



## **DELEGATED APPLICATIONS - ASSESSMENT SHEET**

### **APPLICATION NO./ADDRESS:**

DC/25/1980

Brooklands, New Hall Lane, Small Dole, West Sussex, BN5 9YH

### **DESCRIPTION:**

Erection of 2no. detached single storey self-build / custom-build dwellings with associated works.

### **RELEVANT PLANNING HISTORY:**

|            |                                                                                                                                                                                                              |                         |           |    |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------|----|
| DC/20/1155 | Erection of a single storey detached games room, gym and home office (Certificate of Lawful Development - Proposed)                                                                                          | Application 03.12.2020  | Refused   | on |
| DC/21/2663 | Erection of detached games room, gym and home office (Lawful Development Certificate - Proposed).                                                                                                            | Application 31.05.2022  | Refused   | on |
| DC/22/0551 | Application to confirm the change of use of part of a former paddock to residential garden took place more than ten years prior to the date of this application (Lawful Development Certificate - Existing). | Application 25.05.2022  | Permitted | on |
| DC/23/0501 | Erection of an ancillary outbuilding (Lawful Development Certificate - Proposed).                                                                                                                            | Application 05.06.2023  | Refused   | on |
| DC/23/1527 | Erection of an ancillary outbuilding (Certificate of Lawful Development Proposed)                                                                                                                            | Application 02.01.2024  | Refused   | on |
| DC/24/1101 | Erection of 2No. detached dwellings with associated works.                                                                                                                                                   | Application 09.10.2024. | Refused   | on |

*Dismissed at appeal on  
10/06/2025.*

### **DESCRIPTION OF THE SITE**

The application site is located to the rear of Brooklands to the south of New Hall Lane. New Hall Lane is also maintained as a Public Bridleway no. 2775. The surrounding area consists of an eclectic mix of detached and semi-detached dwellings of both single and two storeys, all of which are set back from the road frontage. There is a relative uniformity to the build line of the dwellings to the south of New Hall Lane. Whilst Brooklands itself is within the Built up area boundary, the application site is adjoins this and is thus considered to be located within the countryside in policy terms.

### **DESCRIPTION OF THE APPLICATION**

The application seeks permission for 2 detached bungalows with 4 bedrooms. The dwellings would be in an L-shaped configuration and would include some landscaping works. There would be provision for three parking spaces indicated on the submitted block plan and hardstanding consisting of limestone chippings.

It is noted that the hedgerow shown as existing within the proposed block plan is proposed hedgerow rather than existing.

Unit 1 would consist of a mixture of external materials including clay roof tile, brick, black painted weatherboard. Unit 2 would have a mixture of external materials including brick plinth and brick and flint quoins, black painted timber weatherboard, black rainwater goods and clay roof tiles.

Each dwelling would have a footprint of 130.63sqm. The dwellings, although orientated differently would both have a dimension of 4.62 metres in height with an eaves height of 2.41 metres. The units would have a width of 16.56 metres and a depth of 11.58 metres.

#### RELEVANT PLANNING POLICIES

##### **The National Planning Policy Framework (NPPF)**

##### **Horsham District Planning Framework (2015):**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 10 - Rural Economic Development  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport  
Policy 41 – Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 1.7 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

##### **Horsham District Local Plan (2023-40) (Regulation 19):**

Strategic Policy 1: Sustainable Development  
Strategic Policy 2: Development Hierarchy  
Strategic Policy 3: Settlement Expansion  
Strategic Policy 6: Climate Change  
Strategic Policy 7: Appropriate Energy Use  
Strategic Policy 8: Sustainable Design and Construction  
Strategic Policy 9: Water Neutrality

Strategic Policy 11: Environmental Protection  
Strategic Policy 13: The Natural Environment and Landscape Character  
Strategic Policy 14: Countryside Protection  
Strategic Policy 15: Settlement Coalescence  
Strategic Policy 17: Green Infrastructure and Biodiversity  
Strategic Policy 19: Development Quality  
Strategic Policy 20: Development Principles  
Strategic Policy 23: Infrastructure Provision  
Strategic Policy 24: Sustainable Transport  
Policy 25: Parking  
Strategic Policy 37: Housing Provision  
Strategic Policy 38: Meeting Local Housing Needs  
Policy 39: Affordable Housing  
Policy 40: Improving Housing Standards in the District

**Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)  
Community Infrastructure Levy (CIL) Charging Schedule (2017)

**Henfield Neighbourhood Plan:**

Policy 1 – A Spatial Plan  
Policy 2 – Housing Allocations  
Policy 10 – Green Infrastructure and Biodiversity  
Policy 12 – Design Standards for New Development

**Henfield Parish Design Statement**

**Planning Advice Notes:**

Facilitating Appropriate Development  
Biodiversity and Green Infrastructure

**REPRESENTATIONS AND CONSULTATIONS RESPONSES**

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

**Consultations:**

**Natural England:** Standing advice

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

**Place Services Ecology:** Objection [Summary]

The Preliminary Ecological Assessment (May 2024) has been reviewed and is considered it out of date and insufficient to determine the planning application. The original site visit took place in April 2024, which does not meet current professional guidance and standards.

As a result, the applicant must submit an updated ecological report or addendum, including a new site visit and possibly updated desk-based research. The ecologist must explain:

- Whether the original report is still valid

- Which surveys need updating (if any)
- The scope, timing and methods for any updated surveys

If the updated work identifies additional impacts on protected species, further species-specific surveys will be required before the application can be determined.

This information is necessary because the presence of protected species is a material planning consideration, and the Local Planning Authority must be certain about ecological impacts before granting permission. The extra information will allow the authority to meet its legal and biodiversity duties under national policy and legislation.

#### **HDC Arboricultural Officer: Objection**

There do not appear to be any substantial changes between the current development proposals and those previously submitted as part of the unsuccessful application at site reference DC/24/1101. Please see below the previous comments from DC/24/1101, which are still considered relevant. Please see below.

*“There are several mature trees that are within influencing distance of the development proposals at the site. In order to make a fair assessment of the tree related impacts of the development please request a BS 5837 Trees in relation to design, demolition and construction, – Recommendations (2012) tree survey, supported by an Arboricultural Methods statement, Impact Assessment and a Tree Constraint and Protection plan (TPP), specification and location of exclusion fencing, ground protection and the phasing and method of all earthworks and construction activity that may take place within the Root Protection Area of retained trees shown to scale on the TPP including details installation of service routings i.e., fresh and foul water drainage details.”*

It would be beneficial for this application if the information were provided prior to determination. This would allow the tree-related impacts to be appropriately assessed. If approved, it would be very challenging to seek amendments to the site layout at a later stage, should any issues arise, once the principle of development at the site has been deemed acceptable.

#### **HDC Drainage Officer: Objection [Summary]**

No drainage information has been submitted with the planning application, so it cannot progress until a full Foul and Surface Water Drainage Strategy and a site-specific flood risk assessment are provided. Horsham District Council (HDC) Drainage needs this information to confirm compliance with national and local planning and drainage policies. The applicant must:

- Assess site-specific flood risk and explain how surface water currently flows across, into and out of the site.
- Provide site area measurements and calculations showing pre- and post-development permeable and impermeable areas.
- Submit a fully designed surface water drainage strategy using SuDS, aiming to achieve (or better) greenfield runoff rates and following the drainage hierarchy and best practice.
- Confirm foul and surface water disposal methods, including any proposed connections to Southern Water, with flow rates and connection details.
- Provide detailed runoff rates, storage volumes and calculations for a range of storm events, including climate change allowances.
- Demonstrate that drainage and SuDS can safely manage all runoff on site without flooding or risk to people, property or surrounding land, including exceedance events.
- Provide infiltration testing (or justification if not possible), pollution prevention measures, foul flow calculations, and maintenance and management plans.

Additional information may be required once this material is reviewed. Advisory notes highlight that separate permits or consents may also be needed from the Environment Agency or Lead Local Flood Authority, and that guidance documents are available on the HDC website.

#### **WSCC Public Right of Way: Comment [Summary]**

The application is understood to be for two single-storey detached self/custom-build dwellings. The proposal affects Public Right of Way (PROW) footpath 2775, which may be impacted by vehicular access.

