



## HORSHAM DISTRICT COUNCIL CONSULTATION

<b>TO:</b>	Horsham District Council – Planning Dept
<b>LOCATION:</b>	Land To The North and South of Mercer Road Warnham West Sussex
<b>DESCRIPTION:</b>	Redevelopment of the site to provide 304 residential units, parking, a retail unit, public car park, public open space, attenuation basins and landscaping
<b>REFERENCE:</b>	DC/25/0151
<b>RECOMMENDATION:</b>	Objection
<b>SUMMARY OF COMMENTS &amp; RECOMMENDATION:</b> The level of provision of affordable housing is non-policy compliant and, subject to further investigation, is likely to provide reason to refuse permission. It is also recommended that further information is requested on various matters, as detailed below.	

## MAIN COMMENTS:

### Preamble

It is understood that the application is for 304 residential units, a new station car park, convenience store and public open space. These comments focus on potential conflicts with the Development Plan (namely the Horsham District Planning Framework (HDPF)) and with national planning policy and guidance, however the lack of reference to a particular policy does not imply that a judgement of compliance has necessarily been arrived at. 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.

### Development Plan compliance

#### Affordable housing and viability (objection)

**HDPF Strategic Policy 16: Meeting Local Housing Needs** sets out a requirement for 35% of dwellings to be affordable on sites of 15 or more dwellings or >0.5ha. The policy states that in seeking affordable housing provision the Council will assess each scheme's viability, including the overall mix of affordable unit size and tenure, to ensure they meet local need as evidenced by the latest SHMA. This approach remains in line with NPPF (December 2024) which requires assessment of housing needed for different groups, including affordable housing (para 63), and sets the expectation that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures (para 66). For avoidance of doubt there remains a significant need for affordable housing in the District. The [Horsham Social Rented Housing and First Homes Study \(Sep 2022\)](#) has found a need for 492 rented affordable homes per annum across the District, and a further 386 affordable home ownership units per annum.

The applicant has submitted a viability report which concludes that even with no affordable housing, the scheme is considerably in viability deficit. However it is reported that the client is prepared to take a 'commercial decision' to forego an element of scheme profit and provide 10% of dwellings as affordable housing.

It will be for the Council's independently appointed viability consultant to consider the details of the applicant's viability report. There are a number of aspects that will need to be scrutinised and potentially challenged, including benchmark land value, assumed profit, and in particular assumed scheme costs. On the latter, significant costs additional to BCIS base costs include for the building of garages, demolition, site servicing and access roads, noise mitigation and air source heat pumps.

Attention is drawn to the [Horsham Local Plan Viability Study](#) which, having been published in November 2023, is an up-to-date assessment of typical site viability in Horsham District, and follows industry best practice. One of the site typologies tested is referenced GF\_LV\_3 representing a greenfield site accommodating 300 dwellings at a gross density of 20.98 dph in an area established as having relatively lower land

values. This closely matches the application site. The outcome of testing shows that such a site is viable whilst providing 45% affordable housing (on a 70% affordable rented/30% shared ownership) split, and in fact shows a viability 'surplus' (i.e. in excess of benchmark land value) of £5,163,885.

It is appreciated that a site-specific viability appraisal will have a more refined set of costs, and potentially different circumstances, compared with a typologies-based assessment. Nevertheless, it does not seem credible that the application scheme, which is on a greenfield site and not atypical, can only provide 10% of dwellings as affordable (less than 25% of what should be theoretically viable). It is also noted that the applicant's viability report suggests that the scheme is unviable even with no affordable housing. If this was correct then no residential developer would be interested in the site irrespective of affordable housing requirements, which underlines the question of credibility of the applicant's position.

Concluding recommendations on this issue are:

- The scheme is unacceptable as it does not comply with HDPP Strategic Policy 16, and (subject to independent assessment) there is insufficient evidence of non-viability;
- An independent assessment should be undertaken by a qualified RICS Chartered Surveyor to establish whether the policy requirement of 35% affordable housing is viable, and in doing so, use the Horsham Local Plan Viability Study as a comparator when considering inputs and assumptions;
- Should the independent assessment confirm the initial view that a higher proportion and number of affordable housing is viable on the site, and should the applicant be unwilling to resubmit their application to meet that number, the application should be refused.

