ECE Planning
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SL/Let/P2104i

Dear Sir, Madam

**Land Adjacent to Pucks Croft Cottage, Horsham Road, Rusper, West Sussex (LPA Reference: DC/25/1120 and PINS Reference: 6006131)**

We write on behalf of the Appellant in response to the Council's Statement of Case dated 23 April 2026.

At the outset, it is noted that the Council's Statement incorrectly describes the appeal proposal as a full application for the conversion of a barn to one dwelling. That is not the development before the Inspector, and the appeal should be considered on the basis of the outline proposal actually submitted.

This response addresses the key matters arising from the Council's Statement, namely the description of development, the outline nature of the proposal, the site's relationship with the built-up area boundary, the Council's pre-application advice, landscape matters and the previous appeal decision.

## Outline nature of the Appeal proposal

The Council accepts within its Statement that layout and scale would be subject to further consideration at Reserved Matters stage. However, it then proceeds to rely heavily on the indicative siting of dwellings, plot sizes, access arrangements and potential hardstanding to justify refusal.

The Appellant accepts that the quantum of development is a relevant matter at outline stage. However, that does not mean that an indicative layout, particularly one which was informed by Horsham District Council's own pre-application advice, should be treated as a fixed scheme, nor that all matters of detailed design and landscape treatment should be determined as though they were before the Council for full approval.

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The appeal proposal seeks to establish whether the site is capable, in principle, of accommodating up to four dwellings, together with the extension and refurbishment of the existing cottage. The submitted layout demonstrates one possible way of achieving that quantum. It does not fix the final layout, scale, appearance or landscaping.

If the Council considered that a less formal arrangement, reduced hardstanding, altered plot arrangement, different boundary treatments or additional structural landscaping were required, these matters could properly have been addressed through Reserved Matters or by condition. They do not justify refusal of outline planning permission.

## Site Location to Built Up Area Boundary

The Council's Statement continues to describe the site primarily by reference to its rural and transitional character. While the Appellant accepts that the site lies at the edge of Rusper, the Council's assessment underplays the fact that the site is partly within the built-up area boundary and directly adjoins the settlement edge. Refer to Figure 1 below.

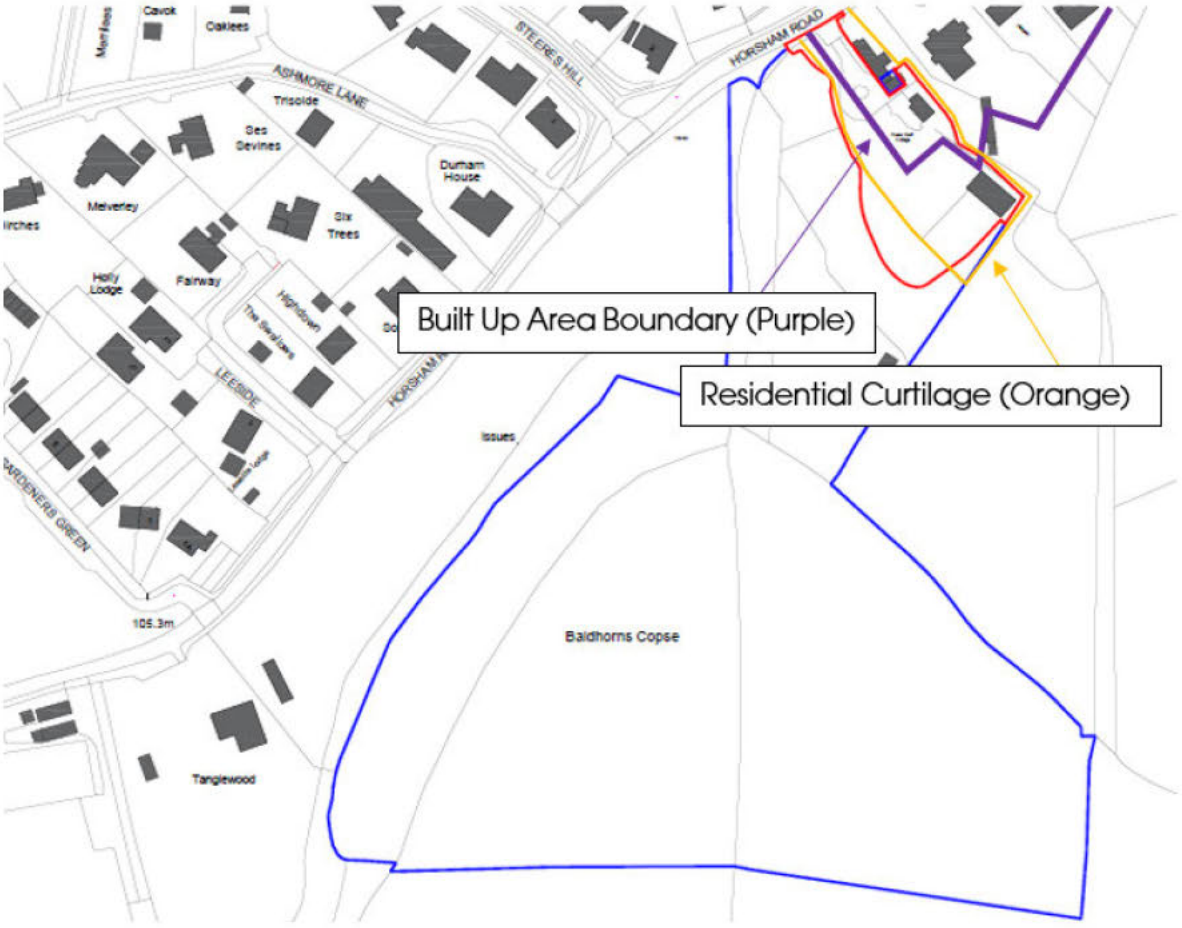



Figure 1 – The Site

The appeal site is not an isolated countryside site. It is physically and functionally related to Rusper, lies immediately adjacent to existing residential development and is partly within the defined built-up area boundary. The greater part of the site also forms part of the residential curtilage of Pucks Croft Cottage, including domestic land, access, hardstanding and a dilapidated timber barn.

