

PLANNING APPEAL STATEMENT

Spring Acres, West End Lane, Henfield, West Sussex. BN5 9RE

APPLICATION REF: DC/26/0041

Permission in Principle for the erection of **up to 9no. self-build dwellings.**

Introduction, the site and context:

This appeal statement sets out the general grounds in favour of the proposed development. The content of the detailed Planning, Design and Access statement, policy analysis / **analysis of recent permissions within Horsham for dwellings both outside of a defined built-up area boundary on sites not allocated for housing development** and submitted plans setting out the proposal and context are included with the appeal and it is not necessary to excessively repeat the points made within the appeal statement.

The appeal is advanced on grounds that planning permission should be granted.

Any **Traffic light underlining** and bold typeface throughout have been added for emphasis where applicable with relevance to the appeal proposal. The reasons for refusal are reproduced below and addressed within the main body of this appeal statement.

Reason for Refusal

1 The proposed development would be sited within an **unsustainable location in the countryside, outside of a defined built-up area boundary**, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. **Notwithstanding the absence of a five-year land housing supply**, and the provisions of the National Planning Policy Framework (2024) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).

2 The development would result in **unacceptable encroachment of the countryside to the detriment of the informal and undeveloped character of the wider surroundings**. The **proposed quantum** of development would result in an increase in the built form, in a manner that would suburbanise the site and formalise its setting. The development would appear out of character with the sporadic and informal nature of the surrounding built form, would not protect, conserve or enhance the landscape character of the area, and would not reflect or maintain the settlement characteristics or build pattern of the surroundings. The proposed development would therefore be

contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policies 1 and 10 of the Henfield Neighbourhood Plan.

Appeal rebuttal

In addressing the reasons for refusal, it is germane to highlight and acknowledge that there is much common ground with the Council in respect of what is proposed. As can be seen in terms of planning balance and real-world common-sense planning there is very little between the parties and there remains little to be gained through the refusal, and it is not considered that the matters are insurmountable.

RFR 1. Alleged unsustainable location in the countryside, outside of a defined built-up area boundary

As planning consultants, we regularly obtain Permissions in Principle permissions for sites outside the settlement boundaries in Council's that have unmet housing land supply.

It is common ground with the Council that:

- **the National Planning Policy Framework (2024) considerations at paragraph 11(d) are engaged.**
- **Housing supply policies 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) have all failed and or are out of date – hence the substantial unmet need for housing.**

Irrespective of whether the site is countryside or grey belt (the former is applicable in this instance) the sole factor turns on location sustainability and a rational approach to whether the Council will be able to 'significantly boost' housing supply in accordance with the NPPF requirement.

The officer report confirms the following response from WSCC Highways:

“No highway objection on traffic generation or sustainability terms given the level of existing development in the area and proximity to Henfield”.

Whilst, the site location is not sustainable in transport terms ie very limited public transport options and no footways, this is to

be expected in a rural location such as this. Residents will be dependent on the private car, however given the likely low traffic volumes walking and cycling into Henfield could be an option for some residents.

Allowed Appeal Ref: APP/M3645/W/24/3352066 **decision date 09 MAY 2025** at Perrysfield Farm, Gibbs Brook Lane, Broadham Green, Oxted, Surrey RH8 9PG for the erection of 29 dwellings (including 10 affordable and 10 homes for active older persons) through conversions, demolition and erection of dwellings, plus associated parking, drainage infrastructure, access improvements, new footpath, landscaping and associated works - **is included as a background document** and relevant material consideration in terms of planning balance and real-world common-sense planning

COMMENT – In that instance the County highway authority objected to the Perrysfield Farm application on the same basis and site location unsustainability was a reason for refusal; *with the current proposal County Highways agree the site is sustainable.*

The APP/M3645/W/24/3352066 appeal Inspector concluded, in paragraph 85: "...it is very likely that most of the trips to and from the site would be undertaken by car." Nevertheless, he went on to conclude in paragraphs 86-87: *"I am also conscious when considering the suitability of a site from a transport sustainability perspective that the Framework advice is that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making..."* Also, by way of background, the Council is unable to demonstrate a Framework compliant supply of housing land ***and this will probably necessitate in the future the exploring of some sites to meet the housing need that require some compromises in terms of sustainable transport options, especially in a Council area that is predominantly rural.***