There is no objection to the application, provided traffic using the access along footpath 2775 remains low. Key points and advice to the applicant:

- Vehicle use of the PROW is only lawful if the applicant has proven vehicular access rights; otherwise it may be an offence.
- Private access rights may exist and should be checked, as these are not recorded by the PROW team.
- Public access rights take precedence over private access rights, and safe management of shared use is essential to avoid risk to the public.
- Any damage, alteration or works to the PROW (including surface works, drainage, gates, stiles or changes to ground levels) require prior consent from the WSCC PROW Team.
- Drainage must not discharge onto or through the footpath without approval, and measures must be taken to prevent flooding of the PROW.
- No structures are permitted within the PROW without consent, as this would be an obstruction.

Overall, the presence and protection of the PROW is a material planning consideration, and its safety, usability and amenity must be safeguarded if permission is granted.

**WSCC Highways:** No objection [Summary]

The application proposes two detached single-storey self/custom-build dwellings on New Hall Lane, a privately maintained road, so the highway comments are advisory only.

West Sussex County Council, as Local Highway Authority (LHA), previously reviewed a similar proposal and raised no highway safety or capacity concerns. The earlier refusal and dismissed appeal were for non-highway reasons.

Access will remain via New Hall Lane, connecting to Henfield Road (A2037), and the development is not expected to significantly increase use of this access. Each dwelling will have at least three parking spaces, with adequate on-site turning so vehicles can exit in forward gear. Covered and secure cycle storage is also recommended.

Overall, the LHA concludes the proposal would not harm highway safety or the wider road network and raises no transport-related objection under national planning policy.

**Southern Water:** General comment [Summary]

Insufficient information provided for foul drainage. Southern water have guidance on tree planting where there should be a distance away from southern water mains.

Representations:

3 letters of representation received from 3 separate addresses objecting to the proposal on the following grounds:

**Highway Safety & Access**

- New Hall Lane is a narrow, privately maintained road not designed for current traffic levels.
- Heavy goods vehicles, deliveries and construction traffic already cause surface damage, verge collapse and blocked drainage.
- Increased traffic would raise safety risks and maintenance costs for residents.
- The lane is unsuitable for further development and no mitigation is proposed.

**Flooding & Drainage**

- Regular surface water and foul water flooding already occurs.
- Additional development would worsen drainage and sewer capacity issues.

**Public Right of Way**

- Increased traffic would reduce safety and enjoyment for walkers, cyclists and equestrians.

**Overdevelopment & Sustainability**

- The site lies outside the Built-Up Area Boundary and is not supported by local plans.
- Approval would set a precedent for further development.
- The location is car-dependent with limited local services and poor public transport.

#### Loss of Amenity

- Increased noise, traffic and infrastructure pressure would harm residents' quality of life and rural character.

#### Parish Comments:

##### **Henfield Parish Council:** Objection

Similar application refused already and dismissed at appeal. The reasons for refusal have not been overcome.

Policy 1 - this is not a strategic site in the Local Plan

Policy 2 - it is not a nominated site in the Neighbourhood Plan

Policy 3 - it is not within the existing built up area

Policy 4 - it is not a site allocated in the Local Plan or Neighbourhood Plan

Policy 25 - it does not protect or conserve or enhance the landscape of the District

Policy 26 - only permits development in the countryside where it is deemed an essential location

Policy 32 - it is not complimentary to the existing heritage of the area where there are no other backland developments

Policy 33.2 - there is loss of amenity to a neighbouring property

#### Member Comments:

None received

#### HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

#### PLANNING ASSESSMENT

##### **Background**

A similar application (DC/24/1101) within the application site for 2No. detached dwellings with associated works was refused on 09.10.2024. This application was refused for the two following reasons:

*"The development would enable a residential use within a countryside location outside of the built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. There are no material considerations which outweigh this harm, and the proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), Policy 1 of the Henfield Neighbourhood Plan and the National Planning Policy Framework (2023)."*

and

*"The scale, siting and layout would relate unsympathetically with the existing pattern of development and would represent overdevelopment of a backland setting. The proposal would result in a loss of the open rural character to the rear of the application site and would be in terms of scale and appearance, visually incongruous with the dwellings within the locality. Given the harm arising from the proposal, the*

*development would be contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015)."*

The third reason for refusal pertained to water neutrality, which will be discussed in a following section of this report. The decision was appealed under APP/Z3825/W/24/3356684 and was ultimately dismissed by the Planning Inspectorate on 10/06/2025.

