n.j.a town planning Ltd

Applications & Appeals Services

APPEAL UNDER S.78 OF THE TOWN & COUNTRY PLANNING ACT 1990

STATEMENT OF CASE

in respect of

Erection of 2 x no detached dwellings and garages utilising existing access and landscaping.

at

The Fords, Bonfire Hill, Southwater, West Sussex, RH13 9BU



Appellant: Mrs P Rixon

LPA Ref: DC/25/1077

July 2026

Nikolas J. Antoniou BSc (Hons) DipTP MRTPI

NIKOLAS JAMES ANTONIOU

I hold a Bachelor of Science with Honours Degree and Post Graduate Diploma from the University of Wales, College of Cardiff, in City and Regional Planning and have been a Member of the Royal Town Planning Institute since 1999.

I have over 25 years of experience in Town Planning and have held senior positions in Local Government the most notable being Head of Development Control at Arun District Council. I have worked for national planning consultancies and also held the position of Planning Manager for a house building firm.

For a number of years I have been the Director of NJA Town Planning Ltd and undertake the full range of planning work across a wide geographical area serving the needs of private individuals, private estates and commercial businesses.

I am familiar with the appeal site, the Local Planning Authority and its policies.

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1.0 INTRODUCTION

1.1 This appeal is against the refusal of planning permission by Horsham District Council, as Local Planning Authority, for ***"*Erection of 2 x no detached dwellings and garages utilising existing access and landscaping*"*** at The Fords, Bonfire Hill, Southwater, West Sussex, RH13 9BU. NJA Town Planning Ltd has been instructed by Mrs P Rixon to appeal against this refusal of planning permission by the Council.

2.0 BACKGROUND

2.1 The appeal application (DC/25/1077) was determined by Horsham District Council on 15 May 2026 and it was refused for the following reasons:

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, 3 and 26 of the Horsham District Planning Framework (2015) and Policy SNP1 of the Southwater Neighbourhood Plan. Notwithstanding the absence of a five-year land housing 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 which would outweigh harm arising from conflict with the above policies.

2 The development would formalise and suburbanise the site, resulting in the dilution and erosion of the informal character of the landscape and countryside setting. The proposal would result in a form of development that would fail to preserve and/or enhance the landscape characteristics of the area. The proposed development would therefore be contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

2.2 A copy of the formal decision notice is included with this appeal.

2.3 In line with best practice as set out in the Planning Appeals: procedural guide for appeals relating to applications dated on or after 1 April 2026, the Appellant will not repeat matters such as site description, planning history, details of the proposal etc., which have already been set out in detail in planning documentation and the Planning, Design and Access Statement submitted with the original application. This Statement of Case will primarily consider the proposed development against the policies identified as relevant by the Council within its reasons for refusal together with the National Planning Policy Framework (NPPF) and it will analyse the Council's delegated report.

2.4 It is however important to briefly reiterate the key policies of the Council's Development Plan, emerging policy, legislation and case law which have a bearing on the determination of this appeal. The relevant paragraphs of the NPPF are set out within the Planning, Design and Access Statement; these are not repeated below, but are referred to where necessary within this Statement of Case.

The Development Plan

2.5 The 'Development Plan' comprises the Horsham District Planning Framework adopted in 2015 (the HDPF) and in this case the Southwater Neighbourhood Plan 2019 – 2031 'made' in June 2021.

2.6 The Council's reasons for refusal refer to the following policies of the HDPF and the Neighbourhood Plan:

HDPF (2015)

- Policy 1: Sustainable Development
- Policy 2: Strategic Development
- Policy 3: Development Hierarchy
- Policy 25: District Character and Natural Environment
- Policy 26: Countryside Protection
- Policy 32:The Quality of New Development
- Policy 33:Development Principles

Southwater Neighbourhood Plan (2021)

- SNP1: Core Principles

2.7 A full range of relevant policies of the HDPF and Neighbourhood Plan which are relevant to the consideration of the proposal overall are set out within the Planning, Design and Access Statement.

Emerging Policy

2.8 The Horsham District Local Plan 2023-2040 was formally submitted to the Planning Inspectorate on Friday 26 July 2024 for public examination. Hearings commenced, however in April 2025 the Planning Inspector found that the Duty to Co-operate had not been met and raised significant soundness concerns in relation to the Plan's housing requirement and spatial strategy. As a result, the Planning inspector recommended that the Council withdraw the Plan.

2.9 Matters have since progressed and in January 2026 a Planning Inspector was appointed to conduct a new examination of the Horsham Local Plan 2023-2040. Examination re-commenced with final hearings in October 2026 and adoption presently anticipated for January 2027. In addition, and following the Government's changes to the Local Plan process and requirements, Horsham District Council has been mandated to start a new Local Plan as well, at the same time. As such, the Council presently has an emerging Local Plan at Examination stage, in addition to commencing work on a new style Local Plan.