The Council now acknowledges that part of the site forms residential garden and therefore represents previously developed land. That is an important concession. While the site's character and context remain relevant, it should not be assessed as though it were an undeveloped agricultural field detached from the village.

## Pre-application Advice Received

The Council's Statement gives insufficient weight to its own pre-application advice.

The current scheme was developed directly in response to the previous appeal decision and following pre-application engagement with the Council. The Appellant materially reduced the scale of development from the previous seven-dwelling scheme to four dwellings, omitted land to the west and adopted a more landscape-led arrangement.

The Council's pre-application response expressly recognised the improvement. It stated:

> *"Both options have reduced the quantum of development proposed on the site, where the development does not extend beyond the build line of the linear development to the north-east and open spaces are retained around the development."*

It also stated:

> *"Both proposals acknowledge important viewpoints through the site, where the layout of the development seeks to limit impact on this view. Grassland would be retained to the edges of the site to allow an appropriate transition between the rural countryside to the west and the suburban linear built surrounds to the north-east."*

Most significantly, the Council concluded at pre-application stage that:

> *"The proposed development is considered to take better consideration of the transitional space the site occupies, with the reduced quantum of development and proposed layout considered to address the concerns raised by the Planning Inspector."*

That advice is directly relevant to the appeal. It confirms that the Council had previously accepted that the reduced quantum and conceptual layout addressed the Inspector's earlier concerns. The Council's subsequent refusal on the basis of quantum, density and alleged suburbanisation is therefore inconsistent with its own prior assessment.

## Landscape

The Council's Statement relies heavily on alleged landscape and visual harm. However, the Council's Landscape Architect did not object to the proposal.

The Landscape Architect acknowledged that the appeal proposal represents an improvement over the previously dismissed scheme, stating:

> *"The proposed dwellings are set back further from Horsham Road than the Appeal Scheme (2021). Whilst this is less consistent with the linear settlement type that has established along Horsham Road, we note that this will contribute to reducing the urbanising effect on Horsham Road, where there is an evident transition into the countryside on this rural edge."*

This is an important point. The Council's reason for refusal alleges that the proposal would formalise and suburbanise the countryside setting. Yet its own Landscape Architect recognised that the increased setback would reduce the urbanising effect on Horsham Road.

The Council's landscape comments also accepted that wider effects would be limited. The Landscape Architect stated that:

> *"the visual influence and the effects on wider landscape character are expected to be minimal"*

This does not support a conclusion that the proposal would cause significant landscape harm. At most, the Council has identified localised concerns relating to the detailed arrangement of development, hardstanding, materials, surfacing, boundary treatment and landscaping. Those are matters capable of being addressed at Reserved Matters stage.

It is also relevant that the Council did not provide the Landscape Architect's comments to the Appellant during the application process, despite the application being under consideration for approximately 21 weeks. The Appellant was therefore given no opportunity to respond, revise the indicative layout or provide clarification before the decision was issued.

## Previous Appeal Decision

The Council continues to rely on the previous appeal decision relating to the earlier seven-dwelling scheme. The Appellant accepts that decision is a material consideration. However, it should be given proper weight in light of the materially different proposal now before the Inspector, and also the materially different policy position in the District, with the tilted balance applying to this Appeal scheme.

The current appeal scheme directly responds to the previous Inspector's concerns. It reduces the number of dwellings from seven to four, reduces the overall site area, omits land to the west, relates predominantly to the residential curtilage of Pucks Croft Cottage, increases the setback from Horsham Road, and retains areas of open land and landscape transition.

The previous Inspector's concerns were not with the principle of residential development in this location. They related to the scale, spread, density and formality of the earlier proposal. Those matters have been specifically addressed through the reduced quantum and revised development approach.

The Council's Statement does not give sufficient weight to these material changes. It treats the current appeal scheme as though it gives rise to the same impacts as the previous proposal, despite the scale and extent of development having been substantially reduced.

## Conclusion

The Council's Statement does not justify refusal of the appeal proposal.

It misdescribes the development, overstates the weight to be given to an indicative layout, fails to properly account for the outline nature of the application, and gives insufficient weight to the Council's own pre-application advice. It also relies on alleged landscape harm that is not supported by an objection from the Council's Landscape Architect.

The appeal proposal is modest, proportionate and sustainable. The site is partly within the built-up area boundary, directly adjoins Rusper, includes previously developed residential curtilage, and can accommodate up to four dwellings without unacceptable harm.

The tilted balance is engaged. The harm alleged by the Council is limited, localised and capable of being addressed through Reserved Matters and conditions. It does not significantly and demonstrably outweigh the benefits of the proposal.

For these reasons, the Inspector is respectfully invited to allow the appeal and grant outline planning permission, with all matters reserved except access.

If you have any further queries or require further information, please contact me on 01903 248777.

Yours sincerely
ECE Planning

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Huw James MRTPI
Director