PROMETHEAN
PLANNING

Land North of Girder Bridge, Gay Street Lane, North Heath RH20 2HW

Use of land for the stationing of 6 static caravans for residential purposes and associated landscape works.

Appeal against refusal of application DC/26/0010

Appeal Statement

21st October 2026

Executive summary

The appeal should be allowed. The Council's professional officers assessed the proposal against the development plan, national policy and consultation responses and recommended permission subject to conditions. They found the principle acceptable, acknowledged significant unmet need and the absence of a five-year supply of traveller sites, accepted the site's relationship to Pulborough, found no unacceptable landscape or residential amenity effects, and recorded no objection from the Local Highway Authority. Members nevertheless refused permission for four reasons which were not supported by technical evidence before them.

The revised NPPF is materially supportive. Policy S5(1)(g) now identifies development outside settlements which addresses an evidenced unmet need for Gypsy and Traveller accommodation as a form which should be approved, provided it meets Policy HO12, unless its benefits are substantially outweighed by adverse effects under the national decision-making policies. Policy HO7 directs substantial weight to homes meeting evidenced accommodation needs. Policy HO12 recognises that traditional lifestyles can make locations not well-related to existing settlements appropriate and focuses on a settled base and access to frequently used services. The former national traveller policy wording concerning an impression that occupants are deliberately isolated by enclosure has not been carried forward.

The appeal is now supported by Evolved Acoustics' Environmental Noise Assessment and RGPs' Transport Appraisal.

The acoustic assessment records a low initial site-noise risk and finds that acceptable internal and external conditions can be achieved, subject to enhanced caravan sound insulation and a ventilation/overheating strategy.

The RGP appraisal forecasts approximately 42 two-way weekday movements and 3.5 movements in each peak hour: about one movement every 17 minutes at the busiest times. This limited level of intermittent domestic activity would not materially harm living conditions at Girder Bridge.

Air quality does not justify refusal. Network Rail have been approached in the preparation of this appeal and they have advised that passenger services are electrified, operated by Southern using Class 377 trains, and that Network Rail is unaware of any specific railway-related air-quality issue at this location. Freight trains may use the route occasionally, but that does not establish unacceptable pollutant exposure without evidence of concentrations or non-compliance with relevant objectives.

A costs award is sought because the Council has required an appeal notwithstanding its officers' evidence-based recommendation, specialist consultee conclusions and the absence of objective evidence supporting the refusal reasons. A decision contrary to officer advice is not unreasonable by itself. The unreasonable conduct lies in asserting significant effects and a railway hazard without technical substantiation, misapplying Policy 23, treating enclosure as a reason for refusal, and requiring reports or consultation which could have been sought or addressed during determination.

1 Introduction

1.1 This statement is submitted on behalf of Mr R Pettett in support of an appeal under section 78 of the Town and Country Planning Act 1990 against Horsham District Council's refusal of application DC/26/0010.

1.2 The application was submitted on 6 January 2026 and sought planning permission for the use of approximately 0.79 hectares of land for six static caravan pitches for residential occupation by Gypsies and Travellers, together with access, parking, refuse and cycle storage, landscaping, drainage and associated works.

1.3 The Planning Committee considered the application following a comprehensive officer assessment. The Head of Development recommended approval subject to conditions. Members resolved to refuse and the decision notice was issued on 11 September 2026.

1.4 This statement should be read with the application drawings and reports, the committee report, the decision notice, the Environmental Noise Assessment and the Transport Appraisal.

2 The site and proposed development

2.1 The appeal site lies north of Gay Street Lane and approximately 2 km north of Pulborough's defined built-up area. It is an undeveloped parcel of grassland and scrub, bounded by the existing access track and public footpath to the west and the railway corridor to the east. Mature trees, hedgerows and scrub provide substantial enclosure. Girder Bridge, a residential dwelling, lies to the south and is owned by the appellant.

