Planning Inspectorate

Appeal Decision

Site visit made on 11 December 2025

by John Felgate BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2026

Appeal Ref: APP/Z3825/W/25/3365902
Land to the south of Furze Common Road, Thakeham, West Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Akehurst Homes Ltd against the decision of Horsham District Council.
- The application Ref is DC/23/2146.
- The development proposed is up to 28 dwellings, with access from Storrington Road.

Decision

1. The appeal is allowed and planning permission is granted for up to 28 dwellings with access from Storrington Road, on land to the south of Furze Common Road, Thakeham, West Sussex, in accordance with the terms of the application, Ref DC/23/2146, subject to the conditions in the attached schedule.

Preliminary matters

2. The appeal seeks outline planning permission with all details reserved except for access. Details of the proposed alterations to the existing access from Storrington Road, and the new access road which is proposed to serve the development, are shown on the accompanying plans. All other details shown on the submitted plans are illustrative.

3. A Section 106 agreement has been entered into by the appellants and the Council, dated 8 July 2025. The agreement provides for up to 35% of the proposed dwellings to be affordable, with an agreed tenure mix of 7 rented and 3 shared ownership. Provision is also made for a financial contribution to air quality measures in the locality, and for a monitoring fee. The agreement contains a clause whereby any of these obligations may be disapplied if they are found to be non-compliant with the relevant legislation, or to carry no weight, and I have borne this provision in mind in reaching my decision.

4. A statement of common ground has been agreed between the two main parties, which was signed on the 28 and 29 July 2025 respectively. The statement clarifies various matters of agreement and disagreement. Amongst other things, the statement confirms that, subject to an appropriate financial contribution, the Council now no longer wishes to pursue that part of its original refusal reason relating to air quality. Nevertheless, in view of the above, the question of the need for such a contribution remains to be resolved. To this extent therefore, air quality remains a live issue, and I have considered it accordingly.

Planning policy context

5. The development plan for the area comprises the Horsham District Planning Framework, adopted in November 2015 (the HDPF), and the Thakeham Parish Neighbourhood Plan (the TPNP), made in January 2017.

6. The appeal site lies outside the defined development boundary of Thakeham and Abingworth, and is therefore within the countryside for the purposes of planning policy. In general terms, HDPF Policies 2, 3 and 26, and TPNP Policy 1 seek to steer most new housing to larger settlements, to ensure a sustainable pattern of growth, and to protect the surrounding countryside for its rural character. It is not disputed by any party that the development now proposed would conflict with the spatial strategy embodied in these policies.

7. However, it is agreed in the statement of common ground that the District's housing land supply falls far short of the required 5 years, and that in the most recent Housing Delivery Test, the minimum threshold of 75% was not met. As a consequence of this, it is agreed by both parties that the 'tilted balance' set out in NPPF paragraph 11(d) is applicable. A similar presumption is also incorporated into HPPF Policy 1.

8. A draft replacement local plan for the District was submitted for examination in July 2024, and examination hearing sessions on some matters were held later that year. Since then however, the examination appears to have been held in abeyance for several months, pending agreement on the nature of some significant modifications, which will need to be prepared and consulted on before the examination can continue. It is agreed by both main parties in this appeal that the emerging draft plan carries little weight, and neither has sought to rely on any policies in it. I see no reason to disagree.

9. Relevant national policies are set out in the National Planning Policy Framework (the NPPF), published in December 2024. In December 2025, the Ministry of Housing, Communities and Local Government published a draft update, for consultation purposes. The appellants and the Council have both been offered an opportunity to comment on any matters arising from this draft document, and I have taken account of their responses. For the avoidance of doubt however, the 2024 version of the NPPF remains in force until formally replaced, and I have dealt with the appeal on this basis.

Main issue

10. In the light of all the above, and having regard to all the submissions before me, I find that the main issue in the appeal relates to the effects of the proposed new access road on neighbouring occupiers, in terms of noise, activity, light pollution and air quality.

Reasons for the decision

Activity and noise

11. The appeal site comprises a rectangular field, bounded on three sides by existing houses. The existing access comprises a 75m-long, rough track, which leaves Storrington Road adjacent to the dwelling Hickory, and then serves two semi-detached properties known as Champions Cottages, before entering the site itself via a field gate. To the south is another residential property, The Orchard, which is

set within extensive landscaped grounds, and has its own separate access from Storrington Road.

