



APPLICATIONS & APPEALS SERVICES

**CONSTRUCTION OF DWELLING AND DETACHED
GARAGE/STORE BUILDING. CREATION OF NEW
VEHICLE ACCESS FROM PARTHINGS LANE.**

AT

**THE HERMITAGE, PARTHINGS LANE, TOWER
HILL, HORSHAM, RH13 0JS**

PLANNING, DESIGN AND ACCESS STATEMENT

JANUARY 2025



CONTENTS	PAGE	APPENDICES
1.0 INTRODUCTION	3	Appendix NJA/1 – Appeal Decision Cowfold Lodge Cottage, Cowfold
2.0 PHYSICAL CONTEXT & PLANNING HISTORY	5	Appendix NJA/2 – Appeal Decision Marlpost Meadows, Southwater
3.0 PROPOSAL	8	Appendix NJA/3 – Appeal Decision Wappingthorn Lodge, Steyning
4.0 PLANNING POLICY CONTEXT	10	
5.0 DETAILS OF THE PROPOSAL: USE, AMOUNT & SCALE OF DEVELOPMENT	27	
6.0 LAYOUT, DESIGN & APPEARANCE	40	
7.0 ACCESS & PARKING	45	
8.0 CONCLUSIONS	46	

1.0 INTRODUCTION

- 1.1 Planning permission is sought for the construction of a detached, three bedroom dwelling situated to the west of The Hermitage, within its residential curtilage. The proposal includes the construction of a detached double garage building with a store section.
- 1.2 A new vehicle access will be created to serve the new dwelling from Parthings Lane leading to a block paved driveway in front of the proposed dwelling and detached garage building with car parking and turning space.

Figure 1: Site Location Plan



- 1.3 The details of the proposal will be described and appraised having regard to the following aspects:

- **Physical Context** – explains the physical context of the site and its surroundings;
- **Planning Context** – the planning history of the site and broad policy requirements;
- **Use** – the purpose of the proposed additional accommodation;
- **Amount** – the extent of development on the site;
- **Scale** – the physical size of the development;
- **Layout** – the relationship of the proposed extension and alterations to neighbouring properties;
- **Appearance** – details of materials, style and impact upon the visual amenities of the area;
- **Landscape** – impact of the proposal on the existing landscape;
- **Access** – access to the development and parking provision.

- 1.4 This statement should be read together with the water neutrality statement, ecology report, sustainability report and

arboricultural information which also accompany this planning application.

2.0 PHYSICAL CONTEXT & PLANNING HISTORY

Physical Context

- 2.1 The application site forms part of the garden of the dwelling named The Hermitage. The Hermitage is a large two storey detached property which occupies a spacious plot, accessed from Parthings Lane.
- 2.2 The Hermitage forms part of the residential area of Tower Hill which is just to the south of Horsham. Tower Hill is not defined by a built-up area boundary within the Horsham District Planning Framework (HDPF) however, it is a short distance away from Horsham via the Worthing Road.
- 2.3 The closest listed building is Butlers Cottage (grade II listed) located to the south east of The Hermitage at Tower Hill which will not be affected by the proposal. A stretch of Tower Hill between Tower Cottage and The Boar's Head (parallel to and separated from the highway) is defined as an Ecclesiastical footpath. Parthings Lane is an unclassified adopted highway and also a bridleway.
- 2.4 To the east of The Hermitage is the dwelling named Scots Pine, with multiple other dwellings situated on and off Two Mile Ash Road further east and south east of the application site.

2.5 The following are photographs of the application site:





Planning History

2.6 The following is the relevant planning history for The Hermitage:

- DC/21/2542 – Construction of a detached garage and garden store, Creation of new driveway and access, installation of fences and entrance gates (Lawful development Certificate). Permitted 08 March 2022.
- DC/21/1556 – Application to confirm use of The Coach House as a self-contained dwellinghouse (Lawful Development Certificate). Permitted 03 September 2021.
- DC/21/0096 – Retrospective planning application for the erection of a double storey extension to southern elevation. Planning permission granted 29 March 2021.
- SQ/35/02 – Two storey rear extension. Planning permission granted 22 May 2002.
- SQ/109/95 – Single storey extensions with pitched roof and dormers to garage/coach house and two-storey

extension to main house. Planning permission granted 15 January 1996.

- SQ/95/95 – Single and two storey extensions with pitched roof and dormers to garage/coach house and two storey extension to main house. Application withdrawn 05 December 1995.
- SQ/11/98 – First floor and two storey extensions to main house, erection of two storey ancillary accommodation and double garage building. Planning permission granted 03 June 1998.

2.7 It is relevant to note that the western half of the application site formed part of a larger area of land which was considered by the Council under the Local Plan review as a possible site for new housing (around 34 dwellings). Whilst the Council found there to be potential environmental impacts, the accessibility of the site to Horsham town centre (approximately one mile away) and Southwater (approximately two miles away) and other local amenities including the Arunside School (1 mile away) was noted. The site is reference SA416 of the Council's Site Assessment Report (Rejected Smaller Sites), December 2023.

3.0 PROPOSAL

- 3.3 The proposal is for the construction of a chalet style, three bedroom dwelling with a detached garage/store building in front. A new vehicle access will be created from Parthings Lane to serve the new dwelling.

