Introduction

I write to repeat my objection to the proposals and to request that the appeal is rejected. I understand that you will have access to all submissions from the original application to Horsham District Council and kindly request that you read all objections. I will not therefore repeat the detailed reasoning of the original submissions from myself [redacted], but will summarise below and review in the light of the appeal case.

Summary of previous concerns

- The site is rural and not adjacent to the settlement boundary.
- It is not land 'which serves no useful purpose'; it is classified as agricultural land on the DEFRA MAGIC maps. See also the Preliminary Ecological Technical Note which states "*The site comprises a modified grassland field*", and that "*The field is regularly managed for silage and / or graze."* It *does,* therefore, result in harmful encroachment into undeveloped countryside.
- It would be an isolated dwelling. There is no settlement at Coopers Farm.
- The building is out of keeping with the local vernacular.
- The site is visible from Picts Lane and the High Weald AONB to the north and therefore its modern appearance would be even more inappropriate (see 1958 map at Appendix 1 below)
- There is no local need for housing of this size and scale outside the built-up area of the village. (see below)
- This proposal is not sustainable either in terms of
    - the quality of the build; the plans are by Scandia Hus but there is nothing to suggest passive house building standards.
    - the availability of public transport
- Water neutrality: the rainwater harvest proposals are not realistic for a private dwelling. Connection to the mains enables this to be flouted very easily
- The site is at risk of flooding
- The site is potentially contaminated by the previous unlicensed dumping of waste on the site
- There is a high voltage cable running beneath the site to which UKPN will need access. Building or planting is not permitted over or near it, as her deeds will show.
- Division of the site into two separate properties would be against all previous planning decisions at Wealden Barn.
- Consent would open the floodgates to the building of isolated homes across the district

Additional points related to these concerns

- The Appeal Forms ask the question: "Is the description of development on your application form still correct?" The answer given is not correct. This is *not* a four-bedroom two storey detached house. It is a FIVE-bedroom enormous house, with attendant implications for housing need, water neutrality etc.
- The plans submitted by the applicant disingenuously describe a track on the farmland as a 'garden path' giving the impression that this is within the curtilage of the main house. It is not; it is in an agricultural field

- Since writing our original submissions, an objection has also been received from UKPN: "*My company would like to object to the proposed planning application due to the proposed build impacting our EHV cables protected within the covenant attached to the parcel*."
- The successful appeal of Cowfold Lodge was previously cited by the applicant. In addition to the proximity to the village and the ability to walk to it, as previously mentioned in my submission, I would add that the appearance is also quite different; a very small, timber clad, single storey building, not out of keeping with its surroundings, and providing a local housing need as described by the Cowfold Neighbourhood Plan

Biodiversity net gain

I dispute that there is no need for BNG:

Please note that the submitted plans are for an area covering 0.4995 hectares! This, along with the self-build, appears to have convinced the Planning Officer that there is no need for the proposal to meet the 10% BNG requirements. To be exempt, a self-build project must be less than 0.5 ha. Given that the difference between 0.4995 and 0.5ha is just *five square metres*, and that the applicant, who intends to live there herself, owns all the surrounding field, any such boundary is notional and meaningless.

Given the extreme proximity of the site to the Cowfold Stream, much less than the required 10m, this is a matter for environmental concern. If consented, full BNG requirements, including for the stream, should be imposed.

At best this represents a cynical manipulation of the system, at worst it is an intention to flout the environmental regulations. This lends support to the view that the applicant is not serious about water neutrality, environmentally friendly building standards, sustainability or the environment.

Review of the Statement of Case

Claims about the existing site

Settlement v isolated

The site is located outside of the Built-Up-Area Boundary and is therefore within a countryside location in policy terms.

The Statement of Case (para 3.12) states that the site is also not remote from other built form including Wealden Barn itself and *development at Coopers Farm*. There is **NO development at Coopers Farm,** simply a farm house and a small annex in an old farm building. There is no foot or vehicular connection between the proposed dwelling and Coopers Farm. It cannot therefore be described as a community or settlement.

