FINAL COMMENTS IN RESPONSE TO SUBMISSIONS MADE ON THE APPEAL

1st May 2026

There are a number of material considerations which are now relevant since the application was submitted to the Council. The Inspector's attention is drawn to the fact that the Council's 5-year housing supply position reduced further in April 2025 to only 1 year. Furthermore, in relation to 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. As such, there is no longer a requirement to show that the development is water neutral. In addition, the Facilitating Appropriate Development (FAD) Supplementary Planning Document referenced within the supporting Planning Statement has since been replaced by the Shaping Development in Horsham District (September 2025) document. However, it is noted that the relevant criterion within this document remains unchanged.

Taking the above into account and from the details submitting with the application, the Appellant is of the view that Paragraph 11(d) of the NPPF would be engaged, and the presumption in favour of sustainable development would apply.

The location of the site and its setting in relation to the built-up-area, it is therefore considered that the site is in a sustainable location. This position is enhanced by the Shaping Development in Horsham District (2025) document, (previously the Facilitating Appropriate Development (FAD) Supplementary Planning Document), which will be expanded on later in this statement.

It is noted that there are examples of backland residential development along Church Street, including directly neighbouring to the south of the site at Lower Kings Cottage and Lower Kings, as well as other buildings located further to the south outside of the defined built-up area boundary.

It is noted that there are examples of very similar developments for new dwellings where the sites adjoin the built-up area boundary which have been approved in Rudgwick. These include 1no dwelling at Land Adjacent To Oakfield, Cox Green, Rudgwick under planning reference DC/23/0235, approved in 2023 and 1no dwelling at Sailtops, Cox Green Rudgwick under planning reference DC/24/0462, approved in August 2024. The above examples, directly adjoin the defined built-up area of Rudgwick and were considered to be sustainable locations as set out within the committee reports for each application. These are considered to be clear precedents for development similar to that proposed as part of this application.

Relevant Planning Policy Considerations

National Planning Policy Framework (NPPF) (2024)

The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework for the preparation of local plans for housing and other development. The NPPF should be read as a whole.

Running throughout the NPPF is a presumption in favour of sustainable development. Sustainable development is achieved through three main objectives which are – economic, social and environmental.

Paragraph 11 of the NPPF states that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application / appeal are out of date, planning permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or, any adverse impact of doing so would 'significantly and demonstrably outweigh the benefits' when assessed against the policies of the NPPF when taken as a whole (NPPF paragraph 11(d)).

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects Listed buildings and Conservation Areas. Section 66 of the Act sets the general duty as respects listed buildings in exercise of planning functions.

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character of that area".

Horsham District Planning Framework (HDPF) (2015)

Paragraph 34 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council has submitted its new local plan for examination, however at this stage, the emerging policies carry little to no weight in decision-making.

A Local Development Scheme (LDS) was published in February 2025 by the Council. The LDS sets out the production timetable for the New Local Plan anticipated to be adopted in April 2026. Notwithstanding the above, as the HDPF is now over 5 years old, the most important policies for determining this application / appeal are now considered to be 'out-of-date'. This position is further highlighted given that the Horsham District Local Plan examination hearing meetings scheduled for January 2025 were cancelled by the appointed Inspector, and in April 2025 advised that the Plan is withdrawn due to concerns about its legal compliance. It is understood that the Council is preparing to withdraw the New Local Plan.

The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. The presumption in favour of development within Paragraph 11(d) of the NPPF therefore applies in the consideration of all applications and appeals for housing development within the District, with Policies 2, 4, 15 and 26 now carrying limited weight in decision-making. This is also the case for the Rudgwick Neighbourhood Plan.

While considered to be out of date, the main HDPF policies relevant to this appeal are as follows:

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 20 - Rural Workers Accommodation
- 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

Rudgwick Neighbourhood Plan (RNP) (2021)

Neighbourhood Plan policies relevant to this application are as follows:

- RNP1 – Spatial Strategy
- RNP2 – Housing Mix
- RNP6 – Materials
- RNP7 – Architectural Style
- RNP8 – Development Height
- RNP9 – Street Scene
-

Planning Advice Note(s) (PAN)

Relevant PANs to this application are as follows:

- Shaping Development in Horsham District
- Biodiversity and Green Infrastructure

The Council has indicated that the backland nature of the proposals would be harmful to the landscape character of the area. The Planning Statement sets out in detail how the proposal would be acceptable, clearly showing existing backland development directly to the south of the appeal site. The proposed development is modest in scale and would not be visible or prominent from the public vantage points.

Attention is drawn to the recently allowed appeal under reference DC/24/1486 (Appeal Reference APP/Z3825/W/25/3361339), which permitted a large new build dwelling sited in an open field away from any defined built-up area boundary. This application was not refused on design or landscape grounds. Within the delegated report for this application, the officer states that:

“The application site would be viewed in the context of an open agricultural field, along with commercial and agricultural development. ....whilst the proposed dwelling would be located within a narrow plot of land, it is not considered that the proposal in itself would result in harm to the landscape character and visual amenity of the area.
There are however some concerns regarding the design of the proposal. It is understood that given the wider site context, the design appears to be intended to appear as a converted agricultural barn such that from wider views it would reflect the built form to the north and would not be visually incongruous with this context in wider views of the application site”.
While it is acknowledged that each application needs to be considered on its own merits, taking into account the view in relation to design and landscape in relation to the above referenced application / appeal when compared to the design submitted as part of this application, the proposals are considered to have less of an impact on the landscape character, and would therefore be acceptable.

In any event, given the housing position of the Council, it is viewed that even if some harm is identified, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Summary and Conclusion

Overall, the Appellant contends that the appeal scheme represents an appropriate form of development within a sustainable location. As the Inspector will no doubt be aware, case law confirms that it is not necessary for developments to accord with every policy of the relevant development plan and that the primary consideration is whether the proposal accords with the plan as a whole.

The NPPF at paragraph 3 confirms that the Framework should be read as a whole. In addition, the Government’s Planning Policy Guidance (PPG) states that any conflicts between the development plan should be considered in light of all material planning considerations including local priorities and needs, as guided by the NPPF.

As set out above, the Council cannot currently demonstrate a 5-year supply of housing and the HDPF is now over 5 years old, with the most relevant policies in relation to the appeal proposals considered to be out-of-date and carrying limited weight. Given the circumstances, paragraph 11(d) of the NPPF sets out that planning permission should be granted unless:
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.
The proposal is for a modest dwelling which clearly complies with the Council’s current Shaping Development in Horsham District document. There are examples of backland development within the immediate vicinity to the south and as such, there are not considered to be any adverse impacts which would outweigh the benefits of the appeal proposal. The tilted balance at paragraph 11(d) is therefore engaged.
Paragraph 39 of the NPPF states that decision makers at every level should seek to approve applications for sustainable development wherever possible. In light of the above, therefore, we would contend that there is no conflict with the objectives set out in National and Local policies, and we respectfully request that this appeal be

allowed. The Appellant is happy to accept any suitable planning conditions which the Inspector may deem necessary.

In summary, therefore, I would urge the Inspector to allow this appeal and grant planning permission accordingly.