2.2 The proposal places six pitches in a linear arrangement on the eastern side of the retained access. Each pitch accommodates one static caravan, parking and an amenity area. Two parking spaces per pitch, internal turning, secure cycle and refuse storage with electric vehicle charging, native hedging and strengthened boundary planting are shown. Existing vegetation is retained save for limited works to dead or hazardous trees.

2.3 The Council's Landscape Architect described the scheme as modest in scale, largely contained within an already well-enclosed site, and likely to have localised and largely neutral visual effects. The Tree Officer was satisfied following revisions and the submission of an Arboricultural Method Statement and Tree Protection Plan.

2.4 This is a prospective proposal. No residential traveller use, caravans, pitches or associated operational development forming the appeal scheme has commenced. The Inspector is being asked to determine whether permission should be granted before development occurs.

3 Planning history and decision

3.1 The committee report records no directly relevant site planning history. It nevertheless gives important context: the Council's Strategic Gypsy and Traveller Site Assessment considered Land North of Girder Bridge suitable in principle for five pitches. Officers correctly treated the identified capacity as indicative, not a policy ceiling, and concluded that the submitted layout demonstrated that six pitches could be accommodated.

3.2 The report also referred to nearby traveller proposals and consistently concluded that the rural relationship to Pulborough did not render the appeal site unacceptably isolated. Pulborough is a Key Service Centre providing shops, education, healthcare and public transport; the A29 and bus services are accessible from the locality.

3.3 The four reasons for refusal are:

1. *The train noise, including the sounding of horns, in close proximity of the site, will have a significant impact on the residential amenity of future occupiers of the caravans, contrary to Chapter 17, Policy P3 of the National Planning Policy Framework (2026) and Policy 33 of the Horsham District Planning Framework (2015).*

2. *The vehicle movements associated with the site will have a significant impact on the residential amenity of the nearest residential dwelling contrary to Chapter 17, Policy P3 of the National Planning Policy Framework (2026) and Policy 33 of the Horsham District Planning Framework (2015).*

3. *The proposed development, by reason of its location, isolation and physically enclosed boundaries, in particular by the adjoining railway embankment, and degree of enclosure, would be contrary to Policy 23 of the Horsham District Planning Framework (2015), which states there must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability and proximity to other hazards, such as train horns.*

4. *No evidence of consultation with Network Rail has been submitted in support of the application, with particular regard to an asset protection assessment, and lack of acoustic and air quality assessments, given the risks of the site's location adjacent to the railway.*

4 Development plan and national policy

4.1 Statutory approach

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is read as a whole. Conflict with one criterion does not automatically determine the overall result.

4.1.2 The principal adopted policies cited in the application material and committee report are HDPF Policies 22 and 23 concerning traveller accommodation; Policies 25, 26, 31, 32 and 33 concerning landscape, countryside, ecology, design and amenity; Policies 38, 40 and 41 concerning drainage, transport and parking; and relevant policies of the Pulborough Neighbourhood Plan.

4.2 Policy 23

4.2.1 Policy 23 permits proposals on non-allocated sites subject to criteria addressing site constraints, access, servicing, relationship to settlements and services, landscape character and neighbouring amenity. It does not create an embargo on sites adjoining railways. Nor does it say that visual enclosure is inherently harmful. The relevant question is whether a genuine barrier or hazard exists and, where impacts arise, whether they can be acceptably addressed.

4.2.2 Officers assessed every material criterion and concluded that the proposal complied. The site is in Flood Zone 1; drainage is feasible subject to detailed design; utilities can be provided; the access and internal layout are acceptable; the landscape and tree officers raised no objection subject to conditions; and ecology, biodiversity net gain and water neutrality were capable of being secured.

4.3 National Planning Policy Framework August 2026

4.3.1 The revised NPPF was published on 17 August 2026 and applies to decision-making immediately. It replaces the December 2024 Framework and incorporates national traveller policy into the Framework. The decision notice itself cites the 2026 Framework, but the committee report's reasoning drew in places on superseded PPTS language. The appeal must be determined under the current policy.

