



Hannah Darley
Planning Officer
Horsham District Council
Parkside
Horsham
West Sussex RH12 1RL

Our ref HORS/26/01
Your ref 26/0041

22.01.26

Dear Hannah,

DC/26/0041- PERMISSION IN PRINCIPLE FOR THE ERECTION OF UP TO 9NO. SELF-BUILD DWELLINGS AT SPRING ACRES, WEST END LANE, HENFIELD, WEST SUSSEX, BN5 9RE

I refer to the above application. I have been contacted by a number of residents who live close to the application site. They have asked me to review the application documents submitted and submit representations on their behalf. Having reviewed the submitted documents, my clients wish to **OBJECT** to the proposed development.

The development plan consists of the Horsham District Planning Framework, adopted in November 2015, and the Henfield Neighbourhood Plan which was made in 2021. Applications for planning permission should be determined in accordance with the policies of the development plan, insofar as they are relevant, unless material considerations indicate otherwise. The relevant policies are set out below;

- Policy 1- Sustainable Development
- Policy 3- Development Hierarchy
- Policy 4- Settlement Expansion
- Policy 15- Housing Provision
- Policy 25- District Character and the Natural Environment
- Policy 26- Countryside Protection
- Policy 32- The Quality of New Development
- Policy 33- Development Principles
- Policy 38- Flooding
- Policy 40- Sustainable Transport
- Policy 41- Parking

The relevant policies of the Henfield Neighbourhood Plan are set out below;

- Policy 1- A Spatial Plan
- Policy 4- Transport, Access and Car Parking
- Policy 5- Utility Infrastructure
- Policy 12- Design Standards for New Development

The site is located outside the defined limits of the settlement in the open countryside. There are no other policy



constraints that apply directly to the site.

Other material considerations- in relation to other material policy considerations, the NPPF was published in December 2024 and provides Government guidance on a number of matters, including conserving and enhancing the natural environment. In particular paragraph 187 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

It is noted that the application is a “Permission in Principle” (PiP) application. This is a relatively new procedure and the only matters that can be taken into account by the Council in determining the application are limited to location, land use and amount of development.

The submitted Planning Design and Access Statement seeks to support and justify the development. It is noted that reference is made to the stable block allowed on appeal under reference 11/2631 which has been partially implemented by the laying out of a base for the permitted structure. On the basis of the laying out of the base for the stables, it is asserted that the site falls within the definition of previously developed land. The definition of previously developed land is set out in the glossary of the NPPF. This states that previously developed land is

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

The critical element of the definition in relation to this proposal is that ***it should not be assumed that the whole of the curtilage should be developed***. Whilst there is an element of fixed surface infrastructure towards the western boundary of the site, this constitutes a very small proportion of the 0.49 ha of the wider site. The clear characteristic of the site is that it is open, and forms part of the countryside around Henfield. The site currently contributes positively to the rural character of the surrounding area.

The three issues that are able to be assessed will be addressed below, having regard to the policies of the development plan.

Location

The policies of the development plan that address location are policies 3 and 4 of the Horsham District Planning Framework (HDPF), and policies 1 and 5 of the Neighbourhood Plan. Policy 3 of the HDPF sets out the spatial strategy



and development hierarchy for the District. The policy sets out that development will be permitted within towns and villages which have defined built-up areas. The site is outside a town or village with a defined built up area, and is therefore in conflict with the terms of Policy 3. Policy 4 of the HDPF allows for settlement expansion, but only where;

- The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.
- The level of expansion is appropriate to the scale and function of the settlement type.
- The development is demonstrated to meet the identified local housing needs and/or employment 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, in order not to conflict with the development strategy;
- The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

Taking each in turn;

- The site is not an allocated site, and does not adjoin an existing settlement;
- The development of up to nine dwellings could be appropriate to the scale and function of the nearest settlement (Henfield);
- It is accepted that there is a local housing need (on the basis that the Council cannot demonstrate a five year housing land supply);
- Whilst there are no current plans to comprehensively redevelop the site and surrounding area, it is possible that the development of the site could compromise the wider development of the surrounding land due to the single access point onto West End Lane;
- The development is not contained within a defensible boundary, and the landscape character is not maintained.