COMMENT - Such a pragmatic approach is one that can be analogously adopted in this instance. WSCC Highways agree with us; Horsham Council have provided no cogent evidence to the contrary. **Horsham Council simply can't keep saying that the increasing number of allowed decisions are rogue; at some point they need to accept the realisation that without tough choices being made there is no prospect of housing need being met in the short term let alone housing being significantly boosted.**

The officer report confirms the following response from WSCC Highways:

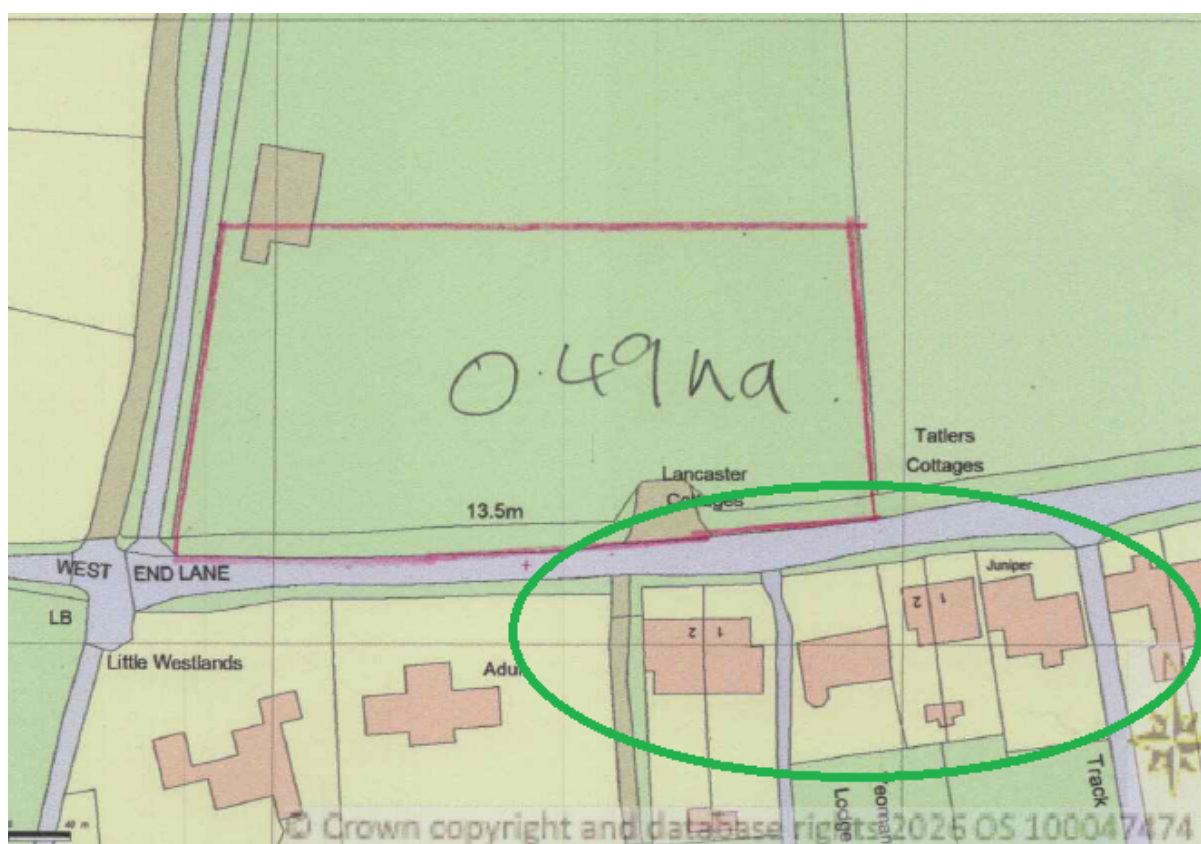
No access arrangements have been proposed. It is not assumed that the existing hardstanding will become the access to the site. The access will need to be designed in accordance with WSCC standards and allow for visibility along West End Lane in accordance with existing 85%ile speeds. Turning in and out of the site will need to be fully considered given that West End Lane is relatively narrow. Vehicle tracking plots should show this on the design drawings and land within the site may be required to ensure safe egress/ingress.

Consideration for pedestrians and cyclist should be included within the design of the vehicular access along with possible connections to the local Public Right of Way network.

COMMENT – The applicant is agreeable to meeting all these requirements as part of a subsequent technical details application. The proposed layout leaves latitude for these considerations to be achieved.

