Planning Inspectorate

Appeal Decision

Site visit made on 10 February 2026

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2026

Appeal Ref: APP/Z3825/W/25/3376429
Land to the rear of The Rectory, High Street, Rusper, West Sussex, RH12 4PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Shawn Kelf of Geko Developments Ltd against the decision of Horsham District Council.
- The application Ref is DC/24/1835.
- The development proposed is erection of 9 no. new build dwellings (2 no. 2-bedroom, 2 no. 3-bedroom, and 5 no. 4-bedroom houses) including the formation of a new vehicle access and associated landscaping works.

Decision

1. The appeal is dismissed.

Preliminary matter

2. As the proposed development is within a conservation area and relates to the settings of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

Main Issues

3. The main issues are:

   (i) Whether the proposed development would preserve or enhance the character or appearance of the Rusper Conservation Area ('the Conservation Area').

   (ii) Whether the proposal would preserve the setting of the Grade I listed building, 'St Mary Magdalene's Church, and the Grade II listed buildings, 'Ghyll Cottage', 'The Plough Inn' and 'Rusper War Memorial'.

   (iii) The effect upon the setting of the non-designated heritage asset, 'the Old Rectory'.

Reasons

The Conservation Area

4. The site is located within the northwestern part of the Conservation Area. Including the surviving buildings and townscape within it, the Conservation Area evidences the historic origins and historical development of the village through the medieval, post-medieval and Georgian periods. There is a clear contrast between the historic core of the village and the surrounding countryside. The historic core of the village is tightly formed with a predominantly linear pattern along High Street and East

Street. Gaps between buildings allow views of sky and trees which reflect the countryside setting of the village.

5. The Rusper Conservation Area Appraisal and Management Plan 2023 ('AAMP') identifies the views of St Mary Magdalene Church tower from the Sussex Border Path as an important view. In addition to the built form, the open spaces within the Conservation Area provide a positive setting to listed buildings within it and help to retain the rural character of the historic village core as well as providing for visual links with the surrounding countryside.

6. The AAMP identifies that the northern section of the High Street is characterised by large buildings set amongst large grounds, as well as open green spaces, and lower density of development, especially around Ghyll Manor Hotel and the Old Rectory. It goes on to state that although the nature of northern High Street is predominantly enclosed, the rural character of the area is maintained by the presence of glimpses of the wider rural landscape alongside the recreation ground, of hedge boundaries and open spaces such as the recreation ground, churchyard and the grounds surrounding The Rectory.

7. Located towards the northern edge of the Conservation Area, the open and verdant nature of the site contributes positively to the semi-rural character and appearance of this part of the village. The main part of the site itself where the proposed dwellings would be located is set back from the High Street frontage where the prevailing linear and close-knit form of the historic village core is most apparent.

8. The site forms part of the historic glebe land, part of which was subject to the construction of the current rectory ('The Rectory') in the early 1980s. In spite of this more recent development, the site provides legibility of its role as historic glebe land and the historic relationship between the church to the south and the non-designated Old Rectory which is located adjacent to the rear boundary of the site.

9. Although the appellant draws attention to the existing negative effect of the existing car park adjacent to the south east corner of the site, this is free of significant built development and is contained by rustic fencing and trees. I therefore have given less weight than the appellant to the degree to which the existing public car park and the new Rectory building has diminished the contribution of the appeal site as former glebe land to the character and appearance of the Conservation Area and to the setting of listed buildings which I go on to consider below. Furthermore, whilst I note the existing built development associated with the recreation ground to the north of the site, this is rather typical of the form of development that might be expected at the edge of a rural village and does not provide any significant justification for the form of development proposed on the appeal site.

10. In contrast to the prevailing low density form of development in this northern part of the Conservation Area, the proposed built form would comprise nine dwellings with mostly limited spacing between them. Despite the proposed buffer zone in the northern part of the site, this would, to a large extent, extinguish the open space within the appeal site and negatively impact on its contribution to the character and appearance of the Conservation Area. It would also result in a form of development that would contrast with the surrounding form and layout of the existing lower density development that is set back from the High Street in this part of the village.