2.10 At this stage, the HDPF and (in this case) the Southwater Neighbourhood Plan, remain the adopted development plan documents relevant to the determination of this appeal.

Relevant Legislation and Case Law

2.11 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise (as also reiterated at paragraph 2 of the NPPF).

2.12 Specifically, section 70 (2) of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission (or permission in principle), the authority shall have regard to the provisions of the development plan, including a post-examination draft neighbourhood development plan, any local finance considerations and any other material considerations (all so far as relevant to the application).

2.13 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

2.14 When considering whether or not a proposed development accords with a development plan, it is not necessary to say that it must accord with every policy within the development plan. The question is whether it accords overall with the development plan (see Stratford on Avon v Secretary of State for Communities and Local Government [2013] EWHC 2074 (Admin)). Even if a proposal cannot be described as being in accordance with the development plan, the statutory test requires that a balance be struck against other material considerations.

2.15 The Courts have emphasised that a planning authority is not obliged to strictly adhere to the development plan and should apply inherent flexibility (see Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2011] EWHC 97 (Admin) and Tesco Stores Ltd v Dundee City Council [2012] UKSC 13).

2.16 In Corbett v Cornwall Council [2020] EWCA Civ 508 the appeal court judge emphasised the importance of considering the plan as a whole stating:

"Under section 38(6) the members' task was not to decide whether, on an individual assessment of the proposal's compliance with the relevant policies, it could be said to accord with each and every one of them. They had to establish whether the proposal was in accordance with the development plan as a whole. Once the relevant policies were correctly understood, which in my view they were, this was classically a matter of planning judgment for the council as planning decision-maker."

2.17 Paragraph 3 of the NPPF confirms that it should be read as a 'whole' and the Government's National Planning Policy Guidance (NPPG) confirms that ***'The National Planning Policy Framework represents up-to-date government policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 14 of the Framework. If decision takers choose***

not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed' (Paragraph: 006 Reference ID:21b-006-20190315).

2.18 In addition, it states that ***'Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework'*** (Paragraph: 012 Reference ID: 21b-012-20140306).

Housing Land Supply (Case Law)

2.19 The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing (paragraph 78). Plans and decisions should apply a presumption in favour of sustainable development (NPPF paragraph 11). Where there are no relevant development policies, or the policies which are most determining the application are out-of-date (including where any authority cannot demonstrate a 5 year supply of deliverable housing sites, with the appropriate buffer, or where the Housing Delivery Test indicates that the delivery of housing was substantially below, less than 75%, of the housing requirement over the previous three years, as per NPPF footnote 8), planning permission should be granted unless:

i. 'the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*** (NPPF paragraph 11 d).

2.20 The Suffolk Coastal District Council v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 case had regard to the meaning and effect of the provisions of the NPPF on housing land supply and the presumption in favour of sustainable development in having regard to the NPPF (paragraphs 14 and 49 in the 2012 version).

2.21 The judgement emphasised that if a Council cannot demonstrate a five-year supply of housing land, the presumption in favour of sustainable development is triggered (the tilted balance) and the weight given to restrictive policies is diminished if counterpart to out-of-date housing goals.

Rural Housing (Case Law)

2.22 In terms of the provision of housing within the countryside, the Braintree DC v Secretary of State for Communities and Local Government {2018| Civ 610 afforded particular attention in the assessment of ‘isolation’ when having regard to the NPPF. The term ‘isolated’ was considered by the Court of Appeal (who upheld a High Court decision) confirming that the word 'isolated' should be given its ordinary meaning as being 'far away from other places, buildings and people; remote'.

2.23 The case held that the context of paragraph 55 of the previous NPPF (2012), (now paragraph 84 in the present NPPF), 'isolated' simply connotes a dwelling that is physically separate or remote from a settlement. Whilst previous hearings had considered that the term ‘isolated’ could have a dual meaning, in that it referred to physical and functional (i.e. from services and facilities) isolation; this argument was rejected by the Court.

2.24 The case additionally drew reference to transport opportunities in rural areas where it is consistent with the NPPF that sustainable transport opportunities are likely to be more limited in rural areas. This therefore further acknowledges that rural areas should not necessarily preclude new development.

2.25 The Bramshill v Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 320 decision forms more recent case law addressing the

interpretation of 'isolated dwellings' in the countryside. This upheld the previous interpretation of Braintree that the term 'isolated' should be given its ordinary meaning as being 'far away from other places, buildings and people; remote' and that in determining whether a particular proposal is for 'isolated homes in the countryside', the decision-maker must consider whether the development would be physically isolated, in the sense of being isolated from a settlement. What is a 'settlement' and whether the development would be 'isolated' from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case.

Housing Land Supply

2.26 NPPF paragraph 61 states that to support the Government's objective of ***'significantly boosting the supply of homes'***, it is important that a sufficient amount and variety of land can come forward where it is needed. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance (NPPF paragraph 62).

