Statement of the Local Planning Authority

Prepared by Robert Hermitage, Principal Planning Officer

PLANNING INSPECTORATE REFERENCE	6006430
LOCAL PLANNING AUTHORITY REFERENCE	DC/24/1875

Town and Country Planning Act 1990

Planning appeal by **Geoff Wightman** at:

Southdown House, Church Street, Rudgwick, West Sussex, RH12 3EE, United Kingdom

Appeal to be determined by an Inspector appointed by the Secretary of State by way of **Written Representations**

April 2026

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1.0 The Appeal Site and Relevant Planning History

1.1 Southdown house itself is a two storey dwelling to the west side of Church street and is attached to a listed building to the north. It is partly within a conservation area and is within a flooding risk of surface water area with the majority of the built form being within a 0.1 percent chance of surface water flooding per annum and a small part of the site would be within a 1% percent change of surface water flooding per annum.

Relevant Planning History

DC/19/2487	Replacement of existing entrance gates	Application Permitted on 25.02.2020
DC/05/1055	Use of outbuilding as ancillary accommodation (Lawful Development Certificate - Existing)	Application Refused on 01.09.2005
DC/16/1687	Conversion of open carport to gymnasium and addition of flat roof veranda to west elevation of existing annexe (Certificate of Lawful Development - Proposed)	Application Refused 13.09.2016

2.0 The Appeal Proposal

2.1 The appeal proposal seeks permission for the demolition of an existing stable and the erection of one detached dwellings with one dormer with a Juliet balcony, and conservation style roof lights. The appearance of the barn would be reminiscent of a converted barn with a half hipped roof and oak framed porch with red stock brick base and horizontal cladding. The roof tile should be plain clay tile. Access from Church street would be shared with Southdown house and the proposal would be gated towards the property.

3.0 The Case for the Local Planning Authority

3.1 The application has been appealed against the Local Planning Authority on the grounds of non-determination. As indicated by the applicant, several extensions of times were agreed between the Local Planning Authority and the applicant, though the application was never determined. The statement therefore represents the Council's assessment of the application, in accordance with the documentation submitted in addition to the representations and consultations received within the consultation period.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework 2015 (HDPF)

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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Rudgwick Neighbourhood Plan 2021 (RNP)

Policy RNP1 - Spatial Strategy
Policy RNP2 - Housing Mix
Policy RNP6 - Materials
Policy RNP7 - Architectural Style
Policy RNP8 - Development Height
Policy RNP9 - Street Scene
Policy RNP17 - Green Infrastructure and Trees

Regulation 19 Horsham District Local Plan 2023-2040 (HDLP)

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 10 – Flooding
Strategic Policy 11 – Environmental Protection
Strategic Policy 12 – Air Quality

Strategic Policy 13 – The Natural Environment and Landscape Character
Strategic Policy 14 – Countryside Protection
Strategic Policy 17 – Green Infrastructure and Biodiversity
Strategic Policy 19 – Development Quality
Strategic Policy 20 – Development Principles
Strategic Policy 24 – Sustainable Transport
Policy 25 – Parking
Strategic Policy 37 – Housing Provision
Strategic Policy 38 – Meeting Local Housing Needs
Policy 40 – Improving Housing Standards in the District

3.2 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).

3.3 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.

3.4 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.

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

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

Consultations:
HDC Arboricultural officer: No Objection subject to conditions [Summary]
The submitted Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan are a fair assessment of the tree stock at the site, and how the retained trees will be appropriately protected during the development.

Due to the site's topography sloping east to west, coupled with additional tree coverage in the area and the trees indicated for removal location towards the bottom of the slope, it is impossible to see any of the trees clearly from the main area of public active to the east on Church Street. As such, their removal would not be noticeable or result in any

significant harm to the character and amenities of the Conservation Area or the wider landscape. Subject to appropriate replacement planning, the loss of these trees can be compensated for elsewhere at the property.

HDC Conservation: No Objection
I am satisfied the proposed building is some distance from the listed buildings fronting Church Street. It will not be visible in relation to these historic dwellings and will not affect their settings. The new dwelling will be partially within the conservation area but I am satisfied the overall form of the building reflects one that might be expected in this context. I am satisfied the character of the conservation area will be preserved. I have suggested conditions below.