I refer you to the map from 1958 at Appendix 1. As you can see, the properties at Coopers Farm, and what is now Wealden Barn, sit in the centre of farmland of approximately 100 acres. The surrounding wider landscape is very similar. The location is clearly quite isolated in any reasonable sense. Very little has changed since that time, other than the construction in the 1960s of a small agricultural labourer's dwelling, to the west of Coopers Farm, now known as Applecross (marked as X on the map). The map also shows that the site in question is part of the farm land, as it also has remained. It is not a garden.

The only 'development' has been the conversion of the barn to Wealden Barn and subsequent activity on that site.

Paragraph 3.12 also says there is 'sporadic residential development along the A272'. In fact, in the mile between the access road to the site and the village of Cowfold, there are only 4-5 properties, all of which have been there for many years if not centuries. With the exception of one, modest, converted outbuilding, there has been no new development in either direction along the A272.

Sustainability

I challenge the view that this is sustainable; it does nothing to enhance the economic, social and environmental conditions of the area:

The design is by Scandia Hus, but there is nothing in the application to say that the house will actually comply with any passive house standards. There is no mention of mechanical ventilation and heat recovery, solar panels, heat pumps or any of the usual things which would show a serious intention to build to such standards.

Paragraph 3.57: claims the proposal meets the requirements for sustainability on economic, social and environmental grounds, in fact it fails on all counts:

a) economic. If the fact that construction of this house will give employment to builders is legitimate, *any* proposal would be acceptable on this basis. Similarly, a spurious argument is made about the occupant. The occupants are simply moving from one home at Wealden barn to another and therefore would not contribute additionally to the local economy, other than to increase the potential to let Wealden Barn for Airbnb purposes, already a source of much noise and disturbance across a wide area of the locality.

b) social benefit. There is no social benefit to this proposal-it does not fulfil a housing need, by virtue of its size and location away from the village. It does not even fulfil a need for the applicant. There is no transport, no community.

c) Environmentally, there are all sorts of reasons to refuse it: the building is *not* making effective use of land as the land is agricultural and not redundant, the style is totally out of keeping with its surroundings and against the local council policy of building in rural areas.
A truly sustainable building should factor in the storm-water runoff, (which in theory at least this does), support native plant life, and integrate into the surrounding environment, which it does not.

Transport

The Statement of Case, para 3.11, states that "… *Occupiers will be able to easily access the village centre and the local amenities which are all a short distance away.* ***Along the A272*** *and within the village there are a number of bus stops where there are regular bus services to Horsham and beyond."*

This is simply factually incorrect. West Sussex County Council bus routes and timetables service (Traveline) confirms there are NO buses along this stretch of the A272, other than a school bus at school times only, but even this does not stop between Bolney and Cowfold. It has to be wondered how many of the other claims by the agent are also unable to stand up to basic fact checking?

As Horsham District Council's decision notice says: **"***The site is in a rural location with limited access to services, amenities, or public transport, requiring reliance on private vehicles. Bolney Road further lacks footways and street lighting, compounding this dependency."*

Paragraph 3.10 describes Cowfold correctly as a medium village. The definition includes having *some* access to public transport. This applies to the *village not the surrounding parish*. Cowfold village itself does have this but in a north south direction to Horsham and Brighton only, not along the A272 towards the appeal site. Anyone from this site must access the 'settlement' and its facilities by car.

Need

2.10: … '*The overall aim should be to meet as much as an area's* ***identified housing need*** *as possible, including with an* ***appropriate mix*** *of housing types for the local community'.*

The Cowfold Neighbourhood Plan (NP) does not identify this type of housing as a local need nor as an appropriate type of housing

It is certainly not providing what would reasonably be considered as an affordable home - see Cowfold NP and my previous submission

3.21 "*The proposed development meets local housing needs in respect of the clear need for new housing within the District*"

I disagree: the Cowfold NP, based on extensive consultation with residents, clearly demonstrates that the need is for a range [set out in the NP] of affordable housing which will enable residents to *remain in the village* as their needs change and to access the village amenities on foot. This proposal is a) within the parish *but outside* the village, which cannot be reached on foot, and b) beyond the means of the majority of residents. It cannot therefore fit the stated criteria. In any case the applicant has stated she wishes to occupy it herself, in order to qualify as self-build, and is simply moving from one very large house to another, so would not free up a home which met these criteria either.

