

Statement of the Local Planning Authority

PLANNING INSPECTORATE REFERENCE 6011851
LOCAL PLANNING AUTHORITY REFERENCE DC/25/1980

Town and Country Planning Act 1990

Planning appeal by **Mr Darren Seward** at:
C/O agent

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

August 2026

1. Introduction and Appeal Procedure

This appeal is against DC/25/1980 for the refusal of the following development:

“Erection of 2no. detached single storey self-build / custom-build dwellings with associated works.”

1.2 Reason for Refusal 1

“The development would enable a residential use within a countryside location outside of the built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. There are no material considerations which outweigh this harm, and the proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), Policy 1 of the Henfield Neighbourhood Plan (2021) and the National Planning Policy Framework (2024).”

1.3 Reason for Refusal 2

“The siting and layout of the proposed development would relate unsympathetically with the existing pattern of development and would represent overdevelopment of a backland setting. The proposal would result in a loss of the open rural character to the rear of the application site and would be in terms of scale and appearance, visually incongruous with the dwellings within the locality. Given the harm arising from the proposal, the development would be contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).”

2. The Appeal Site

- 2.1 The application site is located to the rear of Brooklands to the south of New Hall Lane. New Hall Lane is also maintained as a Public Bridleway no. 2775. The surrounding area consists of an eclectic mix of detached and semi-detached dwellings of both single and two storeys, all of which are set back from the road frontage.
- 2.2 There is a relative uniformity to the build line of the dwellings to the south of New Hall Lane. Whilst Brooklands itself is within the Built up area boundary, the application site is adjoins this and is thus considered to be located within the countryside in policy terms.

3. Relevant Planning History:

DC/20/1155	Erection of a single storey detached games room, gym and home office (Certificate of Lawful Development - Proposed)	Application Refused on 03.12.2020
DC/21/2663	Erection of detached games room, gym and home office (Lawful Development Certificate - Proposed).	Application Refused on 31.05.2022
DC/22/0551	Application to confirm the change of use of part of a former paddock to residential garden took place more than ten years prior to the date of this application (Lawful Development Certificate - Existing).	Application Permitted on 25.05.2022
DC/23/0501	Erection of an ancillary outbuilding (Lawful Development Certificate - Proposed).	Application Refused on 05.06.2023
DC/23/1527	Erection of an ancillary outbuilding (Certificate of Lawful Development Proposed)	Application Refused on 02.01.2024
DC/24/1101	Erection of 2No. detached dwellings with associated works.	Application Refused on 09.10.2024. <i>Dismissed at appeal on 10/06/2025.</i>

4. Relevant planning policies

The planning policy and guidance relevant in this instance is set out below. It is noted that a revised NPPF is currently undergoing consultation. Given scale and nature of the changes proposed, and the early stages of consultation, this is considered to carry very minimal weight at this time.

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 10 - Rural Economic Development

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 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

Henfield Neighbourhood Plan:

Policy 1 – A Spatial Plan
Policy 2 – Housing Allocations
Policy 10 – Green Infrastructure and Biodiversity
Policy 12 – Design Standards for New Development

Henfield Parish Design Statement

Horsham District Local Plan (2023-40) (Regulation 19):

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 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: Protected Landscapes
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

Planning Advice Notes:

Shaping Development in Horsham District Biodiversity and Green Infrastructure

5 The Case for the Local Planning Authority

5.1 The crux of the appeal relates to:

- Whether the proposed development would be acceptable within its countryside location
- The amenity of the future occupiers

Reason for refusal 1

- 5.2 The intention of the local planning authority Statement of Case is not to reiterate the planning policy outlined within the Officer's delegated report. The Officer respectfully requests that the Inspector have due regard to policies 3, 4, 26 of the HDPF, 'Shaping development in Horsham District' document and and policy 1 of the Henfield Neighbourhood Plan. The current statement of case seeks to substantiate the considerations made in reaching a decision in respect of DC/25/1980 and outlining further policy considerations in response to the Appellant's statement.

- 5.3 It is evident from the Appellant's Statement that they acknowledge that the location is outside of the BUAB but disagree that the Local planning authority regard the location as an unsustainable location for housing, and would place greater weight in considering the council's housing position and subsequent tilted balance to overcome the identified harm and consider the site to be sustainably located, giving less regard to the previous appeal history of the site and the Inspector's reasoning which was a significant material consideration when making the assessment and is seen within the Officer's report. Furthermore, the appellant advances that Policy 26 of the HDPF should only be given limited weight in the decision making process.
- 5.4 An issue is whether, taken as a whole, the proposal represents sustainable development when assessed against the National Planning Policy Framework ("the Framework"), including the application of the presumption in favour of sustainable development. The Council acknowledges that it cannot currently demonstrate a five-year supply of deliverable housing sites and that the tilted balance within paragraph 11(d) of the Framework is therefore engaged. In such circumstances, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 5.5 The Council recognises that the proposal would provide certain benefits. The appeal scheme would deliver 2no. dwellings which would make a contribution towards the District's housing supply at a time of identified shortfall. The proposal would also generate limited economic benefits associated with construction activity.
- 5.6 However, as identified throughout the Officer's Report the proposal would conflict with the Development Plan spatial strategy by introducing new dwellings in a location which shares more in common with the surrounding countryside location than a residential use. The site is outside any defined Built-Up Area Boundary and not allocated for housing development. The Officer's report considered the development in light of the SDPAN, noting that whilst the development may come forward in the absence of a five-year supply of housing, and the SDPAN is intended to facilitate housing development in the most sustainable locations in these instances. However, the development was not considered to accord with all the provisions of the SDPAN. The proposal would therefore contribute to incremental residential encroachment into the countryside in a manner contrary to the plan-led approach to development.
- 5.7 The Council therefore concludes that, when assessed against the policies of the Framework as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. In particular, the proposal would fail to achieve the social and environmental objectives of sustainable development by undermining the plan-led distribution of growth and introducing unjustified residential development into the countryside.
- 5.8 Accordingly, whilst the presumption in favour of sustainable development is engaged, the Council considers that it does not indicate that planning permission should be granted in this instance. The conflict with the Development Plan and the identified harms lead to the clear conclusion that the appeal should be dismissed.