2.27 Policies in local plans and spatial strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary (NPPF paragraph 34). In addition, the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing (paragraphs 72 and 78).

2.28 In the case of Horsham District Council, the present HDPF was adopted in 2015. It is therefore significantly over five years old and it does not take into account the current standard method in its policies relating to the supply of new homes (specifically HDPF policy 15).

2.29 In addition, the Council's most recent Authority Monitoring Report (AMR) for 2024/25 (published on 19 December 2025) states that in accordance with the NPPF, the Standard Method calculates the local housing need (at December 2025) to be 1,338 per year. This equates to 6,690 for the five-year period (1 April 2025 – 31 March 2030). However, as Horsham District has a 62% result from the 2023 Housing Delivery Test results, a 20% buffer must be added to this figure and this results in a total five year supply requirement of 8,028 (see paragraphs 3.21 – 3.26 of the AMR).

2.30 Paragraph 3.40 of the AMR confirms that the Council can only demonstrate a **housing land supply of 1.7 years** and as such, it is unable to demonstrate a five-year supply as required by the NPPF. Specifically, the supply deficit is 5,286 homes which is significant (see table 6 of the AMR).

2.31 The under provision of housing within the Horsham district has persisted for some time - the Council's AMR for 2023/24 set out a 1 year supply of housing and the AMR for 2022/23 set out 2.9 years' supply.

2.32 As the Council cannot demonstrate the necessary level of housing land supply as required by the Framework, the provisions of NPPF paragraph 11 d) (the *'tilted balance')* apply to the proposal which must in turn be considered against the Framework's presumption in favour of sustainable development.

2.33 Having regard to paragraph 11 d) i, NPPF footnote 7, the Council is no longer requiring Applicants to demonstrate that that new development is water neutral (as of November 2025 – please see explanation below). In addition, the application site is not located within a 'protected area' and neither is it affected by a 'protected asset' of particular importance and the issue of archaeology is appropriately addressed. There are as such no policies in relation to these issues which provide a *strong* reason for refusing the development proposed or prevent the proposed development from being considered under the presumption in favour of sustainable development and the provisions of NPPF paragraph 11 d).

Water Neutrality

2.34 The appeal site falls within an area identified as the Sussex North Water Supply Zone, where water abstraction has the potential to affect the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar sit. It is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended. In September 2021, Natural England issued a Position Statement requiring all new developments within the Sussex North Water Supply Zone to demonstrate 'water neutrality' to prevent harm to the protected Arun Valley habitats from increased water abstraction.

2.35 However, on 31 October 2025, Natural England issued a Withdrawal Statement confirming that its September 2021 Water Neutrality Position Statement was withdrawn. For individual applications, the Council will now be using the 2024/25 water efficiency savings made by Southern Water to allow all development to move forward as water neutral from 01 November 2025. As a result, for applicants this means that it is no longer a requirement to demonstrate water neutrality at planning application stage. This means that:

1. No water neutrality statement is now required.
2. No payment into SNWCS is needed to use the Southern Water capacity.
3. No bespoke conditions or s106 obligations are required to demonstrate water neutrality.

Shaping Development in Horsham District Planning Advice Note September 2025

2.36 The Shaping Development in Horsham District Planning Advice Note (SD PAN) was approved by the Council on 17 September 2025. The SD PAN supersedes the Council's former Facilitating Appropriate Development (FAD) which was published in 2022.

2.37 The SD PAN is now a material consideration in determining planning application. It sets out the Council's aspirations for how development comes forward and the weight that can be given to current local planning policy within the context of legislation, national planning policy and guidance.

2.38 The SD PAN covers the following issues:

- The tilted balance
- The weight of the adopted HDPF
- The status of, and weight to be given to the emerging Horsham District Local Plan 2023-40
- The weight given to 'made' and emerging Neighbourhood Plans
- Water neutrality
- Importance of the spatial strategy and settlement hierarchy
- Consideration in principle of applications for housing development

- Applying local plan policies in current circumstances

2.39 The Council's SD PAN acknowledges that the Council cannot demonstrate a five year supply of housing and it has produced a Housing Delivery Action Plan.

2.40 Subsequently, the SD PAN confirms the following:

'Because of the circumstances in which the Council finds itself, and notwithstanding the current requirement of all new development to demonstrate that it is water neutral, HDC expects to receive planning applications proposing development in locations and of types not supported by the HDPF, the emerging Local Plan or in Neighbourhood Plans.

HDC will continue to act in a proactive manner by supporting sustainable development that both delivers the development to meet identified needs and ensures that other objectives are met. To demonstrate this, HDC has produced this document to provide clarity in its approach and guidance to those who engage with the planning system in Horsham' (paragraphs 1.8 and 1.9).