Figure 2: Proposed Site Plan

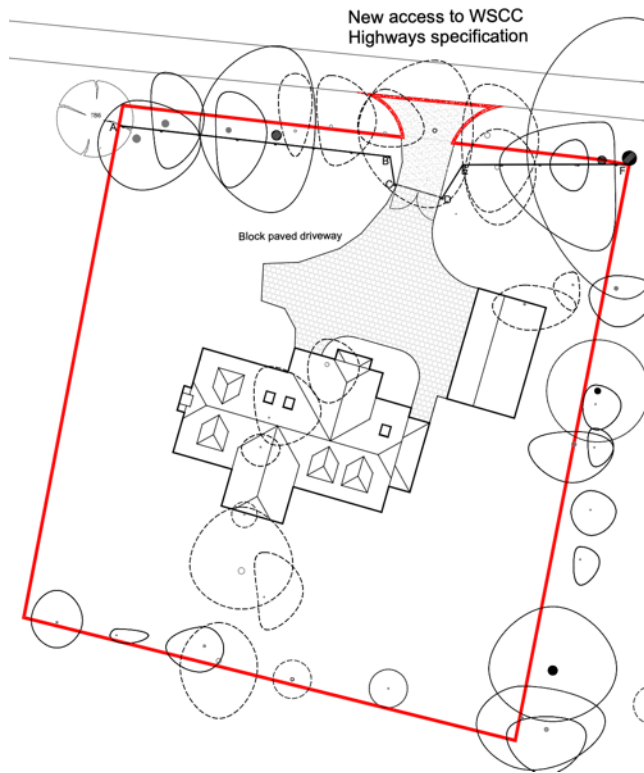


Figure 3: Proposed Floor Plans

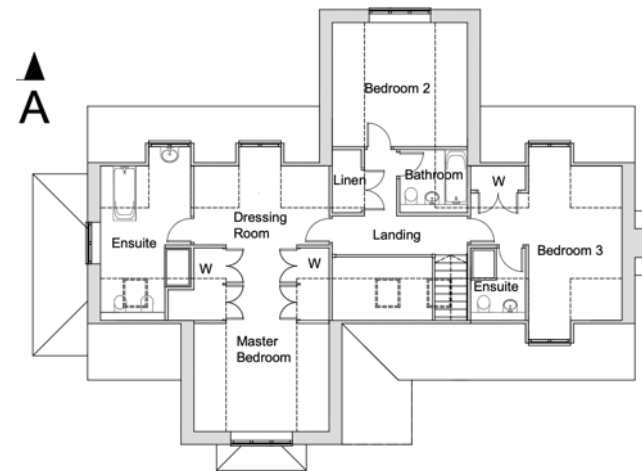
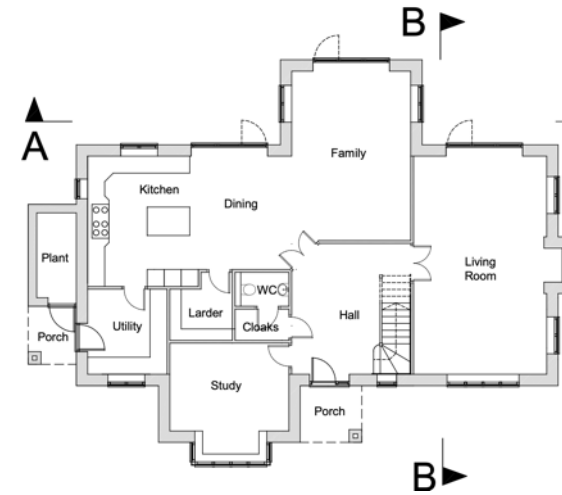
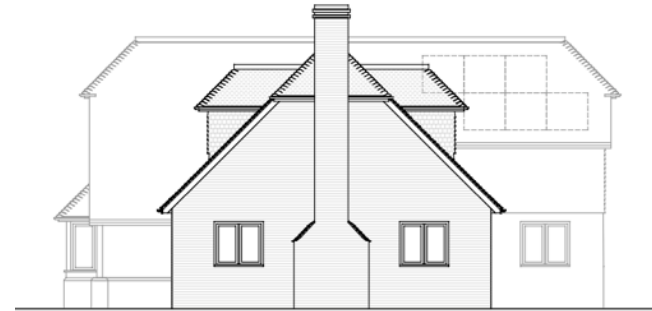


Figure 4: Proposed Elevations



Front elevation (north)



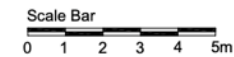
Side elevation (west)



Rear elevation (south)



Side elevation (east)



4.0 PLANNING POLICY CONTEXT

National Planning Policy Framework (NPPF) (December 2024)

Sustainable Development

- 4.1 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework for the preparation of local plans for housing and other development. The NPPF should be read as a whole (NPPF paragraphs 1 and 3).
- 4.2 Paragraph 2 of the NPPF sets out that ***'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements'***.
- 4.3 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Achieving sustainable development means that the planning system has the following three overarching objectives which are independent but need to be pursued in mutually supportive ways:

- a) ***'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***
- b) ***a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
- c) ***an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural***

resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy’.

4.4 Paragraph 10 states ***‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*** For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

4.5 Where there are no relevant development plan policies or the relevant policies are out of date, the NPPF states that planning permission should be granted unless the application of policies of the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Particular regard should be given to key policies for directing development to sustainable locations, making efficient use of land, securing well-designed places and providing affordable homes, individually or in combination (NPPF paragraph 11 d).

4.6 Paragraph 12 of the Framework states that ***‘The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed’.***

Plan and Decision Making

4.7 Paragraph 34 requires policies in local plans and spatial strategies to be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. In respect of housing, ***‘Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future’.***

4.8 In terms of decision-making, the Framework states at paragraph 39 that ***‘Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible’.***

Housing Provision

4.9 Paragraph 61 states ***‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much as an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community’.***

4.10 Paragraph 62 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. Within this context, paragraph 63 requires the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. These groups include (inter alia) people wishing to commission or build their own homes.

4.11 In terms of the provision of affordable housing, NPPF paragraph 65 states that this should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

4.12 Paragraph 72 requires strategic policy-making authorities to have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. Planning policies should identify a supply of specific, deliverable sites for five years following the intended date of adoption and specific deliverable sites or broad locations for growth for the subsequent years 6-10 and where possible, years 11-15 of the remaining plan period.

- 4.13 Paragraph 73 sets out that ***‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly’.***
- 4.14 Paragraph 78 requires local planning authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of deliverable sites should include a buffer as set out at paragraph 78 a) – c).
- 4.15 To maintain the supply of housing, NPPF paragraph 79 sets out that local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, certain policy consequences should be taken into account as set out at paragraph 79 a) – c).

Rural Housing

- 4.16 In rural areas, NPPF paragraph 82 requires planning policies and decisions to be responsive to local circumstances and support housing developments that reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 83).
- 4.17 Paragraph 84 states that planning policies and decisions should avoid the development of isolated homes in the countryside, unless certain circumstances apply.

Highways and Car Parking

- 4.18 Paragraph 109 requires transport issues to be considered at the early stages of plan-making and development proposals.
- 4.19 NPPF paragraph 110 requires the planning system to actively manage patterns of growth. Whilst significant development should be focused on locations which are or can be made sustainable, it should also be recognised that ***‘opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.***

- 4.20 Paragraph 112 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development, its type, mix and use, the availability of land and opportunities for public transport, local car ownership levels and the need to ensure that adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 4.21 Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising the density of development in city and town centres and other locations that are well served by public transport (paragraph 113).
- 4.22 Paragraph 116 makes it clear that ***‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios’.***

Effective Use of Land

- 4.23 Paragraph 124 requires planning policies and decision to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring healthy living conditions.
- 4.24 Paragraph 125 states that planning policies and decision should encourage multiple benefits from both urban and rural land. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. In addition, policies and decisions should promote and support the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained.
- 4.25 Paragraph 128 requires local planning authorities to take a proactive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in place where this would help to meet identified development needs.
- 4.26 In terms of the density of new development, NPPF paragraph 129 encourages the efficient use of land taking into account a number of issues including the needs for different types of

housing and other forms of development, the desirability of maintaining an area's prevailing character and setting (including residential gardens) and securing well-designed, attractive and healthy places.

Design

- 4.27 In terms of design, Section 12 seeks to achieve well designed places sets out that the ***'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*** (paragraph 131).
- 4.28 Paragraph 135 further states that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development should also be sympathetic to local character and history and should be designed with a high standard of amenity for existing and future users.

- 4.29 Paragraph 139 states that ***'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:***

- a) ***development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes: and/or***
- b) ***outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'.***

Climate Change

- 4.30 Paragraph 161 requires the planning system to support the transit to net zero by 2050 and take full account of all climate change impacts. New development should be planned in ways that avoid increased vulnerability to the range of impacts arising from climate change and to help reduce greenhouse

gas emissions, such as through its location, orientation and design.

- 4.31 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (paragraph 170). Local planning authorities should ensure that flood risk is not increased elsewhere as a result of new development (paragraph 181).
- 4.32 Applications which could affect drainage in or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff which are proportionate to the nature and scale of the proposal (paragraph 182).

Natural Environment

- 4.33 Paragraph 187 requires planning policies and decisions to contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside. Policies and decisions should also minimise impacts on and provide net gains for biodiversity.

Habitats and Biodiversity

- 4.34 Paragraph 193 states that when determining planning applications, local planning authorities should apply a set of principles and if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated against or, as a last resort, compensated for, then planning permission should be refused.
- 4.35 The presumption in favour of sustainable development does not apply where there would be a significant effect on a habitats site (either alone or in combination with other plans and projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site (paragraph 195).

Ground Conditions and Pollution

- 4.36 Paragraph 196 requires planning policies and decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (paragraph 197). Planning policies and decisions should also ensure that new development is appropriate for its

location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment (paragraph 198).

Heritage

- 4.37 Section 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 4.38 Any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification (paragraph 213). However, this does not necessarily preclude new development within the setting of a designated heritage asset and paragraph 219 states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution

to the asset (or which better reveal its significance) should be treated favourably.

