Horsham District Council

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Our ref: DC/24/0465
Your ref: APP/Z3825/W/24/3346736
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Date: 17 January 2025

Dear Mr Devereux,

APP/Z3825/W/24/3346736 – Paiges Yard, Nep Town Road, Henfield, BN5 9DZ

Following the recent email received 14 January 2025 in respect of the recent revisions to the NPPF, please find additional comments below.

Of particular relevance to the subject appeal are the changes to the NPPF in respect of the presumption in favour of sustainable development.

Paragraph 11(d) of the revised NPPF states that *"where there are no relevant development plan policies, or the policies which are most important for determining the applications are out-of-date, granting permission unless:*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 demonstrably 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 effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Footnote 7 of this paragraph outlines that the policies referred to are those in the Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Site of Special Scientific Interest, land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or with the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

Footnote 9 of paragraph 11 states that this includes, for the provision of housing, situations where: the local planning authority cannot demonstrate a five year housing land supply of deliverable housing sites (with the appropriate buffer as set out in 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.

Footnote 9 of this paragraph states that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

Relevant policies in these aforementioned paragraphs include paragraph 129, 135, and 139.

Paragraph 129 of the NPPF states that planning decisions *"…should support development that makes efficient use of land, taking into account:*

a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*

b) *local market conditions and viability;*

c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*

e) *the importance of securing well-designed, attractive and healthy places."*

Paragraph 135 of the NPPF states that planning decisions *"…should ensure that developments:*

a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,*

b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

Paragraph 139 of the NPPF states that *"(D)evelopment 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…"*

The 2023 Housing Delivery Test highlighted that the Horsham Area delivered a total of 1726 of their housing requirement with 62% of homes built. The consequence of this, is that subject to the provisions of paragraph 11(d) of the NPPF, the presumption in favour of sustainable development or 'tilted balance' applies.

As outlined within the Council's Delegated Report and subsequent Appeal Statement of Case, the proposed layout of the development would significantly reduce the opportunity to experience the dwellings in the street scene, and would dilute the character of the street scene to the south side of Nep Town Road. The proposal would fail to reflect, or take the opportunity to enhance, the Character Area and street scene, and the proposal would therefore fail to make a positive contribution to and enhance the character and distinctiveness of the Henfield Conservation Area.

The application was not accompanied by a Noise Assessment, where adjacent land uses and associated activities have the potential to adversely affect future occupiers of the proposed development. It had not therefore been demonstrated to the satisfaction of the Local Planning Authority that future occupiers of the proposed development would not be adversely impacted by

noise and disturbance arising from the neighbouring commercial uses. Furthermore, the proposed layout of the development would be located in close proximity to nearby residential properties, where the scale and siting would result in a poor relationship that would result in an overbearing impact on the amenities of the nearby residential properties and unacceptable loss of light.

Insufficient information has also been provided to demonstrate with a sufficient degree of certainty that an appropriate degree of offsetting would be provided so that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction. It was not therefore possible to conclude that the development would not have an adverse likely effect on a habitats site.

The proposed development would fail to maintain the area's prevailing character and setting, particularly with reference to the characteristics and features of the Conservation Area, and would to this effect, not be considered to be well-designed or attractive within the street scene or sympathetic to the local character and surrounding built environment. Furthermore, the layout of the proposal is not considered to ensure a high standard of amenity for existing and future users. The proposed development would therefore be considered to be contrary to paragraphs 129 and 135 of the revised NPPF.

It is recognised that the Council are currently unable to demonstrate a 5-year housing land supply, which is a material consideration of significant weight. Whilst the proposal would result in the development of previously developed land within the built-up area, the proposal would not be designed to reflect the prevailing character and setting of the street scene and designated Conservation Area, and would result in a poor living environment for future occupiers and nearby residential properties. In addition, it has not been demonstrated that the proposed development would be water neutrality, where it cannot be concluded that the development would not result in a likely significant effect on the protected Arun Valley sites.

The proposal would contribute toward the identified housing need, with subsequent social, economic, and public benefits. However, the harm arising from the development would not be outweighed but these benefits. For these reasons, notwithstanding the changes to the NPPF, the Council remains of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF.

Yours sincerely,

Tamara Dale

Applications Team

Horsham District Council