Southern Water: Comment [Summary]
Applicant would need to apply to southern water for a connection to the public sewer. If the development involved rainwater harvesting, a condition would need to request information on this.

WSCC Highways: Comment and recommendation for conditions [Summary]
No proposed access alterations, proposed two parking spaces in a development which would require three. Sufficient space to accommodate three vehicles however and for on site turning. No details of cycle parking, development is close to amenities.

HDC Archaeological Consultant: No archaeological information submitted and as such two conditions are recommended for the applicant to submit this information including a trail trench and investigation assessment.

NatureSpace (District Newt Licencing Scheme): No Objection
The eDNA report submitted provides a Precautionary Working Methods to minimise risk to great crested newts. It is considered that this is an appropriate approach for the site and the scale of works. These should be secured via condition.

HDC Ecological Consultant: No objection subject to conditions and Natural England's response in regard to Bat HRA.

PUBLIC CONSULTATIONS:

Representations:
3 letters of representation received from 2 separate addresses objecting to the proposal on the following grounds:

- Backland development in the Conservation Area
- Impact on historic buildings and setting
- Inappropriate development in this location
- Incorrect interpretation of nearby development
- Flooding and drainage issues in the area
- Inconsistencies with the water neutrality statement
- Highways and access issues

1 letter of representation neither objecting to nor supporting the proposal, stating the following:

- Inconsistencies with the water neutrality statement

2 letters of representation received from 1 separate addresses supporting the proposal on the following grounds:

- Accords with the NPPF
- Use of existing access
- Similar to nearby development
- Good design
- No heritage harm

Rudgwick Parish Council: Objection, on the basis of:

- Lack of detail in the submission
- No energy details included
- No surface water drainage included
- Application includes reference to a different application site
- Topography of the site
- Sewage disposal
- Concern over landscape and trees
- Concern with backland development in light of conservation area/listed building and BUAB

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:

3.5 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.

3.6 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

Principle of Development:

3.7 The existing stable is sited wholly outside of the defined built-up area boundary, though Officers acknowledge that a small area of the proposed dwelling (the ground floor gymnasium) and the access would be sited partially within it. Furthermore, the wider proposed residential curtilage would be located outside of the built-up area. Therefore, the Council's Countryside Protection and restrictive housing policies apply.

3.8 The site does not form part of Horsham's adopted development plan (comprising the HDPF or a 'Made' Neighbourhood Development Plan). As a result, residential development in this location would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 (Settlement Expansion) and is therefore not considered to be acceptable in principle (notwithstanding the small area within the boundary). In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the built-up area boundary

and as the proposed residential development is not considered to be essential to this countryside location.

3.9 Policy RNP1.1 states that proposals for sustainable development will be supported. Outside of defined built up areas (as shown on the Policies Map) new residential development will only be supported on allocated sites or where they would accord with the residential exception policies in the development plan.

3.10 The site has not been allocated for development within the Made Neighbourhood Plan. Whilst the site does adjoin the settlement boundary, the HDPF clearly worded in stating that the development must be allocated and adjoin a settlement edge. This position has been successfully defended by the Council at various appeals and supported by the Planning Inspectorate. As such, the proposed development would fail to accord with Policy 4 of the HDPF in this regard.

3.11 The adopted development strategy outlined in the HDPF provides for appropriate housing development across the District through site allocations and the opportunity to develop smaller settlements through the Neighbourhood Planning process. In accordance with national planning policy set out in the NPPF (2024) and the HDPF (2015), the principle of residential developments in inappropriate locations, outside of the settlement boundaries and within the countryside is resisted. The partial siting within the built-up area boundary is not considered sufficient enough to warrant considering the entirety of the development to accord with these policies.