4.3.2 Policy S3 applies the presumption in favour of sustainable development. Outside settlements, S5 applies. Under S5(1), specified development should be approved unless the benefits are substantially outweighed by adverse effects when assessed against the national decision-making policies.

4.3.3 Policy S5(1)(g) expressly includes development which would address an evidenced unmet need for Gypsy, Traveller or Travelling Showpeople accommodation, provided it meets HO12. Footnote 26 confirms that this includes, but is not limited to, cases where the authority cannot demonstrate a five-year supply of deliverable traveller sites. Both triggers are present here: the Council accepts an identified need and accepts it has no five-year supply.

4.3.4 Policy HO7 requires substantial weight to the benefits of homes contributing towards evidenced accommodation needs. This is a positive and express direction on weight, stronger and clearer than merely treating supply failure as one material consideration.

4.3.5 Policy HO12 requires traveller sites to provide a settled base, recognise that traditional lifestyles may make locations not well-related to existing settlements appropriate, and enable access to frequently used education, welfare and health services. It also requires the authority to consider existing provision, need and relevant personal circumstances and not restrict consideration to applicants with local connections.

4.3.6 The proposal supplies a settled base, lies within reasonable reach of Pulborough's services and provides six permanent pitches against a serious acknowledged shortfall. The railway and mature vegetation do not sever all functional relationship with the community. The access opens directly toward Gay Street Lane; the site sits among sporadic rural housing; and its location is one the Council previously assessed as suitable in principle.

4.3.7 Importantly, the 2026 Framework does not carry forward the former PPTS advice that a site should not be enclosed by so much landscaping, walls or fencing that it gives an impression that occupants are deliberately isolated. The third refusal reason therefore relies on a concern which is not a current national policy test. Enclosure must instead be evaluated on its actual effects. Here it reduces landscape and neighbour effects and provides privacy and security without preventing access to services or integration.

4.4 Living conditions and pollution

4.4.1 Policy P3 requires development to be appropriate for its location, considering pre-existing pollution and the sensitivity of intended occupiers. It requires healthy living conditions, suitable mitigation where necessary, compliance with relevant air-quality objectives, and noise mitigation so exposure does not reach a significant observed adverse effect.

4.4.2 P3 is an evidence-and-mitigation policy, not an automatic exclusion zone around railways. Evolved Acoustics has measured the actual sound climate, including horn events, assessed it against BS 8233:2014 and ProPG:2017, and specified mitigation. Its findings demonstrate that acceptable internal and external conditions can be secured.

4.4.3 Policy P4 embodies the agent-of-change principle. It requires potential effects on new development to be identified, informed where necessary by early discussion with the existing operator, and suitable mitigation to be demonstrably capable of provision before occupation. The acoustic report provides the required design evidence. Conditions can secure the acoustic design and agreed railway safeguards before first occupation.

5 Need and supply

5.1 The Council's committee report is unequivocal: it cannot demonstrate an up-to-date five-year supply of deliverable Gypsy and Traveller sites; additional pitches are needed; and the six proposed pitches would make a meaningful contribution. Those conclusions were not displaced by contrary evidence in the committee decision.

5.2 The 2023 Gypsy and Traveller Accommodation Assessment identified a requirement for 128 pitches over 2023-2040. That assessment predates the December 2024 expansion of the national definition to include other persons with a cultural tradition of nomadism or caravan living, which the 2026 Framework now incorporates. The identified requirement is therefore not a reliable upper limit on actual need.

5.3 Under NPPF S5(1)(g), the acknowledged unmet need provides a direct route to approval outside a settlement. Under HO7 the benefit attracts substantial weight. Under Annex D, authorities should identify and update annually a minimum five-year supply. Horsham's admitted failure is therefore a continuing failure against a current national policy expectation.