11. The quantity, form and compact layout of the proposed development would also considerably dilute the historic relationship between the St Mary Magdalene's

Church and the Old Rectory and the contribution this makes to the historic understanding of the Conservation Area.

12. Despite existing and proposed trees and landscaping, the views of the church and into the Conservation Area from the Sussex Border Path would be adversely affected by the urbanising influence of the proposed development. Whilst the church tower would still be visible, the semi-rural setting of the church would be eroded. Despite the retention of the open space in the north eastern part of the site along with existing boundary screening, the compact form and layout of the proposed development would detrimentally affect the role the site plays in transitioning between the northern part of the Conservation Area and the surrounding countryside.

13. The density of a development is partly dependent on the size of the dwellings proposed and is therefore something of a blunt tool in assessing suitability to the character and context of a particular location. I do not consider that the form and layout of the development proposed in this case would be appropriate or sympathetic to the existing layout and character of this part of the village and Conservation Area. The use of traditional materials and the external design treatment of the proposed dwellings would not overcome or outweigh the harmful effects I have set out above.

14. The proposed development would consequently fail to preserve or enhance the character and appearance of the Conservation Area. The harm to significance would be less than substantial, broadly in the middle of the range of less than substantial harm.

St Mary Magdalene's Church

15. The grade I listed church has origins in the 13th century and has a strong presence within the High Street and surrounding area, with its impressive tower being visible in longer distance views, including from the Sussex Border Path. Its special interest, insofar as it relates to this appeal, primarily relates to its historic and architectural value as an important religious and community building within the village and surrounding rural area.

16. Its setting includes its immediate grounds, the area within the centre of the village and also further afield taking account of the visibility of the church tower, its presence denoting a historic settlement and evidencing the church as an important landmark through the centuries. Despite the existing screening, I consider that the appeal site makes a meaningful contribution to its setting taking account of its proximity, its historic relationship with the former glebe land and the relationship between the church and the Old Rectory. The verdant open character of the appeal site reinforces the historic link between the Church and the Old Rectory.

17. The compact form of proposed residential development would have a strong urbanising influence on the existing semi-rural character of the site and its surrounds. This along with the effect in diluting the views of the church from the Sussex Border Path and the overall effect on the site's legibility as historic glebe land eroding the historic association between the church and the Old Rectory would lead to a moderate adverse effect on the setting and significance of this grade I listed building. Whilst evidence would remain in historical documents and names of the buildings, this does not overcome the harm to significance. The harm to

significance would be less than substantial, broadly between the lower end and middle of the range.

Ghyll Manor Cottage, the Plough Inn and Rusper War Memorial

18. These three listed buildings are located on High Street to the south east of the appeal site.

19. Ghyll Manor Cottage is a grade II* 16th century timber framed listed building which formerly comprised two cottages and is now a single dwelling. Its special interest primarily comprises its historic and architectural interest as 16th century village high street building, including its traditional construction and evolving domestic appearance.

20. The Plough Inn is a 17th century or earlier timber framed building, originally used as a house and likely to have been converted to use as a public house in the early 20th century. Its special interest primarily relates to its historic and architectural interest, including its evolution of use.

21. The Rusper War Memorial consists of an obelisk type granite monument of primarily historic interest providing a reminder of the tragic effects on the local community from 20th century conflicts.

22. The setting for each of these buildings is predominantly focused on their immediate surrounds and the views along the road from where their architectural and historical value can be best understood. The appeal site, whilst located near to these listed buildings, is clearly separate from their curtilages and the built-up form of the High Street. Therefore, it makes only a negligible contribution to their setting and special interest in each case.

23. Whilst the proposed development would lead to an urbanising effect of the southern and western parts of the appeal site as set out above, given my findings on the extent of the individual setting of each of these these listed buildings, the proposal would not result in a harmful change to their immediate setting or harm to their significance.

The Old Rectory (non-designated heritage asset)

24. The architectural features, garden setting and historic relationship with St Mary Magdalene Church contribute to its significance as a non-designated heritage asset. In spite of the considerable screening, including on its eastern boundary, the appeal site positively contributes to a moderate extent to its setting taking account of its historic relationship with the former glebe land and the church.