3.12 For the reasons outlined above, the principle of providing housing on a site which is located outside the defined built-up area boundary and within the countryside, and where the land has not been allocated for development within a Local or Neighbourhood Plan, is unacceptable. The principle of the proposed development is therefore contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, Policy 1 of made the Rudgwick Neighbourhood Plan, and paragraphs 2, 11, 12 and 47 of the NPPF which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Design and Appearance:

3.13 Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

3.14 Policy RNP2 of the RNP requires new development to positively respond to the established character and density of its immediate locality. Policy RNP6 of the RNP is clear that development should utilise materials that reflect the common building styles across the Parish, including brick being the main building material and the use of tiles as roofing material. Policy RNP7.1 of the RNP states that new development proposals should be designed with reference to the surrounding architecture, paying particular attention to features of the local vernacular and locally characteristic details. Such details may include: rooflines with hipped, half hipped with gablets and catslides; chimneys as centrally located ridge stacks and end of gable stacks; sash windows; and timber fielded panel or more simple plank doors. Policy RNP7.1 is clear that proposals that apply such details as a poorly integrated part of the overall design, will

not be considered to have achieved a high quality of design and, therefore, will not be supported. Policy RNP8.1 of the RNP states that new developments should reflect the local tradition and be of two storeys in height. Policy RNP8.2 further emphases that irrespective of their location, the scale and massing of new developments should respect the character and appearance of the surrounding built and natural environment. Policy RNP9.1 of the RNP requires new buildings to be placed to form consistent building lines along streets. Policy RNP9.4 of the RNP requires new vehicular access to be in keeping with the property and surrounding street scene. Policy RNP9.4 goes on to say that materials used in the construction of driveways should actively respond to the predominant material in the locality and Policy RMP9.5 requires lighting associated with the driveway to be low-level and downward facing.

3.15 The submitted elevational drawings illustrate the two-storey building in a bungalow style with a modest ridge and eaves height. The property is set back along an access track, with the access from the street being shared with Southdown House. It is noted from the Arboriculture officer that the tree information submitted indicates that many of the existing trees on site would be retained to further soften the appearance of the dwellinghouse from the properties in closer proximity to the road.

3.16 Church Street is characterised by a ribbon of development along the street, with very few examples of backland development on the western side (the appeal site side), with the exception of some historic examples such as Lower Kings and Little Kings Cottage. Albeit these few examples have been assimilated within the built-up area, and given the limited examples of such development on Church Street, it is not considered to represent an established precedent that would otherwise demonstrate further development of this kind would be acceptable. Though there is more of a precedent set on the eastern side of the street, the western side is sited within the very edge of the built-up area boundary, sited further from wider established residential built-form, and is situated within the Conservation Area. These factors combined clearly illustrate the difference in this setting as opposed to the eastern side of Church Street.

3.17 The Council's Conservation Officer comments are noted- and whilst it was considered that the development would not adversely impact on the setting of the nearby listed buildings nor the setting of the Conservation Area, this does not necessarily result in the overall form and layout of the development being considered acceptable as a whole in this setting. As above, the western side of the street comprises a lower density in contrived development, whereby the setting closer to the open countryside and setting within the Conservation Area alter the very character of this side of the street compared to the other. Given the site's setting in this context, the creation of a new dwelling in this location, combined with the associated formalised landscaping, hardstanding, and residential paraphernalia that would accompany such a use, the development would appear at odds in the context of its location, especially when contrasted against the existing, rural in character use of the site as it currently exists.

3.18 With the above in mind, the proposed development in this setting would appear at odds with the prevailing character of the area, and would therefore be contrary to Policies 32 and 33 of the HDPF in addition to Policy 2 of the RNP.

Residential Amenity:

3.19 Policy 33 of the HDPF states that development should consider the scale, massing, and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties and ensuring unacceptable harm to amenity of neighbouring properties, such as overlooking or noise, is avoided.

3.20 Given the distance of the proposed development from the nearest neighbours and the topography of the site, the proposal would not be considered to result in a loss of light, obtrusive appearance or loss of amenity to the nearest neighbouring properties. Furthermore, the access to amenity space, and the footprint for the future occupiers, would be acceptable.

Highways Impacts:

3.21 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the HDPF that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

3.22 There are no additional accesses proposed, with the existing access being used by both the proposed development and the existing house. It is noted that there is some conflict with Highways requirements which would usually require three parking spaces for a three bedroom dwelling in this zone, however the applicant has only proposed two. Nevertheless, this reason alone would not warrant a refusal given that the development would be located in an area with generally good public transport connections. Furthermore, it is considered that whilst the plans only indicate two spaces, there would be provision within the site to accommodate three vehicles and on site turning.

Ecology:

3.23 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.