12. The appeal scheme proposes to widen the existing track to form a shared-surface roadway for vehicles and pedestrians, with a width of 4.8m along most of its length. On the southern side, this would involve the removal of the existing verge and the partial culverting of a ditch, but would retain the existing boundary hedge. At the junction with Storrington Road, the scheme would introduce radius kerbs, and a short length of new paving to connect to the existing footway. Towards the western end of the new road, a short section of the carriageway would be narrowed to a single vehicle width, as a traffic calming feature, with 'give way' markings for outbound traffic.

13. Champions Cottages are set facing the existing track, behind front gardens or forecourts of about 6.5m in depth. Hickory is positioned slightly closer to the track, and although its main elevation faces Storrington Road, it has a number of side windows facing south. Vehicles and pedestrians entering and leaving the site along the new access road would pass quite close to these three existing properties. Such movements would be visible from some rooms within these dwellings, and from some parts of their gardens, and the sounds of vehicles passing or waiting on the roadway would be audible.

14. In the HDPF, Policy 24 requires new developments to minimise any exposure to noise, odour, and air and light pollution, and Policy 33 seeks amongst other things to avoid unacceptable harm to the amenity of nearby occupiers, by way of noise or overlooking. I appreciate the Council's concerns with regard to these matters.

15. However, the number of vehicular journeys generated by a development of up to 28 dwellings would be quite limited. In the appellants' traffic assessment, the weekday morning and afternoon peak hours are each predicted to give rise to only around 16-18 movements in total, representing an average frequency of no more than one vehicle every three to four minutes. Throughout most of the rest of the day, the hourly numbers and frequency would be significantly lower than this. These figures do not appear to be contested by the Council, or by the highway authority, and in any event they are based on a methodology that is widely used and accepted, including survey data from other relevant developments in the local area. I therefore see no reason to doubt the accuracy of the evidence before me.

16. With such low numbers, the occasions when two vehicles would need to pass one another on the new access road would be rare, so that in most cases, vehicles would be likely to pass along it unimpeded. Even at low speeds, this would take no more than a few seconds, with the gaps between each one far exceeding the length of time that vehicles would be in motion. For the great majority of the time therefore, it seems likely that the new road would not be in active use, and would not give rise to any noise or disturbance.

17. This conclusion is further confirmed by the appellants' noise impact assessment. That report calculates that, over the course of a standard 16-hour day, the traffic noise generated by the new development would amount to an addition of only 0.1 - 1.2 dB above the measured ambient level at the nearest affected properties. During the night, this would drop to 0 - 0.2 dB above the existing. These increases fall well below the range defined in the most relevant guidance[1] as 'minor', and

[1] The Institute of Acoustics: Planning and Noise, 2017

indeed towards the lower end of the range described as 'negligible'. In absolute terms, even when the existing background noise level is taken into account alongside the additional noise arising from the proposed development, the resulting cumulative level is assessed as having minor to negligible significance for nearby properties. There is no evidence that the resulting noise levels within any of those properties would fall below the standards recommended in any published guidance. Furthermore, in all cases, the assessment assumes that all vehicles are petrol or diesel powered, rather than electric, and therefore from a noise point of view the report's calculations represent a worst-case scenario. Again, the appellants' evidence on these matters does not appear to be countered by any other technical evidence, and I see no reason to doubt its accuracy.

18. I appreciate that the vehicles using the proposed new road would be likely to include a proportion of larger vehicles such as for deliveries, refuse collections and occasionally emergency vehicles. However, the numbers of these have been calculated in the traffic evidence, and taken into account both in the overall numbers of movements and in the resulting noise assessment. At times when a vehicle is forced to wait before entering the narrowed section, there would be the additional sounds of an engine idling, and then accelerating away. But, for the reasons already explained, it seems likely that such occasions would be few, and the duration short. And in any event, the location of the 'give way' point would be some distance from the nearest of the existing properties. Any other necessary measures for the management of vehicle speeds or tyre noise would be a matter for detailed design.

19. The appellants' evidence does not quantify the expected numbers of movements by pedestrians or by bicycle. However, these would not normally be expected to produce any significant noise or disturbance. I agree that the sound of passing voices could possibly be a source of annoyance on occasions, but in the absence of any further evidence, it seems unlikely that this would be so loud or so frequent as to significantly affect the above assessment of noise levels overall. Both Nos 1 and 2 Champions Cottages have partly open boundary treatments to their front gardens, and the front corner boundary of Hickory would become slightly more open due to the need to cut back or remove a short section of the existing hedge line. But in view of the matters discussed above, these do not alter the conclusion that I have come to, based on the largely unchallenged evidence regarding the numbers of traffic movements and noise levels.

