Planning Inspectorate

Appeal Decision

Hearing held on 28 April 2026

Site visit made on 28 April 2026

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal Ref: APP/Z3825/W/25/3376143
Land to the east of Charlwood Drive, Henfield BN5 9FA

- 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 Croudace Homes against the decision of Horsham District Council.
- The application Ref is DC/24/1932.
- The development proposed is development comprising up to 191 dwellings with open space, landscaping and associated infrastructure (all matters reserved except for access).

Decision

1. The appeal is allowed and outline planning permission is granted for development comprising up to 191 dwellings with open space, landscaping and associated infrastructure (all matters reserved except for access) at land to the east of Charlwood Drive, Henfield BN5 9FA in accordance with the terms of the application, Ref DC/24/1932, subject to the conditions in the attached schedule.

Preliminary Matters

2. For clarity, I have included the site's postcode in the address details above.

3. The Decision Notice sets out four reasons for refusal. However, certain matters have materially changed since the Council's determination of the application.

4. On 31st October 2025 Natural England withdrew its requirement for development in the Sussex North Water Supply Zone to demonstrate water neutrality. Consequently, the parties agree that the second reason for refusal would be capable of being resolved, subject to the satisfaction of the Appropriate Assessment (AA) process. The AA is set out in my reasoning, below.

5. The fourth reason for refusal concerns the absence of a mechanism to secure the provision of affordable housing and necessary local infrastructure, or financial obligations required to make the development acceptable. During the appeal, a completed deed pursuant to section 106 of the Town and Country Planning Act 1990 as amended (s106 agreement) was submitted containing planning obligations which would come into effect on grant of planning permission. On 29 April 2026, details of the obligations were published on the Council's planning register, providing opportunity for public inspection in advance of my decision.

6. The parties do not dispute the planning obligations within the s106 agreement would resolve the fourth reason for refusal. Therefore, my consideration of this matter is limited to whether the planning obligations would comply with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL regulations).

7. The third reason for refusal concerns the submitted baseline metric and Habitat Management and Monitoring Plan (HMMP), which the Council concluded contained inconsistencies such that an accurate baseline had not been provided and the statutory Biodiversity Net Gain (BNG) condition would not be capable of being discharged. Following the Council's decision, the appellant has provided an updated HMMP and metric which were subsequently reviewed by the Council's Ecologist / BNG Officer. Based on this updated information, the Council considers the site baseline is acceptable and the metric demonstrates the required 10% BNG would be achieved through a combination of on-site and off-site measures. Since the matter of whether the proposal would meet the statutory information requirements is no longer in dispute, my consideration of BNG is limited to the suitability of the proposed planning obligations.

Main Issues

8. Having regard to the above, the main issues in this appeal are:

- Whether the proposed development would be in a suitable location, having regard to the local development strategy;
- Whether the proposed development would make suitable provision for affordable housing and other infrastructure required to make the development acceptable;
- The effect of the proposed development on the integrity of European sites; and
- Whether other material considerations outweigh any harm identified such as to justify the development.

Reasons

Whether in a suitable location

9. The site comprises an open, undeveloped parcel of agricultural land with mature tree belts and hedgerows to its boundaries. The site abuts Henfield's built area, with a modern housing estate to the immediate west at Charlwood Drive and a row of detached dwellings fronting onto Furners Lane to the south. Open fields extend beyond the site to the east and north and therefore the site forms a part of a wider, rural landscape. The site lies outside the Built-up Area Boundary (BUAB) as defined by Policy 1 of the Henfield Neighbourhood Plan 2021 (HNP)[1] and therefore is within the countryside for planning purposes.

10. Policy 2 of the Horsham District Planning Framework 2015 (HDPF) seeks to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. It allows for growth in accordance with the identified settlement hierarchy and supports the sustainable development of settlements of an appropriate scale which retains the existing settlement pattern and enhances natural environmental resources, including landscape character.

11. Henfield is a 'tier 2 settlement', as indicated by the development hierarchy at HDPF Policy 3. These settlements offer a good range of services and facilities, strong community networks, local employment provision, and reasonable public

[1] p23, Policy Map 1a - Henfield Built-up Area Boundary and Sites, Henfield Neighbourhood Plan 2021

transport services. The site is in an accessible location, close to High Street services, the primary school, and bus stops.

12. However, criterion P1.2 of HNP Policy 1 supports development proposals outside of the BUAB only where it conforms with relevant national policies and HDPF policies for development in the countryside. HDPF Policy 26 seeks to protect the countryside against inappropriate development by limiting development outside BUABs to types with an essential need for a countryside location, such as to support agriculture, forestry, mineral extraction, waste disposal, recreation, and the to enable the sustainable development of rural areas. It is not demonstrated that the proposed development has an essential need for a countryside location.

13. HDPF Policy 4 also enables development outside BUABs to support the growth of settlements to meet identified development needs. It is agreed by the main parties that the level of expansion is appropriate to the scale and function of the settlement; the proposal would meet local housing needs; the impact of the development individually or cumulatively would not prejudice comprehensive long-term development; and the development would be contained within an existing defensible boundary and landscape character features would be maintained and enhanced[2]. Therefore, the proposal would satisfy criteria 2 to 5 of Policy 4. However, whilst the site adjoins the existing settlement edge, it is not allocated by the development plan. For this reason, the proposal fails to comply with criterion 1 and thus would conflict with HDPF Policy 4.

14. Whilst it did not consider the scale of impacts to be of sufficient magnitude to justify a reason for refusal, the Council nonetheless identified localised, residual medium adverse effects to medium/minor adverse effects on landscape and visual receptors. In addition, the Agricultural Land Classification report identifies 72.4% of the site as ‘best and most versatile agricultural land’. Therefore, the adverse effect of siting the development in the proposed location would be the modest loss of countryside resources which would not be justified within the parameters of the policies of the development plan.