5.4 The benefits are immediate and tangible: six lawful permanent pitches, a settled base, improved access to education and healthcare, reduction in the pressure which causes unauthorised or insecure accommodation, and delivery on a site already found suitable in principle by the Council's own strategic assessment.

6 Response to refusal reason 1 - Railway noise

6.1 The decision alleges a significant effect but identifies no measured noise level, observed adverse effect level, frequency or duration of horn events, internal or external design criterion, or specialist evidence. Environmental Health did not provide evidence supporting refusal.

6.2 Evolved Acoustics Limited's Environmental Noise Assessment, reference EV2648-01-A, dated 19 October 2026, applies the evidence-and-mitigation approach required by P3 and P4. It is based on seven calendar days of unattended monitoring in September 2026 and ten attended 15-minute measurements on 23 and 29 September 2026. Passing trains were the principal source of ambient noise and train movements the source of maximum levels; the survey expressly included routine horn sounding.

6.3 The assessment adopts free-field levels of 52 dB LAeq,16hr by day and 45 dB LAeq,8hr at night. Both fall within ProPG's low initial site-noise risk range. It adopts 83 dB LAFmax as a representative upper-range night-time design event, covering wheel–rail interaction and most horn events. One isolated 90 dB LAFmax event was recorded but was not treated as the representative design maximum; that transparent and conservative methodology allows the Inspector to understand both the recurring and exceptional event evidence.

6.4 With open windows, the relevant internal criteria would not all be achieved. With a typical closed-window caravan specification, the BS 8233 daytime and night-time ambient criteria would be achieved, but the predicted 50 dB LAFmax internal maximum would exceed the 45 dB target. The report therefore does not dismiss the horn issue: it identifies the precise mitigation needed to control it.

6.5 The Acoustic Design Statement recommends caravan walls and roofs achieving at least 40 dB Rw, habitable-room glazing achieving 37 dB Rw, and, if used, façade ventilators achieving 42 dB Dn,e,w. With typical glazed areas, that specification is predicted to reduce typical maximum train events to no more than 45 dB LAFmax in bedrooms and ambient levels comfortably within BS 8233 desirable limits. Bedroom windows should, where possible, avoid facing the railway. A high acoustic barrier is not recommended because the elevated railway would make it ineffective and disproportionate.

6.6 The caravans also require a ventilation and overheating strategy which provides adequate background ventilation with windows closed, avoids reliance on prolonged window opening, supplies overheating relief equivalent to or better than open windows, and does not compromise internal noise targets. The report identifies mechanical ventilation, comfort cooling and/or air conditioning as possible solutions and recommends plant self-noise of no more than 30 dB LAeq,T in habitable rooms, ideally 24–26 dB.

6.7 External amenity levels are expected to be up to 52 dB LAeq,16hr: marginally above the BS 8233 desirable level of 50 dB but within its 55 dB guideline upper limit. The consultant considers that an acceptable compromise and recommends no external screening. Subject to implementation of the Acoustic Design Statement, adverse noise effects are expected to be mitigated and minimised in accordance with national policy.

6.8 A condition can require, before installation of any caravan, details demonstrating compliance with the minimum façade, glazing and ventilator ratings and approval of the ventilation/overheating strategy; no caravan should be occupied until the approved measures have been installed and verified, and they should thereafter be retained. On that basis the measured evidence does not support refusal reason 1.

7 Response to refusal reason 2 - Vehicle movements and Girder Bridge

7.1 The reason asserts a significant amenity impact at the nearest dwelling. It does not quantify existing traffic, forecast trips, identify sensitive periods, describe the access relationship or explain the pathway by which six residential pitches would cause significant harm.

7.2 The County Council, as Local Highway Authority, raised no objection. It was satisfied that the established access had suitable visibility for recorded speeds and that the proposal would not materially intensify traffic on the public highway. It accepted the parking and turning arrangements. Officers separately concluded that the domestic use, separation, vegetation and rural setting would not significantly harm living conditions.