2.41 The SD PAN sets out at paragraph 2.4 that in the absence of a 5 year housing land supply and/or where Housing Delivery Test performance is less than 75%, NPPF paragraph 11 (and footnote 8) indicate that the policies that effect that supply of housing may be considered out-of-date. It further confirms that this has the effect of reducing the weight that may be afforded to such policies and engages the 'tilted balance' where there is an expectation that planning applications for housing should be approved.

2.42 In respect of the Council's emerging Local Plan, SD PAN paragraphs 2.13 and 2.18 confirm that (at the point of writing), the Council does not take the view that the emerging Local Plan is sufficiently advanced to justify great weight to its policies, in addition to there being unresolved objections to the majority of policies within it. In addition, the Council acknowledges that Strategic Policy 37 (Housing Provision) of the emerging Local Plan is not consistent with the NPPF as it does not fully address housing needs (paragraph 2.19).

2.43 In respect of Neighbourhood Plans, the SD PAN confirms that where NPPF paragraph 14 is not engaged, the 'tilted balance' would be engaged, reducing the weight that can be applied to Neighbourhood Plan policies that relate to the supply of housing.

2.44 The Council recognises that as it is unable to demonstrate a 5 year supply of housing land that in accordance with the NPPF, the presumption in favour of sustainable development is engaged (where water neutrality is demonstrated). Given these circumstances, it is also acknowledged that it is likely to receive applications outside of built-up area boundaries and on unallocated sites. Subsequently, the SD PAN confirms that it will consider positively applications that meet all of the following criteria:

- ***'The site adjoins the existing settlement edge as defined by the BUAB;***
- ***The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;***
- ***The proposal demonstrates that it meets all local housing needs or will assist the retention and enhancement of community facilities and services;***
- ***The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and***
- ***The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced'.***

2.45 The relevant parts of the SD PAN are referred to within this Statement of Case at Section 3 and a copy is included with this appeal for the Planning Inspector's information.

3.0 ASSESSMENT OF THE COUNCIL'S REPORT

3.1 This section responds to the Case Officer's delegated report (in bold) and addresses the key planning issues and the Council's reasons for refusal.

PLANNING ASSESSMENT

Principle of Development:

Policy 2 of the HDPF sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the HDPF seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Policy 4 of the HDPF refers to the expansion of settlements outside the built-up area, and states that such development is only supported where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge.

Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas.

3.2 NPPF paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development including the provision of homes, commercial development and supporting infrastructure in a sustainable manner.

Achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental (NPPF paragraph 8).

3.3 Paragraph 10 of the NPPF states:

'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

3.4 HDPF Policy 1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Therefore, in line with the NPPF, planning applications that accord with the policies of the HDPF will be approved without delay (unless material considerations indicate otherwise). Where there are no policies relevant to the application, or relevant policies are out of date, Policy 1 states that the:

'Council will grant permission, unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted'.*

3.5 The appeal site is located within the countryside and HDPF policy 26 seeks to protect the countryside from inappropriate development. HDPF policy 2 is the Council's overarching policy that covers location and amount of development. The policy states that new development should be focused in and around the key settlement of Horsham, and to allow for growth in the rest of the district in accordance with the identified settlement hierarchy. This is set out at HDPF policy 3 and settlement expansion is referred to at HDPF policy 4. In addition, Neighbourhood Plan policy SND1 sets out core principles including the need for new development to contribute to sustainable development.

3.6 It is acknowledged that the appeal site is located within the countryside, however, in this case there are compelling reasons which justify the proposed development when considering the policies of the NPPF and HDPF *as a whole*. These material planning considerations are addressed below in response to the Case Officer's assessment below.

Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The current proposal would not be considered previously developed land and would not be located within a cluster of existing built form. The land subject of this application has seemingly most recently been used for grazing purposes, with a fenceline separating the land and the neighbouring dwelling (and related curtilage) only recently removed. The application site is not considered to be incidental residential curtilage and is not previously developed. The dwellinghouses would be located outside of any BUAB and would not be essential to its countryside location. Furthermore, the development would result in an increase in the level of activity within the countryside location, essentially extending the residential part of the site at The Fords further into the countryside location where it was previously absent, representing a change of use of the land.

Rural Housing

3.7 The NPPF supports the provision of rural homes at paragraph 83 where is states:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to growth and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.

3.8 This recognises the importance of allowing new residential development within the rural areas which can help to sustain local rural communities. As such, appropriate residential development on sustainably located sites, such as the appeal site is arguably 'essential' to rural areas and allows the sustainable development of rural areas (HDPF policy 26, criterion 4).

Previously Developed Land

3.9 Paragraph 124 of the NPPF states that:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

3.10 NPPF paragraph 125 encourages the development of under-utilised land (and buildings), especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively. NPPF paragraph 128 requires that a positive approach is taken to applications for alternative uses of land which is currently developed but not application for a specific purpose in the plans, where this would help meet identified development needs.