#### Housing mix and adaptable dwellings (advice)

**HDPP Strategic Policy 16 (1)** requires a mix of housing sizes, types and tenures as evidenced in the latest Strategic Housing Market Assessment (SHMA). The [Northern West Sussex Strategic Housing Market Assessment \(SHMA\) \(2019\)](#) provides a strategic housing mix. The [Horsham Social Rented Housing and First Homes Study \(2022\)](#) reviewed the strategic housing mix specifically for affordable housing, but advised that the SHMA recommendations remained unchanged.

The applicant's Design and Access Statement advises on p66 on the proposed dwelling mix. As relates to the proportions of market dwellings and affordable dwellings respectively, whilst they do not precisely align with the SHMA, they are not considered to deviate so significantly as to cause concern.

However as discussed above, the number of affordable units is significantly below the policy requirement. As different strategic mixes apply to affordable versus market provision, this means that the overall mix of units across the site must deviate significantly from what would be provided on the basis of 35% affordable housing. In summary, given that the affordable mix requires a much larger proportion of 1-bedroom units, there is an under-provision of smaller units overall on the site. This

could be remedied by means of a policy-compliant level of affordable housing being provided as part of a revised scheme, noting the Policy objection on under-provision of affordable housing.

The SHMA also identifies a need for some 800 additional wheelchair-accessible homes in Horsham (working from a 2019 baseline), which is around 4% of total housing need. **Strategic Policy 16 (1)** refers to meeting the needs of the District's communities – this includes those with disabilities and aligns with NPPF para 63 which references people with disabilities in respect of housing need. Noting that Planning Practice Guidance (Reference ID: 56-009-20150327) states that wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, it is encouraging that the DAS states that 5% of the affordable dwellings have been designed to achieve Building Regulations, Part M4(3) standards, meaning that they are fully wheelchair compatible. However, 5% of the 30 affordable dwellings proposed is only 1 or 2 dwellings. The correct number to fully reflect national guidance and local evidence would be 5% of 106 (that being 35% of the total), in other words at least 5 affordable dwellings should be M4(3) compliance and fully wheelchair accessible. This could be remedied by means of a policy-compliant level of affordable housing being provided as part of a revised scheme, noting the Policy objection on under-provision of affordable housing.

#### Sustainable construction and sustainable energy (advice)

The submission of an Energy and Sustainability Statement is noted and welcomed. The Policy Team has not reviewed this document, but highlights the development as a whole should comply with **HDPF Strategic Policies 35 and 36, and Policy 37**, and comply also with NPPF requirements set out in paragraphs 162 to 169.

#### Water neutrality (advice)

It is noted that a Water Neutrality Statement has been submitted which proposes use of SNOWS reflecting that the site has been proposed by HDC for allocation. The Policy team has not reviewed this statement in detail and therefore no comment is given in this response. However, given the recommendation to Cabinet that the emerging Plan is withdrawn (see below), advice on this matter should be sought from the Water Neutrality Project Manager who oversees the Sussex North Water Certification Scheme (SNWCS). It is also noted that the DAS (p136) states a target water consumption of 110 litres per person per day which is inconsistent with the Water Neutrality Statement (para 2.2.1) which commits to a maximum daily water use of 85 lppd. Confirmation should be sought from the applicant that it is the lower figure that has been reflected in the design and specification of units, as this may be a prerequisite for accessing SNWCS (notwithstanding that such access is in any case not yet determined).

#### Movement and travel (advice)

It is anticipated that detailed advice and comment has been/is given by West Sussex County Council, therefore the Policy Team does not provide detailed comments at this stage. It is however highlighted that the scheme should comply in full with

**HDPF Policy 40 -Sustainable Transport.** It is questioned whether this is the case for the reasons below.

It is noted that there are very few existing services within reasonable walking distance of the site, and there are no direct walking or cycling routes from the proposed development site towards the existing Bohunt School or any other services that may come forward as part of this until the western/Phase 3 development comes forward. There needs to be greater certainty that the proposed development can tie in with the adjoining Phase 3 Mowbray. Similarly, it is not clear what improvements will be made to facilitate access to Warnham Village, which as stands requires pedestrians and cyclists to cross the busy A24 at the Station Road junction where there is no controlled or even uncontrolled crossing facility. Similarly, the current pedestrian access across the railway is at-grade which may pose safety concerns and limit accessibility to Warnham Village on foot or by bicycle. Whilst the applicant proposes a financial contribution towards a footbridge across the railway, I am not clear on the status of this.