### **Principle of Development:**

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan.

Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Policy 26 of the HDPF only permits development in the countryside where such a location is essential, and the proposal meets one of four criteria. These are that it either supports the needs of agriculture or forestry; enables the extraction of minerals or the disposal of waste; provides for quiet informal recreational use; or enables the sustainable development of rural areas.

Emerging Strategic Policy 2 of the draft Horsham District Local Plan (HDLP) promotes a similar development hierarchy within the defined BUAB as in Policy 3 of the HDPF. Therefore, as the proposal is located outside the defined BUAB this proposal does not accord with Emerging Strategic Policy 2. Emerging Strategic Policy 3 of the HDLP supports the expansion of existing settlements to meet identified local housing needs where all the criteria detailed within the policy is met. This includes the site being either allocated in the Local Plan or in a Neighbourhood Plan and adjoining the existing settlement edge.

Policy 1 of the Henfield Neighbourhood Plan 2021 (HNP) identifies the settlement boundary of Small Dole and seeks to protect the surrounding countryside from inappropriate development.

In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. These criteria include: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The Inspector noted under paragraph 8 of APP/Z3825/W/24/3356684 the proposal would not meet any of the exceptions set out in policy 26. There is nothing included within the submission which would warrant a different conclusion in this regard given the similarities between the current application and the appeal.

As the Council has been unable to meet its housing land supply targets within the parameters of the existing development plan policies, the 'Shaping development in Horsham District' document sets out an approach to boosting the supply of housing. In particular, unallocated sites outside but adjoining built up area boundaries can be supported, subject to meeting certain other criteria. The other criteria includes: -

- The site adjoins the existing settlement edge as defined by the BUAB;

- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

The above approach is intended to facilitate housing development in the most sustainable locations, with those being sites with a direct relationship to the edges of settlements. The site does not have any such relationship with a settlement boundary, being instead located amongst a loose cluster of development.

The Council is currently unable to demonstrate a five-year housing land supply (1.7 years at the time of writing). In response, the Council published the 'Shaping Development in Horsham District' document. This guidance acknowledges that applications on unallocated sites outside BUABs may come forward in the absence of a five-year supply. It states that proposals will be considered positively where they meet all of the following criteria:

- The site adjoins the existing settlement edge;
- The scale of expansion is appropriate to the settlement;
- The proposal meets local housing needs or supports community facilities;
- The development does not prejudice long-term comprehensive development; and
- The site is contained within a defensible boundary and maintains/enhances landscape character.

The application site directly adjoins the existing settlement edge as defined by the built up area boundary. However, given the design of the proposal in a backland development location (discussed in subsequent sections of this report) it is considered that the proposal would not accord with the FAD as the development is not contained within an existing defensible boundary to the south, which the Inspector agreed with in paragraph 12 of the APP/Z3825/W/24/3356684:

*"The southern boundary, of both the site and Brooklands, is formed by a two-bar, post and wire fence. It appears as a somewhat insubstantial and arbitrary boundary across a field. At the time of my site visit, two portable goal nets and a football were beyond the boundary and in the field to the south of the appeal site. While this is only a snapshot of one weekday morning, if paraphernalia and activity can easily spread into the open countryside it adds weight to my concerns about the nature of the boundary. Accordingly, in my opinion, this is not a defensible boundary."*

Whether the development would accord with the landscape requirements of the FAD has been considered by the Inspector under paragraph 15 of APP/Z3825/W/24/3356684:

*"New Hall Lane is on a broadly east/west alignment. Development generally comprises individual dwellings set within sizable plots. The buildings front onto the lane but are set back from their site frontages. There are some dwellings and outbuildings set to the rear of the frontage dwellings, but the character is principally one of a linear ribbon of development extending off the main A2037. This all contributes to the lane's spacious and verdant character."*

Similar to the development considered under the appeal, the dwellings would sit to the rear of Brooklands and the two neighbouring properties to the west. It is acknowledged that the dwellings are more modest than the scale of those proposed under the appeal, they would nevertheless be sizeable and unmistakably residential. There nothing to suggest that the few native trees planted within the site would be an enhancement of the landscape. Given the visual link between the site with the surrounding countryside, there would be some localised harm arising to the landscape with the development forming an interruption to the linear ribbon of development through extending built form into a countryside location to the rear of the building line along New Hall Lane.

