Horsham District Council

The Planning Inspectorate
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Bristol
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Our ref: DC/25/0108
Your ref: APP/Z3825/W/25/3366188
Contact: 01403 215429
Email: Bethan.Tinning@horsham.gov.uk
Date: 08.07.2025

Dear Sir/Madam,

APP/Z3825/W/25/3366188 – Clockhouse Cottage, Stonehouse Lane, Cowfold, Horsham, RH13 8DL

Following the submission of the appeal against the refusal of the removal of the existing garden room / outbuilding and erection of 1no. detached self-build dwelling and creation of a new access. The Local Planning Authority would refer the Inspector to the Delegated Report, and would like to reiterate the reasons for refusal as follows:

Refusal Reason 1: -

The development is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework. Consequently, this scheme would be contrary to the overarching strategy and hierarchical approach on concentrating development within the main settlements. It has not been demonstrated that there are any material considerations of significant weight to justify a departure from this overarching spatial strategy. The proposed development would therefore, be contrary to Policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), Policy 9 of the draft Cowfold Parish Neighbourhood Plan, and the relevant paragraphs of the National Planning Policy Framework 2024.

The appellant's appeal statement states that due to the Council's lack of 5-year housing supply, the appeal site represents previously developed land within a location that has a good relationship with the defined built-up area boundary, access to public transport links, and surrounding area, and would therefore not conflict with the overarching spatial strategy of the Horsham District Planning Framework (2015).

The appeal statement also refers to a number of appeals for single dwellinghouses which were granted permission outside of the settlement boundary within the district, these are: Marlpost Meadows in Southwater (DC/22/0495 - APP/Z3825/W/22/3303603) and Cowfold Lodge in Cowfold (DC/22/2250 - APP/Z3825/W/23/3325926). In the case of the Marlpost Meadows appeal, the site was located closer to the built-up area of the nearest settlement (some 0.6km). The Inspector acknowledged that the proposal did represent conflict with the restrictive policies contained within the HDPF. In addition, the road and public footpath network weighed in favour of the Inspector's decision, noting that any increase in case use '*would be tempered by the short distance to the village centre'*. As stated within the delegated report, the Inspector for the Cowfold Lodge appeal acknowledged that the proposal would not be a sustainable location but highlighted there are opportunities for travel by other means than private car. In the case of this appeal, Cowfold Lodge was approximately 0.20km away from the edge of the settlement boundary, which is significantly closer than the proposed development subject of this application, which is 1km away from Cowfold. These appeal cases are 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 to the settlement.

It is acknowledged and considered within the delegated report that the appeal site is previously developed land. However, while this is the case, the NPPF, alongside Policy 2 of the HDPF, still directs new development within existing settlements. The appellant's appeal statement makes reference to planning application DC/23/2278 at Former Arun Feedmills, Shipley, a site classed as previously developed land and outside of the built-up area. The application site benefitted from an extant planning permission and provided 8no. dwellings where the Council could not demonstrate a five-year housing land supply, with the contribution to the housing supply moderate, and of significant weight in the planning balance. The development was also considered to provide associated socio-economic benefits, with these benefits considered to be of some weight in the overall assessment. In the case of the present application, while this is considered previously developed land, only 1no. dwellinghouse is proposed and the site does not benefit from extant planning permission that could be implemented, so it is considered that the benefit of a single dwelling is of limited weight.

Furthermore, the appeal statement refers to application DC/24/1710 at Pound Place, Partridge Green for the conversion of a barn/outbuilding into a three-bedroom dwelling outside of the built-up area. While the site was situated outside the built-up area, the application was a conversion of an existing building, and the Council considered that the site was sustainable due to being located within a reasonable distance to services and amenities in Partridge Green and had good transport links to go to other settlements if necessary. Due to the sustainable nature of the location and the proposal being a conversion, the application was permitted. In the case of the present application, while the site is previously developed land, the application would not be a conversion nor is the location considered sustainable as it is not considered to benefit from good transport links, it is therefore considered that this application is not relevant to the present appeal site.