3.11 In terms of the density of development, NPPF paragraph 129 requires planning policies and decisions to support development that makes efficient use of land. This includes taking into account (inter alia) the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places.

3.12 The Appellant confirms that the appeal site forms part of the residential curtilage of The Fords; it is not used for grazing or any agricultural purpose. The land is mowed and used as an extended garden area.

3.13 Having regard the definition of 'previously developed land' (PDL) at NPPF Annex 2: Glossary, the application site comprises a lawfully developed residential property (a permanent structure with areas of hardstanding) with a garden, outside of a built-up area. The application site is therefore considered to fall within the definition of PDL.

3.14 This is in line with the findings of the High Court case of Dartford Borough Council v Secretary of State for Communities and Local Government (2017). In this case the Judge held that having regard to the wording of the exemption to PDL in the NPPF, only residential gardens within built-up areas were exempt from the definition of PDL, whereas residential gardens outside of built up areas are brownfield.

3.15 The proposed development would make effective use of PDL as encouraged by the NPPF which aligns with the principles of sustainable development. As the land is already in residential use, the proposed construction of two new dwellings will not alter the use of the site, and the amount of development sought will not result in any significant or harmful increase in the activity within the countryside. Furthermore, the residential density is low, and for the reasons described within this Statement of Case, no harm will be caused to the prevailing character and setting of the site.

The Council is currently unable to demonstrate a five-year housing land supply (1.7 years at the time of writing). In response, the Council published the 'Shaping Development in Horsham District' document. This guidance acknowledges that applications on unallocated sites outside BUABs may come forward in the absence of a five-year supply. It states that proposals will be considered positively where they meet all of the following criteria:

- **The site adjoins the existing settlement edge;**
- **The scale of expansion is appropriate to the settlement;**
- **The proposal meets local housing needs or supports community facilities;**
- **The development does not prejudice long-term comprehensive development; and**
- **The site is contained within a defensible boundary and maintains/enhances landscape character.**

The application site does not adjoin a settlement edge such that it would not benefit from the provisions of the Shaping Development in Horsham District' document.

The development is therefore considered contrary to Policies 1,3,4 and 26 of the HDPF, and would not benefit from the provisions of the Shaping Development in Horsham District document (as set out above).

Housing Land Supply

3.16 The Council is unable to demonstrate a five year supply of housing as required by the NPPF. The latest AMR 2024/25 (published 19 December 2025) confirms that the Council can demonstrate just 1.7 years' supply. As a result and in accordance with the NPPF, the Council's policies in respect of the supply and location of new homes (HDPF policies 2, 3, 4, 15 and 26) are out-of-date. Whilst these policies are referred to within this Statement of Case, they should be given less weight in the decision making process. The tilted balance of NPPF paragraph 11 d) is engaged and the proposal should be considered against the presumption in favour of sustainable development.

3.17 Although the appeal site is located within the countryside, it is not situated within a protected countryside landscape such as an Area of Outstanding Natural Beauty (AONB) or National Park (NPPF footnote 7). The Council (as of November 2025) is no longer requiring Applicants to demonstrate that new development will be water neutral at planning application stage and archaeological/heritage issues are appropriately addressed. As such, there is no conflict with NPPF paragraph 11 d) (i).

3.18 This Statement further confirms that there are no adverse impacts of granting planning permission for the proposal that would significantly and demonstrably outweigh the benefits of the provision of two new homes of a high quality design, in a sustainable location and which make effective use of land (11 d) ii).

3.19 The Government has set out a target of 1.5 million new homes to be built over the present Parliament. There is as such a significant need to build new homes and proposal will positively contribute towards the supply of windfall homes within the district. This is an important source of supply as noted at NPPF paragraph 73 which states that:

'Small and medium sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly'.

Location and Shaping Development

3.20 It is reiterated that in terms of the Council's spatial strategy, policy 2 of the HDPF seeks to maintain the rural character of the district and states that new development should be focused in and around Horsham, with growth in the rest of the district in accordance with the settlement hierarchy set out at HDPF policy 3 and also in accordance with HDPF policy 4.

3.21 The appeal site is located extremely close to the settlement boundary of Southwater which is categorised by HDPF policy 3 as a small town/larger village and is one of the main settlements within the district. The policy describes these settlements as having:

'..a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. The settlements act as hubs for smaller villages to meet their daily needs, but also have some reliance on larger settlements/each other to meet some of their requirements'.

3.22 Figures 7 and 8 of the Appellant's Planning, Design and Access Statement show the location of the appeal site in respect of the Southwater built-up area boundary and the extended settlement boundary of the Southwater Neighbourhood Plan which takes into account new housing development to the west of the settlement (bringing the built-up area boundary closer to the appeal site).

