n.j.a town planning Ltd

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The Planning Inspectorate
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NJA Ref: 24/162

29 April 2025

**FINAL COMMENTS**

Dear Mr Pocock,

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|---|---|
| **PINS Ref:** | **APP/Z3825/W/25/3361339** |
| **Appellant:** | **Mr V Sawyer** |
| **Site:** | **Land at Thornhill Stables, Billingshurst Road, Coolham , West Sussex, RH13 8QN** |

Thank you for your letter dated 23 April 2025. On behalf of the Appellant, please find enclosed final comments in respect of the Council's Statement of Case noting no third party comments have been received.

If you have any queries or require any further information, please do not hesitate to contact me.

**Yours sincerely**

[redacted]

**Nikolas J. Antoniou**
**BSc HONS DIPTP MRTPI**
**Chartered Town Planner**
**For and on behalf of NJA Town Planning Ltd**

RTPI Chartered Town Planner

**Appeal Ref**: **APP/Z3825/W/25/3361339**

**Appellant: Mr V Sawyer**
**Site: Land at Thornhill Stables, Billingshurst Road, Coolham , West Sussex, RH13 8QN**

**APPELLANT'S FINAL COMMENTS**

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**Comments on the Local Authority's Statement**

The Appellant's Statement of Case sets out the reasons why the appeal site is situated in a sustainable, and therefore suitable location for the construction of just one new dwelling. The proposed development is small in scale and there will be no harmful intensification of use or harm caused to the visual amenities of the area.

The Appellant maintains that the appeal decisions forwarded with the Statement of Case are material as these relate to appeals where Planning Inspector's allowed the creation of individual homes, outside of a built-up area boundary.

It is re-confirmed that the proposed dwelling will be a self-build dwelling, falling within the relevant definition noted in the Council's Statement of Case.

The Appellant is disappointed that the Council imply that the Statement of Case is lifted from the DAS. The document took much time to prepare and it seems to be a distraction from the Council which doesn't appear to defending the first refusal reason in the normal way but rather critiquing the appeal submission.

Notwithstanding this limitation in more detailed response to the Council's Statement of Case, the Appellant respectfully asks the Planning Inspector to take into account the following comments he has provided:

*'1. Proposal*

*Construction of a two-storey, four-bedroom barn-style dwelling for self-build occupation by the appellant's family.*

*2. Decision and Reasons for Refusal*

*Decision issued: 21 November 2024*

*Refusal Reasons:*

1. *Unsustainable location outside the BUAB – conflict with HDPF Policies 1, 2, 3, 4, 26 and Shipley Parish Policy Ship HD1;*
2. *Water neutrality – insufficient information to demonstrate no adverse effect on the Arun Valley SAC/SPA/Ramsar (HDPF Policy 31; NPPF 2023 Paras 185–186; Habitats Regs 2017; NERC Act 2006 s40).*

*3. Grounds of Appeal*

*3.1 Reason 1 – Sustainability and Built Context*

- *Existing development immediately adjacent: The site is surrounded in close proximity by two commercial estates to the north and south, and by substantial residential properties (within 15m ) to the west and Mill Lane houses to the east—all outside the BUAB yet deemed acceptable.*
- *Proximity to the edge of the BUAB: 0.5 miles from Billingshurst Road's BUAB, with continuous ribbon development along that road.*
- *Public transport: Bus routes 64, 74, 74A link Coolham to Horsham, Storrington, and Billingshurst, with the nearest stop to Thornhill Estate a one-minute walk from Coolham Village Hall which is a 9 minute walk from Thornhill (0.4 miles)*
- *Community facilities: Coolham Village Hall offers meeting rooms, a kitchen, a large car park, playground and playing fields; a Montessori nursery adjoins it—key services for families.*
- *Facilitating Appropriate Development (FAD): Although the site does not literally adjoin the BUAB, it meets all five FAD criteria in scale, boundary definition, local housing need and landscape retention. Even if it failed criterion 1, the barn's innovative design and its screening of an industrial estate qualify under the FAD's exception for "exceptional quality or innovative design."*

*Conclusion on Reason 1: The site lies within a recognisable settlement edge, sharing the same sustainable characteristics as its neighbours, and benefits from local services and transport. It therefore cannot properly be characterised as unsustainable countryside.*

*3.2 Reason 2 – Water Neutrality (WN)*

- *Original WN report: CGS's June 2024 report (submitted with the application) was fully compliant in methodology. It identified the need for water offset credits.*
- *Credit purchase: On 26 September 2024, the appellant purchased sufficient credits from Sussex Water Neutrality. Proof (contract and certificate) was emailed to the case officer, Hannah Darley, on 18th October 2024 and enclosed a combined WN and WC report as separate attachments also on 18 October 2024.*
- *Portal query and Natural England (NE): HDC sought NE's view on 11 October, at which time they referred to the original June WN report. HDC did not inform the appellant of this request to NE. The only question that NE asked (posted 22 October) was whether credits had been purchased. By then, HDC already held the purchase certificate (18th October) but had not uploaded it. NE would have raised no objection had the evidence been visible on the portal. HDC did not reply to NE informing them that water credits had already been purchased.*
- *Amended submissions: A minor typographical correction to the WN report was sent 5 November 2024—16 days before refusal—having no bearing on compliance.*

- *Procedural failure: The officer's refusal report (submitted 14 November) makes no reference to these documents. The eight-week determination (26 September–21 November) provided ample time to review and accept them. HDC's refusal therefore rests on an administrative oversight, not any technical shortcoming of the WN case.*

*Conclusion on Reason 2: The evidence demonstrates beyond reasonable doubt that the development is water neutral. The Council's failure to process and present this evidence to NE constitutes an unreasonable procedural flaw, rendering the refusal unsound on this ground.*

*4. Other Material Considerations*

- *Self-build status: The dwelling will be managed and constructed directly by the appellant and their chosen team, meeting the definition of a self-build. Although not on HDC's register, a legal condition can secure this status.*
- *Amendment policy: While HDC guidance permits refusal of late or significant amendments, the water credit evidence was neither late nor significant—it was*

*the only outstanding piece needed to resolve NE's query. Refusal to accept it conflicts with the duty to act proactively and fairly.*

*5. Conclusion and Request to the Inspector*

*The Council's two refusal reasons are each undermined by unaddressed factual evidence and procedural oversight. In the context of an acute housing land supply shortage, NPPF 2023 Paras 11(d) and 38 require that planning decisions be determined positively and without unnecessary procedurals. We request the Inspector to:*

1. *Acknowledge the site's sustainable credentials and compliance with FAD exceptional design criteria;*
2. *Confirm that the water neutrality evidence is complete, unambiguous and capable of discharge under Habitats Regulations;*
3. *Allow the appeal and grant planning permission subject to conditions (including a self-build completion condition, if required).*

*Thank you for your consideration'.*

**Suggested Conditions**

The Appellant raises no objections to the Council's suggested conditions that are standard in nature and to be expected.

For the reasons set out above and in the Appellant's Statement of Case it is respectfully requested that the appeal be allowed.