This also means that it does not even meet her own personal need, as she is moving within the same site, but not, for example, downsizing, as was the applicant at Wappingthorn Lodge.

Rural housing

In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; *whilst also meeting one of four criteria*; none of which, in fact, are met.

Not in keeping with its surroundings

Horsham District Council say that it is "overshadowed by the overall contemporary style and excessive fenestration, which are inconsistent with the character of the surrounding rural landscape". This is absolutely true as a visit to the location would quickly demonstrate.

3.43: Whilst the site may not be visible from the A272, it IS visible to the public from Picts Lane and the AONB which begins from the border of the lane to the north and which looks down on the site. Indeed, the 1958 map at Appendix 1 shows its proximity to Picts Lane and the High Weald AONB to the north.

The appellant repeatedly asserts that the house is 'well designed'. There appears to be no justification for this. It is not a particularly innovative design, and even if it were, part of the elements of good design must be its appropriateness for the area; it cannot be considered acceptable to put a building like the Shard in such a location, no matter how well designed it were thought to be! This building does not fit in with the rural character of its surroundings. Coopers Farm is traditional brick and tile, the annex and Wealden Barn itself are wooden clad, as were the original buildings, and retain their original traditional shape. No similar modern buildings are visible either nearby or in the wider landscape.

Even in terms of energy efficiency, and future sustainability, there is nothing here to count as well designed. A well-designed, thoughtful proposal should be reducing the energy load while increasing efficiency and maximizing renewable resource use to improve energy performance and independence. This does none of these things beyond an obligatory attempt to show water neutrality.

National Planning Policy claims

The paragraph numbers relate to the relevant paragraphs of the Statement of Case unless otherwise stated:

2.6: Where there are no relevant development plan policies or the relevant policies are out of date, the NPPF states that "*planning permission should be granted unless the application of policies of the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Particular regard should be given to key policies for directing development to sustainable locations, making efficient use of land, securing well-designed places and providing affordable homes, individually or in combination*" (NPPF paragraph 11 d).

Indeed, but this is not a sustainable location, well designed or providing affordable housing. Nor is it making efficient, or even appropriate, use of land.

2.14: refers to para 73 of the NPPF. But this does not mean that ALL self-build should therefore be considered acceptable. The focus is clearly on those within or on settlement boundaries etc (para 76b), and to "*comply with any local design policies and standards*."

2.27 *In terms of the density of new development, NPPF paragraph 129 encourages the efficient use of land taking into account a number of issues including the needs for different types of housing and other forms of development, the desirability of maintaining an area's prevailing character and setting (including residential gardens) and securing well-designed, attractive and healthy places.*

However, this proposal does not fulfil need, maintain the character, is not in a residential garden, and is not well -designed.

2.54 *For the reasons set out in this Statement, and having regard to 11 d) ii, there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits of the provision of a new home of a high quality design, in a sustainable location which makes effective use of land when assessed against the policies of this Framework taken as a whole*.

I absolutely disagree for the reasons set out above, that this is high quality, in a sustainable location or making effective use of land.

3.24: *It is reiterated that given the small scale of development proposed, the sustainable location of the appeal site, the lack of any harm caused to the visual amenities of the countryside landscape and the very high need for new homes within the District, the proposal does not conflict with the overarching principles of the Council's spatial strategy or the Council's FAD when considering the proposal in the planning balance and against the presumption in favour of sustainable development on the basis that the tilted balance of NPPF paragraph 11 d) is engaged.*

I do not accept that the tilt is in favour as I do not accept the basis of the appellants case, that the appeal site is a sustainable location, that no harm would be caused to the visual amenities of the countryside landscape or that a development of this size meets a local housing need. Moreover, the Horsham Local plan may not be up to date, but as set out below, I believe the balance is tilted away again in favour of the plan as it is in a high state of development, as is the Cowfold NP, and therefore the adverse effects do outweigh the very limited benefits, even when assessed against the policies of the new NPPF. (NPPF para 49a). The plan was submitted to the Planning Inspectorate but paused by the inspector.