3.23 Occupiers of the proposed dwellings will be able to easily access local services and facilities within Southwater, a short walk or cycle away without necessarily relying on the use of the private vehicle. This includes the use of the local public right of way network including the nearby 'Promoted Route' identified in the Neighbourhood Plan. It is therefore clear that whilst the application site is located outside of a built-up area boundary, it is not located within 'isolated' countryside.

3.24 The planning application (and this appeal) was submitted with a Transport Report (GTA Civils, April 2025) which confirms that the distances to local services and facilities from the appeal site are compliant with the recommended guidelines for walking and cycling journeys. In particular, the Transport Report notes the nearby public rights of way and the nearest bus stop being circa 600m east of the site on Church Lane (served by bus route 98 which has a regular service to Horsham railway station). The nearest railway station to the appeal site is Christs Hospital which is around 4.1km away – a 12-minute cycle.

3.25 Furthermore, the proposed dwellings are also not remote from other built form including the adjacent cluster of residential properties at the Bonfire Hill/Church lane junction.

3.26 Having regard to the cases of Braintree District Council v Secretary of State for Communities and Local Government (2018) and Bramshill v Secretary of State for Housing, Communities and Local Government (2021) (referred to previously at Section 2) the application site is not physically isolated from a settlement given its proximity to Southwater as described and neither is it isolated from other built form.

3.27 NPPF paragraph 110 requires the planning system to actively manage patterns of growth. Whilst significant development should be focused on locations which are or can be made sustainable, it should also be recognised that:

'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.

3.28 The proposed construction of just two dwellings is not 'significant' development and it will not in in itself result in unsustainable patterns of vehicle movements within the rural area particularly given the site's close proximity to Southwater as described.

3.29 As set out, HDPF Policy 4 supports the growth of settlements across the district in order to meet identified local housing, employment and community needs. Therefore, outside built up area boundaries, policy 4 permits the expansion of settlements subject to criteria. The supporting text for HDPF Policy 4 (and 3) contains the following justification:

'to ensure that development takes place in a manner that ensures the settlement pattern and the rural landscape character of the District is retained and enhanced, but still enables settlements to develop in order for them to continue to grow and thrive' (HDPF paragraph 4.6).

3.30 Given the fact that the Council cannot demonstrate an appropriate supply of housing, the Council's SD PAN previously referred to acknowledges that the Council is likely to receive applications for residential development outside of the defined built up area boundaries and on unallocated sites.

3.31 As such, the SD PAN (at paragraph 5.12) confirms that the Council will consider positively applications that meet all of the following criteria:

- *'The site adjoins the existing settlement edge as defined by the BUAB;*
- *The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;*

- *The proposal demonstrates that it meets all local housing needs or will assist the retention and enhancement of community facilities and services;*
- *The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and*
- *The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced'.*

3.32 The above essentially follows the same principles of HDPF policy 4 with the exception that it does not contain the same requirement for sites to be allocated for development in the Local or Neighbourhood Plan.

3.33 The appeal site does not adjoin a settlement edge, however, as set out, the site is in a suitable position to accommodate two new dwellings without any significant or harmful conflict with the spatial strategy of the HDPF. This is due to the site's highly sustainable location so close to Southwater, one of the main settlements with a wide range of local services and facilities including retail, education and public transport options.

3.34 In terms of criterion 2 of the SD PAN and HDPF policy 4, the level of expansion, just two dwellings is small. The low density of development is wholly appropriate to site's location which is close to other built form, including other residential development.

3.35 The proposed development meets local housing needs in respect of the clear need for new housing within the district and the impact of the proposal will neither individually nor cumulatively prejudice comprehensive long term development. The proposal complies with criterions 3 and 4 of the SD PAN and HDPF policy 4.

3.36 In respect of criterion 5 of the SD PAN and HDPF policy 4, the application site is contained by an existing defensible boundary, important landscape features will be retained and the proposed dwellings will not harmfully encroach into open countryside.

3.37 In summary of HDPF policies 1, 2, 3 and 4, these policies encourage sustainable development and allow for the expansion of settlements outside of built-up area boundaries where the level of expansion is appropriate to the scale and function of the settlement type.

3.38 Given the small scale of development proposed, the sustainable location of the appeal site, the lack of any harm caused to the visual amenities of the countryside landscape (as further addressed within this Statement) and the high need for new homes within the district, it is reiterated that the proposal does not significantly or harmfully conflict with the overarching principles of the Council's spatial strategy or the Council's SD PAN. However, any conflict must be weighed in balance with the provisions of NPPF paragraph 11 d) and the presumption in favour of sustainable development.

It is noted that to the west of the application site lies a site, Marlpost Meadows, allowed at appeal for a chalet style detached dwelling, ref: DC/22/0495. As part of this appeal the Inspector gave weight to the site being considered previously developed land and that there was an existing dwelling on site, such that it was therefore sustainably located as it formed part of a cluster of dwellings. This decision, and the rationale behind the outcome, would not as a matter of course overcome the policy conflict set out above on other separate sites in the wider surrounding area. In this case, the current application is not considered to be previously developed land and represents encroachment into the undeveloped countryside. The outcome of the Marlpost Meadows appeal would not therefore be considered to create any binding precedent, and it is noted that this appeal decision did not consider the Southwater Neighbourhood Plan. This current application therefore falls to be considered on its own merits.