20. There is no doubt that the existing properties that adjoin the new access road would see a change in their immediate surroundings, with an increase in activity, and a modest increase in audible noise compared to the existing situation. But nevertheless, it seems to me that the environment around these dwellings would continue to be a reasonably quiet and peaceful one. I am therefore satisfied that living conditions at the properties in question would not suffer any unacceptable harm, and that no conflict with either of the identified policies would arise.

Light pollution

21. The impact from car headlamps is assessed in the appellants' lighting assessment. That report indicates that the luminance levels falling on the front windows of Nos 1 and 2 Champions Cottages, from vehicles on the new access road, would be in the region of 4-5 lux at ground floor level and up to 2 lux at the first floor. As far as the 'pre-curfew' evening period is concerned, these levels

would broadly meet the recommendations of the most relevant guidance[2]. After that time, and through the night, the predicted maximum levels would exceed those recommended.

22. However, whilst the guidance referred to is a useful source of reference, it does not form part of planning policy, and its recommendations must therefore be considered in the context of the particular site. In the present case, as Champions Cottages lie parallel with the line of the new road, the light from this source would be travelling at an oblique angle to the building facades, and no headlamps would shine directly at them. Secondly, the maximum levels of luminance referred to would only be reached during those brief periods when a vehicle was actually passing; and as already established, the number of such occurrences during the nighttime hours would be few, and of short duration. Thirdly, the predicted luminance levels are those that would be experienced without any curtains or blinds, whereas in reality it seems reasonable to assume that these would normally be used. And in any event, the increase in external luminance would be somewhat less noticeable during those times when electric lighting was in use internally.

23. With regard to Hickory and The Orchard, the appellants' assessment found these to be adequately protected from unwanted light spill by the existing boundary hedges. For the most part, those hedges are not proposed to be affected. In the case of Hickory, part of the existing hedge, at the junction with Storrington Road, would be removed or reduced, and this would be likely to allow some additional light penetration to this property. However, the length of hedge affected would be small, and whilst vehicles would be turning in at this point, the angle in relation to the property's windows would still be oblique. In all other respects, similar considerations to those relating to Champions Cottages would apply.

24. Street lighting is proposed along the new access road, comprising four low-level units, positioned on the north side of the carriageway, designed to shed their light downwards, with a maximum colour temperature value of 3,700k. Further details of such lighting could be secured by condition. From the evidence available, it seems to me that this specification would be capable of avoiding excessive light spill to any properties, whilst also providing adequate safety for road users.

25. Having regard to all of the above, it seems to me that, notwithstanding some relatively minor impacts on Champions Cottages, the effects of the proposed development would not be so great as to cause significant sleep disturbance or other unacceptable impacts on living conditions at any neighbouring property. As such, the scheme would minimise light pollution, in accordance with the aims of HDPF Policy 24.

Emissions and air pollution

26. The effects of the development on local air quality are analysed in the appellants' air quality assessment report. That report considers the impacts both in the construction phase and after completion, having regard to recognised guidance[3]. During construction, the risk to human health from on-site vehicle and plant emissions is assessed as insignificant, and the risk from dust and particulate

[2] The Institute of Lighting Professionals: The Reduction of Obtrusive Light (Guidance Note GN 01/21)
[3] The Institute of Air Quality Management: 'Guidance on the Assessment of Dust from Demolition and Construction' (2016); and 'Land-Use Planning & Development Control: Planning For Air Quality' (2017).

matter emissions is rated low to negligible. Furthermore, with the provision of appropriate mitigation measures, the latter risk is capable of being reduced to a level which is classed as not significant; a list of such measures is proposed, and these can be secured by condition.

27. Post-construction, when the new dwellings are occupied, trips to and from the site would give rise to vehicle emissions. However, the forecast number of such trips, at 181 vehicle movements per day, with no more than 125 going in any single direction, falls well below the recognised screening threshold of 500 at which the total volume of those emissions could start to be considered significant. And whilst around 63 of those trips would also be likely to pass through the Storrington Air Quality Management Area (AQMA), where a more stringent approach applies, that number would still be well below the lower threshold of 100 per day.

28. The appellants' evidence on all these matters is again not challenged with any other comparable technical evidence, and I see no basis on which to disagree.

29. In addition, the appellants' assessment provides a calculation of the relevant 'damage costs', using the toolkit model developed by the Department for Food and Rural Affairs. This approach acknowledges that small developments, including those which fall below the relevant thresholds individually, may have a cumulative impact. Paragraph 199 of the NPPF draws attention to the potential for such cumulative impacts, and the need to consider these in planning decisions. In the present case, the damage cost is calculated at £4,342. As noted above, the S.106 agreement make provision for a financial contribution of this amount, which would be used for the provision of electric vehicle charging facilities in two public car parks in Storrington. Based on the information before me, I am satisfied that this contribution would contribute to combating the cumulative effects on the AQMA, and would adequately offset the appeal scheme's own residual impact.

