



**Horsham
District
Council**

Statement of the Local Planning Authority

Prepared by Halima Chowdhury, Planning Officer

PLANNING INSPECTORATE REFERENCE	6009032
LOCAL PLANNING AUTHORITY REFERENCE	DC/25/2126

Town and Country Planning Act 1990

Planning appeal by **Mr Peter Williams** at:

5 Kingsfold Close, Billingshurst, West Sussex, RH14 9HG, United Kingdom

Appeal to be determined by an Inspector appointed by the Secretary of State by way of
Written Representations

11 June 2026

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1.0 The Appeal Site and Relevant Planning History

- 1.1 The application is located on the eastern side of Kingsfold Close within the built-up area of Billingshurst. The main property is a detached two storey dwelling with an attached double garage. The front of the dwelling consists of a combination of two storey gable face projection and a catslide roof protrusion which includes a gabled roof front dormer. The main dwelling sits on a spacious plot and is enclosed by a combination of high level hedgerow as well as closeboard fencing. The main dwelling is brick built with partial timber cladding at upper level of the front gable projection under a hipped roof.

Relevant Planning History

BL/33/88	Erection of 12 houses and garages. (From old Planning History)	Application Permitted on 16.12.1988
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2.0 The Appeal Proposal

- 2.1 The appeal scheme entails the erection of a single storey detached granny annexe together with a detached single storey multipurpose workshop and gym. The proposals would be sited within the rear garden of the host dwelling.
- 2.2 The proposed granny annexe would be of substantial scale measuring 13.1m width, 7.18m depth and 3.7m height to the flat roof with solar panels protruding above. This structure would be positioned south of the rear garden. The granny annexe would be timber-clad boarding of Siberian Pine.
- 2.3 The multipurpose workshop and gym would be of modest scale measuring 6.0m width, 5.5 depth and 4.2m height to the ridge of the pitched roof. This structure would be positioned to the north of the rear garden.
- 2.4 The proposal would utilise existing vehicular access from Kingsfold Close with a separate access would be created to the rear garden along the side of the main dwelling.

3.0 The Case for the Local Planning Authority

- 3.1 The application has been appealed against the Local Planning Authority on the grounds of non-determination within the agreed time. As part of the application process amendments were sought by the LPA to reduce the height and footprint of the annexe accommodation. These amendments were not forthcoming and an appeal for non-determination was instead submitted.
- 3.2 This statement therefore represents the Council's assessment of the application, in accordance with the documentation submitted in addition to the representations and consultations received within the consultation period. The statement concludes that had the Council been in a position to determine the application it would have refused planning permission, for the reason set out elsewhere in this statement.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework 2015 (HDPF)

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

The Billingshurst Parish Neighbourhood Plan 2019 - 2031

Policy Bill 2: Housing Design and Character

PLANNING ASSESSMENT

Design and Appearance:

- 3.2 Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 3.3 Policy Bill 2 of the Billingshurst Parish Neighbourhood Plan seeks to ensure that development proposals should be guided by the Billingshurst Parish Design Statement and, inter alia, reflect the scale and local vernacular of the surrounding buildings.
- 3.4 The proposed annexe would be situated to the south-west of the main dwelling and would comprise a substantial footprint and a height which would be in excess of 3 metres. The design would be functional with extremely limited articulation and an overall form and detail which would appreciably contrast with the host building and the prevailing nature of surrounding development.
- 3.5 It is considered that good design involves taking account of the pattern and scale of the surrounding context and built form. This does not appear to be the case in this instance, with limited detail or justification on the rationale for the scale, form and design of the annexe outbuilding and how this has evolved. The proposed footprint and form would create a visible and incongruous contrast with both the host building and the pattern of surrounding development. This contrast would create a jarring

relationship which would be harmful to the prevailing character and appearance of the site and wider surrounding area.

