Planning Application Reference: DC/26/0266

Proposal: **Demolition of existing buildings and the redevelopment of the site to provide 150 dwellings, including affordable housing, land for the community land trust, works to public right of way and associated landscaping, open space and infrastructure.**
(AMENDMENTS INCLUDING AMENDED PLANS, SITE LOCATION PLAN AND RED LINE BOUNDARY)

Supplemental Response

1. Given that further information has become available on the planning portal, I therefore submit this supplemental representation.

2. For consistency, I shall continue to use the expressions and abbreviations defined in my previous representations dated 30th September 2026 and 19th October 2026; any additional shorthand used in this document is defined where first introduced.

A. Subsequent WSCC Highways' Consultation Response dated 20th October 2026

3. Since the earlier WSCC Highways' consultation responses discussed in my previous representation dated 19th October 2026, WSCC Highways has issued a further response dated 20th October 2026 ("**20 October Highways Response**"), following consideration of additional information and amended plans. Notwithstanding those submissions, WSCC Highways maintains its "Objection" to the 2026 Application and recommends "**Refusal**".

4. The 20 October Highways Response states that the applicant's subsequent proposal indicates that a contribution of £45,000 will be provided to TPC to further develop and implement the proposed traffic-calming scheme, but that no implementation timetable or certainty of delivery has been provided.

5. WSCC Highways also maintains its concerns regarding the constrained sections of Storrington Road to the north and south of the village and concludes that the information supplied has not addressed its earlier objection dated 21st September 2026.

6. WSCC Highways' 20 October Highways Response maintains and further elaborates upon the accessibility and sustainable-transport issues previously identified in the Appeal Decision. In particular, it distinguishes between the ability to walk to existing facilities within the village and the constraints affecting cycling journeys beyond the village. WSCC Highways' concerns include the absence of a definite implementation timetable for the proposed traffic-calming measures and the continuing constraints on cycling journeys beyond the village, as identified in paragraphs 36 and 37 of the Appeal Decision:-

> "*Paras 36 and 37 of the appeal decision consider walking and cycling and do not indicate any issues within the village where the existing facilities could be walked to. It is the cuttings to the north and the south of the village, even with a reduced speed limit to 30mph north of the site cycling on road would fall within the "Not suitable for all to suitable for few" within the ATE rural design guidance and "suitable for few" to the south of the village (based upon 2023 traffic flows) and as such it is considered that it would not encourage a greater uptake of cycling to facilities beyond [Thakeham].*"

7. Based on the information presented, WSCC Highways maintains that:-

   a. the proposal would not encourage and enable an increase in environmentally sustainable means of travel such as walking, cycling and public transport and thereby minimise the impact of car journeys; and
   b. in its assessment, the proposal would be contrary to the identified transport policies, including NPPF 2026 Policies TR3 and TR6, emerging Horsham Local Plan 2023-2040 Regulation 19 Submission Policy 24(b)-(f), and adopted Horsham District Planning Framework Policy 40.

B. Biodiversity Net Gain Land: Legal Security, Long-Term Management and Enforcement

8. Savills' letter dated 29th September 2026 states that:-

    a. Bellway has agreed with TPC that the habitat works required to deliver the BNG uplift for the land within the application boundary will be undertaken on the L-shaped land to the north of the proposed residential development, which is proposed to be transferred to TPC once the works are complete and the BNG has been established;
    b. TPC will then be responsible for management and maintenance of the BNG land for a period of not less than 30 years, together with the required monitoring and reporting;
    c. Bellway proposes a total monitoring contribution of £30,000, covering annual monitoring in years 1-5 and subsequent monitoring every five years until year 30, with TPC responsible for any other monitoring and reporting costs; and
    d. Bellway will retain step-in rights under a separate commercial agreement in the event that the BNG land is not managed in accordance with the agreed requirements or remedial works are required.

9. These proposals are relevant to the assessment of the 2026 Application's biodiversity arrangements. However, the letter refers to Heads of Terms and a separate commercial agreement without reproducing their terms.

10. I therefore respectfully invite HDC to establish whether the arrangements described have been secured through legally effective instruments and whether they provide adequate long-term protection for the proposed biodiversity gains.

