

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

Our ref: DC/26/0029
Your ref: 6007274
Contact: 01403 215245
Email: Sophie.Moore@horsham.gov.uk
Date: 28/04/2026

Dear Sir/Madam,

6007274 – Gaydon, Kennel Lane, West Grinstead, RH13 8LX

The following constitutes the Council's written submission in response to the applicant's appeal statement relating to the development at Gaydon. The Council would like to refer the Inspector to the Delegated Report for the full discussion around the merits of the proposal and reasons for refusal, but provide the following in response to specific comments made:

Refusal Reason 1: -

The development would be located beyond a defined built-up area on a site not allocated within the Development Plan and would not be essential to this countryside location. The development would therefore be contrary to the overarching spatial strategy and hierarchy approach of concentrating development within defined settlements and advocating a planned approach to settlement expansion, contrary to policies 1, 2, 4 and 26 of the Horsham District Planning Framework (2015). Notwithstanding the absence of a five-year housing land supply, and the provisions of the National Planning Policy Framework (2024) at paragraph 11(d), it is not considered that there are any material considerations in this instance that would outweigh harm arising from conflict with Local and Neighbourhood Plan policies in these regards.

The applicant's appeal statement refers to an appeal decision at Marlpost Meadows in Southwater (DC/22/0495 – APP/Z3825/W/22/3303603) for a single dwellinghouse granted permission outside of the built-up area boundary, citing it as a comparable case. However, the Marlpost Meadows site was located closer to the built-up area of the nearest settlement (approx. 0.6km) and was deemed to be accessible via a range of transport modes. Though the Inspector acknowledged that the proposal did represent conflict with the policies contained within the HDPF (2015), the road and public footpath network weighed in favour of the Inspector's decision. In contrast, the appeal site is located significantly further from the nearest settlement (Cowfold - approx. 2 miles) and can only reasonably be accessed via car. The appeal case is not therefore considered to be remotely similar to that of the present application, in that the site is located further from the settlement and lacks safe and suitable public pedestrian routes.

With regard to the remainder of the points made in the applicant's appeal statement for this refusal reason, the Council refers back to what has been provided in the Delegated Report.

Refusal Reason 2: -

The relationship between the subject building and the neighbouring property to the south-west is considered to result in a degree of overlooking and overbearing impact that would result in a poor-quality living environment for future occupiers of the proposed dwelling. The

development would therefore for contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015).

It is noted that the applicant has put forward the following arguments in their appeal statement in defence of the proposal with regard to residential amenity:

- The proposal does not introduce a materially new relationship but rather formalises an existing arrangement.
- The proposed dwelling is single storey and modest in scale and cannot reasonably be described as dominating the space or creating an oppressive environment.
- The level of intervisibility is typical of residential environments.

With regard to the first point, while it is accepted that the proposal would not introduce a new building onto the site and is instead facilitating the re-use of an existing building, the Council considers the change of use to dwelling would result in a new relationship given that the buildings would be operating as separate entities in close proximity. Given the difference in scale between the two dwellings it is anticipated that this new relationship would consist of the existing building over dominating the proposal, particularly in the context of the size of the wider site. While it is plausible that future occupiers would expect a degree of mutual visibility, it is considered that what is being proposed goes beyond this.

We agree with the applicant that the proposal cannot be described as dominating the space or creating an oppressive environment and want to clarify that this statement in the Delegated Report relates to the impact of the existing two-storey dwelling on future occupiers of the proposed dwelling rather than the opposite, as this comment suggests.

While it is acknowledged that the level of intervisibility between the two dwellings is typical of a residential environment, it is not typical of the surrounding settlement pattern which is dominated by large, detached dwellings with significant curtilage. In addition, though new residential development is often located in close proximity it is uncommon for them to do so while differing so significantly in scale and form as well as being situated in the adjunct manner that is being proposed.

Considering the information provided in the submitted appeal statement, it remains the view of the Council that the amenity of future occupiers of the proposed dwelling would be compromised for the reasons given in the Delegated Report.

Conclusion

The Council therefore remain of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF. The Inspector is therefore respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, a List of Suggested Conditions is attached to this letter.

Yours sincerely,

Sophie Moore
Planning Officer

List of Suggested Conditions

1. Plans
2. **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - (a) Purpose and conservation objectives for the proposed enhancement measures;
 - (b) Detailed designs to achieve stated objectives;
 - (c) Locations of proposed enhancement measures by appropriate maps and plans;
 - (d) Persons responsible for implementing the enhancement measures;
 - (e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
 - (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

6. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the bathroom window on the western elevation shown on Plan 2506HA_R2_104 has been fitted with obscured glazing. No part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing number 2506GA_R2_001. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it as well as the proposed EV charging point have been constructed and made available for use in accordance with approved drawing number 2506GA_R2_001. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 2506GA_R2_001. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

10. **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

11. **Pre-Occupation Condition:** Prior to occupation, a “lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

12. **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13. **Regulatory Condition:** The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

14. **Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Sylvatica Ecology Ltd., August 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected and Priority species in Sections 6.5 of the Preliminary Ecological Assessment (Sylvatica Ecology Ltd., August 2025), which avoids impacts on protected species.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Suggested Informative

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain)

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.