



Appeal Decision

Site visit made on 19 August 2026

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2026

Appeal Ref: 6009474

Sussex Topiary, Naldretts Lane, Rudgwick, Horsham, West Sussex RH12 3BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by Maria Bloxham against Horsham District Council.
 - The application Ref is DC/26/0271.
 - The development proposed is permission in principle for the erection of up to 9 x self-build park homes.
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Decision

1. The appeal is dismissed and permission in principle for the erection of up to 9no. self-build park homes is refused.

Application for costs

2. An application for costs was made by Maria Bloxham against Horsham District Council. That application is the subject of a separate decision.

Preliminary Matters

3. Planning Practice Guidance (PPG) advises that Permission in Principle is an alternative way of obtaining planning permission for housing-led development. The Permission in Principle (PiP) consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (Technical Details Consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.
5. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, the development is described as 'up to 9 self build park homes' but the application form indicates that permission in principle has been sought for a maximum of 9 dwellings and a minimum of 3 dwellings. I have therefore considered the appeal on the basis that permission is being sought for a minimum of 3 and a maximum of 9 dwellings.
6. A revised National Planning Policy Framework (the Framework) was published by the Government in August 2026, after the determination of the planning

application. I sought the main parties' observations on the revised Framework and have taken them into consideration in my decision.

7. The Horsham District Local Plan 2023-2040 has reached the Regulation 19 stage, and the Plan is now said to be in the process of being examined. General references are made to this situation, particularly in the context of housing land supply, but I have not been referred to any findings from the process nor any particular policies that are emerging and which I should take into account in my decision.

Background and Main Issue

8. The appeal follows the failure of the Council to determine the planning application within the prescribed time period. As part of its appeal submissions the Council has put forward two putative reasons as to why planning permission would have been refused. They relate to the location of the site, the scale of development and the conflict which would arise from the use with both neighbouring uses and the character of the area.
9. The main issue is therefore whether the site is suitable for residential development given its location, the proposed land use and the amount of development.

Reasons

Location

10. The appeal site comprises an undeveloped field. It is not located within or adjacent to a settlement and so in planning policy terms it is considered to be within the open countryside.
11. Policy 2 of the Horsham District Planning Framework 2015 (HDPF) establishes the area's spatial strategy. This seeks to focus development in and around the key settlement of Horsham and allows for growth in the rest of the district in accordance with the settlement hierarchy, whilst maintaining the existing settlement pattern. The strategy is designed to meet local needs through sustainable growth whilst maintaining the rural character of the district.
12. In tandem with this approach, Policy 26 further seeks to protect the rural character and undeveloped nature of the countryside by limiting development outside built up area boundaries to that which is essential to its countryside location and meets at least one of four criteria set out in the policy. This approach is in turn supported by Policies 25, 32 and 33 which, amongst other things, seek to protect the existing landscape, landform and development pattern of the district; and thereby ensure development respects and integrates into its surroundings.
13. Given the appeal site's location, the proposal is contrary to Policy 2 of the HDPF. There is nothing before me to indicate that a countryside location is essential for the development and that the proposal accords with any of the criteria in Policy 26. The proposal does not therefore accord with the development plan.
14. As the Council has been unable to meet its housing land supply targets within the parameters of the existing development plan policies, it produced a Facilitating Appropriate Development Document 2022 (FAD). This set out an approach to boosting the supply of housing, pending adoption of the emerging Local Plan. This has since been replaced by the Shaping Development in Horsham District

Planning Advice Note 2025 (PAN). The PAN is said to largely repeat the relevant criteria for housing development proposals that were within the FAD.

15. The guidance generally takes a more positive stance on applications for housing outside settlement boundaries, subject to criteria, all of which need to be satisfied. These maintain the requirement that proposals should be for sites which adjoin the existing settlement edge as defined by the built-up area boundary. As the proposed development would not meet that requirement, the extent to which it would accord with the other criteria is of limited relevance.
16. Policy S5 of the Framework addresses development outside settlements and sets out criteria when development may be acceptable. It is not as limited as Policy 26 of the HDPF, and the appellant directly references criteria Policy S5(1)(e), which relates to the limited infilling within groups of houses. However, as the site is an undeveloped parcel of land with sporadic development in the vicinity it would not represent limited infilling within a group of houses. No other criteria in S5 are directly referenced by the appellant as being ones with which the proposal would accord.
17. However, the appellant also suggests that the site's location is sustainable. Criteria h (i) and (ii) of Policy S5 do provide support for residential development outside of settlements where it would be within a reasonable walking distance of a well-connected station and be physically well-related to the station or the settlement within which the station is located. However, the appeal site would not meet these requirements.
18. Elsewhere in the Framework, Policy TR3 seeks to guide development to sustainable locations by setting out certain principles. Of particular relevance to this appeal are criteria 1(b), which supports using existing or proposed transport infrastructure to optimise the scale of development, especially where this can support more walking, wheeling, cycling and public transport use; 1(d) which seeks to ensure that opportunities to avoid or mitigate adverse environmental effects and secure net gains such as reductions in air pollution are considered; and 1(e) which indicates that in rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.
19. Policy CC2 of the Framework requires development to accord with other Framework policies, including Policy TR3, so that sustainable patterns of movement are prioritised. It also supports proposals that offer, amongst other things, good access to facilities to limit the need to travel.
20. The thrust of Policy TR3 also dovetails with Framework Policy DP2(d). It indicates that well designed places should reflect various principles, including that proposals, in having regard to the development and its location, provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport.
21. In considering all these factors, I note that the nearest facilities to the site appear to be in Rudgwick and offer a limited range of services to meet the day-to-day needs of residents. The Framework considers a reasonable walking distance to be 800m or 10 minutes if topography, route availability and quality or physical barriers

would prevent or discourage walking from up to 800m away. There is no indication that the site would be within these thresholds.

22. Access to Rudgewick would be via unlit roads. Not all of Naldretts Lane benefits from a dedicated footpath. Thus, walking to Rudgewick and back to the site is unlikely to be an attractive option for many residents. It may be possible to reach the services by bike but in reality, neither walking or cycling is likely to be a particularly attractive option given the roads, distances involved and range of services available.
23. The site is said to be 'close' to a Hail and Ride bus route. However, no further details are provided so I have no information on exactly how the scheme operates, its route(s) or hours of operation. There is no indication that the nearest facilities are accessible by any other forms of public transport from the appeal site.
24. In addition to the above, criteria 2 of Policy TR3 indicates that the Connectivity Tool should be used alongside quantitative and qualitative evidence in assessing the connectivity of particular locations proposed for development. No information from the Connectivity Tool has been provided in support of the proposal.
25. Overall, there is no substantive indication that the scheme would offer any opportunities to support walking, wheeling, cycling and public transport use or enhance connectivity.
26. Therefore, the practical reality is that future occupants would be highly likely to rely on a private vehicle as the most convenient means of carrying out their day-to-day activities. This would not help to reduce emissions, nor improve air quality or public health.
27. Overall, I find that the location of the site is not acceptable for residential development. It would conflict with Policies 2, 25, 26, 32 and 33 of the HDPF which, amongst other things, establish the need to focus development around settlements, limit development in the open countryside and thus protect it from inappropriate forms of development.
28. There would also be conflict with Policy S5 as well as Policies CC2, TR3 and DP2 of the Framework which set out the government's policies in relation to the principle of development outside settlements, of locating development in sustainable locations and the key principles for well-designed places.

Land Use and Amount of Development

29. The overall character of the area around the appeal site is rural. There is a small concentration of houses near to the junction of Naldretts Lane and Haven Road but closer to the appeal site, development is more sporadic with only a few individual houses and buildings located further to the east.
30. The appeal scheme would introduce up to nine units. Although the site layout plan is only indicative, in reality it is likely that the site would have to be laid out in a similar way to accommodate nine units as well as suitable access arrangements. This would change the existing open and undeveloped character of the site to one which would be overtly residential in nature, with limited space between the units.
31. Irrespective of their design and form, these homes would represent the permanent encroachment of housing into the open countryside. Together with the comings

and goings, domestic paraphernalia, lighting, activity etc. there would be harm to the character of the open countryside. Whilst this harm would be lessened with fewer units, even acknowledging the mature boundary planting, there would inevitably be some diminution and harm to the open character of the countryside. Thus, even if the scheme were for a minimum of three dwellings, residential use in this location would cause some degree of harm to the current environment and setting.

32. In conclusion, the proposed land use and amount of development would conflict with HDPF Policies 25, 26, 32 and 33 insofar as they seek, amongst other things, to ensure that the countryside and natural environment is protected against development that is not appropriately integrated into its surroundings and which does not enhance the environment.
33. These policies are broadly consistent with the Framework's general approach to achieving well designed places and ensuring development is integrated and enhances its surroundings. More specifically, in relation to conserving and enhancing the natural environment, there is broad conformity with Framework Policy N2 which requires developments to contribute positively to the natural environment and consider, amongst other things, the character and the natural beauty of the countryside.

Other Matters

34. There is no dispute between the parties that the Council is unable to deliver a 5-year supply of housing land. The appellant points to a December 2023 monitoring report which indicated a 2.9-year supply. The Council does not offer an alternative or more up-to-date figure or indicate that the emerging Local Plan has affected the situation in any way. Therefore, at this stage I have no substantive evidence before me to indicate that the overall provision has materially changed or improved in the intervening period. Even though there is no indication as to any local need for park homes specifically, the delivery of up to nine new residential units will clearly go some way to meet the needs of the community and in accordance with Framework Policy HO7 this attracts substantial weight.
35. The homes are described in the application as being 'self build'. However, no further information is provided to support this aspect of the proposal. For example, there is no information as to whether or not the Council is meeting its requirements under the Self-build and Custom Housebuilding Act 2015 (as amended) to grant permissions to meet the identified demand for self-build and custom housing.
36. Furthermore, there is no completed planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) to legally secure the new dwellings as self-build houses. A condition to secure the dwellings as self-build or require the completion of a legal agreement, is unlikely to pass the test of enforceability. I am therefore not convinced that a condition could be used to secure the dwellings as self-build. Consequently, there would be no mechanism in place to ensure they would be self-build dwellings. I therefore attach limited weight to the self-build benefits.
37. References have also been made in the appellant's statement to other permitted schemes albeit not all of them are within the Council area. These include the development of 8 dwellings at the Former Arun Feedmills site; the erection of 29

houses at Perrysfield Farm and a previous decision within the wider Sussex Topiary site.

38. Whilst there appear to be some similarities in context between the appeal site and the Former Arun Feedmills site, I note that the Feedmills site would have been previously developed land. It also benefited from an extant planning permission for a two storey Class B1 building. Although the Officer Report indicates limited weight was given to the extant permission, the design and appearance of the housing development was considered in the context of the permitted building. Overall, and unlike the current appeal site, no harm was found to the character of the area, with the scheme being considered to better reflect the rural character of the area in comparison to previous permissions.
39. Although the Perryfield Farm decision references housing supply difficulties, this site is within Tandridge District, so those observations are not directly relevant to the current appeal. With regard to sustainable transport, I note that the Inspector recognised that there were a range of transport options available for occupants and visitors, which is not the case in the current appeal. Furthermore, that a different County Highway Authority reached a different decision on a different site to the case before me does not provide a robust basis to conclude that housing at the appeal site would be sustainably located.
40. The previous proposal at the Sussex Topiary site was for a change of use to four pitch settled gypsy site along with the formation of hardstanding and utility/day room buildings. These were to be located within the wider landholding and well beyond the appeal site and site entrance. They would therefore not have the same effect on the character of the area as a similar number of units would have on the current appeal site.
41. The Planning, Access and Design Statement submitted with the planning application also references decisions at Thornhill Stables, Littleworth Lane, Shoreham Road and Tower Hill.
42. From the information provided on the Thornhill Stables site, it appears to have some similarities with the appeal site. However, unlike Thornhill Stables, the appeal site is not set within a small cluster of buildings in residential and commercial use and there did not appear to be a concern with the scheme's impact upon the character and appearance of the area.
43. The Littleworth Lane scheme was dismissed due largely to its location and effect on the character and appearance of the area. It did though reference the lack of a five-year supply of deliverable housing sites, and I address this matter in the planning balance below. The extracts from what appear to be the officer report for the Shoreham Road proposal also suggest it was better located than the current appeal site.
44. In the case of the scheme at Tower Hill, that development was 350m from the settlement boundary and near a bus stop, so had a different locational context than the current appeal site. The proposal was also considered to be in keeping with the character and appearance of the surrounding area.
45. I have also been provided with the officer report for a development at Brooks Green Park but this was for 3 units at an established residential park homes site, so the context is not directly comparable to the current appeal.

46. Taking all these different decisions collectively, I do not find them to be directly comparable to the scheme before me or form a sufficiently robust basis on which to allow the appeal.
47. The appellant indicates that the scheme would meet the design criterion of the Essex Design Guide. However, I have not been provided with a copy of the guide, design considerations would be for the TDC stage and the site is not in Essex. Therefore, I am unable to give this matter any weight.
48. Drainage would usually be considered during the TDC process, but the Council has raised it as a point of concern at this stage, together with flooding and ground stability. Whilst Policy 19 of the HDPF does require proposals for park homes to address such matters, I have not been provided with any substantive information to indicate that they would be an impediment to development. Thus, I have no basis on which to conclude that these matters should be elevated to the PiP stage for consideration.
49. It is suggested that the proposed level and type of activity would be detrimental to nearby residential occupiers. However, no evidence or explanation is advanced to support this contention. It is therefore not a matter to which I am able to attach weight in this case.
50. Although it is suggested the development accords with Framework Policy L3 in making the best use of the site potential, there is no information to support this position. Even if I were to accept this point, it does not overcome the site's inherent conflict with Policy P5.
51. I have also been directed to Policy L1 of the Framework. However, it is a plan-making policy. The Framework is clear at paragraph 8 that plan-making policies should not be used when making decisions on development proposals.

Planning Balance

52. The proposal would be outside the built-up boundaries of a settlement and thus within the open countryside, contrary to the spatial strategy for the area. Nevertheless, I am mindful that local policies are not meeting the expectations of national policy in boosting housing supply and even with additional guidance in place there remains a large undersupply of housing. All of this indicates that the current boundaries are out of date. Thus, the appeal site being in conflict with the built-up area boundary only carries very limited weight.
53. However, a countryside location is not essential for the development; the location would increase the use of the private car at the expense of more sustainable forms of transport; the proposal would cause harm to the character and appearance of the area; and the site would not represent a sustainable form of growth. Such conflicts with the development plan collectively carries substantial weight.
54. The Framework indicates that as a general principle, substantial weight should be given to the provision of new houses. However, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. In this regard, the Framework also requires that development outside of settlements should accord with specific criteria of Policy S5. I have not found the proposal to meet the criteria of Policy S5.

55. Where proposals are contrary to Policy S5 they should only be approved in exceptional circumstances, where the benefits would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.
56. In reaching my decision I have also had regard to Framework Policies CC2, TR3 and DP2 which, amongst other things, seek to ensure that development is sustainably located thereby limiting the need to travel, particularly by private car. Also, Framework Policy N2 which requires developments to contribute positively to the natural environment and consider, amongst other things, the character and the natural beauty of the countryside. Overall, I have not found the proposal to meet these objectives of the Framework.
57. Thus, whilst the development would provide additional housing, the adverse effects of the development would be numerous, such that the benefits of the proposal would not substantially outweigh the adverse effects.

Conclusion

58. For the reasons given above, I conclude that the proposal conflicts with the development plan when taken as a whole, and there are no material considerations, including the Framework, to outweigh this conflict. Therefore, the appeal is dismissed.

Stewart Glassar

INSPECTOR