3.24 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

3.25 Given that there are trees within the application site and the wider locality, and the number of ponds within proximity to the site, it is considered that there would be some potential for protected species to be impacted by the proposal. The applicant has provided a Preliminary Ecological Appraisal and bat roost assessment report that has outlined that there is negligible potential within the site for bat roosts such that subject to the recommendations made within the report, there is negligible potential for harm to these protected species.

3.26 NatureSpace have no objections to the proposal subject to the inclusion of a Precautionary working method outlined within the submission. In addition to the recommendations made within the appraisal, a condition could request a wildlife friendly lighting scheme is included. The appraisal outlines that whilst there would be

some potential for reptiles within similar sites given the proximity of the site to a number of ponds, there were no apparent reptiles present and given that much of the application site was pathway with little hedgerows, it is unlikely that there would be harm to protected species. The Council is content that these matters could be adequately controlled by way of condition in the event that the Inspector is minded to allow the appeal.

Water Neutrality:

3.27 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.

3.28 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.

3.29 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.

3.30 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.

3.31 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):

3.32 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.

3.33 The applicant has outlined that the development would be exempt from Biodiversity net gain requirements given that the development is self-build.

Conclusions and Planning Balance:

3.34 Planning permission is sought to demolish the existing stable and erect 1no. three-bedroom dwelling. 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.

3.35 The Council published its Authority Monitoring Report (AMR) in December 2025. Chapter 3 of the AMR revealed that 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.

3.36 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.

3.37 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 RNP. 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. However, given that the Local Plan is out of date, and the Council cannot currently demonstrate a five-year housing land supply, this conflict is tempered by lesser weight being applied to these policies, thus the conflict can therefore be afforded *moderate weight* in the overall planning balance.

3.38 In addition, the layout and siting of the development within this setting is considered to be at odds with the prevailing character of the area, and would therefore conflict with Policies 32 and 33 of the HDPF and Policy 2 of the RNP. These policies are considered to remain consistent with the NPPF- therefore, regardless of the age of the plans, these can be afforded full weight. This conflict is therefore attributed *significant weight*.

3.39 In the absence of the Council demonstrating a five-year housing land supply, the delivery of housing in general is considered as a significant benefit in favour of granting permission. However, given that the proposal would comprise a single market dwelling, this would not make any meaningful contribution to the housing deficit. With this in mind, the delivery of one market house is afforded *moderate weight* in favour of granting permission in the overall planning balance.

3.40 In addition to the above, the Council also recognises that the development would amount to some short-term socio-economic benefits, such as the creation of potential local employment opportunities during the construction phase, and associated expenditure within the locale. However, given the relatively short-term nature of these benefits (which would not be permanent), this benefit is considered to only hold *limited weight* in favour of granting permission.

3.41 Reference to self-build housing is also mentioned within the appellant's statement. The Council recognises that there is a need to facilitate self-build projects within the District. However, the appellant appears to have fallen within the common pitfall in not differentiating between 'self-build' housing in terms of CIL and BNG exemption, and 'Self-build and Custom Housebuilding' as defined within the Self-build and Custom Housebuilding Act 2015 and the subsequent Housing and Planning Act 2016. The two, though similarly named, represent different housing products.

3.42 PPG 011 Self-build and Custom Housebuilding (Reference ID: 57-011-20210208) clarifies how the population of a self-build and custom housebuilding register in terms of plan making should be considered as part of a Council's local housing need:

> *'Assessment of local housing need as a whole should be conducted using the standard method in national planning guidance. Within this context, the size, type and tenure of housing needed for different groups should be assessed including people wishing to self-build or custom-build their own homes.*
>
> *Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance), to understand and consider future need for this type of housing in their area. Secondary sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.*
>
> *Plan-makers will need to make reasonable assumptions using the data on their register to avoid double-counting households.'*

3.43 PPG 025 Self-build and Custom Housebuilding (Reference ID: 57-025-20210508) clarifies house Council can increase the number of planning permissions which are suitable for self-build and custom housebuilding:

> *'Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site).*
>
> *More widely, relevant authorities can play a key role in brokering and facilitating relationships to help bring suitable land forward. This can include:*
> - *supporting Neighbourhood Planning groups where they choose to include self-build and custom build housing policies in their plans;*
> - *effective joint working across service delivery areas and with local delivery partners including Housing Associations, Arms Length Management Organisations and housing developers;*
> - *using their own land (if available and suitable) for self-build and custom housebuilding and marketing it to those on the register;*