7.3 The neighboring property Girder Bridge (the alleged receptor) is owned by the appellant. This is relevant factual context because the person controlling that property and the appeal land can coordinate access management and landscaping, ownership is not treated as extinguishing the issue.

7.4 RGP Consulting Engineers Limited's Transport Appraisal uses indicative residential trip rates from publicly available transport assessments and forecasts approximately 42 two-way vehicle movements on a typical weekday and around 3.5 movements in each of the morning and evening peak hours. That is approximately one movement every 17 minutes in a peak hour.

7.6 Those figures are modest in transport terms and must be considered alongside the Local Highway Authority's no-objection position and the officer conclusion that residential activity would be unlikely significantly to harm neighbouring living conditions. The movement profile is residential rather than commercial: it would consist principally of arrivals and departures associated with work, education, shopping and visitors, spread across the day. A movement past the dwelling would be brief and intermittent. Even in a peak hour, the forecast amounts to only one movement every 17 minutes, not a continuous or intensive source of activity.

7.7 The reason for refusal does not identify an existing amenity baseline, a numerical or policy threshold, a particular sensitive period, or any analysis showing how this modest frequency would become a significant effect. Nor does it explain why the professional officer assessment was wrong. The mere fact that vehicles would pass the dwelling cannot establish significant harm; the issue is the scale, duration and character of that activity, all of which point to a limited effect.

7.8 The existing access is established and the relationship between the appeal site and Girder Bridge is already apparent on the submitted plans and from the site circumstances. Vegetation and the rural setting provide visual separation and filtering. Girder Bridge is in the appellant's ownership, enabling coordinated control of the access, surfacing, gates, planting and management, although the appeal case does not depend on ownership and the effect is assessed on the basis that the dwelling could be occupied independently in future.

7.9 The proposal is for only six pitches. Conditions limiting the number of pitches and caravans, preventing commercial activity and controlling the stationing, parking or storage of vehicles over 3.5 tonnes would prevent a materially different or more intensive traffic character. A site and access management condition could, if considered necessary, address maintenance, low speeds, avoidance of unnecessary idling and the timing and management of exceptional caravan deliveries or construction traffic. Those occasional events should not be conflated with normal daily operation.

7.10 Taken together, the forecast of 42 movements across a typical weekday, only 3.5 in each peak hour, their ordinary domestic character, the established access, the physical context, the ability to control exceptional activity and the absence of objection from the Highway Authority do not support a conclusion of significant harm.

8 Response to refusal reason 3 - Location enclosure and alleged hazards

8.1 Refusal reason 3 combines four concepts: location, isolation, physical enclosure and railway proximity. It then characterises train horns as a Policy 23 hazard. This does not represent a coherent application of the policy.

8.2 First, the location was accepted by officers and had been assessed by the Council as suitable in principle for traveller accommodation. It is around 2 km from Pulborough, near sporadic residential development, and connected by the existing access to Gay Street Lane. NPPF HO12 expressly recognises that traveller lifestyles may make locations not well-related to settlements appropriate. The proposal enables access to education, welfare and health services and is not geographically or functionally isolated in the policy sense.

8.3 Second, the enclosure is beneficial. It is formed predominantly by established vegetation and the railway corridor. The Council's Landscape Architect relied on that containment in concluding that visual effects would be localised and largely neutral. It is irrational to rely on the same feature as a positive landscape mitigation and then treat it as an unexplained amenity harm. The layout retains an open internal structure, a direct access route, amenity space and native planting; it is not a fortified or oppressive compound.