It is clear from the above that the proposal does not comply with all of the criteria of the policy, and there is therefore a conflict with Policy 4.

Policy 1 of the Neighbourhood Plan sets out that development proposals outside of the Built Up Boundary of Henfield will be supported where they conform, as appropriate to their location in the neighbourhood area, to national, HDPF and South Downs Local Plan policies in respect of development in the countryside. In general terms, the policies of the development plan and the NPPF is to restrict development in the countryside and to conserve the intrinsic character of the rural areas. As the proposed development does not conform to the other policies of the development plan, it is in conflict with Policy 1 of the Neighbourhood Plan.

Policy 38 of the HDPF includes a requirement that where there is the potential to increase flood risk, proposals must incorporate the use of sustainable drainage systems (SuDS) where technically feasible, or incorporate water management measures which reduce the risk of flooding and ensure flood risk is not increased elsewhere. The map extract from the Council's Strategic Flood Risk Assessment is shown below;



Alongside the evidence of the Strategic Flood Risk Assessment, the local residents have reported that the land at the bottom of the field- where the application site is located- and the highway in front of the site is subject to flooding, particularly at times of heavy rain and in the winter months. As a result of the development of the site, there is concern that the flooding will increase in volume and frequency- the submitted documents do not demonstrate that the development will not result in an increased risk of flooding on the site or adjoining land, and this position is supported by the comments of Southern Water as statutory consultee. In the absence of evidence to the contrary, there is therefore a conflict with policy 38 of the development plan, and the location of the site cannot be demonstrated to not increase flood risk.

Policy 5 of the Neighbourhood Plan sets out that development proposals should be associated with the delivery of any necessary infrastructure and of a kind that directly relates to the scale and nature of the proposal. The infrastructure required should be delivered to an agreed timetable in association with the development concerned. Some of the residents local to the site have commented that they frequently have short electricity power outages (1 or 2 seconds), which temporarily stop devices from working (such as electric gates, air-source heat pumps etc), which then require expensive repairs each time (as the shortness of the outage doesn't allow devices to re-set properly). Also, the residents properties are restricted to just 5kw feed-in to the grid from their solar panels (which produce 14kw), as the local system can't cope with any more than this token amount (thereby denying the residents the income that was highlighted to them would be available pre-installation). They were quoted a fee of £20,000 to provide 3-phase from the box to the nearest electricity supply pole, as all the local equipment would need upgrading. On the basis of this evidence, it is clear that the local electrical infrastructure is incapable of providing a suitable supply and will be under even more strain if more properties are added to it. It is also the case that there is no mains gas in West End Lane. As a result, in this location, there is a conflict with Policy 5 of the Neighbourhood Plan as there



is a lack of the necessary infrastructure to serve the development.

Policy 40 of the development plan relates to sustainable transport and sets out that development proposals which promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities, will be encouraged and supported. Development will also be supported where it is located in areas where there are, or will be, a choice in the modes of transport available and minimises the distance people need to travel and minimises conflicts between traffic, cyclists and pedestrians.

However, the proposal does not promote a re-balancing in favour of non-car modes, as the site is located away from public transport links, and towards the end of a narrow unlit road with no footways or pavements. The site is located 1km walking distance from the nearest bus stop in Station Road to the east but given the lack of footpath between this bus stop and the site, it is not a safe mode of getting to and from the site. In addition, given the narrow and unlit nature of the road, it is not a safe or attractive proposition for cyclists. It is clear that the development is not sited in a location where there is a choice of modes of transport available, and there are no plans or proposals to improve this. The development will not minimise the distance people need to travel given the distance from the major settlements in the surrounding area, and will not reduce, but rather would be likely to increase conflicts between traffic, cyclists and pedestrians.

Policy 40 also requires development to be appropriate in scale to the existing transport infrastructure and to maintain and improve the existing transport system. However, the only access to the site is from the east along West End Lane, and to access the rest of the wider highway network, traffic needs to go through the access between High Street and Church Street (which leads into West End Lane). This junction is already congested, and the highway is narrow with a footpath on only one side. There is no mechanism to mitigate against the increase in traffic from the new development which will need to pass through this junction and will increase the congestion and result in further delays. There is therefore a conflict with Policy 40 of the development plan.