Wappingthorn Lodge (DC/23/0627)

In paragraph 3.29 of the appeal statement, the appellant cites the case of Wappingthorn Lodge, where the planning refusal was successfully challenged at appeal. In that case, the inspector felt that regard for the council's spatial strategy and adverse impacts were outweighed by the presumption in favour of sustainable development.

However, as the case officer in the above case herself pointed out, each case is different and should be decided on its own merits. The Wappingthorn site is quite different from the site at Wealden Barn:

- The spatial strategy was *one of* the issues, and ability to reach the settlement without a car was *one of* the factors within the spatial strategy considerations, and indeed ***weighed against*** the location
- Steyning is a much larger settlement that Cowfold, and the property was fairly close to a large leisure centre
- It was an application for change of use of *existing* buildings and weight was given to this. The current case is for a new build in an agricultural field. The HDC policy for redundant buildings is quite different from their policy on new builds in rural areas
- No residents objected; in fact, several wrote in, in support of the appeal. This application has had eight letters of objection, plus concerns raised by the Parish Council
- Wappingthorn was rural, but not isolated, as even the Local Council agreed; there were several other properties in the immediate vicinity
- Wappingthorn was an application for a building of far more modest proportions, single storey, and in keeping with the local vernacular, by means of the fact that it was a conversion of an existing stable and other buildings
- Wappingthorn was for the applicant to downsize into for retirement, potentially fulfilling a need. In this case, the applicant would be simply moving from one very large house to another

Regarding the **Facilitating Appropriate Development document,** the inspector also said (para 9 of her decision) that "*The Council's Facilitating Appropriate Development Document 2022 (FAD) sets out an approach to boosting the supply of housing, pending adoption of the emerging Local Plan. It takes a more positive stance on applications for housing outside settlement boundaries. However,*

the five criteria in paragraph 5.7 of the FAD should all be satisfied. *These maintain the requirement that any such applications should be for sites which adjoin the existing settlement edge as defined by the built-up area boundary. The proposed development does not meet that requirement and therefore the extent to which it would comply with the other four criteria is of limited relevance."*

Meeting of Planning Committee (South)

After the publishing of the revised NPPF on 12 December 2024, HDC issued an addendum to the **Planning Committee (South**) meeting held on 17 December 2024 relating to all items on the agenda. The Statement of Case (para 2.49) uses this to try to show that Horsham accepts proposals such as this must be accepted, because of the lack of an up-to-date plan. However, in addition to the quotes selected, the addendum also discussed 11d) and recognised that the presumption in favour still has important provisos:

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission *unless*:

i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to **sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination 9'.**

The addendum goes on to say: The new footnote 9 identifies the 'key policies' referred to in paragraph 11 d(ii). These are:

- Chapter 5 (Delivering a sufficient supply of homes):
  - paragraph 66 (supply of affordable homes) and replaces previous 10% of affordable with requirement to meet local needs
  - paragraph 84 (isolated homes);
- Chapter 7 (Ensuring the vitality of town centres):
  - paragraph 91 (sequential test for main town centre uses);
- Chapter 9 (Promoting sustainable transport):
  - paragraph 110 (Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes) and
  - paragraph 115 (prioritisation of sustainable transport modes, provision of safe and suitable access);
- Chapter 11 (Making effective use of land):
  - paragraph 129 (efficient use of land taking into account infrastructure and services, the area's prevailing character, and design); and
- Chapter 12 (Achieving well-designed places):
  - Paragraph 135 (design) and
  - Paragraph 139 (refusal of development that is not well designed).
  -

It is clear from this that the proposals do not meet the relevant key policies.