Furthermore, it is considered that the application site, formerly a paddock and now established as residential use through a Certificate of Lawfulness, would have more in common visually with its surrounding countryside location such that it would not be considered to be proposed within an existing defensible boundary and would not be considered to maintain or enhance the landscape character.

The Inspector noted under APP/Z3825/W/24/3356684 that the local plan policies 2,4,26 of the HDPF and Policy 1 of the Henfield Neighbourhood Plan 2021 (HNP) are broadly consistent with the National Planning Policy Framework (the Framework) both in terms of allowing villages to grow and thrive whilst limiting development in the open countryside. As discussed in the preceding sections, the development would not accord with policies 2,4,26 of the HDPF, Policy 1 of the Henfield Neighbourhood Plan 2021 (HNP) or the guidance within 'Shaping development in Horsham District'. The principle of development, as consistent with the recent appeal in this location, is unacceptable.

### **Design and Appearance:**

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy 12 of the Henfield Parish Neighbourhood Plan states that as appropriate to their scale, nature and location, development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, as appropriate to the site concerned, the scale, density, massing, height, landscape design, layout and materials of all new development proposals are of a high quality and reflect the architectural and historic character and scale of the surrounding buildings and street scene/landscape.

Strategic Policy 19: Development Quality of the emerging local plan holds limited weight. The policy aims to achieve High-quality and inclusive design for all development in the District will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context.

The wider area is somewhat variable in character, with some examples of larger detached dwellings including Brooklands itself. As above, the street comprises a relatively linear building line and pattern of development, with neighbouring plots occupying plots that back on to open countryside.

The Planning statement has advanced that the application site is previously development land (6.9). To the contrary, the NPPF is clear in defining what is excluded from this definition, stating '*This excludes: ... land in built-up areas such as residential gardens*'. Whilst the site is not located within the built up area boundary, the granted certificate DC/22/0551 confirmed the lawful use of the land as residential curtilage. Accordingly, the site is not considered to constitute previously developed land. Furthermore, there are no other examples of backland residential development along the street- most development behind the defined residential building line comprises agricultural buildings, which is not considered out of the ordinary in a location such as this. It is noted that Downley and Highdown (some 98m north-east of the site) is located to the rear of the building line on the northern side of the street. However, the presence of further development to the north (development to the rear of buildings on the western side of Shoreham Road) lends these sites to more infill style of development compared to the present application which extends into the open countryside.

In addition, it is noted that there are some ancillary residential buildings to the west of the application site, though these are of a small scale and would be viewed in the context of their host dwellinghouse. The design of the proposed dwellings would be far in excess of the scale of ancillary residential built form to the west.

The Inspector under Paragraph 17 of APP/Z3825/W/24/3356684 noted that "*The proposed dwellings would have a degree of visual isolation which is not present in neighbouring houses and given the*

*overall scale of built development would be visually rather intrusive. While there are large, detached outbuildings in close proximity to the site, these appear to be linked to properties adjacent to the highway. As such, the proposed houses would be prominent and incongruous features within the prevailing context.”*

The application site is read visually as part of the rural character of the countryside, supported by its countryside location outside of the built up area boundary. The introduction of built form in this locality, and particularly of this scale would extend beyond the parameters of the linear ribbon of open fields to the rear of the dwellings along New Hall Lane. It is therefore advanced that the two dwellings would form an inappropriate backland development that would appear at odds with the prevailing character on the street. Whilst the present proposal incorporates dwellings significantly smaller in scale to those previously assessed by the Council (and subsequently dismissed at appeal), this does not overcome the matter of development in this location being uncharacteristic. It is therefore considered that the proposal would be out of character with surrounding development, contrary to Policies 32 and 33 of the HDPF.

