

Appendix A

Letter from Tal Kleiman of HDC dated 31 January 2025 providing high level advice on the proposed development at the Toat Café.

Via Email Only

Our ref: SA677

Your ref: 1726

31 January 2025

Dear Mr Petty,

Re: Land at Toat Café, Stanes Cottage and Land Adjoining Stanes Cottage known as Stanes Farm, Pulborough

I understand that you have had a telephone conversation and subsequent written correspondence with the Head of Strategic Planning, Catherine Howe, relating to the site listed above. I have been asked to provide a response to some of the queries that you've expressed. In doing so, I provide high level information relating to the planning policy context in Horsham District and Pulborough.

In providing my response, I have had regard to the information that was submitted alongside your email of 22nd January 2025. However, my response is not formal pre-application advice and should not be considered as such. I have not commented on the merits of different options you have proposed.

You are encouraged to seek formal pre-application advice should you wish to pursue development options at the site. Information about pre-application advice, including how to request such advice, can be found online¹.

You may also be assisted by the Council's Facilitating Appropriate Development (FAD)², though acknowledging that the document is, in parts, out of date.

Horsham District Planning Framework

You will be aware the decisions on planning applications are determined with regards to policies within the development plan. The development plan in Horsham District consists of the Horsham District Planning Framework (HDPF, 2015) and adopted Neighbourhood Plans. The site lies north east of Codmore Hill, within the parish of Pulborough. Pulborough does not have an adopted Neighbourhood Plan, though the production of a Neighbourhood Plan is advanced. Information about the emerging Neighbourhood Plan is provided overleaf.

There are a range of policies within the HDPF which may be relevant to any proposals on the site as each will attract weight in the determination of any application on the site. The weight to be attached to such policies will be dependent on multiple factors, including progress of the emerging Local Plan, the Council's housing land supply position and the conformity with national policy at the time a decision is made.

¹ <https://www.horsham.gov.uk/planning/planning-applications/pre-application-planning-advice>

² https://www.horsham.gov.uk/_data/assets/pdf_file/0007/119527/Facilitating-Appropriate-Development.pdf

However, in relation to the principle of development, the site does not benefit from an allocation in the HDPF. In addition, the site is not located within a built up area boundary (BUAB) and thus development of the site in the manner proposed would not be supported by policy 3 of the HDPF. Similarly, the site does not adjoin the BUAB of Codmore Hill and thus, development of the type proposed is not supported by policy 4 of the HDPF.

As the site is therefore outside of the BUAB, HDPF policy 26 will be used in assessing any planning application. In simple terms, this policy seeks to protect the countryside. From a basic understanding of your material, it would appear that your proposals would not be supported by this policy.

Five Year Housing Land Supply

The Council cannot demonstrate a five year housing land supply (5YHLS). The latest position was published on 18th January 2024. This identified a 5YHLS of 2.9 years.

Following changes to the NPPF in December 2024 that you reference in your letter, the Council's assessed need under the new standard method has increased to 1,357. At the time of writing this letter, an updated 5YHLS figure has not been published to take account of the new need figure, recent completions and permissions. A new 5YHLS position will be published in the 23/24 Authority Monitoring Report and is likely to show that the position has worsened. This is expected to be published in the coming weeks.

Because of the Council's 5YHLS position, policies in the development plan may be considered out of date in the context of NPPF paragraph 11d) and thus the 'tilted balance' is currently in effect. Should an application be determined whilst the 'tilted balance' is in effect, this is likely to increase the chances of speculative development proposals, such as that set out in your material, from having a positive determination. This does not mean any applications for housing should be automatically granted and proposals will still need to demonstrate that they are sustainable. In this regard, and as already advised above, you may find it useful to consult the Council's FAD.

To be clear, per NPPF paragraph 11d)i, the 'tilted balance' is not engaged in situations where water neutrality cannot be demonstrated.

Green Belt/Grey Belt

Horsham District does not have any land located within the Green Belt and it is therefore not clear how your comments relating to Green Belt and Grey Belt are of any relevance to development proposals on this site.

Water Neutrality

From your covering letter, you are aware of the need for development proposals to demonstrate water neutrality. This has been the case since receipt of Natural England's Position Statement in September 2021 and it remains in effect.

The Council has a range of online materials³ regarding water neutrality, explaining the position and includes studies, FAQs and the Position Statement itself. I would advise that you consult such resources before progressing an application.

With regards to credits, please be aware that we have set out the types of development that will be able to access the local authority-led Sussex North Offsetting Water Scheme

³ <https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district>

(SNOWS). SNOWS is envisaged to be launched in Spring 2025. To be clear, as your proposals do not accord within an allocation in the development plan or post-submission Local/Neighbourhood Plan and is located outside of a BUAB, you would not be eligible to access SNOWS.