In summary, in relation to the location of the development, there is a clear conflict with the policies of the development plan, which seeks to direct development to areas within the settlement boundaries and away from rural, countryside locations. In addition, there is no evidence to show that the development will not result in an increase in flooding either on the site or on adjoining land, and there is no evidence that there is sufficient capacity within the existing utility infrastructure to support the development. The location of the proposed development results in a reliance on the private car for transport, with limited opportunities for alternative modes to be used, and with the result that there will be increased congestion and delays in the main junction in the village centre. It is therefore submitted that the proposal is not located in the most appropriate and suitable location.

Land Use

Policy 25 of the HDPP sets out that development proposals which protect, conserve and enhance the landscape and townscape character of an area will be supported, and the natural environment and landscape character of the District, including the landscape, landform and development pattern, will be protected against inappropriate



development. Policy 26 sets out that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of a number of criteria. In addition, proposals must be of a scale appropriate to its countryside character and location and to have regard to the sensitivity of change and the features and characteristics of the landscape character of the area.

The Council commissioned a District Landscape Character Assessment prepared by Chris Blandford Associates, dated October 2003 as part of the development plan evidence base. The application site is located within an area identified as D2- Henfield and Small Dole Farmlands, within the scarp footslope rolling farmlands character area. The document identifies the overall character as having medium to large arable fields with low gappy hedgerows near the scarp with more pasture fields and a stronger hedgerow network with mature trees in the north. The character and landscape features are therefore fields laid to pasture or arable, with hedgerows bounding them. In addition, the area is identified as being highly sensitive to change.

Policy 26 also sets out that development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside. The current use of the site as an open field and therefore generates virtually no activity. Even if the lawful stable use was to be implemented, the keeping of horses would not generate significant levels of activity, and the use for the keeping of horses demands a rural location. However, the development of the site for the provision of between five and nine dwellings would generate a significant level of activity and traffic movements, which would be in conflict with Policy 26.

The proposed development will result in a field, which is currently undeveloped and laid to pasture and is therefore reflective of the landscape character of the area, being changed to a developed site with between five and nine dwellings on it, with hardsurfaced parking areas, and the associated residential paraphernalia associated with such a use. This form of development does not reflect the identified landscape characteristics of the area. Given that the sensitivity to change is high, it is submitted that the proposed development would not reflect the natural landscape features and character of the area, in conflict with policies 25 and 26.

Amount

Policy 32 of the HDPP relates to the quality of new development and requires proposals to, amongst other matters, complement locally distinctive characters and heritage of the district. Policy 33 sets out development principles which include making efficient use of land, and prioritising the use of previously developed land and buildings whilst respecting any constraints that exist, that developments are locally distinctive in character, respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors) and, where available and applicable, take account of the recommendations/policies of the relevant Design Statements and Character Assessments, and must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development;

Whilst the design, scale, bulk, massing and use of materials is not for consideration within the scope of a PiP



application, the submitted information gives an indication of the amount of dwellings proposed. It is clear from the evidence above that the location and land use of the development proposed is in conflict with the other policies of the development plan. Because of the location, and the countryside character of the area, any form and amount of development, particularly residential development, will have an impact on the open and rural character of the site. It is submitted that even if the minimum number of dwellings were to be provided, those five dwellings would be likely to have an adverse effect on the identified open and rural character of the site. Any form of development, between five and nine dwellings, would result in the suburbanisation of the site, harmful to its rural character. There would therefore be a conflict with policies 32 and 33 of the development plan.

Policy 12 of the Neighbourhood Plan requires new development to be of a high quality and reflect the architectural and historic character and the scale of the surrounding buildings and street-scene/ landscape. As described above, the landscape character of the north side of West End is undeveloped and open, with a distinctive and characteristic rural feel. The area has a high sensitivity to change. As a result, the amount of the proposed development- between five and nine dwellings- will have an adverse impact on this highly sensitive landscape and will result in built form where currently there is none.