30. In the light of the above, I find that the development would have no adverse effects on local air quality, and in this regard would comply with the relevant provisions of HDPF Policy 24.

Overall impact on neighbouring occupiers

31. Having regard to all the above matters, I conclude that the appeal scheme, and in particular the proposed new access road, would have no unacceptable impact on the living conditions of neighbouring occupiers. No conflict would therefore arise with either Policy 24 or Policy 33 of the HDPF.

Other matters

Housing need

32. According to the agreed statement of common ground, as of July 2025, the district's housing land supply stood at 1 year, and the most recent Housing Delivery Test showed a delivery rate of only 62%. On both counts, having regard to NPPF paragraph 11(d) and Footnote 8, the failure to make sufficient provision for housing means that the development plan policies relevant to the appeal can no longer be regarded as up-to-date.

33. The appeal scheme would provide up to 28 new dwellings, including 10 affordable, which would make a contribution to remedying the district's shortfall. It would do so in a village that has a reasonable range of local facilities, including amongst

other things a shop/cafe, a modern community hall, a pub, a church and sports facilities; and indeed would help to provide additional support for those facilities, underpinning the vitality of the rural community. The development would be of a scale which is clearly compatible with the existing settlement. The affordable housing provision would also accord with the specific requirements of HDPF Policy 16.

34. As outlined earlier in this decision, it is clear that the preparation of a new local plan has stalled, and there is no evidence that the present impasse can be resolved quickly. It is therefore likely to be some considerable time before new site allocations will be adopted through that process. In the interim, the district appears to be reliant on new sites being permitted outside of the plan-led system, if housing delivery is not to fall further behind the identified requirement.

35. In all these circumstances, the benefit that the proposed development would provide in terms of housing provision, and especially the affordable element, carry substantial weight in favour of the appeal.

Other benefits of the scheme

36. During construction, the development would create employment opportunities in the building industry and in the supply chain. Following completion and occupation of the new homes, it would boost the local economy through increased household spending. These economic benefits carry further significant weight in favour.

Matters raised by local residents

37. Thakeham (which includes Abingworth, where the appeal site is located) is classified as a 'smaller village' in HDPF Policy 3, and as such is in the fourth tier of the local plan's settlement hierarchy. That status is defined by reference to limited services or accessibility. Employment opportunities in the village are limited and have been further reduced due to the closure of a local mushroom growing business. The local pre-school nursery has also recently closed. Bus services to Horsham, Storrington and other neighbouring towns are limited to one a day on most days, and in some cases to one day a week. Walking and cycling on the local lanes can be hazardous. In all these respects, the village is far from being ideally placed from the point of view of sustainable travel.

38. However, as already noted, Thakeham does have a number of local facilities, and indeed the village seems to me to be relatively well provided in this regard, compared to many others of a similar size. Furthermore, some of these existing facilities, including the village hall, sports pavilion, shop/café and veterinary surgery, all appear to have been secured as a direct result of other recent housing developments. The current closure of the nursery appears to be due to a shortage of qualified staff, rather than any issues relating to its viability; there is no evidence to suggest that it will not reopen, or if necessary, that the brand new building that it occupies could not accommodate some other community-related use. A good range of facilities such as supermarkets, schools, doctors and pharmacies is available in nearby Storrington, and although such trips would be likely to be mainly by car, the distance is quite short. I note that Thakeham was found to be an unsustainable location for a development of 247 dwellings[4], but the present proposal is for little more than one tenth of that number. In the context of the

[4] Appeal Ref: APP/Z3825/W/24/3350094: Land to the West of Storrington Road, Thakeham

severe shortage of housing that the District faces, and the apparent lack of ready alternatives, I can see no reason why the village should not be considered an acceptable location for the scale of development now proposed.

39. I appreciate the concerns expressed about pressure on local services, such as school places and health services. But such issues are not confined to Horsham District. In relative terms, the impact of a further 28 dwellings on services of this kind would be minor. In any event, given the established need for more housing in the District, this cannot justify a refusal of permission for the development now proposed.