6. Reason for refusal 2

- 6.1 The appellant has outlined within their Statement of case that they consider the development to have overcome the reasons for refusal which were considered by the Inspector under APP/Z3825/W/24/3356684. It does appear that the Appellant's statement amounts to a difference of opinion in general with the LPA's assessment on character. The Appellant advance that the LPA place too much emphasis on the Inspector's considerations within the previous appeal, relying on their view for the assessment.
- 6.2 The Appellant outlines that they consider the dwellings modestly scaled and whilst it is understood and acknowledged that the current development under consideration is an improvement over the previous appeal designs, it is the opinion of the local planning authority

that an improvement is not equivalent to an acceptable design and impact. The introduction of built form in this locality, and particularly of this scale would extend beyond the parameters of the linear ribbon of open fields to the rear of the dwellings along this part of New Hall Lane. It is therefore advanced that the two dwellings would form an inappropriate backland development that would appear at odds with the prevailing character on the streetscene.

- 6.3 The Appellant draws attention to the part of the delegated officer report which it considers to be flawed, where it was considered that the proposed development would be in excess of the ancillary residential built form to the west and seeks to contradict this by noting that there is a large barn located to the west of the site. It is the LPA's opinion that the assessment in the officer report was not incorrect, the building circled in yellow shown within the Appellant's statement is a barn, not an ancillary residential outbuilding. Agricultural barns would be expected to be seen within countryside locations and therefore barns with agricultural appearances would not be out of character for rural locations.
- 6.4 It would not be considered in this instance that the Appellant's statement has overcome the concerns raised within the Officer's delegated report.

7 Other matters

- 7.1 The appellant relies upon a number of recent appeal decisions within the District in support of the proposal. The Council acknowledges that some appeal decisions have afforded reduced weight to countryside protection policies in circumstances where the tilted balance has been engaged. However, appeal decisions are highly site-specific and must be considered within the context of their own site characteristics and planning judgments.
- 7.2 The Council does not dispute that certain similarities exist between the appeal proposal and some of the cases cited by the appellant, particularly in relation to the Council's housing land supply position. The Appellant draws on an example to the east of the application site considered under DC/25/1019. This application was for 45 houses which weighed heavily in favour of granting the development. However, the application referenced and the cited appeals in general do not establish a wider principle that residential development outside defined settlement boundaries should automatically be regarded as acceptable in principle.
- 7.3 In the present case, the Council considers that the appeal site would contribute to incremental residential encroachment into the countryside and is materially distinguishable from cases where Inspectors have concluded that sites were sufficiently related to existing settlements to justify development despite policy conflict.
- 7.4 Accordingly, whilst the Council has had regard to the appeal decisions cited by the appellant, it does not consider that they outweigh the site-specific concerns identified in this case or justify a departure from the Development Plan spatial strategy.
- 7.5 Drawing these matters together, whilst the material considerations advanced by the appellant are acknowledged and carry some weight particularly in respect of housing land supply they do not outweigh the identified harm arising from the proposal's conflict with the Development Plan spatial strategy and its unsustainable location.

8 Conclusions

- 8.1 As per the Officer's report, the application was determined on a balancing exercise, where it was considered by the Council that the harm that would arise from granting consent would not have been outweighed by the benefits of the scheme. The balancing exercise itself is a matter of planning judgement as it is a matter of opinion for an involved party to attribute weight to any determining factor. The proposal is read in light of the context of the development plan as a whole.
- 8.2 In recognition of the council's inability to demonstrate a 5 year supply of housing, the Council

has published the Shaping Development in the Horsham District document which acknowledges the Council's housing supply position and suggests an interim approach that the Council will pursue in relation to development prior to the adoption of the emerging HDLP. An assessment of development is made against the Shaping Development in the Horsham District document *when* the development adjoins an existing settlement edge as defined by a corresponding built-up area boundary. In the case of the current appeal site however, it would not adjoin a settlement edge in the first instance.

- 8.3 While the Council accepts that the provision of housing in the context of a housing supply shortfall attracts significant weight, the Inspector is respectfully asked to consider whether that weight is sufficient to override the fundamental spatial objectives of the development plan
- 8.4 The Council is firmly of the view that it has not behaved unreasonably nor put the Appellant to additional or wasted expense in the appeal process. Furthermore, the Council considers it to have been correct in refusing planning permission for the proposed development. The Council remain of the view that approving the scheme would conflict with core local and national planning policy.

Recommended conditions:

- 1 **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).

- 2 **Pre-occupation Condition:** Prior to the first occupation of each dwelling, 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 shall be 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).

- 3 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 4 **Pre-Occupation Condition:** No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy 40 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or

re-enacting that Order, no development falling within Classes A, AA, B, C, E, or F of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** The dwelling(s) 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).