15. As set out above, the policies of the development plan do not positively favour development in the proposed location. Therefore, having regard to the local development strategy, namely HDPF Policies 2, 4 and 26, and HNP Policy 1, the proposed development would not be in a suitable location.

Provision of affordable housing and infrastructure

16. Schedules 2 and 3 of the s106 agreement contains planning obligations relating to the provision of affordable housing, including the submission of an affordable housing scheme. The planning obligations would secure the provision of on-site affordable housing of an agreed tenure mix to meet an identified housing need and would include provision for the nomination of the affordable rented units and measures to ensure the appropriate disposal of the units. In the event the appellant is unable to reach agreement with an affordable housing provider, the obligations place a duty on the Council to assist in securing a provider and/or agree a change to the mix of affordable housing types. Such provisions are necessary to secure the provision and delivery of affordable housing in accordance with HDPF Policy 16, and guidance contained within the Planning Obligations and Affordable Housing Supplementary Planning Document.

[2] Paragraph 7.12 of Statement of Common Ground, April 2026

17. For developments of the scale and type proposed, HDPF Policy 16 requires 35% of dwellings be affordable housing. Since this requirement applies to a proportion of the proposed units, it is directly related to the development. However, the obligation would secure affordable housing at a rate of 45% thereby exceeding the policy requirement. This higher rate of provision would contribute toward an identified unmet need for affordable housing units and therefore is justified in planning terms. Moreover, the appellant has not suggested that the required level of affordable housing cannot be viably delivered by the development, therefore the obligation would be fairly and reasonably related to the development in scale.

18. Schedule 4 of the s106 agreement concerns the provision and management of open space and requires submission of details of the provision of open space, Local Area of Play and/or Local Equipped Area of Play, and details of their specifications and management. The planning obligations also require the establishment of a management company and a financial contribution be paid to the parish council for future maintenance in the event open spaces are transferred to its ownership.

19. Open spaces enhance amenity areas and support the recreation needs of future residents of the development and must be appropriately maintained throughout the lifetime of the development. Therefore, the provision and long-term management and maintenance of open spaces over the lifetime of the development, is required to meet the requirements of HDPF Policy 32, which seeks to secure a framework of high-quality open spaces which meets the identified needs of the community, and is thus necessary to make the development acceptable in planning terms.

20. Whilst the extent of open space provision is not defined at this time, it would be agreed through the approval of the open space specification and consideration of the layout of the development at the reserved matters stage. Therefore, I am satisfied the consideration of open space as a reserved matter would ensure this provision is directly and reasonably related in scale and kind.

21. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that, unless exempt, every development must achieve at least a 10% uplift in biodiversity value. Every planning permission is deemed to be granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted and approved.

22. Schedule 5 of the s106 agreement includes planning obligations to ensure the delivery of BNG through the submission of a Biodiversity Gain Plan and HMMP. The obligations would ensure the Habitat Creation and Enhancement Works set out in the HMMP are retained and maintained and includes a financial contribution for long-term monitoring of the BNG works, with procedures for enforcement against any identified breach of the HMMP. Since the monitoring and management of BNG for a 30-year period is mandated by legislation, the obligations are necessary to make the development acceptable.

23. The proposal includes off site highways works which comprise parking improvements to a layby and pedestrian crossings at identified locations. These works are secured by the planning obligations set out schedule 6 of the s106 agreement. These improvements are required to mitigate the impacts of the proposal on the local road network to maintain highway safety, and to ensure the

development achieves an integrated community connected by a sustainable transport system and manages anticipated growth in demand for travel as required by HDPF Policy 40.

24. The planning obligations at schedule 6 of the s106 agreement secure the submission of a Travel Plan, the appointment of a Travel Plan co-ordinator and a contribution for a Travel Plan Monitoring fee. As set out in the Planning Policy Guidance, "Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development. They are required for all developments which generate significant amounts of movements"[3]. For a scheme of this size, a travel plan is a statutory requirement. Securing the provision of a travel plan through a planning obligation ensures it operates in tandem with the contribution for the ongoing monitoring of the data by the County Council. Therefore, I am satisfied the planning obligations relating to the Travel Plan constitute a reason for granting planning permission and meet the tests of the CIL regulations.

25. Signatories of the s106 agreement include the landowners, appellant, the District Council, and the County Council, and therefore the obligations would be binding on all relevant parties and the s106 agreement would be effective and enforceable in securing the provision of necessary affordable housing and infrastructure. The parties consider the planning obligations would comply with paragraph 122 of the CIL regulations[4]. I have no compelling evidence to the contrary and, as discussed above, I am satisfied the planning obligations would be necessary to make the development acceptable in planning terms and are otherwise compliant with the CIL regulations. In addition, the Council operates a Community Infrastructure Levy (CIL) to fund strategic infrastructure, and this levy would apply to the proposed development. Consequently, the proposal demonstrates the development would make suitable provision for affordable housing and other infrastructure.

26. The proposal therefore complies with HDPF Policies 16, 31 and 39 which together require development provide a mix of housing tenures to meet the needs of the district's communities, contribute to the enhancement of existing biodiversity, and secure new or improved infrastructure in accordance with required standards.

Integrity of European sites

27. The site is within the Sussex North Water Supply Zone and (SNWSZ) and therefore has a functional relationship with the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site, which are European sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

28. The qualifying features of the SPA and SAC are its assemblage of waterfowl including Bewick's swan, shoveler, teal, wigeon, and populations of little whirlpool ramshorn snail. The qualifying features of the Ramsar site include its waterfowl assemblage and seven threatened wetland invertebrate species, including endangered pseudamnicola confusa. The site also supports four nationally rare and four nationally scarce plant species. The ditches intersecting the site have a particularly diverse and rich flora. The site supports all five British duckweed

[3] Planning Practice Guidance Paragraph: 002 Reference ID: 42-002-20140306
[4] Paragraph 1.7 of s106 agreement

species, all five water-cress species, all three British water milfoils species, six British water dropwort species, and two-thirds of British pondweeds.