40. I note the concerns raised by Thakeham Parish Council and others regarding highway safety. Storrington Road is a classified 'B' road, and carries a significant volume of traffic. Although the speed limit is 30 mph, the survey evidence indicates that this is exceeded in a good many cases, with the 85th-percentile speed over 24 hours being around 36-37 mph. Accidents have occurred along the stretch of road in question, including one fatal one tragically involving a child, close to the appeal site entrance. Vehicles entering or exiting from the new access road would necessarily do so at lower speeds, and I fully understand the concern that such movements could create a hazard. However, the new access has evidently been designed to meet the relevant highway standards, with suitable kerb radii, and provision for visibility splays of around 59m and 61m respectively. Where necessary, the clearance of vegetation and other obstructions can be secured through a Section 278 agreement with the highway authority. Larger vehicles would have to cross the centre line during turning movements, but that is not unusual on rural roads of this nature, and in this case the number of such vehicles would be relatively few. A road safety audit has been carried out, and the highway authority appears satisfied with the proposed arrangements. Whilst the possibility of future accidents can never be ruled out, I am satisfied on the evidence available that the proposed development would provide proper levels of safety for road users.

41. The site contains a substantial number of trees, mainly around its boundaries, and some also along the access. The majority of these are protected by tree preservation orders. A small number would have to be removed, and some others reduced in size by the removal of lower branches. In the case of T5, which leans across the line of the new access road, I agree that the amount of pruning needed to give adequate clearance for vehicles would exceed what would normally be described as crown lifting, but there is no evidence that it would need to be removed, nor that the overall tree losses would need to exceed the number stated. Special construction methods are outlined for the protection of those trees closest to the new road and culvert, and I see no reason why these should not be successful. The great majority of the trees could therefore be retained. Scope would also exist for some additional new planting. Overall, the tree losses that would be needed would not be excessive for a development of the size proposed.

42. The appellants' ecological surveys indicate that the site contains no habitat of special value. Whilst the site margins are suitable for bats, nesting birds, common reptiles and amphibians, these areas are capable of being retained and protected during construction. The Council's ecological consultant accepts that, with an appropriate scheme of mitigation, and careful control of lighting, harm to protected species can be avoided. I see no reason to disagree. The necessary mitigation can be secured by condition.

43. The appeal site lies in an area where the probability of flooding from all sources, as assessed by the Environment Agency, is low. The submitted drainage strategy appears capable of ensuring that run-off is controlled to a rate that would avoid any increased risks of flooding downstream. Further details can be secured by condition.

44. The development would result in the loss of just under one hectare of agricultural land, shown as Grade 2 on the national land classification map. However, the need to retain good quality land for future food production must be weighed against the established and urgent need for housing. In this case, the appellants' agricultural appraisal indicates that the land's productive capacity is limited due to its small size, proximity to other existing houses, and poor access, making agricultural use difficult and uneconomic. There is no contrary evidence. In these circumstances, the loss of agricultural land is a matter that carries only minor weight.

45. The appeal site lies within a relatively narrow band of countryside around Thakeham/Abingworth, with Storrington to the south, and Chiltington to the west. However, the site itself is surrounded by existing housing on three sides, and the development now proposed would extend no further south or west than this. In visual terms therefore, the scheme would not significantly reduce the width of the gap between settlements, nor would it intrude into the landscape. In any event, from my observations, public views of the site are quite limited. Whilst various green gaps and green spaces are identified for protection in the HDPF and TPNP, the appeal site does not appear to form part of any of these.

46. The relationship of the new dwellings to existing properties will be a matter for consideration at the reserved matters stage, when details of layout and design are submitted. In this present appeal, these matters are not before me, and therefore issues relating to overlooking, overshadowing, or physical proximity are outside the scope of my decision. Some disturbance and disruption during the construction phase would be unavoidable, but these impacts would be temporary, and can be mitigated by condition.

Water neutrality and effects on protected habitats

47. The appeal site lies in an area designated as the Sussex North Water Supply (SNOWS) Zone. In the past there have been concerns regarding housing developments in this area, due to the need for increased groundwater abstraction, with consequent adverse effects on internationally protected habitat sites in the Arun Valley[5]. In 2021, Natural England (NE) published a position statement which advised that, in order for any further planning permissions to be granted, schemes within the Zone would need to achieve 'water neutrality', or otherwise demonstrate an ability to avoid any additional impact on the protected sites.

48. In the present case, it is proposed that the development would minimise water usage, by means of water-efficient fittings, rainwater harvesting and greywater recycling, and would meet its own residual demand by means of abstraction from on-site boreholes. These would draw on groundwater supplies in the Hythe Formation, which is a separate aquifer from that which feeds the Arun Valley sites. These proposals are supported by a good deal of detailed evidence, including

[5] The Arun Valley Special Area Conservation (SAC), Arun Valley Special Protection Area (SPA), and Arun Valley Ramsar Site

hydrological testing. This evidence was accepted by the Council, who concluded that water neutrality had been demonstrated, and that the development would thus avoid any likely significant effects on the protected habitats.

