</sup> to further understand the rationale for these policies.

### **Henfield Neighbourhood Plan**

The Henfield Neighbourhood Plan was adopted in May 2021 and is part of the Horsham District Development Plan. It is less than five years old and allocates housing to meet local needs up to 2031. According to Paragraph 14 of the NPPF, when considering housing applications, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that:

- a) the plan is less than five years old, and
- b) it includes policies and housing allocations to meet its identified housing requirement.

The Henfield Neighbourhood Plan meets these conditions. The Henfield Neighbourhood Plan qualifies under paragraph 14. As such, even though the tilted balance is triggered due to the lack of a five-year housing supply, the housing policies and allocations in the neighbourhood plan retain significant weight.

I have considered whether, despite DC/25/1019 conflicting with the Henfield Neighbourhood Plan, the negative impact of permitting a proposal that conflicts with neighbourhood plans would significantly and demonstrably outweigh the potential benefits. The Henfield Neighbourhood Plan meets housing needs up to 2031 whereas the proposal will contribute to meeting a local housing need in Small Dole beyond 2031, provide affordable housing as part of the housing mix, provide a community orchard, biodiversity enhancements through retention of existing trees and hedgerows supported by further new planting. The proposal will also provide significant public open space for Small Dole village as part of the proposal. Furthermore, as discussed above, the emerging Horsham Local Plan included Strategic Policy HA16: Small Dole Housing Allocations (SMD1) which indicates the Council's in-principle support for allocation of at least 40 homes on the application site. This proposed allocation was supported by the Site Assessment Report Part C (SA538).

Given that the proposed site allocations in the emerging Horsham Local Plan were based on robust evidence which demonstrates the site is capable of accommodating sustainable development, on balance I consider the proposed development should be supported in principle, notwithstanding the conflict with the neighbourhood plan.

It is advised that non-housing neighbourhood plan policies should be afforded equivalent weight as the HDPL. These may be a more relevant consideration at the reserved matters stage. The following policies will be of relevance to this proposal: Policy 1: A Spatial Plan for the Parish; Policy 4: Transport, Access and Car Parking; Policy 5: Utility Infrastructure; Policy 8: Broadband Infrastructure; Policy 10: Green Infrastructure and Biodiversity; and Policy 12: Design Standards for New Development.

Comments in this response are limited only to those which relate to the principle of development and are not exhaustive. They are intended to aid the case officer's detailed assessment and reporting and are made without prejudice to the recommendation of the case officer.

**ANY RECOMMENDED CONDITIONS:**

No recommendations regarding conditions.

<b>NAME:</b>	Norman Kwan
<b>DEPARTMENT:</b>	Strategic Planning
<b>DATE:</b>	1 September 2025

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<sup>2</sup> [https://www.horsham.gov.uk/\\_\\_data/assets/pdf\\_file/0003/131736/HDC-Reg-19-Site-Assessment-Report-Part-III-Preferred-Smaller-Sites-Dec-2023.pdf](https://www.horsham.gov.uk/__data/assets/pdf_file/0003/131736/HDC-Reg-19-Site-Assessment-Report-Part-III-Preferred-Smaller-Sites-Dec-2023.pdf)

<sup>3</sup> [https://www.horsham.gov.uk/\\_\\_data/assets/pdf\\_file/0004/104539/Landscape-Capacity-Study-May-2021\\_REV-C.pdf](https://www.horsham.gov.uk/__data/assets/pdf_file/0004/104539/Landscape-Capacity-Study-May-2021_REV-C.pdf)