Planning Inspectorate

# Appeal Decision

Site visit made on 1 April 2026

**by Stewart Glassar BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 April 2026**

**Appeal Ref: APP/Z3825/W/25/3375037**
**Spring Acres, West End Lane, Henfield, West Sussex BN5 9RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Sam and Charlie Tingey against Horsham District Council.
- The application Ref is DC/24/0062.
- The development proposed is the change of use of land from equestrian to a natural burial ground including parking area, single storey pavilion and landscaping including new tree planting, pond and wildflower meadow.

## Decision

1. The appeal is dismissed and planning permission for the change of use of land from equestrian to a natural burial ground including parking area, single storey pavilion and landscaping including new tree planting, pond and wildflower meadow is refused.

## Preliminary Matters and Main Issue

2. I have taken the appellant's details and description of development from the appeal forms.

3. The appeal is against the failure of the Council to give notice within the prescribed period of a decision on an application for planning permission. As such, there is no decision notice. However, the Council's appeal statement advises that planning permission would have been refused had a decision been made.

4. Based on the Council's putative reason for refusal I consider the main issue to be the suitability of the site's location for the proposed use having particular regard to its effect on the character and appearance of the area.

## Reasons

5. Policies in the Horsham District Planning Framework 2015 (HDPF) broadly seek to direct development to existing settlements and protect the countryside from inappropriate development. Where a countryside location is being sought, Policy 26 sets out four criteria and indicates that proposals will need to meet at least one of them to be considered acceptable. These criteria are that the proposal will: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. There is nothing before me to indicate that the proposal would accord with any of these policy requirements.

6. However, Policy 43 of the HDPF does allow for the provision of new or improved community facilities and services. Sites outside of built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists. The Council accepts that the proposed burial ground could be assessed as a community facility. It also acknowledges that it would generally be impractical for it to be sited within a built-up area and so would be permissible within a more rural setting. I have no reason to disagree with this position.

7. The appeal site is a field within the open countryside, outside the settlement of Henfield. Access is via West End Lane, a relatively quiet rural lane which is not overly wide in places and has no footway beyond the built-up edge of Henfield. Whilst a countryside/edge of settlement location for a natural burial ground means that cars will be the predominant means of transport, it does not exclude the consideration of more sustainable transport options.

8. The site's location and the nature of West End Lane mean that access to the proposed development would, in reality, be by means of a car with little option for those attending the site to use sustainable transport options. In this respect the site is not well located to the existing settlement.

9. Furthermore, the proposal would result in a noticeable uplift in the use of West End Lane. It would principally be through the burial services but these would be supplemented by those wishing to visit burial plots, as well as maintenance visits for the building and the grounds. Whilst the Highway Authority has not raised a highway safety concern, the increase in the nature and frequency of vehicle movements would affect the character of the lane. A planning condition limiting the number of daily services would not overcome the harm which would arise.

10. The site has a gentle north to south fall and forms part of an area of tranquil open countryside. There are buildings in the vicinity which are generally residential in nature and of traditional appearance. As such, whilst the site is not prominent within the wider landscape, it is open to views from West End Lane and from some of the neighbouring properties, thereby giving it localised visibility.

11. There is no detailed assessment to support the design approach for the proposed building or layout of the site. Furthermore, there is little in the way of practical demonstration that the scheme is truly landscape led. The building, car parking and formalised layout together with the activity on site will all sit in contrast to the area's rural and tranquil character. Collectively this will have a localised adverse impact on the character and appearance of the area.

12. I note that the building is intended to appear as a lightweight structure that would use good quality external materials and have a sedum roof. However, these and the other features of the building and layout would not help to overcome the discordant nature of the proposal as a whole or anchor it within its surroundings.

13. Drawing all of the above points together, I find that there would be harms in locating a natural burial ground at the appeal site. They would result in the site, its buildings and its use collectively having an unsympathetic relationship with its surroundings that would harm the character and appearance of the wider area. I have no substantive evidence before me that there are no better related sites and that the appeal proposal is the only practical option.

14. Consequently, it has not been demonstrated that the site is a suitable location for the proposal or that it would have an acceptable effect upon the area. The proposal would therefore be contrary to Policies 26 and 43 of the HDPF which, amongst other things, generally seek to restrict development in the open countryside to that which requires a rural location and in the case of community facilities, to locations which offer the only practicable option and are well related to an existing settlement.