It is further noted that the Transport Assessment refers to a new pedestrian crossing across the A264 at Langhurst Road, together with new/improved footways along Langhurst Road, to provide a safe route into Horsham Town. However no clear detail is provided, and it is also not clear whether the crossing would also accommodate cyclists. Further information on how safe, attractive and convenient access for new occupants can be achieved into Horsham Town is to be achieved, if only on an interim basis whilst the development of Mowbray Phase 3 is awaited.

It is of further concern that there is no clear strategy for improving access to bus services beyond providing information to new residents on existing bus stops (all located on the other side of the A264, around 1km away). Nor does there appear to be any proposed improvement to existing bus infrastructure or services. It is difficult to see how this creates realistic and attractive options for public transport use.

In summary, without any connections achieved into the adjoining and as yet unbuilt Phase 3 Mowbray, and given a lack of a clear strategy for achieving safe and convenient connections into Horsham Town, the site is considered to be poorly located to enable trips on foot, cycle, or by bus. This creates a potential conflict with HDPF Policy 40. More information should be sought from the applicant on these matters.

#### Design (advice)

The NPPF references the National Model Design Code (NMDC) (e.g. in paragraph 115c) yet it is noted that the Design and Access Statement (DAS) makes no reference to it. No specific comment is made on alignment of the proposal to the NMDC in this response but it is hoped that the applicant has strived to adhere to its principles.

Aside from that, the key HDPF policies are **Strategic Policy 32: The Quality of New Development** and **Policy 33: Development Principles**. With those in mind,

comments are made on the DAS. It is understood that there will have been detailed discussions on design and layout matters as part of pre-application discussions which may take precedence over these.

- It is of concern that all the affordable housing, and what appears to be the smaller (i.e. cheaper) market housing, is concentrated in the northern parcel. It therefore seems poorly integrated with the remainder of the development which appears to be of better quality. This is compounded by a large separation between residential frontages on the two sides of Mercer Road. This could conflict with **Policy 16(1)** which seeks a mix of housing sizes, types and tenures in order to create sustainable and balanced communities.
- Parking arrangements do not appear well thought out. On the northern parcel, frontage parking to many of the houses appears cramped and at risk of dominating the street scene. It is noted there is no on-street parking except for visitor bays, which can result in sterile and less active streets and/or enforcement and safety issues. The DAS on p118 incorrectly references the WSCC Supplementary Planning Document 'Guidance on Parking at New Developments – September 2005' whereas the most recent guidance is [West Sussex County Council Guidance on Parking at New Developments \(September 2020\)](#). It is noted that the WSCC Guidance advises on design considerations (Principle E) giving an expectation that parking provision should be balanced, mixed and flexible, and reflect best practice e.g. [Manual for Streets](#) and 'Car Parking: What Works Where'.
- The Community Hub Piazza seems oversized for a development of 300 homes and would benefit from being directly in front of the proposed retail/commercial units to encourage good use of the public space.

#### Open space provision (advice)

**HDLP Policy 43** supports the provision of new or improved community facilities or services, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies, or contribute to the provision of Green Infrastructure. The supporting text to the policy clarifies that communities will only be sustainable if they are fully inclusive and deliver the necessary standards of services and facilities, therefore the policy seeks to ensure that new facilities are provided at an appropriate level of provision where a need is identified.

The most up-to-date study to inform whether the policy is complied with is the [Open Space, Sport & Recreation Review 2021](#). It is not clear from the submitted information as to whether regard has been given to that study, and whether the on-site provision is compliant. An assessment of the site against the standards recommended in the study should be sought from the applicant to ensure that the needs generated from the development are fully met.

#### **5 year housing land supply**

NPPF paragraph 11(d) and footnote 8 make clear that where delivery of housing against a target 5 year land supply for housing is in deficit, or delivery against the target over the last 3 years is less than 75%, relevant development plan policies will be considered out-of-date. This engages the so-called 'tilted balance' whereas a presumption in favour of sustainable development applies. The currently published Authority Monitoring Report (AMR) covering the 2023-24 period confirms the current housing land supply as providing 1 years' worth, as measured against the current calculated Standard Housing Method target of 1,338 dpa plus a 20% buffer plus historic shortfall allowance. The Housing Delivery Test is also at a level below the 75% threshold.