In relation to the provision of infrastructure to serve the development, required by policy 5 of the Neighbourhood Plan highlighted above, at present, the local village primary school is oversubscribed and there is increasing pressure of the local Health Centre. The amount of development will increase the pressure on these essential social infrastructure services, and there appears to be no mechanism to mitigate against this impact.

In summary, the amount of development will result in harm to the character of the area and would result in a conflict with the policies of the development plan.

Planning Balance

It is accepted that the Council cannot currently demonstrate a five year housing land supply. As a result, and in accordance with the terms of paragraph 11 of the NPPF, the policies relating to housing provision and the spatial strategy would be considered to be “out of date” for the purposes of determining planning applications, and the so called “tilted balance” would be engaged.

Paragraph 11d of the NPPF sets out that where the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.



In summary, if the policies of the development plan are considered to be out of date, then planning permission should be granted if one of two tests are met. The first test is that permission should be granted unless the policies in the NPPF that protect particular areas (such as Green Belts) provide a strong reason for refusing the development. As the site is not within any of the areas highlighted in footnote 7 of the NPPF, then this test does not apply.

It is noted that the submitted Planning Design and Access Statement makes reference to whether the development is inappropriate in the Green Belt and asserts that the site falls within the definition of grey belt. However, the site is not within the Green Belt and therefore cannot fall within the definition of grey belt, and therefore the arguments associated with these land use designations are incorrect and unnecessary.

The second test sets out that planning permission should be granted unless any adverse impacts of doing so would outweigh the benefits when assessed against the policies of the NPPF taken as a whole. The only benefit asserted by the applicant is the delivery of housing in an area where there is a shortfall.

The policies of the NPPF do include, at paragraph 61, support for the Government's objective of boosting housing supply. However, paragraph 109 of the NPPF requires development proposals to identify and pursue opportunities to promote walking, cycling and public transport use. The proposed development does not do this. Paragraph 115 seeks to ensure that development proposals prioritise sustainable transport modes, and that access to the site is safe and suitable for all users. Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. Given the narrow highway network in the surrounding area and the lack of accessibility to public transport connections, this paragraph is not complied with.

Paragraph 135 of the NPPF sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). It is submitted, and the evidence above demonstrates, that the proposed development is not in an appropriate location, and will not add to the quality of the highly sensitive rural setting with a countryside landscape character, with a suburban layout, and is not sympathetic to the rural and countryside local character.

Paragraph 187 requires planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. The evidence set out above demonstrates that the location, and proposed land use and amount of development, does not recognise the intrinsic character and beauty of the highly sensitive part of the countryside.



As a result, whilst there is a benefit from the development of provision of housing supply where the Council cannot demonstrate a five year housing supply, and some weight should be attributed to this, there are significant adverse impacts of the development which relate to the impact on the rural countryside location and the lack of sustainable transport options and the reliance on the private car, which are not supported by the NPPF, and are in direct conflict with the policies of the development plan.

As a result, the “tilted balance” set out in paragraph 11d of the development plan is not in favour of the development, and the adverse impacts outweigh the benefits. Planning permission should therefore not be granted.

In relation to the benefits of the scheme, the submitted Planning Design and Access Statement relies upon a number of other cases to support the proposal. However, these examples are from other sites in different contexts and are sensitive to the facts and material considerations in each individual case. In fact, one of the examples used is in relation to development within Tandridge District Council’s area, which is some distance away and subject to a different policy context. The only common theme seems to be that the examples all relate to the lack of a five year housing supply and the alleged benefits outweighing the harm. The weight to be attached to the benefits and harms are a matter for the decision maker, based on the material considerations of the proposal.

In this case, the only benefit of the scheme (the delivery of housing but only between five and nine units) would attract some weight. However, this weight, it is submitted, is outweighed by the adverse impacts of the development in relation to the countryside location, the proposed land use, and the amount of development.

As a result of the above, the proposed development demonstrably does not comply with the policy requirements of the relevant policies of the development plan, or the policies of the NPPF when taken as a whole. The proposed development therefore does not fall within the definition of sustainable development as set out in paragraphs 10 and 11 of the NPPF, and planning permission should not be granted.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Colin Smith".