Local Planning Policy

- 4.39 The 'development plan' comprises the Horsham District Planning Framework (HDPF) (2015) and the Nuthurst Neighbourhood Plan 2015-2031 (2015). The relevant policies are listed below:

Horsham District Planning Framework (2015)

- Policy 1: Sustainable Development
- Policy 2: Strategic Development
- Policy 3: Development Hierarchy
- Policy 4: Settlement Expansion
- Policy 15: Housing Provision
- Policy 16: Meeting Local Housing Needs
- Policy 24: Environmental Protection
- Policy 25: District Character and the Natural Environment
- Policy 26: Countryside Protection
- Policy 27: Settlement Coalescence
- Policy 31: Green Infrastructure and Biodiversity
- Policy 32: The Quality of New Development

- Policy 33: Development Principles
- Policy 34: Cultural and Heritage Assets
- Policy 35: Climate Change
- Policy 36: Appropriate Energy Use
- Policy 37: Sustainable Construction
- Policy 38: Flooding
- Policy 39: Infrastructure Provision
- Policy 40: Sustainable Transport
- Policy 41: Parking

Emerging Policy

4.40 The Horsham District Local Plan 2023-2040 was formally submitted to the Planning Inspectorate on Friday 26 July 2024 for public examination. Hearings commenced, however, after the Government's publishing of the updated NPPF in December 2024, hearings in weeks 2-4 (December 2024 and January 2025) were cancelled. The emerging Local Plan does not presently represent adopted policy and in accordance with NPPF paragraph 49, little weight can be given to it at this stage. However, the following draft policies are noted as being relevant to the proposal:

- Policy 1: Sustainable Development
- Policy 2: Development Hierarchy
- Policy 3: Settlement Expansion
- Policy 6: Climate Change
- Policy 7: Appropriate Energy Use
- Policy 8: Sustainable Design and Construction
- Policy 9: Water Neutrality
- Policy 10: Flooding
- Policy 11: Environmental Protection
- Policy 13: The Natural Environment and Landscape Character
- Policy 14: Countryside Protection
- Policy 15: Settlement Coalescence
- Policy 17: Green Infrastructure and Biodiversity
- Policy 19: Development Quality
- Policy 20: Development Principles
- Policy 21: Heritage Assets and Managing Climate Change within the Historic Environment
- Policy 24: Sustainable Transport
- Policy 25: Parking
- Policy 37: Housing Provision
- Policy 38: Meeting Local Housing Needs

Southwater Neighbourhood Plan 2019-2031

4.41 The following policies of the Southwater Neighbourhood Plan (August 2020) are relevant to the proposal:

- SNP1: Core Principles
- SNP2: Proposals for Residential Development
- SNP9: Home Standards
- SNP10: Residential Space Standards
- SNP14: Adequate Provision of Car Parking
- SNP16: Design
- SNP17: Site Levels
- SNP18: A Treed Landscape
- SNP19: Parish Heritage Assets

Relevant Legislation and Case Law

4.42 In considering the issue of the principle of the proposed development it is necessary to also consider the legal framework within which planning decisions are made. Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise (as also confirmed at paragraph 2 of the NPPF).

4.43 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states that in dealing with planning applications, the Authority shall have regard to the provisions of the development plan (so far as material to the application), a post examination draft neighbourhood development plan, any local finance considerations (so far as material to the application) and any other material consideration.

4.44 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

4.45 When considering whether or not a proposed development accords with a development plan, it is not necessary to say that it must accord with every policy within the development plan. The question is whether it accords overall with the development plan (see *Stratford on Avon v Secretary of State for Communities and Local Government* (2014)). Even if a proposal cannot be described as being in accordance with the

development plan, the statutory test requires that a balance be struck against other material considerations.

4.46 The Courts have emphasised that a planning authority is not obliged to strictly adhere to the development plan and should apply inherent flexibility (see *Cala Homes (South) Limited v Secretary of State for Communities and Local Government* (2011) and *Tesco Stores Ltd v Dundee City Council* (2012)).

4.47 More recently in *Corbett v Cornwall Council* [2020] the appeal court judge emphasised the importance of considering the plan as a whole when he said;

“Under section 38(6) the members’ task was not to decide whether, on an individual assessment of the proposal’s compliance with the relevant policies, it could be said to accord with each and every one of them. They had to establish whether the proposal was in accordance with the development plan as a whole. Once the relevant policies were correctly understood, which in my view they were, this was classically a matter of planning judgment for the council as planning decision-maker.”

4.48 Paragraph 3 of the NPPF confirms that the Framework should be read as a ‘whole’ and the Government’s National Planning Policy Guidance (NPPG) confirms that **‘Conflicts between**

development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework’ (paragraph 012 21b-012-20140306).

Housing Land Supply (Case Law)

4.49 The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing (paragraphs 72 and 78).

4.50 The NPPF requires plans and decisions to apply 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. Where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date NPPF paragraph 11 d) requires planning permission to be granted unless:

- i. 'the application of policies in this Framework 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 demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making efficient use of land, securing well-designed places and providing affordable homes, individually or in combination'.*

4.51 In respect of criterion 'I', NPPF footnote 7 confirms that the policies are those in the Framework which refer to habitats sites (and those listed at NPPF paragraph 189), and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, a National Landscape, a National Park or defined as a Heritage Coast, irreplaceable habitats, designated heritage assets (and other heritage assets of archaeological interest) and areas at risk of flooding or coastal change.

4.52 NPPF footnote 8 confirms that the policies most important for determining an application includes, for applications involving the provision of housing, situations where a local planning authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer as per NPPF paragraph 78 or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years.

4.53 The 'Suffolk Coastal' case (Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 36) had regard to the meaning and effect of the provisions of the NPPF on housing land supply and the presumption in favour of sustainable development in having regard to the NPPF (2012 version). This is considered to still apply to the present NPPF.

4.54 The judgement noted the purpose of the NPPF is to have regard to the Development Plan policies unless these are not determined to be up to date. When the most relevant policies are not considered to be up to date, the balance is 'tilted' in favour of the grant of planning permission unless the benefits are 'significant and demonstrably' outweighed by the adverse

effects or where specific policies indicate otherwise. Weight is required to be afforded to such policies in the overall tilted balance (NPPF paragraph 11 d).

- 4.55 Importantly, the judgement determined that the decision-taker need not concern themselves with the specific reasons as to what is causing a lack of housing supply but attribute weight proportionally to addressing the problem to significantly boost an adequate supply of housing land (as required by NPPF paragraph 61).

Rural Housing (Case Law)

- 4.56 NPPF paragraph 84 seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply.
- 4.57 In terms of the provision of housing within the countryside, the 'Braintree' case (Braintree DC v SSCLG [2018] Civ 610) afforded particular attention in the assessment of 'isolation' when having regard to the NPPF. The term 'isolated' was considered by the Court of Appeal (who upheld a High Court decision) confirming that the word 'isolated' should be given its

ordinary meaning as being 'far away from other places, buildings and people; remote'.

- 4.58 In ruling on the case, Lindblom LJ held that, in the context of paragraph 55 of the NPPF 2012 version, 'isolated' simply connotes a dwelling that is physically separate or remote from a settlement. Whilst previous hearings had considered that the term 'isolated' could have a dual meaning, in that it referred to physical and functional (i.e. from services and facilities) isolation; this argument was rejected by the Court.
- 4.59 The Judgement additionally drew reference to transport opportunities in rural areas where it is consistent with the Framework that sustainable transport opportunities are likely to be more limited. This therefore further acknowledges that rural areas should not necessarily preclude new development.
- 4.60 The Court of Appeal's judgment in Bramshill v SSHCLG [2021] forms more recent case law addressing the interpretation of 'isolated dwellings' in the countryside. This upheld the previous interpretation of Braintree that the term 'isolated' should be given its ordinary meaning as being 'far away from other places, buildings and people; remote' and that in determining whether a particular proposal is for "isolated homes in the

countryside”, the decision-maker must consider whether the development would be physically isolated, in the sense of being isolated from a settlement. What is a “settlement” and whether the development would be “isolated” from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case.