- *working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom build housing;*
- *when engaging with developers and landowners who own sites that are suitable for housing, and encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested.*
- *working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need.'*

3.44 The Inspector should note that the site is not included on the Council's self-build register, and the appellant has not detailed how the proposal would meet an unmet need of self-building within the local area or indeed the District. Therefore, the proposal would not be considered to meet the definition of Self-building housing as per the relevant acts and PPG as above. In the absence of this information, the Council does not consider that this claim has any meaningful benefit in favour of granting permission. Therefore, *no weight* is attributed to this factor of the proposal as a benefit in the overall planning balance.

3.45 No other discernible benefits would arise from the granting of this permission. Whilst the proposal demonstrates that no harm would arise owing to highway and ecological impact (among other matters as detailed above), these matters are necessary in terms of policy compliance.

3.46 The Facilitating Appropriate Development (FAD) document was endorsed at Full Council on 19 October 2022. The FAD 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.

3.47 While the current housing shortfall is a material consideration of significant weight, and the site does adjoin (and is partially within) the settlement edge, and the contribution of one market dwelling would bestow socio-economic benefits in the form of housing delivery, the proposed development would result in adverse impacts that would significantly and demonstrably outweigh the benefits arising from the contribution of the dwellings to the Council's housing supply- therefore, the proposal would not benefit from the provisions of the FAD as above.

3.48 The material benefits therefore are not considered to outweigh the harm identified above. The Council therefore invites the Inspector to dismiss the appeal accordingly.

4.0 Conclusion

4.1 The proposed development is considered unacceptable in principle because the site is located wholly outside the defined built-up area boundary and within the countryside. The land is not allocated for development within the Horsham District Planning Framework (HDPF) or the Rudgwick Neighbourhood Plan (RNP). Consequently, the proposal conflicts with HDPF Policies 1, 2, 3, 4, and 26, as well as Policy 1 of the RNP. Although the Council currently lacks a five-year housing land supply—benefiting from only a 1.7-year supply—this conflict with the development plan is still afforded moderate weight in the planning balance.

4.2 Beyond the principle of development, the proposal is deemed to be at odds with the prevailing character of the area. While there is some precedent for backland development on the eastern side of Church Street, the western side (where the appeal site is located) is characterised by lower density and a closer relationship to the open countryside and the Conservation Area. The introduction of a new dwelling, along with associated formal landscaping, hardstanding, and residential paraphernalia, would contrast negatively against the current rural character of the site. As these design concerns relate to HDPF Policies 32 and 33 and RNP Policy 2, which remain consistent with national policy, this harm is attributed significant weight.

4.3 Several material considerations were weighed in favour of the development, though their impact is limited. The delivery of housing is recognised as a significant benefit in light of the current deficit; however, because the proposal is for only one market dwelling, it is afforded only moderate weight as it does not make a meaningful contribution to the housing shortfall. Short-term socio-economic benefits, such as local employment during construction, are granted limited weight. Furthermore, the Council attributes no weight to the applicant's "self-build" claim, noting that the site is not on the self-build register and the proposal does not meet the legal definition required to provide a specific benefit in this category.

4.4 In accordance with the NPPF, the "presumption in favour of sustainable development" was applied because the local plan is out of date. However, under the "tilted balance," the adverse impacts of granting permission—specifically the harm to the character of the area and the conflict with the development strategy—are considered to significantly and demonstrably outweigh the limited benefits. The proposal also fails to meet the criteria of the Facilitating Appropriate Development (FAD) document. Therefore, the Council concludes that the development is unacceptable and invites the Inspector to dismiss the appeal.

5.0 Suggested Conditions

5.1 Should the Inspector be minded to allow the appeal, then the following conditions are suggested on a without prejudice basis:

1 **A List of the Approved Plans**

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition**: Prior to occupation a lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority how and where external lighting will be installed.

All external lighting shall be installed in accordance with the specifications and locations set out and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided either on the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national

objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved plans. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition:** The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

11 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: The works will be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal and bat roost assessment dated 24th October 2024, including the non-licensed method of works for Great Crested Newts.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).