

Comments on Horsham Council's Statement of Case  
Permission in Principle for demolition of an existing structure and erection of a single dwelling  
Horsham Reference DC/25/0005  
APP/Z3825/W/25/3365004  
Lower Batchellor,  
Emms Lane,  
Barns Green,  
West Sussex, RH13 0QH.



*The objective for rural business is to sustain a balanced outcome, a delicate relationship between productive activity which includes farming and rural enterprise and the conservation of the environment both historic and landscape needs to be maintained. The rural economy is a constantly changing paradigm and should be nurtured, supported and promoted because it forms the core of the nation*

Prepared For:  
CJ Groundworks Ltd,  
Lower Batchellor,  
Emms Lane,  
Barns Green,  
West Sussex, RH13 0QH.

## **Introduction**

We act on behalf of Christian John of Lower Batchellor, Emms Lane, Barns Green, West Sussex, RH13 0QH in submitting the following comments on the Council's statement of case.

This statement is submitted in response to the Local Planning Authority's (LPA) Statement of Case following non-determination of the Permission in Principle (PIP) application for the erection of one dwelling. The appeal seeks to clarify how the proposal complies with national and local policy, responds to site-specific considerations, and why permission should be granted in principle. The appeal is submitted in accordance with the Town and Country Planning (Permission in Principle) Order 2017 (as amended). The PIP process is intended to be light-touch, with decision-making at Stage 1 restricted to:

- **Location**
- **Land use**
- **Amount of development**

All other matters — such as design, amenity, ecology, and infrastructure — are appropriately considered at the technical details consent (TDC) stage.

## **2. Horsham's Housing Delivery Shortfall and Presumption in Favour**

It is now a material and significant fact that Horsham District Council has failed the Housing Delivery Test (HDT) for 2024. As confirmed by the Council in its Action Plan published in response to the December 2024 HDT results, the authority delivered only 62% of its required housing between 2020–21 and 2022–23.

Under **paragraph 79(c) of the NPPF (2024)**, this failure triggers:

"the presumption in favour of sustainable development, in addition to the requirements for an action plan and 20% buffer."

This presumption fundamentally alters the planning balance. It means that the so-called "tilted balance" applies to decision-making on this appeal. Accordingly, unless any adverse impacts of the proposed development significantly and demonstrably outweigh the benefits, planning permission should be granted.

The site provides a modest, sustainable and deliverable housing opportunity on previously developed land and should benefit from this presumption.

## **3. Planning Policy Framework**

### **3.1. National Policy (NPPF 2024)**

The revised National Planning Policy Framework encourages the effective reuse of land (para 123), small-scale development (para 69), and the use of previously developed or underutilised sites (para 124). These aims are consistent with the proposal.

The Permission in Principle route is specifically intended to support smaller-scale housing delivery and is explicitly encouraged in national policy. Paragraph 137 of the NPPF supports decisions that “make the most efficient use of land”, including small windfall sites.

The site meets these national objectives and aligns with the government’s ongoing effort to unlock “grey belt” or transitional sites.

### **3.2. Local Policy Context (HDPF 2015)**

The Council’s refusal relies heavily on the site’s location outside the defined built-up area boundary (BUAB). However, policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF) allow for development beyond the BUAB where it:

- Adjoins a settlement
- Is of appropriate scale
- Does not harm landscape character
- Meets an identified local need

This proposal meets all of the above. The site’s existing development, clear boundaries, and proximity to services make it well-related to the settlement, while the modest scale (1 dwelling) and replacement of existing structures mitigate any visual or landscape harm.

### **4. Land Use and Previously Developed Land**

The appeal site comprises a former stable block and yard, with established access and infrastructure. This constitutes previously developed land (PDL) under the NPPF definition, as it contains a permanent structure and associated hardstanding.

Redevelopment of PDL is explicitly supported in both national and local policy, especially where it can contribute to local housing delivery with minimal landscape or ecological impact. Furthermore, demolition of the stables and erection of a single dwelling would likely result in a net visual improvement, subject to detailed design at the TDC stage.

### **5. Amount of Development**

The application proposes the erection of one dwelling only. This is clearly within the scale envisaged by the PIP regime and is consistent with windfall housing strategy within the district.

This very modest quantum of development ensures that:

- The scale is compatible with rural character
- No infrastructure pressure is introduced
- Delivery is highly likely (improving HDT outcomes)
- Local amenity, access, and environmental impacts are manageable at TDC stage

### **6. Water Neutrality (Reason 2 of LPA Case)**

While the Council raised concern over water neutrality, this is a matter for the technical details stage, not the PIP stage. It should be noted the council did not at anytime engage with the agent and the statement that the application would be recommended for refusal is subjective and should not be taken into account.

However, the appellant acknowledges the requirements of the Habitats Regulations (2017) and the need to protect the Arun Valley SAC/SPA/Ramsar sites. The following mitigation measures are entirely feasible:

- Grampian condition to secure a water neutrality strategy prior to development
- Use of low-consumption technologies and sustainable fittings
- Potential off-site mitigation via the Sussex North Water Certification Scheme
- On site solution from rainwater harvesting on other buildings

No technical evidence has been presented by the LPA to suggest that mitigation is unachievable. Therefore, this is not a valid reason to refuse the site in principle.

## **7. Character and Amenity**

At the technical details stage, it will be possible to design a scheme that:

- Reflects the rural character and form of surrounding buildings
- Minimises impact on neighbouring properties
- Incorporates appropriate landscaping and scale

A single dwelling can be comfortably accommodated without harm to amenity, landscape or setting, especially as it replaces existing structures of equivalent or greater mass.

## **8. Settlement Boundaries and Flexibility**

Settlement boundaries help manage growth but should not operate as impenetrable barriers in circumstances where:

- The authority lacks a 5-year housing supply
- The presumption in favour applies
- The development is sustainable, small-scale and previously developed

This site clearly falls within a logical area for limited infill or edge-of-settlement development. Denying Permission in Principle on the basis of a line on a map would be inconsistent with national guidance and the government's emphasis on housing delivery.

## **9. Conclusion**

The proposed development for one dwelling is:

- Located on previously developed land
- Of acceptable scale and use
- Sustainably located in relation to services and access
- Capable of being delivered quickly to support housing supply
- Supportable in principle under both national and local policy

Given the LPA's clear failure of the Housing Delivery Test, the presumption in favour of sustainable development applies. No significant or demonstrable adverse impacts have been identified that would outweigh the clear benefits of granting Permission in Principle. As such, the appeal should be allowed