The minutes also point out that Ch 14 increases the weight given to avoiding building in **flood risk** areas. The Wealden Barn site is close to the Cowfold Stream and at a relatively low level compared

to the surrounding landscape. A storage barn further away from the stream was badly flooded on the property last year, and the converted home office (DC/21/0114) has flooded on several occasions. The small lodge house to the south suffered severe flooding a number of years ago. Yet this location is not recognised as a flood risk area on the government flood risk mapping site.

However, the Environment Agency recently issued a report recognising the inadequacy of much of the Flood Risk evidence they hold, and the fact that, as flooding becomes ever more frequent in this country, their maps are often outdated. They have revised their previous flood risks assessment upwards by 43% on the basis of out-of-date data, but also recognise the additional risks from climate change, and that the situation, particularly in the south east is worse than official mapping shows:

https://www.gov.uk/government/publications/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024

Given that the water neutrality commitment depends on the sinking in of water reservoirs below ground, putting housing in a location so close to a stream, and where the ground becomes so saturated increasing hydrostatic pressure on the water tanks, cannot be wise even now, and certainly not when future resilience is considered.

Facilitating Appropriate Development (2022)

The appeal refers to the Council's latest AMR, Facilitating Appropriate Development. This was written in 2022 and comments on the fact that the local plan, written in 2015 was not up to date.

They quote (para 2.57): "…. *Because of this situation, and notwithstanding issues relating to the current position on water neutrality, it expects to receive planning applications proposing housing development in locations not supported by the HDPF of in Neighbourhood Plans".*

But it does not say it expects to grant them or that this should facilitate a free for all. In fact, paragraph 5.7 of the FAD states that the Council will consider such proposals positively where the following criteria are met:

• 'The site adjoins the existing settlement edge as defined by the BUAB;
• The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
• The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
• The impact of the development either individually or cumulatively does not prejudice comprehensive long-term development; **and**
• The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced'.

In other words*, all must be met.* This site neither adjoins the settlement, nor meets local housing needs or enhances the local community or landscape.

Para 2.8 of the FAD looks at para 48 of the old NPPF, now Para 49, and concludes that because at that time the new local plan was in its earliest stages, "*it is assessed that at the time of writing, [**ie 2022**] little weight can be given to policies within the emerging Local Plan."*

Yet even then, this did not then result in a free for all, so there is even less likelihood now. Indeed, the high state of development of the Local Plan and Cowfold NP, which were submitted for

examination in December, would appear to 'tilt the balance' back in favour of the contents of the Plan.

The FAD continues (para 5.2): "… *Therefore, and notwithstanding that policies relating to housing delivery targets, sites and location of development may be considered out of date, the HDPF and the district's Neighbourhood Plans are broadly up-to-date and compliant with the NPPF. As such it is expected that the policy requirements on most matters, including affordable housing provision, planning obligations, infrastructure and other on-site requirements* ***must still be complied with in order for development to be considered favourably by the Council***."

Indeed, the decisions by the council and appeals since that time would suggest that this was correct.

Cowfold Neighbourhood Plan

The Statement of Case concludes (para 4.2): "*it is important to consider local priorities and needs"*

The Cowfold NP makes clear this type of construction and in such a location is neither a need nor a priority:

https://www.horsham.gov.uk/__data/assets/pdf_file/0019/141445/Cowfold-Neighbourhood-Plan-November-2024.pdf

Cowfold Parish Council has done a lot of work on consulting the views of the parish, and sustainability and access without increasing vehicular use are very important issues. From the Cowfold NP:

Aim 2: sustainable development:
" *CPC supports developments that are within easy walking distance, ideally less than 500m, from the* ***main village facilities*** *to promote pedestrian access rather than vehicular* " . Please note, this is not the same as 500m from the BUAB, as the facilities are in the village centre, some distance from the boundary.