8.4 Third, Policy 23's references to flooding, drainage, ground stability and proximity to hazards concern genuine constraints to safe development. A train horn is a source of sound, not of itself a physical hazard. Its effect is properly assessed under noise and living-conditions policy. The Environmental Noise Assessment finds a low initial site-noise risk and demonstrates that internal targets can be achieved through specified design measures. The Council cannot avoid that evidence-based exercise by relabelling noise as a categorical hazard.

8.5 Fourth, the railway embankment is outside the site and physically segregates the operational railway. Subject to Network Rail's asset-protection requirements, the proposal does not require works to railway land and need not interfere with operational infrastructure. Its presence contributes to visual containment. Any safety matters for fencing, drainage, planting, construction methodology or access can be addressed through Network Rail advice and conditions.

8.6 The current NPPF no longer contains the former traveller policy wording concerning the appearance that occupants are deliberately isolated through enclosure. The refusal reason is therefore materially weakened. Current policy focuses on meeting need, creating a settled base and enabling access to frequently used services. The scheme does all three.

9 Response to refusal reason 4 - Network Rail acoustics and air quality

9.1 Network Rail and asset protection

9.1.1 The absence of a consultation response at application stage was not evidence of an unacceptable effect. In fact the responsibility to consualt lies with the Council and not with the applicant. - In correspondence dated 24 September 2026, Network Rail's Senior Town Planner stated that he could not see that the Council had consulted Network Rail either on the application or on the validity of the railway-related refusal reasons. The authority therefore relied on its own failure to consult as part of a reason for refusal, rather than first obtaining the infrastructure operator's advice.

9.1.2 Network Rail has since supplied informal pre-appeal advice. It requests anti-trespass fencing along the entire railway boundary, maintained for the lifetime of the development, ordinarily secured by a pre-occupation condition. It also advises that an Asset Protection Agreement is likely to be required and has supplied its standard informatives. These are conventional safeguards capable in principle of being secured through a condition, informative and the separate asset-protection process.

9.2 Acoustic information

9.2.1 Network Rail's informal advice explains that five level crossings in reasonably close proximity have whistleboards. The closest are "Double" to the north and "Wanseys" to the south; four whistleboards are identified around Gay Street Lane. Horns are required for the relevant approaches, the boards cannot presently be removed, and the requirement applies to all trains. The railway is operational at all times, with services generally between 05:00 and midnight.

9.2.2 The Environmental Noise Assessment summarised in Section 6 used seven days of unattended monitoring, attended observations and an upper-range design maximum which the consultant states covers most horn events. It finds the site to be in ProPG's low initial noise-risk range and identifies enforceable measures capable of meeting internal targets, while external amenity remains within the BS 8233 acceptable range.

9.3 Air quality

9.3.1 The refusal reason does not identify a pollutant, emissions source, predicted concentration, applicable objective likely to be exceeded, vulnerable receptor pathway, Air Quality Management Area or request from an environmental health specialist. Proximity to a railway is not evidence of unacceptable air quality.

9.3.2 Network Rail's informal advice confirms that passenger trains on this electrified route are operated by Southern using Class 377 electric units. Electric traction produces no diesel exhaust emissions at the point of use. Network Rail is unaware of any specific air-quality issue related to the railway at this location. Freight trains may occasionally use the line, including movements associated with the Three Bridges and Salfords area, but occasional diesel operation does not demonstrate that annual or short-term air-quality objectives would be exceeded at the proposed pitches.

9.3.3 The decisive considerations are the overwhelmingly electric passenger operation, the open rural setting and the absence of any identified pollutant exceedance or site-specific concern.

9.3.4 There is no reasonable basis to conclude that the proposal would fail NPPF P3(2)(a) or (c).

10 Other material considerations

10.1 Landscape and trees

10.1.1 The Council's specialists raised no landscape objection. The site is not in a nationally protected landscape. Effects are contained and localised; boundary vegetation is retained and reinforced; and arboricultural protection and long-term landscape management can be conditioned. These conclusions support rather than weigh against approval.