- 4.61 This Statement demonstrates that the application site is neither remote or isolated from a settlement or other built form.

Horsham District Council’s Housing Land Supply Position

- 4.62 NPPF paragraph 61 states that to support the Government’s objective of **‘significantly boosting the supply of homes’**, it is important that a sufficient amount and variety of land can come forward where it is needed. To determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method in national planning practice guidance (NPPF paragraph 62).
- 4.63 Policies in local plans and spatial strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary

(NPPF paragraph 34). In addition, the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing (paragraphs 72 and 78).

- 4.64 In the case of Horsham District Council, the present HDPF was adopted in 2015; it is therefore significantly over five years old and it does not take into account the standard method in its policies relating to the supply of new homes (specifically HDPF policy 15). Whilst the Council has submitted its new local plan to the Planning Inspectorate for examination, having regard to the provisions of NPPF paragraph 49, its policies should be given limited weight in the decision making process at this stage.
- 4.65 In addition, the Council’s most recent Authority Monitoring Report (AMR) 2022/23 (published 18 January 2024) demonstrates only **2.9 years’ supply of housing**. This is significantly below the five year requirement of the NPPF and is notwithstanding the fact that the recently published NPPF introduces an updated standard method to further increase the provision of new homes in order to meet the Government’s objective to deliver 1.5 million new homes over the present Parliament.

4.66 As the Council cannot demonstrate the necessary level of housing land supply as required by the Framework, the provisions of NPPF paragraph 11 d) (and the *'tilted balance'*) apply to the proposal which must in turn be considered against the Framework's presumption in favour of sustainable development.

4.67 Having regard to paragraph 11 d) i, NPPF footnote 7, the site is not located within a 'protected area' and the Water Neutrality Statement which accompanies this planning application confirms that the proposed development is water neutral thereby resulting in no adverse impact upon the protected sites of the Arun Valley SPA, SAC and RAMSAR.

4.68 Therefore, the policies of the NPPF (specifically paragraphs 193, 184 and 195) do not provide a clear reason for refusing the development and this does not prevent the consideration of the application under the presumption in favour of sustainable development and the provisions of NPPF paragraph 11 d).

4.69 For the reasons set out in this Statement, and having regard to 11 d) ii, there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh

the benefits of the provision of a new home (of a high quality design, in a sustainable location which makes effective use of land) when assessed against the policies of this Framework taken as a whole.

Facilitating Appropriate Development (October 2022)

4.70 Due to the under provision of housing combined with the delays in progressing the new Local Plan, the Council published a document named Facilitating Appropriate Development (FAD) in October 2022 to provide clarity and guidance in respect of new residential development.

4.71 The justifications for the FAD are described at paragraph 1.6 as follows:

'As described above, the Council has been disrupted in efforts to produce a Local plan and cannot currently demonstrate that it has a five-year housing land supply. Though the Council will seek to progress a revised Local Plan as quickly as possible, and regularly monitors its housing land supply, it recognises that it is unlikely to be able to report a five-year housing land supply until a new Local plan is adopted, and there is uncertainty as to when

adoption will occur. Because of this situation, and notwithstanding issues relating to the current position on water neutrality, it expects to receive planning applications proposing housing development in locations not supported by the HDPF of in Neighbourhood Plans’.

4.72 As the Council’s HDPF is over five years old and because the Council cannot demonstrate a five year supply of housing, the Council’s policies that affect the supply of housing (HDPF policies 2, 3, 4, 15 and 26) are out of date and should be considered to hold less weight in the decision making process.

4.73 The FAD acknowledges that NPPF paragraph 11 d) is a key material consideration in applications for housing development and states that:

‘This has the effect of reducing the weight that may be afforded to such policies and engages the ‘presumption in favour of sustainable development’ where there is an expectation that planning applications for housing should be approved. As such, the relevant policies of the HDPF are unlikely to be sufficient to justify refusals’ (paragraph 2.4).

4.74 In respect of Neighbourhood Plans, as these form part of the Development Plan, the FAD confirms (at Section 3) that they are not immune from the requirements of NPPF paragraph 11 d) and as such, policies may be considered to be out of date due to the Council being unable to demonstrate a five year supply of housing. However, NPPF paragraph 14 gives additional support to adopted Neighbourhood Plan which should be taken into account.

4.75 The Council has not been able to demonstrate a five-year supply of housing for some time. As a result, the presumption in favour of sustainable development is engaged where water neutrality is demonstrated.

4.76 The FAD states that the Council acknowledges that it is likely to receive applications for residential development outside of the defined built-up area boundaries and on unallocated sites as it is unable to demonstrate a five-year housing land supply. Given this, paragraph 5.7 of the FAD states that the Council will consider such proposals positively where the following criteria is met:

- ***‘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 either 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'.***

net gain should be taken into account within development proposals and applicants are encouraged to seek to achieve a 10% biodiversity net gain (BDG) or more.

4.77 The above essentially follows the principles of HDPF policy 4 with the exception that it does not contain the same requirement for sites to be allocated for development in the Local or a Neighbourhood Plan. Consideration of the FAD and its implications in respect of the proposed development is addressed at Section 5 of this Statement.

Biodiversity and Green Infrastructure Planning Advice Note
(October 2022)

4.78 The Council's Biodiversity and Green Infrastructure Planning Advice Note (PAN) provides guidance on how biodiversity and

5.0 DETAILS OF THE PROPOSAL: USE, AMOUNT & SCALE OF DEVELOPMENT

The Principle of Development

- 5.1 NPPF paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. Achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental (NPPF paragraph 8).
- 5.2 Paragraph 10 of the NPPF states ***‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).***
- 5.3 HDPF Policy 1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Therefore, in line with the NPPF, planning applications that accord with the policies of the HDPF will be approved without delay (unless material considerations

indicate otherwise). Where there are no policies relevant to the application, or relevant policies are out of date, Policy 1 states that the:

‘Council will grant permission, unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or***
- Specific policies in that Framework indicate that development should be restricted’.***

- 5.4 The application site is located within the countryside, outside of a built up area boundary. HDPF policy 26 seeks to protect the countryside from inappropriate development and states that new development must meet one of the following criteria:

‘1. Support the needs of agriculture or forestry;

1. Enable the extraction of minerals or the disposal of waste;

2. Provide for quiet informal recreational use; or

3. Enable the sustainable development of rural areas’.

5.5 In addition, the policy requires proposals to be of a scale appropriate to the countryside character and location and that it should not lead individually, or cumulatively, to a significant increase in the overall level of activity in the countryside. New development should protect and/or conserve, and/or enhance the key features and characteristics of the landscape character in which it is located.

5.6 Whilst the application site is located outside of a built-up area boundary, in this case, there are a number of material planning considerations which together provide justification for the development proposed when the scheme is considered in the planning balance. These matters are addressed as follows:

Housing Land Supply

5.7 As set out at Section 4, the Council is unable to demonstrate a five year supply of housing as required by the NPPF. The latest AMR confirms that the Council can now only demonstrate only 2.9 years. As a result, it the Council’s policies in respect of the supply and location of new homes (HDPF policies 2, 3, 4, 15 and 26) are out of date and should be given less weight in the decision making process. The tilted balance of NPPF paragraph 11 d) is engaged and the proposal should be considered against the presumption in favour of sustainable development.

5.8 Although the application site is located within the countryside, it is not situated within a protected countryside landscape such as an Area of Outstanding Natural Beauty (AONB) and water neutrality is demonstrated.