### **Residential Amenity:**

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Policy 12 of the Henfield Parish Neighbourhood Plan states that the design of development should respect the amenities of occupiers/users of nearby property and land. The design should also achieve satisfactory access without harming the amenities of neighbouring properties and residents. It is considered that the siting and layout of the proposed dwelling and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

The orientation and distance between the two proposed dwellings are such that they would not be considered to result in an obtrusive appearance. Furthermore, given that the dwellings are single storey in nature and there is proposed hedging between the dwellings to form the curtilage treatment, the development would not result in an unacceptable relationship in regards to privacy or access to light.

Overall there are no objections in light of Policies 32 and 33 of the HDPF or Policy 12 of the Henfield Parish Neighbourhood plan.

### **Highways Impacts:**

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Policy 4 of the Henfield Parish Neighbourhood Plan states that as appropriate to their scale, nature and location, development proposals should conform to West Sussex Highway Standards, and adequate offroad car parking should be provided for all developments in accordance with West Sussex Parking Standards.

Highways have been consulted as part of the proposal and have no objections to the application subject to the inclusion of relevant conditions. The application includes provision for 6 vehicles which is in accordance with WSCC car parking standards. Additionally, it is noted that the application would not give rise to a material intensification of the access and on site turning appears achievable. There are no objections to the proposal in light of policies 40 and 41 of the HDPF.

### **Ecology:**

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

It is noted that the Preliminary Ecological Assessment (May 2024) was considered acceptable during the assessment under DC/24/1101. Significant time has passed since the Preliminary Ecological Appraisal report was considered and it is sufficiently out of date to warrant a further Ecological report. Place services Ecology officer has objected to the application on this basis, requesting an updated PEA be submitted once a new site visit has determined if the original report is still valid. Since this consultation response the applicant has sent an updated PEA which was received on the 2<sup>nd</sup> February 2026. It is outlined within the report that no further surveys are recommended for protected species.

It is considered therefore that sufficient information has been submitted to conclude that no further information is required in respect of protected species and there are no objections in light of policy 31 of the HDPF.

### **Water Neutrality:**

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

### **Biodiversity Net Gain (BNG):**

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Applicant has not submitted a biodiversity net gain matrix given that the application would form an exemption to the requirements as a self-build residential dwelling.

### **Other Matters:**

The Council's Drainage Officer has commented that insufficient information has been provided in terms of a drainage strategy. It was acknowledged that the applicant has indicated that a soakaway would be included and that foul water would be disposed of via a mains sewer. Whilst the request for further information has been considered, the drainage officer has not raised that the application site would be at risk of surface water flooding and in this instance and given the application site is not within a flood zone 2 or 3, no further information is required prior to determination and had the application been otherwise acceptable, a pre-commencement condition would have been attached to the officer's report to request an assessment of the current and proposed drainage patterns within and leaving the site, including an understanding of how surface water would flow across the site under normal rainfall event conditions and pre-and post-development permeable and impermeable areas and further mitigation measures if required. There are no objections to the proposal in light of surface water flooding.

### **Conclusions and Planning Balance:**

Planning permission is sought for the erection of two detached four-bedroom dwellings within the extended curtilage of an existing dwelling known as Brooklands. As the site is not allocated for development with the HDPF or a made neighbourhood plan, owing to the site's location outside of the built-up area boundary, the principle of the development is resisted under Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF.

The site is not within previously developed land, which would be accorded some weight within paragraph 125 of the NPPF as this requires substantial weight to be given to the use of suitable brownfield land which is for within settlements.

As per the preceding sections of this report, the granting of this permission would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF and Policy 1 of the Henfield Neighbourhood Plan. This conflict with the development plan is afforded *significant weight*, as it would undermine the strategic process of allocating housing sites for development in appropriate locations, and the democratic process of selecting sites within Neighbourhood Plans.

The Council currently benefits from a deliverable supply of housing sites of 1.7 years. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance.

NPPF paragraph 11(d)(i) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 3, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless there is a clear reason for refusing the development proposed; or 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.