11. In particular, HDC should clarify:-

    a. whether the complete Heads of Terms and the separate commercial agreement have been submitted and reviewed, and whether the relevant commitments are legally binding;
    b. whether the L-shaped BNG land falls within or outside the application site's red-line boundary and, accordingly, whether the proposed habitat

enhancement constitutes on-site or off-site biodiversity gain for the purposes of the applicable statutory framework; what legal mechanism is proposed to secure and maintain the relevant gains; and, where the enhancement constitutes off-site biodiversity gain, whether applicable registration and allocation requirements have been satisfied;

c. whether the management and monitoring arrangements are sufficiently precise and enforceable mechanism to maintain the required habitat condition for at least 30 years, and clearly specify when that period commences;
d. whether the proposed £30,000 monitoring contribution is supported by an appropriate cost assessment, given that TPC is stated to be responsible for other monitoring and reporting costs;
e. whether Bellway's step-in rights are sufficiently defined and enforceable to provide an effective remedy if the BNG land is not managed in accordance with the agreed requirements, and whether the relevant statutory and other legally binding arrangements identify the body responsible for monitoring compliance and taking enforcement action when the required biodiversity outcomes are not being achieved; and
f. whether the biodiversity units required to meet the 10% BNG obligation for the 2026 Application have been clearly identified and quantified separately from any additional units referred to in paragraph 2.18 of the August 2026 Planning Statement Addendum for use by other developments, and what arrangements will prevent the same habitat creation or enhancement being counted towards both, including compliance with aplicable registration and allocation requirements.

12. I do not suggest that the proposed transfer of land to TPC or the use of a private commercial agreement is inherently unlawful. The relevant question is whether the arrangements adequately secure the required biodiversity outcomes and provide legally enforceable obligations for the applicable statutory maintenance period, including the requirement for at least 30 years where the statutory BNG regime so requires. A proposed transfer of ownership, an agreement in principle or a private contractual step-in right should not, in themselves, be regarded as sufficient substitutes for any legal instrument required to secure those outcomes.

13. TPC's Consultation Response makes its "No Objection" conditional upon

legally binding arrangements securing the specified community benefits and freehold land transfer. Savills' letter separately refers to Heads of Terms and a commercial agreement concerning the BNG land. The documents presently available do not establish whether, or to what extent, the land-transfer arrangements are contractually linked to TPC's consultation position. I therefore invite HDC to examine the actual terms of the relevant agreements, if submitted, and to distinguish the planning merits of the proposed biodiversity and community benefits from any contractual provisions affecting TPC's consultation position.

14. The above matters are drawn to HDC's attention because the proposed BNG arrangements form part of the application's biodiversity package. The relevant documents may assist in clarifying whether the habitat gains, long-term management, funding, monitoring and remedial measures are sufficiently defined and legally secured under the applicable statutory framework. This includes establishing whether the proposed BNG arrangements distinguish adequately between the gains required to satisfy the statutory requirement for the 2026 Application and any additional biodiversity units intended to be made available for other developments.

C. TPC's "tilted balance" Approach

15. TPC's Consultation Response states that:-

    a. the "tilted balance" has been engaged and that the LPA must grant permission unless the harm of the project heavily outweighs the benefit;
    b. TPC identifies the reported housing-land-supply shortfall and Housing Delivery Test result as part of the planning context in which it considered the revised proposal; and
    c. TPC also explains that its decision involved weighing the proposed 150 dwellings against the possibility of future development of 400 or more homes, alongside its objective of securing community greenspace and limiting further development in the Parish.

16. I recognise that TPC is entitled to take account of relevant national planning policy and the wider planning context when formulating its consultation response. However, its description of a single "tilted

balance", under which permission must be granted unless the harm of the development heavily outweighs its benefits, does not fully explain the structure and operation of the revised NPPF 2026, which had replaced the NPPF 2024 before TPC submitted its consultation response.

17. The NPPF 2026 establishes a national decision-making framework through Policies S3, S4 and S5, which must be considered in their proper relationship to the location and circumstances of the proposed development:-

    a. Policy S3 establishes the overarching framework and directs the application of Policies S4 and S5;
    b. Policy S4 governs development within settlements;
    c. Policy S5 governs development outside settlements; and
    d. Policy S3(2) stipulates that where a proposal falls partly within and partly outside a settlement, the relevant provisions of Policies S4 and S5 are applied to the respective parts inside and outside the settlement.