Case Studies

Marlpost Meadows (see Appendix NJA/2 of the Planning, Design and Access Statement)

3.39 Marlpost Meadows is situated a short distance away to the west of The Fords on Bonfire Hill. In August 2023, planning permission was granted at appeal for the construction of a detached dwelling within the residential curtilage of Marlpost Meadows. Marlpost Meadows is situated within the countryside, further away from the built-up area boundary of Southwater than The Fords.

3.40 Whilst the Planning Inspector gave some weight to the fact that the site was considered to qualify as PDL, this was not the sole reason for allowing the appeal. The Planning Inspector considered the proposed development in the planning balance, noting the following:

- The Council was unable to demonstrate a five-year supply of housing (4 years at the time of the appeal) which the Planning Inspector found to be a 'significant shortfall' (appeal decision notice paragraph 14). The present shortfall now stands at just 1.7 years representing an even greater need for new homes within the district.
- The Planning Inspector attached 'limited weight' to the conflict with HDPF policy 26 in respect of development outside of built-up area boundaries as the housing shortfall dictates that those boundaries are out-of-date. Some weight was still given to HDPF policy 2 in terms of the general locations of new development but the Planning Inspector found that *'the fact that the site may lie outside of the built-up area boundary does not, in and of itself, constitute a reason to refuse planning permission'* (appeal decision notice paragraph 16).
- In addition to the fact that the site comprises PDL, the Planning Inspector found the proposed development to be acceptable for a number of other reasons, including the fact that the proposal would help address the identified shortfall of new homes, that the NPPF explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area (and can be built-out relatively quickly) and that the site has reasonably good accessibility to services and facilities within Southwater, despite its location outside of the built-up area' (appeal decision notice paragraph 17).
- Therefore, whilst the Planning Inspector considered the site at Marlpost Meadows to comprise PDL, this was not the sole determining factor of the appeal. As such, regardless of whether the appeal site at The Fords is classed as PDL or not, the proposal is still comparable to the development allowed at Marlpost Meadows and this appeal decision is a material planning consideration of considerable weight. Of particular note is that there is now an even greater deficit in the supply of new homes within the district together with the fact that The Fords is closer to the built-up area boundary of Southwater than Marlpost Meadows (and also clustered close to other residential development).

Thornhill Stables (see Appendix NJA/1 of this Statement of Case)

3.41 Planning permission was allowed at appeal in October 2025 for the construction of a barn style dwelling at Thornhill Stables, near Coolham but outside of a built-up area boundary. The Planning Inspector did not find the appeal site to be 'isolated' in the

context of NPPF paragraph 84 but also did not consider the site to be '*in close proximity to any built-up area boundaries'* (appeal decision notice paragraph 8). Whilst noting the distances from the appeal site to Coolham and Billingshurst the Planning Inspector found that *'future occupiers are more likely to reply on private vehicles rather than undertake local journeys by other modes of transport'* (appeal decision notice paragraph 10).

3.42 The Planning Inspector found there to be conflict with HDPF policies 1, 2 3, 4 and 26 however, allowed the appeal when considering the following issues in the planning balance:

- The Council cannot demonstrate a five-year supply of housing land (2.9 years at the time), noted by the Planning Inspector as a '*significant shortfall'* (appeal decision notice paragraph 24). As such, paragraph 11 (d) of the NPPF confirms that insufficient housing delivery dictates that planning permission should be granted unless there is conflict with NPPF paragraph 11 (d) (i) and (ii).
- The Planning Inspector found there to be no conflict with NPPF paragraph 11 (d) (i) and that notwithstanding the site's location (with reliance on car journeys likely) found the proposal to be acceptable based on its contribution towards the supply of new homes within the district. At paragraph 28 of the appeal decision notice, the Planning Inspector explains the following:

  'Balanced against the harm are a number of benefits. The overall housing supply remains significantly deficient, and the provision of an additional dwelling would make a meaningful contribution to addressing this shortfall. The Framework recognises that small sites can make an important contribution to housing supply and are often built out quickly. There would also be modest economic benefits during construction and through local spending, as well as a small contribution to housing diversity. While the scale of these benefits is modest given that only one dwelling is proposed, in the context of current housing pressures, even a single additional home represents a valuable and positive contribution'.

Land North of Cowfold Road (see Appendix NJA/2 of this Statement of Case)

3.43 Planning permission was allowed at appeal in March 2026 for the construction of nine dwellings on land to the north of Cowfold Road, near Coolham, outside of a built-up area boundary. The main issues of the appeal were:

1. Whether the appeal site would be in a suitable location for the proposed development having regard to planning policy; and
2. The effect of the proposal on the character and appearance of the area.