Emerging Local Plan

The Regulation 19 Horsham District Local Plan 2023-2040 (hereafter draft HDLP) was submitted for examination in July 2024. The Inspector set out his Matters, Issues and Questions (MIQs) and a full programme of Hearing Sessions were scheduled. Hearing Statements responding to all of the MIQs have been submitted by the Council and other participants. All documentation relating to the HDLP examination can be found online⁴, which includes responses to all of the Action Points identified by the Inspectors at the Hearings.

As you are aware, following the end of the first week of Hearings, the Inspector issued a holding letter cancelling the further Hearings. Within it, he explained that he will provide further details *“in a separate letter as soon as I possibly can.”* We continue to await this separate letter and have not been given a timeframe for its receipt. I cannot provide any further information as to the HDLP’s progress or speculate as to what the letter may state.

Though not part of the development plan, the draft HDLP is nonetheless an agreed statement of Council policy. NPPF paragraph 49 explains that weight may be given to draft policies in emerging plans depending on its stage of preparation, the extent to which there are unresolved objections and the degree of consistency with national policy.

The weight to be attached to such policies will therefore be dependent on the factors outlined in NPPF paragraph 49 (which relate to the progress of the draft HDLP towards adoption, more generally) at the time that a determination is made on any application.

Per your letter, you are aware that the site was not allocated in the draft HDLP and thus, in general terms, the draft HDLP does not support development as proposed in this location. You state that reason for non-allocation was *“probably because it included Whitelands which is visually separate from the site and provides substantially more land than proposed in the NHP.”*

The site (albeit larger as it is inclusive of Whitelands Farm) has been subject to site assessment as part of the development of the HDLP. The reasons for its non-allocation are set out in the Site Assessment Report, pages 339-340⁵. In concluding, the Site Assessment Report states: *“The site does not have potential for allocation for housing because it is detached from Codmore Hill and Pulborough village and other nearby settlements, with access to local services more than likely to be reliant on the private car. The proposed level of housing in this rural location would conflict with the development hierarchy in the district and the approach to creating sustainable communities. Furthermore, large scale housing development in this location would affect the tranquillity and negatively impact on the wider natural landscape as well as extend ribbon development along the Codmore Hill and A29. It is therefore considered to be an unsustainable location with regard to proposals for new homes.”*

Emerging Neighbourhood Plan

As you are aware, the Parish Council have drafted the Pulborough Neighbourhood Plan (PNP). Policy 8 of the PNP relates to your site and sets out the type of uses which would be

⁴ <https://www.horsham.gov.uk/planning/local-plan/local-plan-examination/Examination-Library>

⁵ https://www.horsham.gov.uk/_data/assets/pdf_file/0004/131737/HDC-Reg-19-Site-Assessment-Report-Part-IV-Rejected-Smaller-Sites-Dec-2023.pdf

supported, if detailed criteria were met. The policy does not support C3 housing, to which your proposals include.

The PNP is at an advanced stage as it has been subject to examination and a referendum version of the PNP has been prepared taking account of the Natural England Position Statement, which was received subsequent to the examination. This includes the addition of Policy 16 relating to water neutrality and consequential amendments to other parts of the PNP. All relevant documentation relating to the PNP can be found online⁶.

Policy 16 includes wording consistent with the proposed water neutrality policy in the draft HDLP, which is also equivalent to policies in the adopted Crawley Borough Local Plan and emerging Chichester District Local Plan. Nonetheless, given the position of the HDLP, the Council does not intend to submit the PNP for referendum until it has received the further letter from the Inspector referred to earlier in this letter. At this time, therefore I cannot advise when the referendum would take place.

As has also been explained earlier in this letter, weight can be attached to policies in emerging plans per NPPF paragraph 49. The weight will be dependent on the timing of the application and circumstances with regards to any application and this is not something that can be determined at this point in time.

Should the PNP, following a successful referendum, be adopted as part of the development plan, it is considered that it will meet the relevant requirements of NPPF paragraph 14. This explains that, should the 'tilted balance' be in effect, *"the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits."* As such, any conflicts, such as that identified above would be likely to have a bearing on the determination of any application that you propose.

Conclusion

I hope that the contents of this letter are of use in terms of setting out the policy context for application. It is not for the Strategic Planning Team to get directly involved in the development of planning applications and thus are not intending to have further dialogue in relation to proposals that you may make. You are encouraged, as set out above, to obtain pre-application advice should you wish to progress development options on your site.

Kind Regards,



Tal Kleiman
Senior Planning Officer

⁶ <https://www.horsham.gov.uk/planning/neighbourhood-planning/pulborough>