    The appropriate policy route therefore depends, in particular, upon the relationship between the application site and the relevant settlement boundary, including whether the site falls within or outside the settlement for the purposes of the applicable policy provisions.

18. The reported housing-land-supply shortfall and Housing Delivery Test result are relevant considerations, but their significance must be assessed in the context of the applicable national planning policies and the particular circumstances of the application. They do not, in themselves, determine the outcome of the application.

19. I therefore respectfully invite HDC to undertake its own assessment of the 2026 Application under the development plan and the applicable provisions of the NPPF 2026, taking account of all relevant policies and material considerations.

D. <u>Horsham District Local Plan 2023-2040</u>

20. I also draw HDC's attention to the Inspector Jonathan Bore's letter dated 30th October 2026 following the recent examination hearings concerning

the Horsham District Local Plan 2023-2040 ("**Inspector's Letter**"). Inspector Bore has concluded at this stage that the revised housing requirement and the revised spatial strategy are sound, subject to the proposed Main Modifications and further changes. The combined housing requirement of 18,712 dwellings comprises the requirements for Horsham District and the neighbouring authorities of Crawley, Worthing and Adur, as set out in Table 1 of HDC's September 2026 Response to Matter 5: The Spatial Strategy and Site Selection. The relevant figures are reproduced below for clarity:-

Authority Area	Housing Requirement
Horsham District	14,071
Crawley Borough	3,757
Worthing Borough Council	548
Adur District Council	339
Combined Requirement	**18,712***

(***** The four figures shown in the Table 1 add up to 18,715 not 18,712)

21. Of particular relevance to the 2026 Application, which proposes 150 dwellings at Thakeham, Inspector Bore observes that, in some lower-tier towns and larger villages, the cumulative scale of development may represent a relatively large portion of their existing built-up areas. He also acknowledges that certain proposed allocations may extend beyond, or conflict with, provisions in neighbourhood plans. Nevertheless, he considers that the selected allocations are logical extensions to villages, appropriately located to take advantage of and support existing facilities, and that their potential effects on settlement character can be addressed through appropriate design at the planning application stage. These observations provide relevant strategic context for considering the role of village extensions in meeting Horsham District's housing requirements. They do not, however, establish that every development proposal in a village is necessarily acceptable, irrespective of its particular location, scale or effects.

22. In its September 2026 Response to Matter 5: the Spatial Strategy and Site Selection, HDC explains that the proposed spatial strategy includes smaller site allocations focused on sustainable settlements. The Council states that its distribution of sites takes account of the capacity of settlements to

accommodate growth, the contribution that development may make towards sustaining or enhancing their character and success, and the scope for more limited development to meet local needs in smaller settlements. This provides further context for the emerging spatial strategy, but does not establish the suitability of the 2026 Application site or the acceptability of the proposed 150 dwellings. Those matters remain to be assessed against the particular characteristics, facilities, accessibility and capacity of Thakeham. HDC sets out the housing requirement for new smaller site allocations in Table 3 of HDC's September 2026 Response to Matter 5: The Spatial Strategy and Site Selection and is reproduced below for reference:-

Area of District	Number of Homes from New Smaller Site Allocations
North	723
South	1,261
West	80

23. Inspector Bore also emphasises that the successful delivery of the Horsham District Local Plan's proposed development depends upon careful consideration of a range of matters, including the provision of appropriate social and community facilities, transport infrastructure and interventions, greenspace, wildlife and trees, heritage considerations, and the quality of design. Importantly, he expressly recognises that these matters require further rigorous scrutiny at the planning application stage, together with full public consultation. This distinction is particularly relevant to the 2026 Application: the Inspector's strategic conclusions on the soundness of the emerging spatial strategy do not dispense with the need for a detailed assessment of the particular site and proposal. HDC should therefore consider whether the evidence and proposed measures in this application adequately address the relevant site-specific matters, including the accessibility and transport concerns raised in the 20 October Highways Response.

