Horsham District Council

Ms Sinead McKendry
Nexus Planning
Beacon Tower
Colston Street
Bristol
BS1 5AQ

Application Number: DC/24/1932

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Croudace Homes

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

**Outline Application for development comprising up to 191 dwellings with open space, landscaping and associated infrastructure (all matters reserved except for access). New vehicle access from Charlwood Drive.**

**Land East of Charlwood Drive, Henfield, West Sussex**

as shown on Plan and Application Number DC/24/1932 submitted to the Council on 12/12/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposed development is located beyond a defined built-up area boundary, involving a site not allocated for development within the Horsham District Planning Framework (2015) or the Henfield Neighbourhood Plan (2017-2031). The proposed development, further, is not considered to represent an essential form of development to a countryside location, with the proposed development deemed contrary to the overarching spatial strategy of the development plan outlined at Policies 2 and 4 of the Horsham District Planning Framework (2015) and countryside protection policy contained within Policy 26 of the Horsham District Planning Framework (2015). The scheme is also contrary to the Henfield Neighbourhood Plan (Policy 1: A Spatial Plan for the Parish) in that it results in a development beyond the built area boundary and does not conform with the Horsham District Planning Framework. Notwithstanding the absence of a five-year land housing supply and the provisions of the National Planning Policy Framework, there are deemed to be no material considerations which would outweigh conflict with the above development plan policies in these regards.

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework, its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

3 The statutory Biodiversity Net Gain metric and Assessment have not been satisfactorily completed such as to provide an accurate understanding of the existing habitats baseline of the application site. It cannot, therefore, be concluded that the development proposals would

prove capable of discharging the statutory Biodiversity Net Gain condition in conflict with Paragraph 009 of the relevant Planning Practice Guidance document.

4 The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the units required to be provided as affordable housing units or other obligations required to make the development acceptable. The proposal is therefore contrary to Policies 16, 31 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the infrastructure needs of the development would be met.

**Schedule of plans/documents**

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Plans | Proposed Primary and Emergency Site Access Arrangements | 106205-PEF-XX-XX-D-H-000004 REV P03 | 14.04.2025 |
| Plans | Parameters Plan | PL-03 REV D | 14.04.2025 |
| Plans | Illustrative Masterplan | PL-04 REV D | 29.04.2025 |
| Location plan | | PL-01 REV B | 12.12.2024 |
| Location plan | | PL-01 REV D | 12.12.2024 |
| Plans | Site Access Arrangement | 106205-PEF-XX-XX-D-H-000002 REV P03 | 14.04.2025 |
| Plans | Refuse Vehicle | 106205-PEF-XX-XX-D-H-000006 REV P03 | 14.04.2025 |
| Plans | Site Access Arrangements | 106205-PEF-XX-XX-D-H-000004 REV P03 | 14.04.2025 |
| Plans | Fire Tender | 106205-PEF-XX-XX-D-H-000005 REV P01 | 12.12.2025 |

**Community Infrastructure Levy (CIL)**
Horsham District Council has adopted a Community Infrastructure Levy (CIL ) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

**Note To Applicant**
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.



Emma Parkes
Head of Development and Building Control

Date: 22/05/2025

**ADDITIONAL INFORMATION**

**Right of Appeals**
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.