5.9 As such, there is no conflict with NPPF paragraph 11 d) (i). This Statement further confirms that overall there are no adverse impacts of granting planning permission for the proposal that would significantly and demonstrably outweigh the benefits of the provision of a new home of a high quality design, in a sustainable location and which makes effective use of land.

5.10 The revised NPPF (December 2024) introduces a new Standard Method for calculating local housing need which significantly increases the level of housing that local authorities should plan for to achieve the Government's target of 1.5 million new homes for the present Parliament. It has also reinstated the requirement for local authorities to maintain a five-year supply of housing, as opposed to a reduced four-year supply (under certain circumstances) set out in the NPPF December 2023 version.

5.11 There is as such a significant need to build new homes and proposal will positively contribute towards the supply of windfall homes within the District. This is an important source of supply as noted at NPPF paragraph 73 which states that ***'Small and medium sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly'***.

Location and Facilitating Appropriate Development

5.12 In terms of the Council's spatial strategy, Policy 2 of the HDPF seeks to maintain the rural character of the district and states that new development should be focused in and around ***'the***

key settlement of Horsham' with growth in the rest of the district in accordance with the settlement hierarchy set out at HDPF Policy 3 and also in accordance with HDPF Policy 4.

5.13 Policy 3 establishes the settlement hierarchy for the District and confirms that development will be permitted within towns and villages which have defined built-up areas.

5.14 The application site is located approximately 0.5 miles away from southern outskirts of Horsham and the centre of the town, including the mainline train station, is within walking distance along the footpath which leads from The Boars Head at the junction of Tower Hill and Worthing Road. Alternatively, there is a public right of way which leads north from Parthings Lane at its junction with Tower Hill and Two Mile Ash Road to Longfield Road via a pedestrian bridge over the train line. This leads on to local shops on Blackbridge Lane approximately 700m walk from the application site.

5.15 There are also bus stops on Two Mile Ash Road adjacent to Scots Pine/Butlers Cottage approximately 150m from the application site. In addition there are also bus stops on the Worthing Road approximately 250m to the south of The Boars Head public house accessible from the application site via Two Mile Ash Road and Salisbury Road.

- 5.16 As such, the application site is located in a highly sustainable location, within walking distance of Horsham and close to public transport options. Occupiers of the proposed dwelling will not necessarily be reliant on the use of the private vehicle to meet day-to-day needs.

Figure 5: Extract from the HDPF Local Plan Mapping Tool

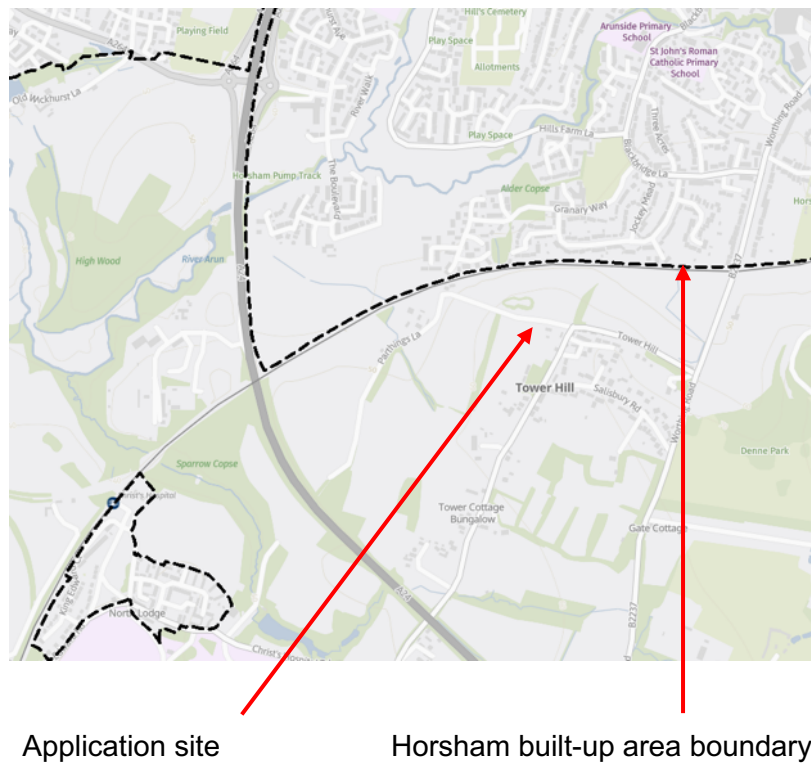
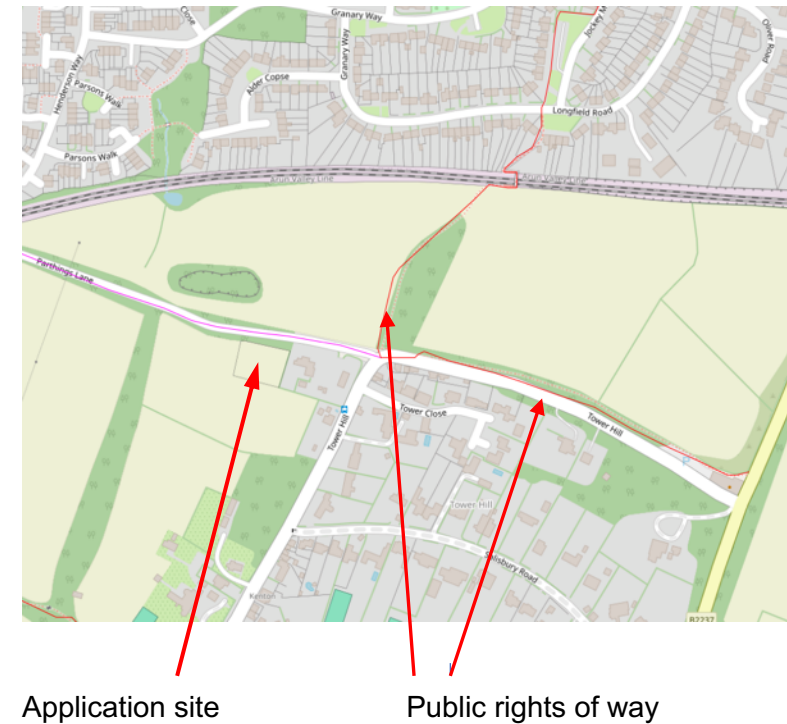


Figure 6: Public Rights of Way



- 5.17 It is clear that whilst the application site is located outside of a built-up area boundary, it is not situated within 'isolated' countryside and occupiers of the proposed dwelling will be able to access local services and facilities within Horsham on foot, cycle or by public transport. Horsham is the main town in the District and is defined by HDPF policy 3 as having a '**large range of employment services and facilities and leisure**

opportunities, including those providing a District function. Strong social networks, with good rail and bus accessibility. The settlement meets the majority of its own needs and many of those in smaller settlements’.

5.18 Furthermore, the proposed dwelling is also not remote from other built form; it will be sited adjacent to existing residential development and it will form part of the residential area of Tower Hill. The proposed dwelling will not appear out of keeping with the context of the site’s surroundings.

5.19 Having regard to the cases of Braintree District Council v Secretary of State for Communities and Local Government (2018) and Bramshill v Secretary of State for Housing, Communities and Local Government (2021) (referred to previously at Section 2) the application site is not physically isolated from a settlement given its proximity to settlements as described and neither is it isolated from other built form.

5.20 NPPF paragraph 110 requires the planning system to actively manage patterns of growth. Whilst significant development should be focused on locations which are or can be made sustainable, it should also be recognised that ***‘opportunities to maximise sustainable transport solutions will vary***

between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.

5.21 The proposed construction of one dwelling is not ‘significant’ development and it will not in itself result in unsustainable patterns of vehicle movements within the rural area.