29. The conservation objectives for the SAC and SPA are to ensure the integrity of the site is maintained or restored as appropriate and ensure the site contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the extent and distribution, structure and function, and habitats of the qualifying features and the population and distribution of qualifying features within the site.

30. At time of the Council's decision, Natural England's substantive advice (Position Statement Interim Approach, September 2021) indicated that it cannot be concluded with certainty that existing abstraction within the SNWSZ does not have an impact on the Arun Valley sites, requiring development within this zone not add to this impact. Therefore, development which would increase demand for water resources within the SNWSZ was considered to result in likely significant effects on the Arun Valley SAC/SPA/Ramsar site either alone or in combination with other developments in the SNWSZ. However, on 31 October 2025, Natural England formally withdrew the September 2021 Position Statement.

31. The Withdrawal Statement confirms a package of measures have been agreed between Natural England, the Environment Agency, and Southern Water. Notably, the measures include a voluntary reduction by Southern Water to their Hardham abstraction licence to cap abstraction to the level which reflects actual recent historical abstraction and removes additional headroom ensuring that new development will not add to existing pressures to water levels on the sites. This decouples abstraction from new development preventing additional pressure on Arun Valley water resources.

32. Therefore, whilst the additional population associated with the proposed development would increase demand for water use in the SNWSZ, this would not result in adverse impacts associated with abstraction. Consequently, through its Withdrawal Statement, Natural England advise the proposed development would not have likely significant effects on the integrity of the Arun Valley sites, either alone or in-combination with other development.

33. However, in its letter, dated 10 November 2025, Natural England acknowledges the Council's view that further information is required before it can be satisfied that the agreed package of measures can be sufficiently secured and proven to be effective in practice.

34. Prior to Natural England withdrawing their September 2021 Position Statement, affected local authorities within the SNWSZ were jointly producing a water offsetting scheme, the Sussex North Water Certification Scheme ("SNWCS"), to utilise demand capacity generated by Southern Water efficiency savings and other water saving projects. The SNWCS was designed to use mains water capacity generated by Southern Water from improved leakage reduction, and household and non-household demand reduction. This capacity was some 3.24 megalitres per day, sufficient to ensure mains water to 7,066 new dwellings. Natural England has previously reviewed and agreed the Southern Water efficiency savings figures.

35. To ensure development makes efficient use of water, HDPF Policy 37 requires water consumption be limited to 110 litres per person per day (l/p/d). Details of fixtures and fittings, set out in Technical Note 1: Water Neutrality Statement

November 2024 demonstrates total daily water usage would meet the 110l/p/d target. This provides certainty regarding the development's total water usage.

36. The SNWCS has been paused following Natural England's withdrawal of its September 2021 Position Statement. However, the additional capacity created remains available. The Council monitors new development granted planning permission and additional water consumption since the withdrawal of the Position Statement. The water usage of the proposed development would be accommodated within the additional capacity generated by Southern Water's efficiency measures.

37. Consequently, irrespective of mitigation package discussed above, the identified additional available mains water capacity would ensure that the proposed development would not lead to an increase in water abstraction within the SNWSZ.

38. Natural England's letter confirms it supports the Council's approach of monitoring planning permissions granted within the SNWSZ to ensure the available capacity referred to is not exceeded. In this instance, it is not necessary to consult Natural England whose position and advice in respect of matters of water scarcity within the SNWSZ are clearly set out in its Withdrawal Statement 31 October 2025 and its letter to Horsham District Council, 10 November 2025.

39. As set out above, with the imposition of a planning condition to secure water efficiency within the development, and through utilising mains water capacity generated from efficiency savings, the proposal demonstrates it would not increase water abstraction with the SNWSZ. Moreover, the package of measures identified in Natural England's Withdrawal Statement prevents development pressure on Arun Valley water resources. Therefore, there is certainty the proposal would not have likely significant effects on the Arun Valley SPA, SAC, Ramsar, and thus would not harm the integrity of these European sites.

40. The proposal would satisfy the Habitat Regulations which require permission only be granted after having ascertained that it will not affect the integrity of European sites and would meet the duties under s40 of the NERC Act 2006 (Priority habitats & species). The proposal would therefore comply with HDPF Policy 31 which requires development contribute to the enhancement of existing biodiversity, affords particular consideration will be given to the hierarchy of sites and habitats, and requires appropriate mitigation and compensation measures be provided.

Other considerations

41. The proposal would contribute 191 dwellings to the area's housing stock. It is agreed by the main parties that the delivery of the proposed market housing should be afforded at least very significant weight.

42. The provision of affordable housing provision would exceed the minimum policy requirement and would achieve a rate of 45%. The main parties agree that the affordable housing provision should attract at least very significant weight.

43. The main parties also agree that the provision of on-site open space and play facilities carries at least moderate weight.

44. In addition, there would be moderate social and economic benefits through increased footfall for existing local services and facilities from future occupants of the development, direct provision and financial contributions toward local

infrastructure improvements secured through planning obligations and CIL, and creation of jobs and training opportunities during the construction phase. Furthermore, there would be a moderate uplift in biodiversity value through BNG.

Other Matters

45. The Parameters Plan[5] illustrates broad principles of the potential site layout. The scheme would achieve a density of 35 dwellings per hectare which is comparable to the scale of the existing residential development to the west. Therefore, the quantum of development proposed would be accommodated within the site with a layout and density that reflects the character of the surrounding area.