It is thus confirmed that the 'tilted balance' as set out in the NPPF applies, subject to footnote 7 which sets out other balancing factors relating to the NPPF. 'Relevant' planning policies are considered to be those which limit housing development to particular areas, or otherwise seek to limit the supply. It is for the case officer to decide the precise implications of weight applied to policies in the HDPP, however HDPP policies determining (amongst other things) affordable housing provision, sustainable travel and movement, design, parking provision, open space and biodiversity enhancement are likely to still have significant weight as they are not determinant in the supply of land for housing.

## **Horsham District Local Plan 2023-40 (HDLP)**

### Emerging Local Plan and prospect of withdrawal

Given that the HDPP is over 5 years old, Horsham District Council reviewed the current local plan and the emerging Horsham District Local Plan 2023-2040 ('the emerging 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. 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. On 15 July 2025, a draft report to Cabinet was published initially for consideration by Communities and Place Policy and Scrutiny Committee on 23 July 2025 which recommends withdrawal of the emerging Plan and commencement of a new local plan review. It also recommends endorsement of the Shaping Development in Horsham District Planning Advice Note which is intended to replace the Facilitating Appropriate Development document.

The emerging Plan may, therefore, soon be withdrawn. The (as may be) withdrawn Local Plan includes **Policy HA10: Horsham Housing Allocations** which allocates the application site as HOR2: Land at Mercer Road, 14.3 hectares (300 homes). In summary, it requires that development complements the masterplan for and does not prejudice the delivery of the adjacent Land North of Horsham strategic allocation; provides public open space and children's recreation space in accordance with standards and the respective recommendations in the Open Space, Sport & Recreation Review 2021; provides a temporary means of safe crossing to Horsham

Town across the A264 for Active Travel until the Phase 3 connections to be delivered by the North of Horsham development are complete, and provides no less than 50 parking spaces for Warnham Railway Station and safe crossing of the railway line. It also refers to noise impacts, active travel between the land parcels, and Ancient Woodland.

If endorsed by Cabinet as currently worded, the Shaping Development in Horsham District Planning Advice Note ('SD PAN') will advise that going forward, the Council will not be applying weight to policies contained in the (as may be) withdrawn Local Plan. This advice will apply from 7 August 2025 should Cabinet resolve to formally withdraw the emerging Plan. However the SD PAN will also advise that the considerable evidence base undertaken as part of the preparation of the withdrawn Local Plan may still be used to support decisions on planning applications. In relation to this, it is noted that in his Initial Findings Letter, the Local Plan Inspector explained that "the Council could utilise much of the good and comprehensive work already undertaken" to commence work on a new Local Plan. The Council is of the view that that relevant sections of the local plan evidence base could equally be utilised in the determination of relevant planning applications. The use of the evidence will include in situations where it reinforces existing policy in the HDPF or where it justifies decisions that depart from policies set out in the HDPF, in the event that circumstances have changed.

The SD PAN, if endorsed, will state the Council's view that the proposed site allocations were based on robust evidence, most notably site assessment work and were capable of accommodating sustainable development. For this reason, the Council will consider positively proposals on sites identified in the (as may be) withdrawn Local Plan, which accord with such evidence and are in accordance with (non-housing supply) HDPF or Neighbourhood Plan policies. Therefore, the Council would encourage applicants to have regard to site-specific matters identified in the (as may be) withdrawn Local Plan, including the quantum of development. The site assessment for this site is found within the Site Assessment Report Part C: [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).

It is also noted that there is nothing in the Inspector's Interim Findings Letter to suggest that there were any concerns over the proposed allocation HOR2.

It is therefore recommended that **limited weight** is attached to the evidence supporting (as may be) withdrawn Policy HOR2. It is considered that the application scheme complies at a high level with the site-specific criteria set out in HA10 (HOR2) (albeit concerns remain regarding details of the temporary A264 pedestrian crossing, the safe crossing of the railway line and the provision of open space / outdoor recreation) which also indicate conflict with the HDPF and (in respect of affordable housing, local housing need and open space) the Council's evidence base.

With respect to other policies in the (as may be) withdrawn Local Plan potentially not complied with, relevant evidence remains material and has therefore been referred to in the response above.

**Disclaimer**

The comments made in this response are indicative and not intended as exhaustive. They are meant as an aid to the case officer's detailed assessment and reporting, but are made without prejudice to the recommendation of the case officer.

**ANY RECOMMENDED CONDITIONS:**

Conditions may be necessary to address matters raised in this response. This will be for the case officer to determine.

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<b>DEPARTMENT:</b>	Planning Policy
<b>DATE:</b>	21/07/2025