It is of note that the Inspector highlighted under APP/Z3825/W/24/3356684 that the local plan policies 2, 4, 26 of the HDPF and Policy 1 of the Henfield Neighbourhood Plan 2021 (HNP) are broadly consistent with the National Planning Policy Framework (the Framework) both in terms of allowing villages to grow and thrive whilst limiting development in the open countryside. As such, these policies remain relevant to the determination of this application.

It is acknowledged that there would be some limited economic benefits from the construction of the development. No other discernible benefits would arise from the granting of this permission.

The 'Shaping development in Horsham District' recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable

to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet *all* of the criteria:

- The site adjoins the existing settlement edge as defined by the BUAB;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

While the current housing shortfall is a material consideration of significant weight, and the site does adjoin the settlement edge, and the contribution of two market dwellings would bestow socio-economic benefits in the form of housing delivery, the proposed development would result in character and landscape harm, which would represent a conflict with policies 25, 32 and 33 of the HDPF and would result in the development not being in accordance to the requirements of the guidance within the 'Shaping development in Horsham District' (formerly FAD). Whilst the development would result in a development with dwellings of a reduced height compared to the development considered under the appeal, the proposal would result in a similar level of harm and for this reason, the harm would be considered 'substantial' as per the Inspector's conclusion under paragraph 32 of APP/Z3825/W/24/3356684.

The provision of housing within the HDPF of any type would attract a *significant* weight. However, the Council considers that this benefit would be tempered given the small overall contribution to the supply. The degree of contribution that two market dwellinghouses would make is negligible such that the benefit arising from a two market dwellings in tackling the shortage is in questionable significance.

The proposal's ability to demonstrate no adverse amenity impact, safe access and suitable parking and the use of sustainable technologies and improved energy efficiency are not considered benefits to the scheme but would rather be necessary to demonstrate compliance with local planning policies.

The benefits afforded to the provision of two market dwellinghouses in the context of a shortfall are acknowledged, however this would not be outweighed by the adverse impacts arising from the development, including the conflict with the development plan in regards to location and principle of development (moderate weight), and the long lasting harm to character and landscape impacts of the rural locality (substantial weight). On balance, the principle of the development is therefore resisted, and the proposal is therefore recommended for refusal.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

**It is considered that this development constitutes CIL liable development.**

| Use Description        | Proposed                | Existing | Net Gain     |
|------------------------|-------------------------|----------|--------------|
| District Wide (Zone 1) | 224m2                   | 0m2      | 224m2        |
| Residential            | <b>Total Gain</b>       |          | <b>224m2</b> |
|                        | <b>Total Demolition</b> |          | <b>0m2</b>   |

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

### **Recommendation: Application Refused**

#### **Reasons for Refusal:**

- 1 The development would enable a residential use within a countryside location outside of the built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. There are no material considerations which outweigh this harm, and the proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), Policy 1 of the Henfield Neighbourhood Plan (2021) and the National Planning Policy Framework (2024).
- 2 The siting and layout of the proposed development would relate unsympathetically with the existing pattern of development and would represent overdevelopment of a backland setting. The proposal would result in a loss of the open rural character to the rear of the application site and would be in terms of scale and appearance, visually incongruous with the dwellings within the locality. Given the harm arising from the proposal, the development would be contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

#### **POSITIVE AND PROACTIVE STATEMENT**

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

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#### **Plans list for: DC/25/1980**

Schedule of plans/documents **not approved**:

| Plan Type            | Description     | Drawing Number | Received Date |
|----------------------|-----------------|----------------|---------------|
| Location plan        |                 | 2507BR_000     | 09.12.2025    |
| Block plan           | Proposed        | 2507BR_001     | 01.12.2025    |
| Floor plan           | Proposed Unit 1 | 2507BR_100     | 01.12.2025    |
| Elevation plan       | Proposed Unit 1 | 2507BR_101     | 01.12.2025    |
| Floor plan           | Proposed Unit 2 | 2507BR_200     | 01.12.2025    |
| Elevation plan       | Proposed Unit 2 | 2507BR_201     | 01.12.2025    |
| Supporting Statement | Planning        | P-028 REV 1    | 01.12.2025    |

**DELEGATED**

Case Officer sign/initial      Hannah Darley      Date: 29<sup>th</sup> January 2026

Authorising Officer sign/initial      RHERMITAGE      Date: 03.02.2026