46. In addition, the Parameters Plan suggests areas of residential development would be set back from the boundaries. The extent of separation between existing dwellings and the proposed development would be sufficient to avoid loss of privacy, light, and outlook, or exposure to noise. However, to avoid disturbance to occupants during construction, and to maintain the quality of the local environment including air quality, a Construction Environment Management Plan would be secured through a planning condition.

47. Some local residents use the site for recreational walks along its edge. The site is in private ownership, and the proposal would not affect the public right of way network or availability of public open space, since no such routes or designations apply to the site.

48. Many respondents expressed concern the proposal would adversely affect highway safety for pedestrians and road users through increased traffic and congestion on connecting estate roads and High Street, which experience on-street parking, and visibility and capacity constraints. Following the development, all junctions assessed within the Transport Assessment December 2024 (TA) are expected to operate comfortability within capacity and with minimal queuing, across all scenarios. In addition, the TA's highway link impact assessment establishes the level of development traffic that would route to or through the High Street as a proportion of the background traffic and shows that peak hour development traffic would be within typical daily variations in background traffic. The TA notes that on-street parking occurs in various locations between the junctions with London Road and Charlwood Drive but found this helps to ensure vehicle speeds remain low along this stretch of road and approaching the site. Consequently, the TA concludes the proposed development would have a negligible impact on the local highway network.

49. In addition, concerns were raised regarding the proximity of the proposed junction to the existing access at no 6 Charlwood Drive. During the Council's determination the junction design was revised, including the geometry of the radius on the western side. In its response dated 01 May 2025, West Sussex County Council, the local highway authority, advises the site access layout would be acceptable.

50. As discussed above, a travel plan and highway works would be secured by the s106 agreement. This would provide pedestrian connectivity for all users with provision of dropped crossing points and tactile paving, and the proposed emergency access would also serve as a route for pedestrians and cyclists.

[5] Drawing no. PL-03 Rev D

51. I have had regard to the advice of the local highway authority, which confirms it is satisfied the development proposals accord with relevant policy requirements set out within the National Planning Policy Framework (the Framework), and that the proposal would not result in any severe or otherwise unacceptable safety impacts, and subject to conditions and obligations raises no objection to the scheme. Furthermore, a condition to secure demolition and construction details would ensure the movements of construction vehicles would not harm highway safety.

52. The site is within Flood Zone 1, i.e. at lowest risk of flooding, and Environment Agency mapping indicates the site is not subject to surface water flood risk. Conditions would ensure the development is constructed in accordance with the Flood Risk Assessment and sustainable drainage system scheme. I have had regard to the advice of West Sussex County Council, the lead local flood authority, which confirms that, subject to conditions, it has no objection to the proposal. It is therefore demonstrated the proposal would not increase flood risk on or off site.

53. Concerns were also raised regarding the cumulative effects of the proposed development on other infrastructure including the capacity of electricity and sewerage networks and the availability of local services and employment opportunities. There is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees. Therefore, none of the concerns raised provide a compelling reason why planning permission should not be granted. The development would contribute toward the provision of strategic infrastructure such as policing and education, through its payment of CIL.

54. The site comprises arable land bounded by hedgerows, with small areas of modified grassland and forbs. The Ecological Appraisal November 2024 indicates the hedgerows are the only on-site habitat of ecological importance. Whilst small sections of hedgerow would be removed to facilitate access, this would be compensated by new, native species-rich hedgerow planting, and the loss of remaining habitat would be of negligible significance.

55. Common lizard and slow worm were recorded on site, and the Ecological Appraisal indicates the site provides some roosting, foraging and commuting opportunities for bats and nesting birds. However, it concludes the site generally offers limited opportunities for protected species. In addition, the Dormouse Technical Note 02 provides further assessment of the site's suitability for the likely presence of hazel dormouse and no evidence attributable to dormouse was recorded. The delivery of proposed mitigation and compensatory measures would be secured through planning conditions, including the requirement for a Biodiversity Enhancement Strategy and wildlife-friendly lighting strategy, to minimise the risk of harm to any protected species present and maintain or enhance the conservation status of local populations.

56. The site is within an amber impact risk zone for great crested newts, and suitable habitat is present in the surrounding landscape. The Ecological Appraisal found that great crested newts are likely absent from the site due to the suboptimal habitat and negative eDNA results. However, great crested newts may migrate across arable land and may utilise cracks and crevices for rest and shelter. Consequently, the development must follow reasonable avoidance measures to minimise the risk to great crested newts secured by a condition requiring a Precautionary Working Methods Statement.

57. The Council's consultant ecologist advises there is sufficient ecological information available to support the application. Subject to conditions, the proposal would not have an unacceptable impact on protected species and their habitats.

58. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (LBCA Act) requires I have special regard to the desirability of preserving listed building, their settings and any features of special architectural or historic interest which they possess. The Built Heritage Statement November 2024 notes the site lies 219m north of Grade II listed building, Backsettown[6], and the Design & Access Statement identifies a further six listed buildings to the southwest of the site at London Road and Furners Mead.

59. Backsettown dates from the 16th-century or earlier and is an L-shaped, timber-framed building with red brick infilling. The south-east wing is the older portion which contained the hall and the front of the west wing and south-east wing have been refaced with red brick, grey headers and red mathematical tiles. The Built Heritage Statement indicates the site makes only a very low contribution to the significance of the Backsettown as an essentially unappreciable element of its agricultural landscape context.

60. The south wing of Grade II* listed Wantley Manor, London Road[7] contains a medieval hall. The east wing was later converted into outhouses, and the west wing is now hidden by an 18th century addition. The timber framing is exposed in some places but has mostly been refaced with red brick or tiles on a cemented or brick base. The roof was originally of Horsham slabs but has mostly been refaced with tiles, one section being pantiles. It comprises two storeys, with three windows to each wing. In the 18th century, the west wing was doubled by a portion facing the road. This has two storeys and three windows and is faced with red mathematical tiles, modillion eaves cornice, and hipped Horsham slab roof.