5.22 HDPF Policy 4 supports the growth of settlements across the District in order to meet identified local housing, employment and community needs. Therefore, outside built up area boundaries, Policy 4 permits the expansion of settlements subject to the following:

- 1. ‘The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.***
- 2. The level of expansion is appropriate to the scale and function of the settlement type.***
- 3. 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.***
- 4. The impact of the development individually or cumulatively does not prejudice comprehensive***

development, in order to not conflict with the development strategy; and

5. The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced’.

5.23 The supporting text for HDPF Policy 4 (and 3) sets out the following justification - **‘to ensure that development takes place in a manner that ensures the settlement pattern and the rural landscape character of the District is retained and enhanced, but still enables settlements to develop in order for them to continue to grow and thrive’** (HDPF paragraph 4.6).

5.24 Given the fact that the Council cannot demonstrate an appropriate supply of housing as required by the NPPF, the Council’s FAD acknowledges that the Council is likely to receive applications for residential development outside of the defined built up area boundaries and on unallocated sites. It is repeated that paragraph 5.7 of the FAD confirms that the Council will consider such proposals positively where the following criteria is met:

- **‘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 either 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’.**

5.25 The above essentially follows the same principles of HDPF policy 4 with the exception that it does not contain the same requirement for sites to be allocated for development in the Local or Neighbourhood Plan.

5.26 The application site does not adjoin a settlement edge, however, it very close to the built-up area boundary of Horsham. The site is in a highly accessible and sustainable location for the reasons previously explained and is therefore in a suitable position to accommodate just one new dwelling

without significantly conflicting with the spatial strategy of the NPPF.

- 5.27 In terms of criterion 2 of the FAD and policy 4, the level of expansion, just one dwelling is small. The low density of development is wholly appropriate to the settlement and location within the countryside but close to other built form.
- 5.28 The proposed development meets local housing needs in respect of the clear need for new housing within the District and the impact of the proposal will neither individually nor cumulatively prejudice comprehensive long term development. The proposal complies with criteria 3 and 4 of the FAD and policy 4.
- 5.29 In respect of criterion 5 of the FAD and policy 4, the application site is contained by an existing defensible boundary and the proposal will not result in any harmful encroachment into undeveloped countryside.
- 5.30 In summary of HDPF policies 1, 2, 3 and 4, these policies encourage sustainable development and allow for the expansion of settlements outside of built up area boundaries where the level of expansion is appropriate to the scale and function of the settlement type.

- 5.31 Given the small scale of development proposed, the sustainable location of the application site and the lack of any harm caused to the visual amenities of the countryside landscape (as further addressed within this Statement) the proposal does not conflict with the overarching principles of the Council's development strategy or the Council's FAD.

Rural Housing and Countryside Impact

- 5.32 HDPF policy 26 seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development. However policy 26 must also be read in the context of the text at HDPF paragraph 9.18 which sets out that ***'The Council is seeking to identify the most valued parts of the district for protection, as well as maintain and enhance this natural beauty and the amenity of the district's countryside'***.
- 5.33 The NPPF supports the provision of rural homes at paragraph 83 where it states:
- 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to***

growth and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.

- 5.34 This recognises the importance of allowing new residential development within the rural areas which can help to sustain local rural communities. As such, appropriate residential development on sustainably located sites, such as the application site is arguably ‘essential’ to rural areas and allows the sustainable development of rural areas (HDPF policy 26, criterion 4).
- 5.35 It is reiterated that the proposed dwelling will be situated close to other built form. The site is not located within a prominent or isolated position and it is enclosed within well-defined boundaries.
- 5.36 The proposed dwelling is of a very high quality design and of an appropriate (low profile/chalet style) height, scale and mass to ensure that it will not appear as an unduly prominent feature within the countryside landscape. As a result, and given the existing boundary screening and context of the site’s surroundings as described, the proposed dwelling will not

result in any harm to the visual amenities of the countryside landscape.

- 5.37 As previously described, just one dwelling will not result in any significant increase in the overall level of activity within the countryside and overall, the proposal complies with policy 26 in respect of its requirement for proposals to be of a scale appropriate to the countryside character and location and to protect/conserv/enhance key features and characteristics of landscape character.

Self-Build Housing

- 5.38 The proposed dwelling is a self-build home to be occupied by the Applicants. The Applicants intend to downsize from their existing, larger home (The Hermitage), thereby realising it for family use. HDPF policy 16 requires development to provide for a mix of housing sizes, types and tenures to meet the needs of the District’s communities. In addition to ensuring that the supply of a sufficient amount of new homes, the NPPF at paragraph 63 also requires the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policy. This includes ***‘people wishing to commission or build their own homes’.***

- 5.39 The Planning Portal advises that self-build projects account for 7-10% of new housing in England each year (around 12,000 homes) and it is reiterated that the Government's PPG acknowledges that self-build or custom build homes help to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design of their own home, and can be innovative in its design and construction. The provision of such homes is clearly supported by the Framework and which play an important role in helping to tackle the housing crisis, with projects cumulatively making an important contribution to meeting housing need (helping to speed up delivery) and increased choice and variety in the type of new homes.
- 5.40 The new Government is looking to overhaul the planning system to allow for the provision of more 1.5 million new homes and to grow the economy. There is as such a need to apply a more flexible approach to planning policy (in accordance with the principles of sustainable development) especially where there is a clear under provision and high need for new homes, such as within the Horsham district. The dwelling, as a self-build is therefore supported by the NPPF and HDPF policy 16.

Effective Use of Land

- 5.41 Paragraph 124 of the NPPF states that '**Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions**'. Paragraph 128 requires that a positive approach is taken to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs.
- 5.42 In addition HDPF policy 2 (criterion 8) supports sustainable development including the encouragement of the '**effective use of and by reusing land that has been previously developed (brownfield land), provided it is not of a high environmental value**'.
- 5.43 The application site forms part of the residential curtilage of The Hermitage (together with a previous use as dog kennels with evidence of kennel runs and hardstandings now overgrown) and it therefore falls within the NPPF's definition of previously developed land (updated from the 2023 version):

‘Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface 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 and 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’.

- 5.44 The case of Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors [2017] EWCA Civ 141 (14 March 2017) confirms that residential garden land, outside of a built up area falls within the NPPF’s definition of previously developed land.

- 5.45 Given the present residential status of the land and the adjoining residential development, the proposal will not introduce a use that would be incongruous to its surroundings. The proposal makes efficient use of previously developed which complies with the NPPF and HDPF policy 2 (criterion 8).

Case Studies

1. DC/22/2250 - Cowfold Lodge Cottage, Cowfold

- 5.46 Planning permission was granted at appeal for the construction of a log style dwelling at Cowfold Lodge Cottage, near Cowfold (see Appendix NJA/1). Cowfold Lodge is located outside of the settlement boundary of Cowfold, a ‘Medium Village’ with a moderate level of services and facilities. The Planning Inspector found that the site was not in isolated countryside and that the appearance of the dwelling (a log cabin design) would not be inappropriate to the rural area and close to other buildings.
- 5.47 Whilst the Planning Inspector found that there would be some harm to the character and appearance of the area by way of a reduction in the openness of the countryside (and thereby resulting in conflict with HDPF policies 25, 26, 32 and 33), as

the site is not isolated and the dwelling would not be unduly prominent, this harm would be modest.

- 5.48 In respect of location, the Planning Inspector found that the site would not be in a suitable location when judged against the policies of the HDPF but gave weight to the Council's deficient housing land supply situation. The Planning Inspector found that the proposed dwelling would contribute towards the much needed supply of houses noting that:

'Small sites can often be built-out relatively quickly and in this case the appellant intends to occupy the dwelling. There would be economic benefits arising from construction to spend in the local economy. Although these benefits are tempered by the small contribution that one house would make in the economic context of the current circumstances the additional dwelling would be valuable' (paragraph 24).