RFR 2. Alleged unacceptable encroachment of the countryside to the detriment of the informal and undeveloped character of the wider surroundings and proposed quantum

It is a nonsense to allege that the proposal is out of character with wider surroundings. As the Inspector will note from the proposed site plan the proposed development grain is literally comprised of photocopying the ribbon development on the other side of the road (circled green below) and pasting it to fit as ribbon development within the application site. We disagree with the Landscape officer that 'introducing additional linear development along the entire site road edge consisting of 9no. dwellings would have an adverse effect on the character of West End Lane'.



With regards to quantum, it supports the applicant's case that in the officer report the Place Services Landscape officer confirms, "**There may be capacity for a reduced number of dwellings occupying a smaller section of the proposed field, while still remaining consistent with the ribbon development pattern to the south of West End Lane**".

To allow for negotiation this is purposefully why the application was described as 'Up to 9 dwellings'. A short extension of time was agreed to allow further discussion but proved unfruitful.

In summary we are currently in a position whereby the County Highways agree that the site is sustainably located and the Landscape officer indicates a smaller quantum would be acceptable.

Our view is that 9 houses would comfortably fit on the site and be consistent with the requirements to make efficient use of land. In simple terms the greater number of houses permitted can be given greater weight towards the substantial unmet need for housing; currently around a dire 1 year Housing Land supply. Notwithstanding the applicant is agreeable a lesser quantum. **What they need is the Inspector giving them a steer as to what quantum would be acceptable.**

The National Planning Policy Framework NPPF which postdates the Council's policies, recognises that:

Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

COMMENT - The relationship of the proposed development, to its neighbours and to the character and appearance of the area will not be materially different to the status quo and as such cannot therefore be said to have a materially or significant detrimental effect on the area.

Notwithstanding, even if marginal harm is created there is no significant impact. It is further advanced in this instance *that any marginal impacts of permitting the development* would not *significantly and demonstrably outweigh the benefits*. The appellant's primary case is that by the imposition of suitable conditions, the proposal can be made acceptable.

Conclusion / general appeal points

The proposed development suitably considers Local and National planning policies and guidance and creates a positive planning balance.

The National Planning Policy Framework requires Council's to take a positive and proactive approach to development proposals focused on looking for solutions and to work with applicants in a positive and proactive manner. Clearly despite Highways and Landscape officer support the Council have adopted an opposite short sighted and negative approach.

The proposed development is sustainable development and accords with the NPPF guidance which acknowledges *"that sustainable development is about positive growth – making economic, environmental and social progress for this and future generations"*.

The NPPF outlines the wider dimensions of sustainable development and the presumption in favour of sustainable development. It is strongly advanced that the proposed development meets each of these dimensions and that the starting point for consideration for the appeal is that in relation to the specifics of the proposal is that the development is sustainable in **both** the narrow and wider sense.

The proposed development would create substantial sustainable economic benefits. The Country has a severe housing shortage. The proposed development would create building jobs for trades with multiplier effect spending for builders merchants and additional income for local businesses by virtue of the trickle-down effect from new occupiers. **Permission for housing would contribute to getting Britain building.**

Whilst each proposal is to be considered on its own merits it is also important for there to be consistency in planning. In this regard it is clear that other examples of where this approach has been accepted within the Council's administrative area include a recent appeal decision wherein the Inspector correctly acknowledges that in terms of planning balance, "Whilst the proposal would conflict with some of the wording of the above policy, it would not be contrary to its underlying objectives".

It is forcefully advanced and readily acknowledged that the application sufficiently complies with the effect and spirit of the Council's own policies. Given the subordinate in-keeping design of the proposal, and the nature of development in the surrounding area, the proposed extension will not have a materially adverse impact on the character of the area.

The proposed development has been given consideration so as to be sympathetic to and harmonious with local characteristics and to demonstrate that it contributes to and does not materially harm the character of such areas.

The analysis of the local context confirms that the design of the proposed development has considered and responded positively to the prevailing characteristics.

The proposed development is set back from the general street scene and partially by mature boundary planting. The proposed development will remain screened and filtered by the landscaping around the boundary. The applicants are happy to accept conditions to maintain and improve this effect.

The proposed development is designed to simple and sound architectural principles - this can be further controlled by conditions including materials etc.