- 3.6 It is acknowledged that the site currently benefits from boundary planting which provides a level of screening. The presence of planting could not though be relied upon in perpetuity and should not be accepted as a substitute for good design.
- 3.7 The form and scale of the annexe outbuilding is in contrast to the proposed workshop / gym outbuilding, which is considered more appropriate to the host building and surrounds and of lesser consequence. This is though a neutral consideration which would not overcome the concern identified in respect of the annexe outbuilding.
- 3.8 It is noted that the appeal statement includes reference to permitted development rights (and Class E of Part 1 within Schedule 2 of the GPDO). The proposed annexe could not though be built through permitted development rights due to the provision of primary accommodation and due to the height of the structure and distance from the boundary. There is no fallback position which would allow the same form of development to take place without the benefit of planning permission. It is therefore suggested that any arguments which rely upon the provisions of the GPDO should be of limited weight in the planning balance.
- 3.9 Overall, the annexe outbuilding, by reason of its scale, form and design, would represent an unsympathetic form of development which would be harmfully out of keeping with the character and appearance of the application site and wider locality. The proposal is therefore contrary to policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy Bill 2 of the Billingshurst Parish Neighbourhood Plan.

Tree impact:

- 3.10 Policy 33 of the HDPF 2015 presumes in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.
- 3.11 The belt of trees to the rear (eastern boundary) in the adjacent field includes a number of mature oaks of significant visual amenity and contribution to landscape character. They form a constraint on new development that may impact upon their future unfettered health/contribution to public amenity and landscape character.
- 3.12 The original footprint of the gym/workshop did not comply with minimum recommendations of the relevant design standard – BS5837:2012: Trees in relation to design, demolition and construction. During the course of this application several revised plans were submitted due to the discrepancies identified on the location of the trees plotted on the block plan. The corrected revised plan now shows the trees and re-positioned building which are now believed to be reasonably accurate, the nearest oak being T149 on the SJA survey.
- 3.13 However, the main access will be from the front of the property, access and working space requirements for both builds will foreseeably spread across the rear garden areas. A tree protection condition would be recommended to require the denoted root protection areas that overlap into the garden area be fenced off from the development process.

Residential Amenity:

- 3.15 Policy 33 of the HDPF states that development should consider the scale, massing, and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties and ensuring unacceptable harm to amenity of neighbouring properties, such as overlooking or noise, is avoided.
- 3.16 It is considered that the siting and layout of the proposed outbuildings, their intended use and the resulting relationship with adjacent properties would be sufficient to prevent any unacceptable harm to neighbouring amenity, in accordance with the above policy.

Water Neutrality:

- 3.17 A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.
- 3.18 On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.
- 3.19 To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.
- 3.20 Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.
- 3.21 Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Other Considerations:

- 3.22 The proposed layout within the annexe outbuilding would provide all the facilities required for independent day to day living and there would be no apparent functional dependency between the annexe and existing main dwelling. A self-contained dwelling (not associated with 5 Kingsfold Close) would appear characteristically cramped and could not be supported under Policies 32 or 33 of the HDPF.
- 3.33 If, as a matter of fact and degree, the Inspector is satisfied that the outbuilding would represent ancillary accommodation, and if the appeal is allowed, a condition would be recommended to prevent use other than as ancillary to the main dwelling.

4.0 Conclusion

- 4.1 Had the LPA been in a position to determine the planning application, it would have refused planning permission for the following reason: -
1. The annexe outbuilding, by reason of its scale, form and design, would represent an unsympathetic form of development which would be harmfully out of keeping with the character and appearance of the application site and wider locality. The proposal is therefore contrary to policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy Bill 2 of the Billingshurst Parish Neighbourhood Plan.

5.0 Suggested Conditions

- 5.1 Should the Inspector be minded to allow the appeal, the following conditions are suggested on a without prejudice basis:

1 **A List of the Approved Plans**

- 2 **Standard Time Condition:** The development hereby permitted shall begin 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 relating to the workshop / gym outbuilding shall take place until a protective fence, consisting of either chestnut paling (1.8m height) fastened to a post and rail fence or braced Heras panel fencing, has been erected outside of the minimum recommended root protection areas of the adjacent off-site oak trees, as indicated on drawing no. 5930/104.

The fencing shall exclude the storage of materials, vehicle parking, excavation or other building activities likely to be harmful to tree roots and the rooting environment. The fencing shall remain in place throughout the duration of the construction of the workshop / gym outbuilding.

The Local Planning Authority Tree Officer shall be informed of the proposed date of commencement, at least one working week in advance, to allow inspection of protection measures.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The annexe accommodation 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).

- 5 **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).

- 6 **Regulatory Condition:** The outbuildings hereby permitted shall be used / occupied solely for purposes ancillary to the occupation and enjoyment of 5 Kingsfold Close, Billingshurst (as identified on the approved plans). The outbuildings shall not be used for any trade, business or as separate unit(s) of accommodation without the prior express consent of the Local Planning Authority.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).