- 5.49 Importantly and having regard to the provisions of NPPF paragraph 11 d), the Planning Inspector found that the adverse impacts of granting planning permission would not significantly or demonstrably outweigh the benefits of an additional dwelling when assessed against the policies of the NPPF taken as a

whole. As a result, the Planning Inspector in applying the NPPF's presumption in favour of sustainable development found that planning permission should be granted.

2. DC/22/0495 – Marlpost Meadows, Southwater

- 5.50 Planning permission was granted at appeal for the construction of a detached dwelling, outside of a built-up area boundary at Marlpost Meadows near Southwater (see Appendix NJA/2).
- 5.51 Marlpost Meadows is located approximately 1.5km from the village centre of Southwater (a 'Small Town/Larger Village', as per HDPF policy 3). In noting the provisions of NPPF paragraph 11 d) and the lack of a five year supply of housing within the District, the Planning Inspector found the proposal to be acceptable in the planning balance.
- 5.52 Limited weight was given to HDPF policy 26 in respect of development outside of built-up area boundaries on the basis that the housing shortfall dictates that those boundaries are out of date. The Planning Inspector found that the site's location outside of a settlement boundary did not therefore constitute a reason for refusing planning permission and found the proposal to be acceptable for the following reasons:

‘The proposal would increase the supply of housing in the District and help to address the identified shortfall in new homes. The benefits of a single dwelling are very modest, but cumulatively windfall sites have a significant influence on supply. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The land forms part of the curtilage of an existing dwelling in the countryside and it would qualify as previously developed land under the definition set out at Annex 2 of the Framework. The site has reasonably good accessibility to services and facilities within Southwater, despite its location outside of the built-up area’ (paragraph 17).

- 5.53 On the basis that the proposed development would be ‘water neutral’, the Planning Inspector concludes that:

‘In the overall planning balance, I conclude that there are no adverse impacts that would significantly and demonstrably outweigh the benefits. The proposal would therefore constitute an acceptable form of development in terms of the Framework, and this would be a material consideration sufficient to outweigh the conflict with the development plan arising from the location of

development outside of settlement boundaries’ (paragraph 18).

3. DC/23/0627 – Wappingthorn Lodge, Steyning

- 5.54 More recently (10 December 2024), planning permission was granted at appeal for the extension and conversion of existing buildings at Wappingthorn Lodge into a dwelling (Appendix NJA/3). The main issue (having regard to the Council’s reasons for refusal) related to whether the proposed development would provide a suitable location for housing having regard to the Council’s spatial strategy.
- 5.55 The Planning Inspector found the proposal to conflict with the Council’s spatial strategy in terms of the site’s location but whilst future occupiers would have to travel by car to reach local services and facilities, the distance would be short. When considering the proposal in the planning balance, the Planning Inspector found that the level of harm and the level benefit carry a comparable level of weight and therefore (having regard to NPPF paragraph 11d), ***‘the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the proposal benefits from the***

presumption in favour of sustainable development as defined in paragraph 11d of the Framework and the similar provisions in Policy 1 of the HDPF' (paragraph 36).

Sustainable Development

5.56 Given that the tilted balance at NPPF paragraph 11 d) is engaged in this case, it is reiterated that the proposal should be considered against the presumption in favour of sustainable development set out within the Framework. Having regard to the three key objectives of sustainable development set out at paragraph 8 of the NPPF, the proposed development complies as follows:

- a) an economic objective – the proposal will make a small contribution to the local building industry and associated trades in constructing the new dwelling. Furthermore, occupiers of the new dwelling will help to support local services and facilities. The proposal complies with the economic objective of sustainable development.
- b) a social objective – the proposal provides a suitable site for the creation of a new dwelling in close proximity to local services and facilities including schools, public transport and work opportunities within Horsham. The proposal will

also make a modest but important contribution to the supply of new homes within the District and will provide an opportunity for a self-build home. The proposal complies with the social objective of sustainable development.

- c) an environmental objective – The proposal makes efficient use of previously developed land and no harm will result to the visual amenities of the countryside landscape. The proposed dwelling is sustainably located, it is of highly sustainable design, Water Neutrality is demonstrated and no harm will be caused to biodiversity or trees. To demonstrate these points, the application is accompanied by a Sustainability Report, a Water Neutrality Report, a Preliminary Ecological Appraisal and Arboricultural information. The proposal complies with the environmental objective of sustainable development.

6.0 LAYOUT, DESIGN & APPEARANCE

Design

- 6.1 The NPPF sets out that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. Developments should be visually attractive and sympathetic to the local character of the surrounding area and should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (paragraphs 131 and 135).
- 6.2 HDPF policy 32 requires high quality design for all development in the District. In addition, HDPF Policy 33 sets out the Council's key development control criteria and states that development should make efficient use of land, should not cause harm to neighbouring residential amenities, should be appropriate in scale, massing and appearance and be of a high standard of design. Development should also be locally distinctive in character and should use high standards of building materials, finishes and landscaping.

- 6.3 HDPF Policy 33 (text in bold italics) is addressed in detail as follows:

In order to conserve and enhance the natural and built environment developments shall be required to:

- 1. Make efficient use of land, and prioritise the use of previously developed land and buildings whilst respecting any constraints that exist.***

- 6.4 The proposed development makes effective use of land which is already in residential use and falls within the NPPF's definition of previously developed land. The proposal complies with criterion 1.

- 2. Ensure that it is designed 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;***

- 6.5 The proposed dwelling and garage will be located close to The Hermitage (thereby restricting the spread of built-form) however the buildings are situated an appropriate distance

away to ensure that there would be no unacceptable overbearing, overshadowing or overlooking impacts upon the residential amenity of this property or to Scots Pine beyond.

- 6.6 It is also considered that the proposed (small scale) development will not give rise to any noise or disturbance. The proposal complies with criterion 2.

3. Ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views;

- 6.7 The height, scale and massing of the proposed dwelling and garage respect the established scale of neighbouring development. The low profile of the dwelling and setting into the site will ensure that it will not dominate its surroundings. The new dwelling and garage will therefore fit comfortably within the surroundings and will reflect and respect nearby plot sizes.

- 6.8 As previously confirmed, there is screening to the wider boundaries which will help to screen the new dwelling and garage from public view and assist with their integration into the surroundings with no harm caused to the visual amenities of the countryside landscape including longer range views from beyond the application site or from the bridleway along Parthings Lane. The proposal complies with criterion 3.

4. 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;

- 6.9 The application site is located close to existing residential development and the new dwelling has been designed so as to not conflict with the established rural character of the area. The application site provides the opportunity to deliver additional housing without adversely impacting upon the established character of the wider locality. The proposal complies with criterion 4.

5. Use high standards of building materials, finishes and landscaping; and includes the provision of street furniture and public art where appropriate;

- 6.10 The materials used in the construction of the proposed dwelling will reflect those already present within the rural area. This will ensure that the dwelling will appear further integrated with the established character of the locality. The proposal complies with criterion 5.

6. Presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development; and,

- 6.11 The existing landscaping, hedgerow and tree planting will be retained to protect the established landscape character. The proposed dwelling will relate sympathetically to the local landscape and new landscaping can be achieved to further enhance the site. The proposal complies with criterion 6.

7. Ensure buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, unless this conflicts with the character of the surrounding townscape, landscape or topography where it is of good quality.

- 6.12 The dwelling will be built to be thermally efficient and in accordance with the latest Building Control standards. There is no conflict with HDPF policies 35, 36, 37 and 38. Please see the Energy Report for more information.