61. Grade II listed Traddles, 5, London Road[8] dates from the 18th century or earlier. It has two storeys faced with tiles, a tiled roof, casement windows, and projecting shop front. Grade II listed, 6 London Road[9] is an early-19th century, two-storey building with painted brick, overhanging eaves, slate roof. It has two small bays on ground floor and a contemporary shop window with glazing bars. Grade II listed Gull Cottage, 8 & 9, London Road[10] dates from the 17th century or earlier, but re-fronted in the 18th century. It has two storeys, with no 8 faced with painted brick at ground floor and tile-hung above. No 9 is faced with grey headers with red brick dressings, quoins, modillion stringcourse and eaves cornice.

62. Grade II listed Redbarn, London Road[11] is a 17th-century or earlier, two-storey, timber-framed building with some timbering exposed at the back, with a tiled roof, casement windows, and doorways with pediment-shaped hoods over. Grade II listed nos 1-8 Eastern Terrace, Furners Mead[12] is an early-19th century, two-storey terrace row, with a slate roof, horizontal sliding sash windows, and slate-hung elevations which are unusual in the local area. The significance of these buildings is derived from their architectural and historic interest.

[6] List entry no. 1027392
[7] List entry no. 1027376
[8] List entry no. 1286429
[9] List entry no. 1353985
[10] List entry no. 1027375
[11] List entry no. 1353986
[12] List entry no. 1286615

63. In addition, section 72(1) of the LBCA Act requires that, with respect to any buildings or other land in a conservation area, I pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Henfield Conservation Area (CA) lies to the southwest of the site. The site is outside the CA and does not contribute to how it is experienced or understood.

64. Existing residential development between the site and the CA and listed buildings provides physical and visual separation, and there is no known historical or functional relationship between the site and the listed buildings or any built heritage asset within the CA. Therefore, the development would have a neutral effect upon, and thus would preserve the listed buildings, their settings, and the character and appearance of the CA. I have also had regard to the advice of the Council's Conservation Team who conclude the development is unlikely to have a significant impact on the setting of these assets. For these reasons, I am satisfied the proposal would not harm heritage assets and would comply with the requirements of the LBCA Act.

65. I have no substantive reason to consider the community engagement carried out in respect of the application was anything other than compliant with the regulations.

Planning Balance

66. Since the HDPF is more than five years old, paragraph 78 of the Framework requires the Council identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need, rather than against the target set by the HDPF. In addition, as the latest available Housing Delivery Test (HDT) measurement[13] indicates past delivery in the Council's area was substantially below the housing requirement, paragraph 79 of the Framework requires a 20% buffer be applied to the identified supply. Set against the total housing requirement, the Council's Authority Monitoring Report December 2025 demonstrates a 1.7 years' supply of housing land. Therefore, within the Council's area there is a significant shortfall in the supply of housing.

67. In this circumstance, paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, and (ii) 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, 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.

68. I have found the proposal would not have likely significant effects on the integrity of European sites either alone or in combination with similar development. Consequently, the proposal would not conflict with the Framework's policies that protect areas or assets of particular importance, and therefore Framework paragraph 11(d)(i) does not provide a strong reason for refusing the development. This absence of harm is a neutral factor in the planning balance.

[13] Housing Delivery Test 2023, published 12 December 2024

69. Paragraph 232 of the Framework requires due weight be given to existing policies, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). As set out above, I have found the proposal would conflict with HDPF Policies 2, 4 and 26, and HNP Policy 1.

70. As discussed, the proposal would result in a loss of countryside commensurate in scale with the area of the site, with localised residual medium to medium/minor landscape and visual impacts and a loss of best and most versatile agricultural land. Paragraph 187 of the Framework recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Therefore, there is some synergy between the development plan policies and paragraph 187 of the Framework through the general protections applied to the countryside.

71. However, the Council's Shaping Development in Horsham District Planning Advice Note 2025 (SDPAN) recognises the HDPF's housing target can no longer be used for calculating housing land supply and expects development proposals will come forward in locations not supported by the development plan. Whilst the SDPAN does not reduce the statutory weight of the development plan, it sets out how the Council will support development to meet identified needs and other objectives. Therefore, there would be an expectation that the SDPAN would be applied in decision-making and the SDPAN forms a material consideration in my decision.

72. Paragraph 5.12 of the SDPAN sets out criteria which development proposals are expected to meet. These broadly reflect criteria 1 to 5 of HDPF Policy 4 but crucially, omits the requirement for the site to be allocated by the development plan. Concerns were raised that the proposal would set a precedent for development in unplanned locations. However, a function of the SPAN is to enable development to come forward on unallocated land outside BUABs where opportunities for development would normally be restricted by HDPF Policy 26. The main parties agree the appeal scheme is consistent with each of the requirements of paragraph 5.12, and thus compliant with this guidance[14].

73. Therefore, taking account the degree of consistency with the Framework and having regard to the SDPAN, the conflict between the appeal proposal and HDPF Policies 2, 4 and 26 carries only modest weight against the proposal. However, the conflict with HDPF Policy 26 would, by extension, result in conflict with a policy contained within a neighbourhood plan, HNP Policy 1.

74. The Framework states the planning system should be genuinely plan-led[15] and the Written Ministerial Statement of 27 Feb 2025[16] asserts that "the plan-led approach is, and must remain, the cornerstone of our planning system". Through neighbourhood planning, the planning system seeks to provide communities the power to develop a shared vision for their area[17]. Representations from the Council, Parish Council, and residents express a perception that Henfield has contributed its share of the area's development needs and convey significant concerns that the proposed development would undermine the HNP and wider

[14] Paragraph 7.14, Statement of Common Ground April 2026
[15] Paragraph 15, National Planning Policy Framework
[16] Local Plan Making and Guidance, Volume 762: debated on Thursday 27 February 2025
[17] Paragraph 30, National Planning Policy Framework

plan-led system and materially weaken the legitimacy of local and neighbourhood-level plan-making. Whilst this effect is somewhat abstract, it nonetheless represents a harmful consequence of the proposed development.