## Other Matters

15. There would be some economic benefits from the construction and operation of the burial ground. There may also be some biodiversity benefits delivered as a result of the scheme. In addition, the proposal is said to offer sustainability effects through such matters as rainwater harvesting, controlled lighting and double glazing albeit no specific details are provided, and some sustainability measures would be expected either through building regulations or planning conditions. Overall, I am able to give these benefits moderate positive weight.

16. The site may not be at risk of flooding, have good visibility and would allow access for all. However, these were not contentious issues and would be necessary for this development to be considered acceptable. Therefore, individually and collectively they represent a lack of harm and so are neutral matters in this appeal.

17. My attention has been drawn to a recent permission at Sandgate Nursery. This development is adjacent to the existing built-up area of Henfield, unlike the appeal scheme, and appears to incorporate various matters such as links to connect to the existing footpath network. The nature of the permitted development would create some additional traffic flows, but these will be of a different character to the appeal scheme before me. I am also mindful that this development has no bearing on my findings in relation to the effect of the current proposal on the character and appearance of the area. Accordingly, it does not lead me to allow the appeal.

18. Cemeteries and burial grounds are noted as being exceptions in the National Planning Policy Framework (the Framework) for development in the Green Belt. Thus, it is suggested they should be acceptable in other countryside locations. However, the Council acknowledge that its policies would not, in principle, rule out a countryside location for the proposal. Furthermore, whilst such policy approaches might reduce the potential obstacles to a site's development, they do not mean that a site will be acceptable and that all proposals for burial grounds will be approved. Consequently, I do not find the Framework's exception to development in the Green Belt provides a robust reason to allow this appeal.

## Planning Balance

19. I have concluded that the appeal site is within the open countryside and the proposal would represent a clear conflict with the intended spatial strategy for the district and the need to protect the character of such rural areas.

20. While the local plan is more than 5 years old, in accordance with Framework paragraph 232, Policies 26 and 43 are highly consistent with the Framework's fundamental objective to protect the countryside from inappropriate development. As the appeal site remains part of the Councils overall spatial strategy for guiding development to appropriate locations and protecting the character of its rural areas I attach significant weight to the proposal's conflict with the development plan.

21. Footnote 8 of the Framework is clear that the lack of a five year housing land supply trigger applies to applications involving the provision of housing. As the proposal is not for housing development, footnote 8 is not engaged in this respect. Furthermore, while footnote 8 is not an exhaustive list of reasons a policy might be out of date, any lack of burial space in this instance does not diminish the relevance of Policies 26 and 43 to direct development to appropriate locations.

22. As the policy remains consistent with the Framework's aims, I am satisfied that it is up to date for the purposes of considering the use of the site as a natural burial ground. Therefore, the balance under paragraph 11d(ii) does not apply.

23. The proposal would bring some benefits as set out above albeit the scale of some of them is not entirely clear. Collectively, I attach moderate weight to the benefits of the proposal. Conversely, key local and national objectives are to protect the character of the countryside and to direct development to existing settlements and sustainable locations. The development would run counter to these important objectives and has been unable to justify its countryside location. These adverse impacts outweigh the benefits of the scheme.

24. However, even if I am wrong in my conclusions regarding the Local Plan being up to date for the purposes of this appeal, and Paragraph 11 (d)(ii) were to apply, it does not mean that the appeal would automatically be allowed. Paragraph 11 (d) advises that where policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

25. The proposal would deliver some benefits, as outlined above, which would be consistent with the Framework. There may be an increasing demand for natural burial but there is little substantive evidence before me of a shortage of burial ground in the area or that there are no other better suited sites.

26. In contrast, the need to protect the character and appearance of the area and ensure development adds to its overall quality are perennial and in direct compliance with the Framework. Furthermore, taking into account the desirability of maintaining this area's character and the importance of securing well designed, attractive places, the development would not be an efficient use of land.

27. The harms I have identified would be sizable and long lasting and collectively constitute adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal would not benefit from the presumption in favour of sustainable development set out within the Framework.

**Conclusion**

28. I have found that the proposal conflicts with the development plan, when taken as a whole. Even when considered cumulatively, the weight given to the other material considerations would not outweigh the identified harm. Accordingly, they do not indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed.

*Stewart Glassar*

INSPECTOR