10.2 Ecology and biodiversity net gain

10.2.1 Place Services Ecology raised no objection subject to conditions. The scheme retains habitat connectivity, participates in the district newt licensing scheme and can secure the dormouse, reptile and other mitigation identified. The submitted metric shows 10.84% net gain in habitat units and 26.26% in hedgerow units, exceeding the statutory minimum for the relevant unit types.

10.3 Drainage and flood risk

10.3.1 The site is in Flood Zone 1. Officers concluded that surface-water infiltration, permeable surfacing and package treatment plants with drainage fields were acceptable in principle, with site-specific testing and final engineering design capable of condition. No overriding drainage or flood-risk barrier was identified.

10.4 Access and public right of way

10.4.1 The LHA raised no objection. The public right of way officer confirmed that passing bays and signage could be acceptable through condition. Private vehicular rights are a separate legal matter and planning permission does not override them. The proposal can preserve continued public use and provide controlled vehicle interaction.

10.5 Conditions

10.5.1 If the Inspector considers further control necessary, conditions can address pitch numbers and occupation, no commercial activity, vehicle weight, acoustic mitigation, Network Rail asset protection, external lighting, passing bays and access signage, drainage, landscaping, tree protection, biodiversity and construction management. Conditions are a proportionate alternative to refusal where effects can be made acceptable.

11 Planning balance

11.1 The appeal is supported by the development plan read as a whole. Policy 23 permits non-allocated traveller sites and its criteria are satisfied subject to ordinary mitigation and conditions. Officers reached that conclusion after consultation with technical specialists.

11.2 S5(1)(g) places this proposal within a category which should be approved unless its benefits are substantially outweighed by adverse effects. HO7 requires substantial weight for meeting evidenced accommodation need. HO12 recognises the sustainability characteristics of traveller sites and permits locations not conventionally well-related to settlements where appropriate.

11.3 The benefits are substantial: six permanent pitches against acknowledged unmet need; contribution to the five-year supply shortfall; stable accommodation and associated health, education and welfare benefits; biodiversity net gain; landscape reinforcement; and delivery on a site previously assessed by the Council as suitable in principle.

11.4 The alleged adverse effects are not demonstrated:

- The acoustic evidence establishes that acceptable living conditions can be achieved with enforceable mitigation.
- The transport evidence forecasts only 42 weekday movements and 3.5 in each peak hour; their intermittent domestic character, the established access and available controls do not amount to significant amenity harm.
- Network Rail's informal advice identifies standard fencing and asset-protection controls and confirms electric passenger operation and no known specific air-quality issue.
- Enclosure limits visual and neighbour effects and is not a current national policy objection.
- No protected landscape, highway, ecology, flood-risk or drainage reason remains.

11.5 The benefits are not substantially outweighed by adverse effects. On the contrary, they materially outweigh the limited and mitigable changes arising from the development. Permission should be granted subject to appropriate conditions.

12 Conclusion

12.1 Members were entitled to depart from officer advice, but the resulting decision must still be justified by planning evidence. Here, the committee's reasons conflict with the Council's own technical assessment and rely on unquantified assertions.

12.2 The Environmental Noise Assessment now provides the technical evidence absent from reasons 1 and 4 and demonstrates an acceptable acoustic design solution. And the Transport assessment confirms that vehicle movements would be limited in number and frequency and that ordinary and intermittent residential activity would not significantly harm the living conditions at Girder Bridge.

12.3 Network Rail's informal advice confirms that the Council did not consult it and identifies standard safeguards.

12.4 Subject to suitable conditions, there is no evidential basis for reasons 1, 2 or 4.

12.5 Reason 3 misapplies Policy 23 and is materially weakened by the replacement national policy framework.

12.6 The Inspector is respectfully requested to allow the appeal and grant planning permission subject to necessary and proportionate conditions.

Appendix A - Application for an award of costs

This application is made on behalf of the appellant for a full award of the costs of pursuing the appeal, or alternatively a partial award relating to the refusal reasons which the Council fails to substantiate.