75. The Framework's presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making but recognises the application of the presumption has implications for the way communities engage in neighbourhood planning[18]. Consequently, paragraph 14 advises that:

"In situations where the presumption at [Framework] paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see [Framework] paragraphs 69-70)."

76. The HNP was made by the Council on 23 June 2021 and is approaching its fifth anniversary. Since the HNP became part of the development plan less than five years from the date of my decision, the test at Framework paragraph 14(a) is met.

77. The HNP identifies a housing requirement figure of 270 dwellings for the neighbourhood area. HNP Policy 2 provides four site allocations, of which the Council has resolved to grant planning permission for 264 dwellings and is assessing an application for 9 dwellings. In addition, a further 23 dwellings have been consented on windfall sites during the plan period. The HNP policies and allocations has, to date, made provision for 283 dwellings, thereby exceeding the HNP's requirement. Therefore, the test at Framework paragraph 14(b) is met.

78. However, as concluded by the Inspector in an appeal decision for 70 dwellings in Melksham, Wiltshire[19], Framework paragraph 14 is not absolute. It does not place a firm bar against development going ahead even if counter to a neighbourhood plan that meets the paragraph 14 tests. Rather, paragraph 14 requires the decision-maker exercise judgement as to whether conflict with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

79. In the Melksham case, the Inspector concluded that whilst the neighbourhood plan contained policies and allocations, the validity of the housing requirement figure could not be relied upon. This tempered the weight the Inspector afforded to the housing requirement[20]. Furthermore, in an appeal decision for 250 dwellings in Faversham, Kent[21], the Inspector concluded that whilst the neighbourhood plan became part of the development plan within the past five years, it contains policies and allocations that would meet a housing requirement that does not accurately reflect up-to-date housing need. In this circumstance, the Inspector concluded the adverse impacts of the conflicts with the neighbourhood plan do not significantly and demonstrably outweigh the benefits[22].

[18] Paragraphs 12 & 13, National Planning Policy Framework
[19] Appeal Ref: APP/Y3940/W/25/3374421, Land off Woodrow Road, Melksham, Wiltshire, SN12 7AY
[20] Paragraph 42 of appeal decision APP/Y3940/W/25/3374421
[21] Appeal Ref: APP/V2255/W/24/3350524, Land at Ham Road, Faversham, Kent ME13 7TX
[22] Paragraph 103 of appeal decision APP/V2255/W/24/3350524, Land at Ham Road, Faversham, Kent ME13 7TX

80. Paragraph 69 of the Framework requires strategic policies set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development. HDPF Policy 15 makes provision for the development of at least 16,000 dwellings or an average of 800 dwellings per annum over the period 2011-2031. Of this total, Policy 15 requires at least 1,500 dwellings be allocated through neighbourhood planning.

81. The Housing Needs Assessment, Aecom 2017 (HNA) identifies five data sources which informed the housing requirement. However, the HNA explains that explicit guidance was received from the Council that the housing target for the neighbourhood area should be taken from the HDPF's 1,500 dwelling requirement for neighbourhood plans[23]. To estimate the housing requirement, the HNA took an average of its data sources but, to ensure consistency with the HDPF's dwelling target for neighbourhood plans, a higher figure derived from the district minimum requirement was excluded and a nil rate predicated on an assumption that projected growth for the area had been met was retained. This suppressed the housing requirement below other objective data sources.

82. The HNP Examiner's Report 2020 highlights the relationship between the HNA's housing requirement and HDPF. At paragraph 6.30, the examiner notes the approach set out in the HNA was recommended by the Council to identify their proportion of the wider 1,500 dwelling target for neighbourhood planning, and at 6.34, explains advice received from the Council that the HNP's housing requirement represents an appropriate, sustainable and important proportion of the 1,500-dwelling figure. At paragraph 6.35, the examiner concluded the HNP's housing requirement reflects the most recently available planning strategy of the Council. Consequently, the HNP's housing requirement is intrinsically linked to, and indivisible from the HDPF's development strategy.

83. As set out in the Statement of Comon Ground (SoCG), the Council's annual housing need has significantly increased from the figure set out by HDPF Policy 15, and this target can no longer be relied upon. Within the context of this significant uplift, I cannot consider the HNP's housing requirement to remain a credible indicator of current housing need.

84. Acknowledging the age of the HNP, Henfield Parish Council confirmed it is currently undertaking a review of the HNP. However, it has not approached the District Council to update its housing requirement. The HNP review is at an early stage of preparation, and I have no certainty it will address the shortfall in housing.

85. The appeal site was assessed during the Local Plan review but was not progressed as a preferred allocation. The emerging Local Plan was submitted in July 2024 and examination commenced in December 2024 but was subsequently cancelled following the Inspectors conclusions that the Council had failed to satisfactorily comply with the duty to co-operate. Following the withdrawal of Natural England's September 2021 Position Statement, examination of the emerging Local Plan was resumed, with hearing sessions held in April 2026 and scheduled for late 2026. The Inspector's letter suggests consideration of additional sites may be required and the Council has provided a provisional work programme which indicates previously assessed sites would be revisited. However, given the

[23] Paragraph 27 of Housing Needs Assessment, Aecom 2017

emerging Local Plan's early stage of preparation, the Council accepts its draft policies carry only limited weight.

86. Until recently, delivery of new development in the SNWSZ has been constrained. Whilst the requirement to demonstrate water neutrality no longer applies, I have not been provided evidence to suggest this will lead to a significant improvement in the housing land supply position in the short term.