49. At the application stage, NE issued a holding objection, based principally on the lack of certainty as to dwelling numbers and sizes, given the outline nature of the application. Subsequently however, in October 2025, NE advised the relevant authorities that a package of water saving measures had been agreed with Southern Water and the Environment Agency, which had freed up additional capacity and removed the previously foreseen risk to the Arun Valley sites, and had enabled NE's 2021 position statement to be withdrawn. In a further letter to the Council dated 10 November 2025, NE also confirmed that, if consulted on any future planning applications in the SNOWS Zone, NE would not raise any objection on water-related grounds, and that this letter could be taken as NE's formal response to all relevant proposals.

50. Based on the evidence before me, it seems to me that whilst the appeal proposal has demonstrated that water neutrality can be achieved at the site, there is no longer any formal requirement for it to do so. In any event, I am satisfied that there is now no reason to expect that the development would have any likely significant adverse effect on the integrity of any internationally designated habitats, either alone or in combination with any other plans or projects.

The Section106 obligations

51. As noted earlier, Clauses 5.2 and 5.3 of the Section 106 agreement provide that the agreement, or any of the obligations within it, may be disapplied if they are found to be non-compliant with the relevant legislation[6], or are immaterial to the decision. For the reasons already set out above, I am satisfied that the obligations relating to affordable housing and air quality measures are necessary, relevant and properly related to the development. I have taken these into account and given weight to them accordingly.

52. With regard to the monitoring fee of £800, there is no explanation before me as to why any such fee is justified in this case. In the absence of any such information, it does not appear to me that this obligation can reasonably be considered necessary to make the development acceptable. Nor does such a fee appear to be material to the decision as to whether permission should be granted. For the avoidance of doubt, I have given no weight to this particular obligation in reaching my decision on the appeal.

The overall planning balance

53. The proposed development would conflict with HDPF Policies 2, 3 and 26, and TPNP Policy 1, due to its location outside the village boundary, and consequent failure to accord with the spatial strategy of the development plan. However, the scheme would have only relatively minor impacts on the underlying aims of those policies, with regard to sustainability and countryside character. And in any event, the policies in question have clearly failed to ensure an adequate supply of housing in the district, and can therefore no longer be regarded as fully up to date.

[6] Regulation 122 of the Community Infrastructure Levy Regulations 2010

54. On the positive side, the scheme would provide a significant quantity of new housing to help make up the continuing severe shortfall, including a policy-compliant proportion of affordable units. It would also have some benefits for the local economy and community vitality. Together, these benefits carry substantial weight.

55. The Council's concerns regarding impacts on neighbouring occupiers, in terms of noise, activity, light pollution and air quality, have not been substantiated; in none of these respects would the development or its new access road be likely to give rise to any unacceptable effects. None of the other matters raised against the proposal carries anything more than minor weight. Collectively, the weight attributable to the alleged harms is insubstantial.

56. On this basis, having regard to NPPF paragraph 11(d), it is clear that any adverse impacts arising from the proposal would not outweigh the benefits; still less would they do so significantly or demonstrably. Moreover, the scheme would make effective use of the land, and would be capable of resulting in a well-designed development. None of the NPPF's other policies indicates a strong basis for refusal. The NPPF's 'tilted balance' therefore weighs heavily towards approval.

57. Overall, it seems to me that in this case the conflict with the development plan is clearly outweighed by the combined weight of the other material considerations. I therefore conclude that outline planning permission should be granted.

Conditions

58. A list of draft conditions has been agreed between the Council and the appellants. I have considered these against the advice contained in NPPF paragraph 57. Those that I consider to meet the relevant tests, I have edited and reordered, in the interests of clarity, precision and conciseness. These are set out in the attached schedule.

59. At this outline stage a condition relating to landscaping, in addition to the standard reserved matters condition, is necessary primarily to ensure that the approved landscaping is implemented. I have adapted the suggested draft condition accordingly.

60. A construction management plan (CMP), to protect the amenity of neighbouring occupiers during building works, is justified in this case because of the extent of the works needed to form the new access road and culvert, and the close proximity of some existing properties to those works. However, the condition need not be overly prescriptive, as the detailed content of the CMP can be agreed between the parties when the remaining details of the scheme itself are known.

61. Conditions relating to ecology and biodiversity are needed, both prior to construction and afterwards, to help arrest the decline in nature in accordance with NPPF paragraphs 187 and 192. For the avoidance of doubt, the development is not subject to the requirements of the Environment Act 2021 relating to biodiversity net gain, because the application was submitted before those provisions came into force.