25. The proposed development would include a row of fairly tightly located dwellings adjacent to its eastern boundary along with further dwellings adjacent to its driveway. Whilst it would retain its considerable garden area, the compact form of the development and its urbanising influence on the appeal site and its immediate surrounds would erode the historic relationship between the Old Rectory and the church and would be detrimental, to an albeit limited degree, to the setting and significance of the Old Rectory.

Other matters

26. The site has been allocated for development of 12 dwellings in Strategic Policy HA15 (RS1) of the emerging Horsham District Local Plan 2023-2040. Nevertheless, given the limited progress in the examination of this plan and noting that the draft policy also requires regard to be had to heritage assets, this draft allocation carries little weight in my consideration of the appeal.

27. I have also considered the Council's 'Facilitating Appropriate Development' document which, whilst not being part of the development plan, says that it will consider positively applications that meet the criteria set out in paragraph 5.7 of the document. However, the positive weight arising from this document is substantially restricted in this case given the harm I have found would result upon the significance of heritage assets, including to the character and appearance of the Conservation Area, as described above.

28. In relation to water neutrality and the Sussex North Water Supply Zone, the Council has confirmed in its Statement of Case that the proposed development would not have an adverse effect on the integrity of the Arun Valley Site Special Area of Conservation, Special Protection Area and Ramsar, either alone or in combination with other plans and projects. Given my conclusions on the main issues, it has not been necessary to consider this and the Conservation of Habitats and Special Regulations 2017 in any further detail.

29. Further matters have been raised by interested parties in addition to those considered in the 'main issues' above. However, there is no need for me to consider these as part of this appeal given my conclusions as set out below on the main issues of dispute between the Council and the appellant.

Planning balance

30. Paragraph 212 of the National Planning Policy Framework ('the Framework') states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes onto say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

31. For the reasons set out above, the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area. It would also be harmful to the setting and significance of the Grade I listed St Mary Magdalene's Church. In the context of paragraphs 212 to 220 of the National Planning Policy Framework 2024 ('the Framework'). I find the harm to be less than substantial in each case, but nonetheless of considerable importance and weight.

32. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There is currently a major shortfall in housing land provision with the housing land supply in January 2025 standing at 0.97 years. The Council has provided updated information showing a slightly improved position of a 1.7 year supply further to the 1 April 2024 to 31 March 2025 Authority Monitoring Report. However, as the appellant has not had the opportunity to comment on this, for the purposes of this appeal I have used the January 2025 figure, noting that it represents the worst case housing land supply scenario.

33. In the context of this shortfall, the provision of nine new market dwellings would provide a social benefit carrying significant positive weight. The site is located close to local services within the village, though this does not in itself carry further positive weight as accessibility to services is a general policy requirement. It would also provide economic benefits through the construction process and economic activity of future residents. However, these economic benefits from nine new dwellings would be fairly modest.

34. The proposal would also provide for biodiversity enhancement to which I have ascribed little positive weight given the the lack of details before me of such enhancement.

35. I find that when considered individually or cumulatively, the public benefits in this case would be outweighed by the harm that would result. I do not consider that there is a clear and convincing justification for the harm to the significance of the designated heritage assets outlined above. The harm to the setting and significance of the Old Rectory, a non-designated heritage asset, also weighs against the proposals to a limited degree.

36. The proposal would be contrary to the Framework's policies concerning designated heritage assets. Consequently, this is a case in the context of paragraph 11(d) of the Framework where the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. The titled balance is paragraph 11(d) (ii) is therefore not applicable.

37. The proposed development would fail to satisfy the requirements of the Act and would be contrary to the relevant heritage aims of Policy 34 of the Horsham District Planning Framework 2015 and the Framework.

38. The benefits of the scheme, whether considered individually or cumulatively, are not such to outweigh the totality of harm I have identified. The proposal conflicts with both the development plan and the Framework when each is considered as a whole. There are no other material considerations that suggest the decision should be taken otherwise than in accordance with the development plan. Consequently, despite the absence of a five year supply of housing land, the proposal would not represent sustainable development and permission should be refused.

Conclusion

39. For the above reasons I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR