

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Reference: ETP251546
PINS Reference: 6013156
Date: 21 September 2026

Dear Sir/Madam

**Re: Appeal reference 6013156 at Land South Of The Bowling Green,
The Daisycroft, Henfield, BN5 9RN**

I am writing to you on behalf of the Appellant regarding appeal reference 6013156 at Land South Of The Bowling Green, The Daisycroft, Henfield, BN5 9RN currently being considered by the Planning Inspectorate. The appeal seeks permission for the proposed *"erection of 9no. detached dwellings with associated parking, landscaping, hardstanding, access and associated works."*

The purpose of this letter is to provide constructive comments relative to the Local Planning Authority's (LPAs) Statement of Case received in relation to this appeal.

The Appellant has considered those additional representations carefully. They do not alter the Appellant's position that neither reason for refusal provides a sound basis upon which to dismiss the appeal. Indeed, the Council's Appeal Statement contains important acknowledgements which reinforce the Appellant's case, including that the appeal site is allocated for residential development, that Policy S6 of the NPPF no longer applies to the Henfield Neighbourhood Plan ("HNP"), and that the benefits of providing housing in circumstances where the Council cannot demonstrate a five-year housing land supply attract substantial weight.

Refusal Reason 1

Reason for Refusal 1 alleges that the mix, size and type of dwellings would fail to reflect local housing need identified within the Northern West Sussex Strategic Housing Market Assessment ("SHMA") and Henfield Housing Needs Assessment ("HHNA"), contrary to Policy 16 of the Horsham District Planning Framework ("HDPF") and Policy 2.4 of the HNP.

The Council's Appeal Statement maintains this position principally because the HHNA identifies a need for smaller 1 and 2-bedroom dwellings associated with, amongst other matters, an increase in elderly and solo households. It also relies upon Policy 2.4's reference to approximately 10 single-storey dwellings and criterion (c), which seeks single-storey dwellings suitable for older and downsizing households.

The Appellant does not dispute the relevance of either the SHMA or HHNA. The issue between the parties is the manner in which that evidence should be applied to this particular allocated site. As explained within the Appellants SoC, the Council's approach places undue emphasis upon bedroom numbers rather than considering the actual dwelling types proposed and the purpose of the relevant development plan policies.

The Council's own summary of Policy 16 is important. It confirms that the policy seeks a mix of housing sizes, types and tenures to meet identified needs, but expressly states that the appropriate mix for each site will depend upon the established character and density of the neighbourhood and viability.

Policy 16 therefore does not establish a fixed numerical bedroom mix which every individual development must reproduce. That accords with the position set out in the Appellant's SoC: the evidence base informs the exercise of planning judgement rather than prescribing an inflexible dwelling distribution for individual sites.

This approach is also consistent with the nature of housing needs assessment itself. The HHNA appended to the Council's own Appeal Statement explains that establishing future housing need "is not an exact science" and requires balanced judgements as well as consideration of numerical evidence. It also records that neighbourhood-level assessment should be proportionate.

The Council relies heavily upon the HHNA's identification of demand for smaller homes and states that smaller 1 and 2-bedroom dwellings are needed to respond to growth in elderly households. It concludes that larger family homes are not the priority and uses that evidence to support its objection to the proposed mix.

That is, however, only part of the HHNA's findings. Of particular significance, paragraph 179 of the HHNA expressly states "*the growth in solo households does not translate automatically into smaller homes.*" The HHNA goes on specifically to identify older people as an example, recognising that many wish to accommodate a live-in carer together with at least one guest bedroom for visiting friends and family. The same finding is repeated within the HHNA's summary of the evidence, alongside its identification of a need for dwellings of a manageable size and designed to be "age-friendly".

The Council's Appeal Statement therefore draws an overly simplistic relationship between the increase in elderly/solo households and the requirement for the smallest dwelling sizes. The very evidence relied upon by the Council expressly cautions against doing so.

This directly supports the position advanced at paragraphs 3.10–3.11 and 3.28 of the Appellant's SoC. Downsizing is not necessarily synonymous with occupation of a one or two-bedroom dwelling. The relevant issue is whether accommodation is suitable for older people and households wishing to

downsize, taking account of how such households may actually wish to occupy their homes.

The Council responds to the Appellant's case by stating that reliance upon flexibility in the phrase “approximately 10 single storey dwellings” fails to consider Policy 2.4 of the Neighbourhood Plan and its supporting evidence as a whole.

The Appellant does not dispute that single-storey accommodation is an express component of the allocation. Nor is it suggested that all six (of the 9 proposed) bungalow/bungalow-form properties are literally single-storey. Rather, the issue is the nature and extent of any conflict and the extent to which the development nevertheless responds to the objective underpinning the allocation.

One-third of the development therefore comprises conventional 2-bedroom single-storey bungalows of precisely the general type sought by Policy 2.4. A further third is bungalow-form accommodation. As explained in the SoC, this represents a meaningful response to the allocation's objective of providing accommodation suitable for older residents and households wishing to downsize.

Importantly, the bungalow-form dwellings have also been designed with flexibility in mind. Their ground-floor layouts include a room capable of use as either a study or bedroom, thereby providing accommodation which can adapt to the changing needs of occupiers over time. This enables a household to occupy the dwelling in a conventional manner initially, whilst retaining the ability to establish ground-floor sleeping accommodation should mobility or other needs change with age. The relevance of these dwellings to older and downsizing households should therefore be assessed by reference to their practical adaptability and form, rather than bedroom numbers alone.

In considering the numerical bedroom mix, it is also important not to treat every flexible room shown on the submitted plans as necessarily representing permanent bedroom accommodation. Where accommodation is identified as a study/bedroom, this reflects the flexibility of the internal layout rather than an assumption that the dwelling will invariably be occupied at the maximum theoretical bedroom capacity. That flexibility is itself relevant to the HHNA's recognition that household requirements, particularly for older occupiers, cannot be reduced simply to bedroom numbers.

Furthermore, as identified in the SoC, the approach to bungalow-form accommodation was informed by the Council's own previous assessment of development at Furners Mead, where the Officer recognised that 1.5-storey dwellings can have the appearance of single-storey dwellings. This does not alter the wording of Policy 2.4, but is relevant to the extent of any conflict now alleged.

Most importantly, the appeal site is itself allocated by Policy 2.4 of the HNP for approximately 10 dwellings and the appeal scheme proposes nine. This is therefore not a proposal seeking to introduce housing onto an unallocated site contrary to the spatial strategy. The disagreement concerns the precise mix and form of housing on land which the development plan positively allocates for residential development.

The Council additionally relies upon Policy HO7 of the August 2026 NPPF. The Council records that HO7 requires substantial weight to be given to the benefits of providing homes which contribute towards evidenced accommodation needs, including those of older people and families.

The Appellant agrees that Policy HO7 is relevant. However, it does not support the prescriptive approach advanced by the Council. HO7 does not require an individual development to reproduce the numerical bedroom

distribution identified within a strategic or neighbourhood-level needs assessment. Rather, it requires substantial weight to be given to the benefits of providing homes which contribute towards meeting evidenced accommodation needs.

The appeal scheme does exactly that. It provides nine homes on an allocated site, including three conventional 2-bedroom single-storey bungalows which directly contribute towards the smaller and older-person accommodation identified by the Council, together with three further bungalow-form properties. The provision of other, larger dwellings does not negate those benefits.

Accordingly, Policy HO7 should not be treated only as a means of criticising those dwellings which the Council considers too large. It also requires substantial weight to be given positively to the contribution which the appeal scheme makes towards identified housing needs.

The Council's Appeal Statement does not demonstrate that the proposal fails to address local housing need. Rather, as stated in the SoC, the proposal addresses those needs in a different way to that preferred by the Council.

If the Inspector finds conflict with the precise single-storey or dwelling-mix requirements of Policy 2.4, that conflict should be assessed according to its actual nature and extent. It should not be treated as equivalent to a proposal which fails altogether to respond to identified needs or which conflicts with the principle of the residential allocation.

Refusal Reason 2

Reason for Refusal 2 concerns the relationship between Plots 6, 7 and 8 and the protected trees along the eastern boundary. The Council alleges

potential direct and indirect harm arising from root damage, changes in soil levels and future pressure for pruning or removal.

The Council's Appeal Statement develops that case. It identifies T1 and T2 as two Category A open-grown oak trees protected by TPO/1468 and acknowledges their significant landscape and amenity value. The Appellant does not dispute their importance. Indeed, the arboricultural evidence submitted with the application expressly recognises their value and the scheme has been designed on the basis of their retention.

Importantly, the Council now expressly recognises that the Appellant's arboricultural information demonstrates how the trees will be protected during construction. Its Appeal Statement makes clear that its continuing concern principally relates to alleged post-development conflict.

That materially narrows the dispute. As explained in the Appellant's SoC, the application was accompanied by a Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared by Canopy Consultancy. These documents specifically assess the relationship between the development and retained trees and establish measures for their successful retention.

The Arboricultural Impact Assessment concludes that there are no known overriding arboricultural constraints preventing the development from proceeding, subject to the recommended protection measures and methodologies.

The Arboricultural Method Statement provides for protective fencing, exclusion of construction activity from protected areas, no-dig construction where required, careful routing of services, hand excavation where necessary and arboricultural supervision.

Insofar as Reason for Refusal 2 alleges that the development cannot be constructed without causing unacceptable harm through root damage or changes to soil levels, the Council's Appeal Statement therefore effectively acknowledges that this aspect is capable of being appropriately addressed.

The Council's remaining concern is that the Root Protection Areas ("RPAs") extend into the proposed gardens of Plots 6, 7 and 8. It suggests that domestic paraphernalia could result in ground-level changes, soil compaction and root severance.

However, the Council also expressly acknowledges that the proposed dwellings themselves are outside the RPAs. That accords with the Appellant's arboricultural evidence and confirms that the development has been laid out so that the principal built development and foundations avoid the protected root areas.

The presence of RPAs within garden land does not itself establish that damage will occur. The Council's concerns depend upon assumptions regarding the future behaviour of occupiers. Those matters are capable of management through the submitted arboricultural measures and, where necessary, appropriately worded planning conditions.

The Council's principal post-development concern is that the rear gardens of Plots 6, 7 and 8 would experience shading and tree-related detritus. It considers that future occupiers may consequently seek significant pruning of T1 and T2.

This concern was addressed directly at paragraphs 3.62–3.64 of the Appellant's SoC. The Appellant maintains that the suggestion of future pruning or removal remains inherently speculative. No evidence establishes that future occupiers would seek removal of the trees or that any such request would be justified.

Moreover, T1 and T2 are protected by TPO/1468 and their future management is therefore subject to statutory controls. There is also an important additional safeguard in that the trees are situated within managed land, with their long-term stewardship falling to the management company rather than relying solely upon individual householders. The management company will provide a coordinated mechanism for the future management and maintenance of this area and the retained trees. This materially reduces the likelihood of ad hoc intervention by individual occupiers and provides an additional layer of control alongside the statutory protection afforded by the TPO. If considered necessary, the establishment and operation of those management arrangements can also be secured by planning condition.

Mature trees within residential development are not inherently incompatible with good residential environments. As stated in the SoC, retained mature trees can positively contribute to landscape character, biodiversity, visual amenity and residential quality.

It is also significant that the Council does not identify any protected tree which would necessarily be removed as a direct consequence of the development, nor does it identify any aspect of the submitted Arboricultural Method Statement which is incapable of implementation. The refusal therefore depends predominantly upon predictions of future occupier behaviour notwithstanding the technical mitigation proposed.

The relationship between the trees and the site's allocation is also material. The TPO predates the residential allocation. The HNP subsequently allocated the land for approximately 10 dwellings with knowledge of the site's arboricultural constraints.

That does not mean that the allocation overrides the need to protect important trees. It does, however, demonstrate that the development plan anticipates that residential development can be achieved on this land whilst appropriately responding to the existing arboricultural constraints.

The appeal scheme seeks to achieve precisely that balance. The trees are retained, the built development is outside their RPAs, detailed construction protection measures have been provided, and their future statutory protection remains in place.

The Council additionally relies upon Policies N2, N3 and DP3 of the August 2026 NPPF. It argues that the development would fail to minimise the risk of future failure, make provision for long-term maintenance of the retained trees, and maintain and enhance tree cover.

The Appellant disagrees. No tree loss is proposed. The scheme has been specifically designed around retention of T1 and T2, and detailed arboricultural measures have been submitted to secure their protection. The Council's conclusion of conflict with N2, N3 and DP3 therefore rests upon the same anticipated future behaviour of occupiers discussed above rather than upon an identified requirement to remove the trees.

Accordingly, the Appellant maintains the position at paragraphs 3.67–3.69 of the SoC that the technical evidence demonstrates that the trees can be successfully protected during construction and that their long-term retention can be secured.

Other Matters

Under “Other Matters”, the Council notes that Proposed Site Plan C001 Revision K is a later revision than Revision J identified on the Decision Notice. The Council notes that Revision K shows patios serving Plots 6, 7 and 8 within the RPAs. It accepts that their method of construction could

address potential impact on the protected trees, but raises a concern that frequent use of those areas could have a consequential impact upon the oak trees.

Revision K was expressly addressed in the Appellant's SoC. Its purpose is to show the location of patios for the proposed dwellings. The plan does not otherwise alter the development. Importantly, the patios were introduced as a positive arboricultural measure, providing the hard-surfaced areas required by future occupiers from the outset and thereby reducing the likelihood that residents would subsequently seek to install their own hardstanding within sensitive areas.

The Council's Appeal Statement acknowledges that an appropriate construction method could address the physical impact of those patios upon the protected trees. That is significant. It confirms that the patios themselves do not necessarily result in unacceptable arboricultural harm.

The remaining suggestion that the use of patios could harm the oak trees is not substantiated by any explanation of the mechanism by which ordinary residential use of appropriately constructed patios would cause unacceptable harm to the trees or their root systems.

Revision K was submitted to demonstrate one means by which suitable external amenity areas could be provided from the outset, thereby reducing the likelihood of uncontrolled future hard surfacing within sensitive areas. The Appellant nevertheless recognises that the precise location and construction of such areas is capable of control. Accordingly, the Appellant invites the Inspector to determine the appeal on the basis of Revision K if satisfied as to its arboricultural acceptability. Alternatively, if the Inspector considers it preferable not to approve the patio arrangement shown on Revision K, the Appellant would have no objection to the matter being secured by an appropriately worded condition requiring details of the

location, extent and arboriculturally appropriate construction of hard landscaping serving Plots 6, 7 and 8 to be submitted and approved prior to occupation. The patio issue therefore provides no reason to dismiss the appeal.

Planning Balance and NPPF (2026)

The Council's Appeal Statement was prepared following publication of the August 2026 NPPF and consequently addresses the appeal under the new national decision-making policies.

There are two important areas of agreement between the parties arising from that change.

First, the Council expressly accepts that the HNP was made on 23 June 2021 and is now more than five years old. It therefore accepts that Policy S6 does not apply.

This confirms the substantive point made in the Appellant's SoC regarding the former paragraph 14. At determination stage, the Council had relied upon the additional protection afforded to recently made neighbourhood plans. The Appellant explained that this protection would cease once the HNP passed the five-year threshold. The Council now agrees that this enhanced neighbourhood plan protection is no longer engaged.

The HNP of course remains part of the statutory development plan and its policies remain material. However, any identified conflict must now be assessed without the enhanced presumption previously relied upon by the Council.

Second, the Council acknowledges that it cannot demonstrate a full five-year housing land supply and accepts that the benefits of approving nine

dwelling on this allocated residential site should be afforded substantial weight.

This is an important concession and is consistent with the Appellant's SoC. The Council's published monitoring evidence identified only approximately 1.0 years' supply, whilst recent appeal decisions had referred to approximately 1.7 years. Either figure represents a severe shortfall. The delivery of nine dwellings should therefore attract substantial weight.

The seriousness of the housing delivery position is further demonstrated by the Government's most recent 2025 Housing Delivery Test measurement, published in August 2026, which records Horsham at 44% delivery against the applicable requirement. That represents a substantial level of under-delivery and provides further context for the substantial weight which should be afforded to the delivery of nine homes on land already allocated for residential development.

The Council now applies Policy S4 of the August 2026 NPPF, under which development within settlements should be approved unless the benefits of doing so would be substantially outweighed by adverse effects when assessed against the national decision-making policies of the Framework.

The Council considers that the alleged conflict with DP3, N2 and N3 concerning protected trees is sufficient to substantially outweigh the benefits.

The Appellant respectfully disagrees. That conclusion attributes excessive weight to an arboricultural harm which has not been demonstrated by the technical evidence.

The Council now acknowledges that the submitted arboricultural information demonstrates how T1 and T2 can be protected during

construction. The remaining concern is principally one of possible future pressure for pruning arising from shading, detritus and use of private gardens. The trees themselves are retained, the dwellings are outside their RPAs, the trees remain statutorily protected and detailed mitigation measures have been provided.

Against that alleged future harm are tangible and immediate benefits. These include the delivery of nine dwellings on a site specifically allocated for approximately 10 homes; delivery in circumstances of a severe housing land supply shortfall; three conventional 2-bedroom single-storey bungalows responding directly to identified local needs; three further bungalow-form homes; and the economic benefits associated with construction and occupation.

As the Appellant's SoC explains, the matters in dispute are relatively narrow when viewed against the scheme as a whole. Reason for Refusal 1 concerns the precise housing mix rather than the principle of housing or any harm arising from occupation of the proposed dwellings. Reason for Refusal 2 concerns potential impacts notwithstanding detailed technical evidence demonstrating that the retained trees can be appropriately protected.

Overarching Conclusions

The Council's Appeal Statement does not alter the Appellant's position that the appeal should be allowed.

In respect of Reason for Refusal 1, the Council continues to apply the SHMA and HHNA too prescriptively. Most significantly, paragraph 179 of the HHNA itself expressly cautions that growth in solo households does not automatically translate into smaller homes and specifically recognises that older households may require additional accommodation for a live-in carer and visiting family. The appeal scheme provides three 2-bedroom single-storey bungalows and three further bungalow-form dwellings. The latter

include flexible ground-floor study/bedroom accommodation capable of providing ground-floor sleeping space as occupiers age or their needs change. The scheme therefore makes a meaningful contribution towards the housing needs identified by the HNP and underlying evidence, including the need for manageable and age-friendly accommodation.

Any conflict with the precise mix and single-storey requirements of Policy 2.4 should therefore be assessed according to its limited nature and extent. It does not amount to a failure to respond to local housing need and does not undermine the principle of an allocation for approximately 10 homes.

In respect of Reason for Refusal 2, the Council's Appeal Statement now recognises that the submitted arboricultural evidence demonstrates how the protected trees can be safeguarded during construction. The remaining objection predominantly concerns predicted future occupier behaviour. T1 and T2 would be retained, the dwellings themselves are outside the RPAs, detailed arboricultural mitigation is available, and the trees would remain subject to statutory protection. In addition, the trees are located within managed land and their long-term stewardship would be coordinated through the management company rather than resting solely with individual occupiers.

In respect of the Council's 'Other Matters', Revision K does not introduce a substantive change to the development. It identifies patios which are intended to reduce the need for future occupiers to install their own hard surfaces. The Council itself accepts that an appropriate method of construction could address impacts upon the trees. The matter can therefore be satisfactorily addressed through the revised plan and, if considered necessary, appropriately worded conditions.

Finally, the Council's Appeal Statement confirms two matters which materially strengthen the Appellant's case under the August 2026

NPPF: Policy S6 no longer applies because the HNP is more than five years old, and the Council accepts that its inability to demonstrate a five-year housing land supply means that the housing benefits of the appeal proposal attract substantial weight.

When considered under Policy S4, the identified benefits are not substantially outweighed by the adverse effects alleged by the Council. Rather, the proposal would deliver nine homes on land specifically allocated for residential development, make a meaningful contribution towards identified housing needs, retain the important protected trees and deliver housing in circumstances of a severe housing land supply deficit.

For the reasons set out above and within the Appellant's Statement of Case, the Appellant respectfully requests that the appeal is allowed and planning permission granted, subject to appropriate conditions.

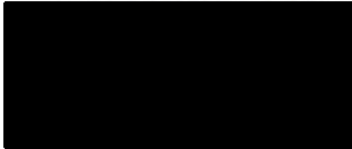
Conditions

The Appellant has reviewed the Council's suggested conditions and raises no objection to the conditions proposed, save in respect of **Condition 4**, which requires the submission and approval of a drainage strategy prior to commencement. The application was already accompanied by details addressing both sustainable surface water drainage and foul drainage, and these matters have therefore been considered as part of the submitted scheme. In those circumstances, a further pre-commencement requirement to submit a drainage strategy is unnecessary and would duplicate information already before the decision-maker. The Appellant therefore respectfully requests that Condition 4 is omitted. Alternatively, if the Inspector considers that a drainage condition remains necessary, it should be framed as a compliance condition requiring the development to be carried out in accordance with the drainage details already submitted and approved, rather than requiring a further submission. The remaining

suggested conditions are acceptable to the Appellant, subject to any minor drafting amendments considered necessary by the Inspector.

I trust the above is clear however if you require any further information regarding the above, please do not hesitate to contact me.

Yours sincerely,



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Editorial Assistance Only

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