Para 4.3.3: *"CNP seeks to achieve this [sustainability] with regard to transport by ensuring houses are located within walking distance of facilities and amenities so encouraging travel on foot instead of by vehicle. Cowfold's pavements, particularly along the main roads, are narrow and uneven increasing the risk of accident. New developments need to include safe walkways linking them to the village centre."*

Section 6.9, as a result of careful local consultation, identifies local housing need as affordable, a variety of family homes within walking distance of village centre, and homes suitable for the elderly, so that people can stay in the village at all stages of their lives

Strategic overview:

3.3.iii. "*Build on local rural character by: preserving and enhancing access to the surrounding countryside; procuring a net gain in Biodiversity; and ensuring developments are sustainable, in areas of least flood risk."*

Housing need:

Policy 9: Residential Development Principles

i. *Residential Development proposals will be supported* ***where they are within the built-up area of Cowfold and****:*

It then goes on to include several other sub-criteria. However, the rest of the criteria are irrelevant in this case, as it does not meet the first part of this requirement.
Moreover, Cowfold has chosen to meet its housing quota *in full*, using land immediately adjacent to the village boundary and these plans are at a high level of development.

Windfall housing:
Policy 10: Windfall Housing i. "*Development proposals, for residential development on unidentified sites* ***within the defined built-up area boundary of Cowfold****, will be supported subject to compliance with other development plan policies. "*

Conclusion

The addition of one single house does not significantly contribute to the local housing requirements, or to the housing need of the local population; not even to the applicant as it is not significantly different in scale or accessibility to her existing property. Yet whatever benefits there may be considered to be from this single dwelling, they are significantly outweighed by the harms this single dwelling would do to the landscape and character of the surrounding area, and the ways in which it does not comply with policy in either the Horsham local plan or the Cowfold neighbourhood plan.

The proposal is outside the BUAB, its location is not sustainable and no public transport or safe footpath exists to enable it to be so. Visually it jars with the landscape and other dwellings in the area. There is nothing about the proposal to justify the appellation of high-quality design. It is against all HDC policy regarding development in rural areas and isolated sites and if granted would set a dangerous precedent which every cash strapped farmer would wish to copy. It does not fulfil a housing need.

Therefore, when considering the proposal in the planning balance, and even considering the presumption in favour of sustainable development, it should be refused, because, as paragraph 11d)ii of the new NPPF says, "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. "*

If there is a housing shortfall in this district, and if there is no 5-year housing plan in place, and if it is deemed necessary to address this by going against planning policy, this should be restricted to areas adjacent to main settlements and infrastructure, where numbers could be increased significantly, so as to make a meaningful impact on the housing shortfall, and to genuinely outweigh the adverse impacts.

If, however, you are minded to grant consent,

- as with all previous construction at Wealden Barn, please make it a condition that all construction traffic must use the western drive, avoiding the difficult narrow shared drive at Coopers Farm, which is the only access for us.

- The property is extremely large for a 4-bedroom house and is likely to have far more than the average occupancy of such a house. Therefore, to make the water neutrality meaningful, the water harvesting and storage must be based on maximum occupancy.
- Proximity of the eastern side of the dwelling to the proposed boundary strongly suggests that the applicant may take more agricultural land to create a back garden, exactly as she did without permission for the Wealden Barn Annex. Please could it be made a condition of acceptance that this would not be permitted? In addition, to do otherwise would be to make acceptance of the proposed plot size with respect to BNG unwise.
- Please make it conditional that the existing properties at Wealden Barn retain rights over the western driveway which accesses the site (see my original submission for explanation)

Despite the latter points, I request that this application should be refused.

Appendix 1

Coopers Farm Map 1958

It is quite clear from this map that the site is agricultural land, and that the site sits in the midst of approximately 100 acres of farm land. Nothing has changed regarding this designation and the land remains in current use as pasture.
Very little has changed in the intervening 67 years, other than the addition of Applecross and the conversion of the barn to Wealden Barn.

For reference, I have marked on this map the site of the agricultural labourer's dwelling, now Applecross, (Marked as X) and Picts Lane and the High Weald AONB immediately to the north of Picts Lane.