62. Conditions for the protection of the existing trees and hedges on the site are necessary, again both before and after development, in order to maintain the area's landscape character and habitat value.

63. Conditions to secure the provision of the new access road and street lighting are needed for reasons of safety, and to ensure a good standard of development. Control over the details of the lighting are necessary to protect wildlife. Requirements relating to the proposed culvert and surface water drainage are necessary to minimise any risks of flooding.

64. The suggested conditions relating to water neutrality are agreed to be no longer needed, in the light of the change of stance on that matter by NE. However, a condition regarding water efficiency is still justified, in view of the area's recent history of water supply problems.

65. A condition requiring further investigation into possible sources of contamination is unnecessary, because the appellants' Phase 1 Environmental Assessment report found the risks from all sources to be low or negligible. The report makes clear that, in the light of these findings, no further action is considered necessary. There is no evidence to the contrary. A requirement for a 'home user guide' to be provided to all house purchasers is also unjustified, because there is no evidence that such a document would have any meaningful benefit, nor does there appear to be any relevant policy requirement for such action.

Conclusion

66. Although the proposed development would conflict with the development plan, no other significant harm would arise, and this conflict is outweighed by the scheme's potential benefits, especially in the provision of housing in an area with a substantial unmet need.

67. Having taken account of all the matters raised, I conclude that planning permission should be granted. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

1) (i) No development shall take place until full details of the appearance, landscaping, layout, and scale of all elements of the development ("the **reserved matters**") have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out in accordance with these approved reserved matters.

   (ii) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 [three] years from the date of this permission.

   (iii) The development shall be **commenced** not later than 2 [two] years from the date of approval of the last of the reserved matters to be approved.

2) The reserved details of **landscaping** to be submitted under Condition 1 shall include a full scheme of hard and soft landscaping, a programme for the implementation of these works, and a detailed plan for the future management and maintenance of all communal landscaped areas. Thereafter, these landscaping works shall be carried out, managed and maintained in accordance with these approved details and programme.

3) (i) No construction or preparatory works of any kind (including those required in connection with Conditions 4 and 5 below) shall take place anywhere on the site, nor shall any plant, machinery or materials be brought onto the site, until a **construction management plan (CMP)** has been submitted to the local planning authority and approved in writing. The CMP shall include details of:

   - Hours of work and hours for deliveries
   - The location of any site compounds and site offices
   - Designated areas for the loading and unloading of vehicles
   - Areas for the storage of materials, machinery and equipment
   - Areas for the storage of topsoil
   - Areas for the storage of waste materials
   - On-site parking for staff, contractors and visitors
   - Wheel washing facilities
   - Any temporary lighting to be used during construction
   - Site management roles and contact details

   (ii) Thereafter, the development shall be carried out in accordance with the details approved in the CMP.

4) No construction or preparatory works (including those required by Condition 5 below) shall take place anywhere on the site, nor shall any plant, machinery or materials be brought onto the site, until a scheme of **pre-construction ecological mitigation** measures has been carried out, in accordance with details to be submitted to the local planning authority and approved in writing. The scheme shall include measures to safeguard any reptiles and amphibians, including great crested newts, and any other protected or priority species found to be present, during and after construction. The scheme shall also incorporate the measures identified in both the submitted Preliminary Ecological Appraisal and the Great Crested Newt and Reptile Mitigation Plan (both by 'Arbtech', dated October 2023).

5) (i) With the exception of the works referred to in Condition 4 above, no other construction or preparatory works shall take place anywhere on the site, nor shall any plant, machinery or materials be brought onto the site, until **tree protection barriers** have been installed around the trees and hedgerows to be retained, as shown on the submitted Tree Protection Plan, No J20842-Arb-TPP-D. These protective barriers shall accord with the details described in paragraph 6.5.1 of the Arboricultural Impact Assessment and Method Statement, dated November 2023, by Greenspace Ecological Solutions.

(ii) Thereafter, these tree protection barriers shall be kept in place until all equipment, machinery, materials and waste have been removed from the site.

6) (i) With the exception of the works referred to in Conditions 4 and 5 above, no other construction or preparatory works shall take place, nor shall any plant, machinery or materials be brought onto the site, until the proposed **culvert and head wall** for the existing ditch adjacent to the site access have been constructed, in accordance with further details which shall have been submitted to the local planning authority and approved in writing.

(ii) Where the works needed for the culvert and headwall fall within the tree root protection areas defined on the Tree Constraints Plan, No J20842-Arb-TCP, those works shall be carried out using the methods and materials described in paragraphs 5.2.1 and 6.3.1 of the Arboricultural Impact Assessment and Method Statement by Greenspace Ecological Solutions, dated November 2023.