The relationship of the proposed development to its neighbours and to the character and appearance of its setting will not be materially different to the current established character. There is no particular rhythm or consistency with respect to the format of buildings in the area and would **not** harm the amenity of adjoining occupiers.

The location, scale and design of the proposed development is appropriate to the character and appearance of the surrounding area and reflects the pattern of development

The analysis of the local context confirms that the proposed development is considered and has responded to both the local and wider context.

A correct, considered and proportionate planning balance exercise in relation to the material considerations relating to the proposal, the need for the development and its context weigh in favour of approval. The basis for refusing the application is limited and cannot be substantiated.

- The Inspector is respectfully requested to grant the appeal subject to conditions.

COSTS CLAIM STATEMENT

Whilst we have not made a costs claim; it is open to the Inspector to decide on their own initiative whether.... the Councils actions **have acted wholly unreasonably**.

Paragraph: 029 Reference ID: 16-029-20140306

Who can apply for an award of costs and who can have costs awarded against them?

Local planning authorities, appellants and interested parties who have taken part in the process, including statutory consultees, may apply for costs, or have costs awarded against them. A party applying for costs may have costs awarded against them, if they themselves have behaved unreasonably.

An Inspector or the Secretary of State **may, on their own initiative, make an award of costs, in full or in part, in regard to appeals and other proceedings under the Planning Acts if they consider that a party has behaved unreasonably resulting in unnecessary expense and another party has not made an application for costs against that party.**

Revision date: 06 03 2014

The Council have:

- **Wholly misconstrued the proposal on the basis that the proposal allowed the latitude to discuss a lesser quantum of development.**
- **Failed to undertake a planning balance exercise (i.e. they have 'prevented and delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations / failed to produce evidence to substantiate each reason for refusal on appeal and have acted contrary to, and followed, well-established case law**
- **Acted unreasonably and inconsistently by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and contrary to both National guidance and their own adopted policies in relation to the self -explanatory highlighted text.**

The aim of the costs regime is to:

- encourage all those involved in the appeal process **to behave in a reasonable way and follow good practice**, both in terms of timeliness and in the presentation of full and detailed evidence to support their case
- encourage local planning authorities **to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay,**
- discourage unnecessary appeals by encouraging all parties to consider a revised planning application which meets reasonable local objections.

Revision date: 06 03 2014

Paragraph: 046 Reference ID: 16-046-20140306

When might an award of costs be made against a local planning authority?

Awards against a local planning authority may be either **procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.**

The examples below relate mainly to planning appeals and are not exhaustive. The Planning Inspectorate will take all evidence into account, alongside any extenuating circumstances.

Revision date: 06 03 2014

Paragraph: 049 Reference ID: 16-049-20140306

What type of behaviour may give rise to a substantive award against a local planning authority?

Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- **preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.**

- **failure to produce evidence to substantiate each reason for refusal on appeal**
- **vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.**
- refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- **acting contrary to, or not following, well-established case law**
- **not determining similar cases in a consistent manner**

(This list is not exhaustive).

Revision date: 06 03 2014

Paragraph: 031 Reference ID: 16-031-20140306

What does “unreasonable” mean?

The word “unreasonable” is used in its ordinary meaning, as established by the courts in *Manchester City Council v SSE & Mercury Communications Limited* [1988] JPL 774.

Unreasonable behaviour in the context of an application for an award of costs may be either:

- procedural – relating to the process; or
- substantive – relating to the issues arising from the merits of the appeal.

The Inspector has discretion when deciding an award, enabling extenuating circumstances to be taken into account.

That paragraph refers to Part B of the Circular, the most pertinent paragraph of which for present purposes is paragraph B16 which reads as follows:

“Authorities will be expected to produce evidence to show clearly why the development cannot be permitted. The planning authority’s decision notice should be carefully framed and should set out in full the reasons for refusal. Reasons should be complete, precise, specific and relevant to the application. Planning authorities will be expected to produce evidence at appeal stage to substantiate each reason

for refusal with reference to the development plan and all other material considerations including any relevant judicial authority. If they cannot do so, they risk a costs award against them for any unsubstantiated reason for refusal. This continues to be the ground on which costs are most commonly applied for and awarded against a planning authority. The key test will be whether evidence is produced on appeal which provides a **respectable basis for the authority's stance**, in the light of *R v SSE ex parte North Norfolk DC* 1994 [2 PLR 78].”