87. In summary, the HNP is less than five years old and contains policies and allocations to meet its housing requirement. However, significant material changes in circumstances since the HNP was made suggest its identified housing requirement is no longer reliable. Furthermore, the shortfall in housing land supply across the Council's area is not likely to be remedied in the short term, and I anticipate will persist until the emerging Local Plan reaches adoption. Therefore, the weight to be afforded to the proposal's conflict with HNP Policy 1 is diminished.

88. Set against these policy conflicts, within the context of a significant shortfall in the supply of housing and the government's objective to significantly boost the supply of homes[24], the provision of 191 dwellings attracts very significant weight in favour of the proposal. The development would provide a mix of affordable housing with the rate of provision exceeding the minimum policy requirement, thus contributing positively to the Framework's key policy at paragraph 66 and attracting very significant weight in the scheme's favour. In addition, I attach moderate weight to the biodiversity net gain and social and economic benefits identified at 'other considerations'. The benefits of the scheme are therefore of a very high order.

89. In conclusion, the adverse impact of allowing development that conflicts with the HNP is a matter of considerable weight and importance. However, in this circumstance, the adverse impacts of allowing development that conflicts with the local development strategy, including the provisions of the HNP, would not significantly and demonstrably outweigh the benefits of the proposal. As a result, the presumption in favour of sustainable development would apply, and the appeal should be allowed.

Conditions

90. The SoCG includes a list of suggested conditions which I have considered against the Framework's tests. The SoCG confirms the appellant's agreement to all pre-commencement conditions.

91. In the interest of certainty, I have included a condition which specifies the approved plans. This includes plans and drawings relating to the proposed access. Since I have had regard to it in my decision, I have also included a condition which requires the development broadly accord with the principles of the Parameters Plan which illustrates how the development could be accommodated within the site in a manner which satisfies HDPF Policies 32 and 33. I have included condition requiring the protection of important trees and hedgerows on the site in accordance with HDPF Policy 33.

92. Since I am granting outline planning permission, I have included conditions requiring that details of the reserved matters are submitted for approval and specifying the time periods by which the reserved matters application must be

[24] Paragraph 61, National Planning Policy Framework

submitted and development must commence. The reserved matters are appearance, landscaping, layout, and scale.

93. To ensure the development does not result in flooding both on and off site and that all surface water drainage features are adequately protected in accordance with HDPF Policy 42, I have included conditions requiring the development be constructed in accordance with the Flood Risk Assessment and requiring submission of a construction phase surface water management plan, sustainable drainage system scheme for the disposal of surface water, details of the maintenance and management of the sustainable drainage scheme, and a verification report.

94. To conserve protected and priority species during both construction and operational phases of the development and enable the duties under the Conservation of Habitats Regulations and Wildlife & Countryside Act 1981 and s40 of the NERC Act 2006 (Priority Habitats & Species) to be discharged, I have attached conditions requiring submission of a lighting design strategy to prevent disturbance to protected bat species, Biodiversity Construction and Environmental Management Plan, Biodiversity Enhancement Strategy; and requiring all mitigation measures and works be carried out in accordance with the Ecological Appraisal, Dormouse Technical Note, and Non-Licensed Precautionary Method Statement to safeguard Great Crested Newts and their habitats.

95. To maintain the amenity of nearby occupiers and highway safety during construction in accordance with HDPF Policies 33 and 40, I have included a condition requiring submission of demolition and construction details. To safeguard the amenities of adjacent occupiers in accordance with HDPF Policy 33, I have attached a condition specify the days and times when construction may take place. In accordance with fire and safety regulations and HDPF Policy 33, I have attached a condition requiring provision of fire hydrants or stored water supply.

96. To mitigate the impact of the construction and operational phases of the development on air quality, and to sustain compliance with and contribute towards national objectives for pollutants, as required by HDPF Policies 24 and 41, I have included a condition requiring the development be carried out in accordance with a mitigation strategy. To avoid harm to humans, controlled waters or the wider environment and ensure any pollution is dealt with in accordance with HDPF Policies 24 and 33, I have included a condition requiring a preliminary risk assessment be carried out and specifying further steps to be taken in the event contamination or pollution is discovered. For the same reasons, I have included a condition requiring a remediation scheme be implemented prior to occupation.

97. Since the site is of archaeological significance, and to satisfy the requirements of HDPF Policy 34, I have included a condition requiring development be carried out in accordance an agreed programme of archaeological works.

98. To ensure the development meets the communication needs of future occupiers, in accordance with HDPF Policy 37, I have included a condition requiring provision of superfast and full-fibre broadband connectivity.

99. In the interests of visual amenity and nature conservation in accordance with HDPF Policy 33, I have included a condition requiring the development be carried in accordance with an agreed landscape management and maintenance plan.

100. To ensure the development provides safe and suitable access to/from the public highway, I have included a condition requiring the vehicular access and associated works are constructed prior to occupation of the development, and details of the emergency, pedestrian, and cyclist link between the development and Kingsley Square are submitted.

101. To avoid adverse impacts on the Arun Valley SAC, SPA and Ramsar sites in accordance with Policy 31 and Habitats regulations, I have included a condition requiring the development comply with the optional technical standard to limit water use, as required by HDPF Policy 37.

Conclusion

102. For the reasons set out above, the proposal would conflict with the development plan as a whole. However, there are other material considerations which justify a decision other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans: *Location Plan* PL-01 Rev D 28.06.2024; *Fire Tender Swept Path Analyses* 106205-PEF-XX-XX-D-H-000005 Rev P01 18.11.2024; *Refuse Vehicle Swept Path Analyses* 106205-PEF-XX-XX-D-H-000006 REV P03 14.02.2025; *Proposed Primary and Emergency (Inset) Site Access Arrangements* 106205-PEF-XX-XX-D-H-000004 REV P03 14.02.2025; and *Proposed Primary Site Access Arrangement* 106205-PEF-XX-XX-D-H-000002 Rev P03 27.02.25.