7) (i) With the exception of the works referred to in Conditions 4, 5 and 6 above, no other construction or preparatory works shall take place, nor shall any plant, machinery or materials be brought onto the site, until the proposed **site entrance and access roadway** have been laid out, and constructed to at least base course level, in accordance with the details shown on the approved plans, Nos TPHS/088/DR/001 Rev G and TPHS/088/DR/002 Rev H.

(ii) The access and roadway shall also be constructed in accordance with further details of its proposed composition, construction method and surfacing materials, which shall have been submitted to the local planning authority and approved in writing. These details shall also include details of the timing for the completion of the wearing course and finished surface of the new roadway, in relation to the completion of the proposed new dwellings.

(iii) Where the proposed works fall within the tree root protection areas defined on the Tree Constraints Plan, No J20842-Arb-TCP, the further details to be provided for the new roadway shall incorporate the root protection measures indicated on the Tree Protection Plan, No J20842-Arb-TPP-D, and as described in paragraphs 5.2.1 and 6.3.2 – 6.4.2 of the Arboricultural Impact Assessment and Method Statement by Greenspace Ecological Solutions.

(iv) The new roadway shall be completed and finished in accordance with the details and timetable thus approved. No dwelling within the development shall be occupied or brought into use until the relevant sections of the access road to serve that dwelling have been constructed in accordance with these approved details.

8) (i) No construction work relating to any part of the development (including those required in connection with Conditions 6 and 7 above) shall take place until a detailed scheme for the **drainage of surface water** from the site, including the new

access road, has been submitted to the local planning authority and approved in writing. The scheme shall take account of the recommendations contained on pages 11-15 of the Flood Risk Assessment and Drainage & SUDs Strategy by RSPD (November 2023), and shall include details of the proposed future maintenance and management arrangements.

(ii) Thereafter, no dwelling within the development shall be occupied until the relevant parts of the surface water drainage scheme have been completed and brought into use in accordance with these approved details.

9) (i) No dwelling within the development shall be occupied until a **biodiversity enhancement scheme** has been submitted to the local planning authority and approved in writing. The scheme shall include details of measures for the permanent provision and enhancement of habitats for existing and other protected and priority species, together with a timetable for the implementation of these measures, and the arrangements for their future management.

(ii) The biodiversity enhancement scheme shall thereafter be implemented and managed in accordance with the approved details and timetable.

10) (i) No dwelling within the development shall be occupied until street **lighting** has been provided to the new access road shown on plan No TPHS/088/DR/002 Rev H, and to any other sections of access road within the development relevant to that dwelling, in accordance with a street lighting scheme which shall have been submitted to the local planning authority and approved in writing. The scheme shall include details of the positions and heights of all street lighting columns or fixtures, the specification of each luminaire, and their luminance rating.

(ii) The submitted details shall also demonstrate how the proposed street lighting would avoid or minimise any impact on bats and other wildlife.

(iii) Other than lighting installed in accordance with the above scheme, no other external lighting shall be installed within the development except with the written approval of the local planning authority.

11) (i) At no time either during construction or within a period of 5 years after the completion of the development, shall any of the **existing trees or hedgerows** on the site be cut down, uprooted, removed or destroyed, nor shall any such tree or hedge be lopped, topped, pruned or reduced, other than in accordance with the proposals set out in paragraph 5.2.1 of the Arboricultural Impact Assessment and Method Statement by Greenspace Ecological Solutions, dated November 2023.

(ii) In the case of trees T5, T6, T9, T11 and T28, the approved crown lifting works shall not be carried out until an aerial inspection has been carried out to establish the presence or absence of any active bat roosts. In the event that any such roost is found to be present, no works shall be carried out to the tree in question until a bat mitigation scheme has been submitted to the local planning authority and approved in writing. Any such scheme shall include details as to the timing of the relevant mitigation measures. Thereafter, the tree works and mitigation measures shall be carried out in accordance with these approved details.

(iii) If, during the construction of the development or within 5 years from its completion, any retained tree or hedge is removed, destroyed or dies, it shall be replaced within the first available planting season by a new tree or hedge, of a size and type that shall have been approved in writing by the local planning authority.

12) No dwelling within the development shall be occupied until it has been fitted with water-efficient fittings and devices, capable of achieving a water consumption not exceeding 110 litres per person per day, in accordance with the optional requirement in Building Regulations Part G2, Section 36(2)(b). Thereafter, the dwellings within the development shall be maintained in a condition capable of meeting that requirement.