The test

Planning Practice Guidance provides that costs may be awarded where a party has behaved unreasonably and that behaviour has directly caused another party unnecessary or wasted expense in the appeal process. Examples of substantive unreasonable behaviour by a local planning authority include preventing or delaying development which should clearly be permitted, failing to produce evidence to substantiate each reason for refusal, and relying on vague, generalised or inaccurate assertions unsupported by objective analysis.

The fact that members disagreed with their officers does not, by itself, amount to unreasonable behaviour. The issue is whether the reasons members adopted had a respectable evidential basis and whether the Council can substantiate them at appeal.

Unreasonable behaviour

The committee had before it a detailed professional report recommending approval. That report found significant unmet traveller need and no five-year supply; accepted the site in principle; recorded no objection from the Local Highway Authority, Landscape Architect, Tree Officer and ecology consultees subject to conditions; found no unacceptable neighbour amenity effect; and concluded that the tilted planning balance favoured approval.

Refusal reason 1 asserted that train noise and horn sounding would have a significant effect. No acoustic evidence, measured level, specialist objection or policy threshold was identified. If further acoustic evidence was genuinely necessary, the proportionate course was to seek it before determination or defer the item. The appellant has now had to commission a seven-day survey and detailed Acoustic Design Statement because the Council converted an unevidenced concern into a refusal reason. That evidence finds a low initial noise risk and a deliverable design solution; it confirms rather than creates the reasonable basis on which the matter could have been addressed proportionately.

Refusal reason 2 asserted significant amenity harm from vehicle movements without quantifying trips or identifying an impact mechanism. It was contrary to the LHA's no-objection position and to officers' assessment of residential amenity. RGP forecasts only 42 two-way weekday movements and 3.5 movements per peak hour. Those figures demonstrate the limited scale and frequency which the Council itself failed to assess. The appellant has incurred transport-consultant costs to quantify activity which the Council characterised as significantly harmful without objective analysis.

Refusal reason 3 treats the railway embankment and landscape enclosure as barriers or hazards. This is internally inconsistent with the Council's landscape evidence, which relied on enclosure to find localised and largely neutral effects. It also mischaracterises train horns as a Policy 23 hazard rather than assessing noise under the applicable amenity policy. The former national policy language about an impression of deliberate isolation was removed from the 2026 NPPF; current S5(1)(g), HO7 and HO12 materially favour the development.

Refusal reason 4 relies on absence of Network Rail consultation and assessments. The Council had failed to consulted Network Rail either on the application or the validity of the railway-related refusal reasons. The authority could have undertaken that consultation or requested further information during the eight-month application period. Instead, it relied on its own omission as a reason for refusal and transferred to the appellant the cost of undertaking post-decision liaison.

Air quality illustrates the lack of evidence. The reason identifies no pollutant, threshold, Air Quality Management Area, emissions data or specialist objection. The adjoining passenger route is electrified and regular services are understood to be electric. A general concern based only on adjacency to a railway is not objective analysis.

Unnecessary or wasted expense

The refusal required the appellant to prepare and submit an appeal and incur planning consultant, acoustic consultant, transport consultant and associated professional costs. Those costs would not have been necessary had the Council followed the evidence before it, sought proportionate clarification during determination, or granted permission subject to conditions as recommended.

Requested award

The appellant respectfully requests a full award. If the Inspector does not consider a full award justified, a partial award is sought for the expense of addressing any reason the Council fails to substantiate with objective evidence. The appellant reserves the right to update this application after receipt of the Council's appeal statement, particularly if reasons are withdrawn late or new evidence is advanced which ought reasonably to have informed the original decision.

AI disclosure: ChatGPT was used to research relevant planning policies and to assist with the structure of this appeal statement. The agent has reviewed the completed statement and has checked that the policies cited are relevant and accurately stated.