Proposals will also need to take the following into account where relevant:

8. Incorporate where appropriate convenient, safe and visually attractive areas for the parking of vehicles and cycles, and the storage of bins/recycling facilities without dominating the development or its surroundings;

9. Incorporate measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area; and create visually attractive frontages where adjoining streets and public spaces, including appropriate windows and doors to assist in the

informal surveillance of public areas by occupants of the site;

10. Contribute to the removal of physical barriers; and,

11. Make a clear distinction between the public and private spaces within the site.

- 6.13 The site will be accessed via a new vehicle access from Parthings Lane and adequate car parking for the scale of residential property is proposed. More than sufficient space is also available within the site for the discreet storage of refuse and recycling bins ensuring no adverse impacts upon the surrounding locality.
- 6.14 The proposed development does not conflict with parts 8, 9, 10 or 11 of policy 33.
- 6.15 In summary, the proposed dwelling is considered to be of a scale, height, mass and design that is appropriate to the rural surroundings and built form. The application site is large and the proposed dwelling and garage can be easily accommodated with sufficient space retained to the boundaries to ensure that the buildings will not appear cramped. Adequate amenity space is proposed for the new dwelling and retained for the host dwelling.

- 6.16 With no harm caused to the surrounding countryside landscape or in respect of residential amenity, the proposal complies in full with HDPF policies 24, 25, 26, 32 and 33 and Neighbourhood Plan policies SNP9, SNP10 and SNP16.

Water Neutrality

- 6.17 The application site falls within the Sussex North Water Supply Zone where Natural England have advised that water abstraction cannot be concluded to result in no adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites.
- 6.18 The Council has advised that it is able to continue to determine most planning applications for householder developments (and some other minor proposals) as it is not considered that this type of development will have a significant effect, either individually or cumulatively, on the Arun Valley sites. In the case of other developments where an increase in water consumption is more likely, planning applications are required to be submitted with a water neutrality statement setting out the strategy for achieving water neutrality within the development.

6.19 A Water Neutrality Report accompanies this planning application and which confirms that the proposed dwelling will be water neutral via the installation of water reducing appliances and the installation of rainwater harvesting tanks. Therefore the proposal complies with NPPF paragraphs 193 - 195 and HDPF policy 31.

Climate Change

6.20 The proposed dwelling has been carefully and specifically designed to ensure that it is environmentally sustainable in its construction as set out in the Energy Report. The dwelling will be constructed to the highest insulation standards; it will have solar PV panels installed and an electric vehicle charge point. The proposal complies with the NPPF and HDPF policies 35, 36 and 37.

Ecology and Trees

6.21 HDPF policy 31 requires development to demonstrate that it maintains or enhances the existing network of green infrastructure. Development should contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

6.22 The planning application is accompanied by a Preliminary Ecological Appraisal which reports on the current condition of the site and its potential to support any protected and notable species. Recommendations are made to reduce the proposed developments impact upon wildlife.

6.23 This planning application is also accompanied by a Tree Constraints Plan as well as a Tree Protection Plan to ensure that existing trees will be adequately protected. Overall, the proposal complies with HDPF policy 31 and Neighbourhood Plan policy SNP18.

7.0 ACCESS AND PARKING

- 7.1 The NPPF sets out at paragraph 116 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.2 HDPF Policy 40 requires (inter alia) new development to be appropriate in scale to the existing transport infrastructure. Development should also minimise the distance people need to travel.
- 7.3 Just one dwelling is proposed which will not generate significant or harmful additional volumes of traffic. There will as such be no adverse impact upon the existing road network or transport infrastructure and the proposal complies with HDPF Policy 40.
- 7.4 In respect of car parking, HDPF Policy 41 states (inter alia) that adequate car parking must be provided within new developments. The proposal includes space for two at least vehicles to park (and turn) in addition to two garage spaces, and there is as such no conflict with HDPF Policy 41.

8.0 CONCLUSION

- 8.1 This Statement supports an application for planning permission which seeks the construction of a three-bedroom chalet style dwelling with a detached garage/store building on land to the west of The Hermitage, Parthings Lane, Tower Hill, Horsham.
- 8.2 As set out at Section 2, case law confirms when considering whether a proposal complies with a development plan, it is not necessary to say that it must accord with every policy of the development plan and the question is whether it accords with the development plan overall. In addition, paragraph 3 of the NPPF confirms that the Framework should be read as a 'whole' and the Government's Planning Policy Guidance (PPG) states that any conflicts between the development plan should be considered in light of all material planning considerations including **local priorities and needs**, as guided by the NPPF.
- 8.3 Therefore whilst the site is located outside of a built-up area boundary, it is necessary to consider the following aspects of the proposal in the planning balance:

- The Council's HDPF is over five years old and the Council is unable to demonstrate a four year supply of housing as required by the NPPF. As a result, the Council's policies in respect to the supply and location of new homes are out of date and the provisions of NPPF paragraph 11 d) and the tilted balance are engaged. This requires the proposal to be considered against the presumption in favour of the proposed development.
- The proposal will make a small but important contribution towards windfall housing provision within the District. The cumulative provision of individual homes should not be underestimated as acknowledged by NPPF paragraph 73. The long term, continued lack of housing supply within the District undermines the NPPF's intentions to **'significantly boost'** the supply of new homes (NPPF paragraph 61).
- NPPF paragraph 83 encourages the sustainable development of rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. Occupiers of the proposed dwelling will help to support local services and facilities within the local area.

- NPPF paragraph 110 makes it clear that whilst the planning system should actively manage patterns of growth (and *significant* development should be focused on locations which are or can be made sustainable), opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This should be taken into account in both plan-making and decision-making. The proposal is not for significant development and neither will it generate significant levels of vehicle movements.
- The application site is also not located within isolated countryside. The proposed dwelling is sustainably located, very close to the built-up area boundary of Horsham and the town centre is within walking distance via a roadside footpath or public rights of way. There are also bus stops within a short walk of the application site. HDPF policy 4 allows for the appropriate expansion of settlements, subject to criteria. It is demonstrated that the proposed development would not conflict with the intentions of HDPF policy 4 (and Neighbourhood Plan policy SNP1) and the provisions of the Council's FAD must also be taken into account in light of the current under supply of housing within the District.
- The proposed dwelling is not remote from other built form and it has been carefully designed to ensure that it is of a high quality construction and appearance and of an appropriate height, scale and mass. The application site is screened with well-defined boundaries. As a result, and given the appropriate design and scale of the proposed dwelling, there will be no significant impact upon longer range countryside views (including views from the bridleway on Parthings Lane) and no harm caused to the visual amenities of the countryside landscape. The proposal does not conflict with HDPF policy 26 in this regard which seeks to protect the countryside from inappropriate development.
- The proposal makes effective use of land, no harm will be caused to neighbouring amenity and the proposed dwelling is water neutral. There will also be no harmful ecological impact or negative impact on trees and biodiversity enhancements can be achieved on the site. Appropriate access and car parking provision is provided.
- The proposed dwelling is a self-build home, the provision of which is supported by the NPPF paragraph 63. This considers the need to provide a variety of size, type and tenure of housing needed for different groups in the community and

including people wishing to commission or build their own homes. The provision of self-build/custom-build homes play an important role in the provision of new homes, offering choice and variety within the housing market and helping to meet housing need.

- 8.4 This Statement demonstrates that there are no adverse impacts of granting planning permission that would significantly or demonstrably outweigh the benefits of a new home of a high-quality design, in a sustainable location and which makes effective use of land. The proposal will make a small but important contribution towards the supply of much needed new homes within the District without resulting in any harm to the local environment or significant conflict with the Council's spatial strategy. Therefore, in accordance with paragraphs 11 and 39 of the NPPF and HDPF policy 1, planning permission should be granted for the sustainable development proposed.