24. Under section 38(6) of the ***Planning and Compulsory Purchase Act 2004***, the determination of the 2026 Application must be made in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the ***Town and Country Planning Act 1990***

also requires the local planning authority to have regard to the development plan and other material considerations. As confirmed by the Supreme Court in ***Suffolk Coastal District Council v Hopkins Homes Ltd*** [2017] UKSC 37, the leading authority on the relationship between the development plan, national policy and housing considerations, the development plan remains the statutory starting point, while the NPPF is a material consideration rather than part of the development plan itself. The weight to be given to individual development-plan policies, including policies which may be out of date, remains a matter of planning judgment, subject to the correct interpretation of those policies and the statutory framework.

25. The Inspector's Letter is relevant and significant in the present case:-

    a. **Section A: 20 October Highways Response** – in considering the revised spatial strategy and the cumulative effects of planned development, Inspector Bore concluded at this stage that Horsham District's road network would operate effectively, having regard to the junction mitigation measures and active-travel interventions described in the Plan and the proposed Main Modifications. However, that conclusion is reached in the context of the strategic assessment of the Local Plan and the cumulative effects of development across the District. It does not, in itself, determine whether the particular highway conditions and accessibility constraints affecting the site of the 2026 Application have been satisfactorily addressed;
    b. **Section B: Biodiversity** – Inspector Bore's recognition of the requirement for further rigorous scrutiny at the planning application stage together with full public consultation as stated in paragraph 23 above is particularly relevant to the present application; and
    c. **Section C: TPC's "tilted balance" approach** – Inspector Bore's conclusions provide strategic context for the contribution expected from lower-tier towns and larger villages towards meeting the District's housing requirement. However, those conclusions do not determine the appropriate application of the NPPF 2026 national decision-making policies to the particular site, nor do they establish that the proposed 150 dwellings are acceptable having regard to the site's location, characteristics and infrastructure capacity.

26. For completeness, the relationship between the application site and Thakeham's Built-Up Area Boundary ("**BUAB**") has been referred to in the applicant's planning documents and the Appeal Decision at different stages of the planning process. The relevant statements and findings are summarised below:-

Stage	Document and Date	Relevant Document and Statement
2024 Application	January 2024 Planning Statement, paragraph 7.17	The applicant acknowledged that the site was not directly adjoining the existing BUAB, being approximately 25 metres to its north and separated by trees and a footpath, although it was adjacent to the emerging BUAB.
	October 2024 Hearing Statement, paragraph 5.32	The applicant expressly acknowledged that the appeal site was situated outside of the BUAB and could therefore be considered a countryside location for the purposes of HDPF Policy 26. However, it argued that Policy 26 should not carry full weight because of the age of the HDPF and the housing-land-supply position, and that the Facilitating Appropriate Development ("**FAD**") provided for positive consideration of qualifying proposals adjacent to the BUAB. The applicant accordingly maintained that the principal issue was whether the proposal satisfied the relevant FAD criteria.
	Appeal Decision, paragraph 21	The Inspector described the site as outside the defined BUAB and therefore in the countryside in policy terms.
2026 Application	February 2026 Planning Statement, paragraph 7.1.3	The applicant stated that "*The site adjoins the existing settlement edge as defined by the BUAB*".

	August 2026 Planning Statement Addendum, paragraphs 4.3 and 4.5	The applicant relied on the proposed extension of the BUAB to include the application site and argued that significant weight should be attributed to that proposed extension.

27. Even if the proposed inclusion of the application site within the revised BUAB is confirmed through the Local Plan process, this would not, in itself, determine the acceptability of the proposed development. As recognised in the applicant's August 2026 Planning Statement Addendum, the relevant assessment under HDPF Policy 3 concerns whether the nature and scale of the proposed development would maintain the characteristics and function of the settlement. HDC should therefore assess that issue separately, having regard to the precise extent of the proposed BUAB modification, Thakeham's continued classification as a Smaller Village, its existing facilities and its relationship with neighbouring settlements.

28. I therefore invite HDC to consider the Inspector's findings in the Appeal Decision and the Inspector's Letter alongside the site-specific evidence and consultation responses, including the outstanding matters identified by WSCC Highways and the questions raised in this representation concerning the legal security and long-term delivery of the proposed biodiversity and other planning benefits.

29. Thank you very much.

[redacted]
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8th November 2026