2. The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out within the Parameter Plan (no. PL-03 Rev D).

3. The development hereby approved shall adhere to the following requirements in respect of the “reserved matters”:

   (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

   (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

   (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

   (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

5. No development shall take place until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

   (a) Risk assessment of potentially damaging construction activities.

(b) Identification of "biodiversity protection zones".
(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
(d) The location and timing of sensitive works to avoid harm to biodiversity features.
(e) The times during construction when specialist ecologists need to be present on site to oversee works.
(f) Responsible persons and lines of communication.
(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
(h) Use of protective fences, exclusion barriers and warning signs.
(i) Details of any lighting required

The approved Biodiversity CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

6. The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:

(a) Details of site management contact details and responsibilities;
(b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
    i. location of site compound
    ii. the erection and maintenance of security hoarding,
    iii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
    iv. site offices (including location, height, size and appearance),
    v. the anticipated number, frequency and types of vehicles used during construction,
    vi. location of site access points for construction vehicles,
    vii. location of on-site parking,
    viii. locations and details for the provision of wheel washing facilities and dust suppression facilities
(c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
(d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

All demolition and construction activities shall thereafter be carried out in accordance with the details and measures approved. During site clearance, preparation and construction the dust and Air Emission Mitigation measures described on Mitigation During Construction section of the Air Quality Assessment report (RPS, April 2025) shall be adopted.

7. The development hereby approved shall adhere to the following requirements in respect of archaeological works:

(a) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
(b) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under criterion (a) and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

8. No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:
   (a) All trees on the site shown for retention on approved drawing number 'SJA TPP 24226-041a', as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
   (b) Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
   (c) Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

   Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

9. No development shall commence until a Non-Licensed Precautionary Method Statement for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. This shall include, but not be limited to, a presence/absence survey and assessment, mitigation measures, and enhancement measures where necessary. The works shall be implemented in accordance with the approved recommendations and shall be maintained thereafter.

10. Prior to the commencement of the development, a detailed mitigation strategy establishing the on-site measures to improve air quality at both the operational and construction phases shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be written in accordance with the Air Quality & Emissions Reduction Guidance and shall detail the calculated damage costs that will be spent on practical mitigation measures. The approved detail within the strategy shall thereafter be strictly adhered to.

11. No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
    (a) A preliminary risk assessment which has identified:
        i. all previous uses
        ii. potential contaminants associated with those uses
        iii. a conceptual model of the site indicating sources, pathways and receptors
        iv. Potentially unacceptable risks arising from contamination at the site.

    The following aspects (b) – (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

    (b) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
    (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.
    (d) The scheme shall be implemented as approved.

12. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

    The content of the Biodiversity Enhancement Strategy shall include the following:
    (a) Purpose and conservation objectives for the proposed enhancement measures;
    (b) detailed designs or product descriptions to achieve stated objectives;
    (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
    (d) persons responsible for implementing the enhancement measures; and
    (e) details of initial aftercare and long-term maintenance (where relevant).

    The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

13. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 11(c) has been implemented fully in accordance with the approved details. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 11(c).

14. No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

15. No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

16. No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility including areas to be defined as private gardens and other areas such as buffer zones) for all communal landscape areas (including any buffer zones) has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

17. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.

18. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
    (a) a timetable for its implementation,
    (b) details of SuDS features and connecting drainage structures and
    (c) maintenance requirement for each aspect,
    (d) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

19. No dwelling shall be first occupied until the vehicular access and associated works have been constructed in accordance with the details shown on the

drawing titled 'Proposed Primary and Emergency (Inset) Site Access Arrangements', drawing number 106205-PEFXX-XX-D-H-00004 revision P03.

20. No dwelling shall be first occupied until plans and details and a timetable for their provision for the emergency/pedestrian/cyclist access between the development and Kingsley Square have been submitted to and approved in writing by the Local Planning Authority. The link once approved shall thereafter be constructed in accordance with the approved details.

21. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

    All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

22. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, November 2024) and the Dormouse Technical Note 02 (Aspect Ecology, January 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

23. Prior to or in conjunction with the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment by Calibro Consultants Ltd, 22/01/2025, revision 4. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:
    (a) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable Drainage System and the measures taken to prevent pollution of the receiving surface waters (designed in accordance with The SuDS Manual (CIRIA C753, 2015).
    (b) Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus

climate change critical storm duration or the 1 in 100 critical storm duration,

(c) Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes

24. The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

25. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 22/01/2025), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

26. No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

- Mr Hywel James MRTPI, Director, Nexus Planning
- Mr Hashi Mohamed, Counsel, Landmark Chambers
- Mr Simon Boakes BA (Hons), Company Solicitor, Croudace

FOR THE LOCAL PLANNING AUTHORITY:

- Mr Sam Whitehouse, Senior Planning Officer, Horsham District Council, MSc Spatial Planning
- Mr Jason Hawkes, Principal Planning Officer, Horsham District Council, MA Town Planning

INTERESTED PARTIES:

- Cllr Josh Potts, ward councillor for Henfield
- Cllr Russell Shaw, Henfield Parish Council
- Mr Steve Bailey, Campaign to Protect Rural Henfield
- Ms Tracey Chaplin, resident
- Mr David Martin, resident
- Mr David Haywood, resident

DOCUMENTS

- Shaping Development in Horsham District Planning Advice Note 2025
- Agreement pursuant to section 106 of the Town and Country Planning Act 1990 in respect of Land East of Charlwood Drive, Henfield, West Sussex, with covering statement and CIL compliance schedule