In addition to the appeal decisions and planning applications referred to in the appellant's appeal statement, the Inspector is directed to some other recent appeal decisions for single dwellinghouses that were dismissed – Lancasters Cottage (DC/24/0669 - APP/Z3825/W/24/3352708 - Appendix A) and Arundene Orchard (DC/24/0933 - APP/Z3825/W/24/3353984 - Appendix B). There are a number of similarities between the appeal site and the sites of the appeal decisions, with these considered relevant to the appeal. In the case of the Lancasters Cottage appeal, the Inspector did not dispute that the Council cannot display a five-year deliverable supply of housing land, with the provision of 1 additional dwelling attached moderate weight. However, the site was considered to be contrary to the locational policies in the development plan and would not be well located in relation to settlements within the settlement hierarchy. The adverse impacts of this were considered to outweigh the benefits. It was the same case in the Arundene Orchard appeal, where the appeal site was not served well by public transport, with the Inspector concluding that walking and cycling were not realistic options for future occupiers of the site. In both of these appeal decisions, the Inspectors concluded that the proposed dwellinghouses would not be in appropriate or sustainable locations and that this would weigh against the overall benefits of the proposal.

As concluded within the Delegated Report, it is acknowledged that the Council in unable to demonstrate a 5-year deliverable supply of housing. However, the proposal would provide one market dwelling with the Council considering this benefit limited given the negligible overall contribution to the supply. The conflict with the development plan is given moderate weight and the site's unsustainable location is given significant weight, with these outweighing the benefits when assessed against the policies in the framework. As such, the proposal is

considered to be contrary to Policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015) and National Planning Policy Framework (2024).

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,

Bethan Tinning
Planning Officer

List of Suggested Conditions

1. 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 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).

4. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

   (a) All trees on the site shown for retention on approved drawing number [Tree Protection Plan: Arbtech TPP 01], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
   (b) Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
   (c) Areas so fenced off shall be treated as zones of prohibited access and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

   Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

   Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-commencement (Slab Level) Condition**: No development above ground floor slab level shall commence until full details of the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

   - Details on the likely contaminants associated with the rainwater harvesting system, including consideration of the overhanging trees and trees in immediate proximity of the roof of the dwelling
   - Details on the type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants
   - Details of all matters relevant to the risk assessment and proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail of how any failure of any samples will be investigated and managed
   - Detail of the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
   - Details, including a plan or schematic, showing the supply – including a site plan and/or schematic showing location of source, chambers, tanks, distribution network including valves, pipes, consumer premises and means to record the total water consumption of each unit
   - Detail on the continuity of supply during dry periods extending beyond 35 days.
   - Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance

   Reason: To ensure the development is water neutral 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 enable 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).

7. **Pre-Commencement (Slab Level) Condition**: A Biodiversity Enhancement Layout for the biodiversity enhancements listed in the Preliminary Ecological Assessment (Sylvatica Ecology, January 2025) shall be submitted to and approved in writing by the local planning authority.

   The content of the Biodiversity Enhancement Layout shall include the following:

detailed designs or product descriptions for biodiversity enhancements; and locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

8. **Pre-Commencement (slab level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Water Neutrality Statement received 23.01.2025) have been submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure the development is water neutral 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), Paragraphs 192 and 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

9. **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

   Reason: To ensure the development is water neutral 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), Paragraphs 192 and 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

10. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and 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).

11. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 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 has been 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).

12. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

    Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

13. **Pre-Occupation Condition**: No part of the development shall be first occupied until visibility splays of 2.4 metres by 56 metres have been provided at the proposed site vehicular access onto Stonehouse Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

    Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

14. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until the car parking spaces has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

15. **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Sylvatica Ecology, January 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 species in Sections 6.10 and 6.15 of the Preliminary Ecological Assessment (Sylvatica Ecology, January 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 and enhance 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) and Policy 31 of the Horsham Development Framework.

16. **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).

17. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank, or public Holidays.

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