3.44 In terms of the accessibility of the site, the Planning Inspector noted that:

'Within walking distance of the appeal site there is a primary school, a village hall and a public house. Access to them is via the A272 which, whilst unlit, possessed a pavement. Although residents would be required to cross the A272 to reach the facilities, they would be aided by the fact that the road has a 20mph speed limit. Dropped kerbs and tactile paving are proposed along the route to aid pedestrians. There are bus stops within walking distance of the site, with an early morning and afternoon bus on weekdays to higher order facilities in Horsham and Storrington, and an irregular service during the day' (appeal decision notice paragraph 12).

3.45 Notwithstanding the above, when considering local planning policy, the Planning Inspector found the location of the appeal site to conflict with HDPF policies 1, 2, 3 4 and 26, policy SHIP HD1 of the Neighbourhood Plan and the Council's Shaping Development in the Horsham District guidance. However, when considering the proposal in the planning balance, the Planning Inspector found the proposal to be acceptable against the presumption in favour of sustainable development having regard to the shortfall in housing within the district, the provisions of NPPF paragraph 11 d) and the site's location adjoining the edge of the settlement of Coolham.

3.46 The Planning Inspector also found that the proposed development would not result in harm to the character and appearance of the area, noting the site's proximity to Coolham Specifically the Planning Inspector comments at paragraph 17 that:

'The appeal site is however located close to Coolham, and its character is significantly influence by its proximity to the settlement. Whilst the appeal site forms a gap between the school and home farm, such that Home Farm is nominally outside the settlement,

the compact form and domestic character of the converted farm buildings reflect the built-up area. The development of the site would not therefore be perceived as an encroachment into the countryside but rather as a consolidation of the settlement itself. Moreover, the strong existing boundary treatment around the site would limit the visual impact of the proposal when viewed from the countryside'.

Self-Build Housing

3.47 The proposed dwellings are a self-build dwellings. HDPF policy 16 requires development to provide for a mix of housing sizes, types and tenures to meet the needs of the district's communities. In addition to ensuring that the supply of a sufficient amount of new homes, the NPPF at paragraph 63 also requires the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policy. This includes *'people wishing to commission or build their own homes'.*

3.48 As of 24 April 2026, there are 180 entries on the Horsham District Council's Self-Build and Custom Build Register of Interest, of which 128 are Horsham District residents.

3.49 The Government's PPG acknowledges that self-build or custom build homes help to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design of their own home, and can be innovative in its design and construction. The provision of such homes is clearly supported by the Framework and which play an important role in helping to tackle the housing crisis, with projects cumulatively making an important contribution to meeting housing need (helping to speed up delivery) and increased choice and variety in the type of new homes.

Design and Appearance:

Policies 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

The site is located within a rural countryside location, where the defining features of the immediate surroundings is the sparse and sporadic built form and the undeveloped open fields and paddocks.

The proposed development would comprise a greater density of development that would suburbanise and formalise the landscape character of the immediate locality, with the application site seemingly forming a paddock which would not be form part of the dwelling's incidental curtilage.

The proposed development in totality would result in a quantum of development that would formalize and suburbanise the site, resulting in the dilution and erosion of the informal character of the landscape and countryside setting. The proposal would result in a form of development that would fail to preserve and/or enhance the landscape characteristics of the area. The proposed development would therefore be contrary to Policies 25, 32, and 33 of the HDPF.

As part of the application amended plans were received which sought to address concerns raised by the Council's Arboriculturalist in respect of the impact of the development on root protection areas of visually important trees. The amended plans re-site the dwellings to increase the separation, and if necessary it is considered that any potential harm to adjoining trees could be overcome by way of a condition to ensure a minimum buffer from root protection areas during construction works. The impact of the development on trees would not therefore raise any concerns.

It is noted that there are listed buildings in the wider locality, the siting of the development would not though have any adverse impact on the setting of surrounding heritage assets, such that no conflict with Policy 34 of the HDPF or the NPPF has been identified.

3.50 The Case Officer confirms that there are no arboricultural objections raised to the proposal (subject to conditions) and that there would be no adverse impact upon the setting of nearby heritage assets

3.51 It is reiterated that the appeal site is not used or maintained by the Appellant as grazing or agricultural land and it forms part of the residential curtilage of The Fords.

3.52 The appeal site comprises well defined boundaries and its mainly screened from Bonfire Hill and the surroundings by mature boundary hedgerows and trees. The site is secluded and the proposed dwellings have been carefully designed to consider the topography of the site (with the land sloping away from The Fords) and the character and appearance of the area. In this respect, the dwellings are single storey to reflect the height and proportions of The Fords itself and to ensure that they will not appear as unduly prominent structures within or outside of the site boundaries.

3.53 Whilst the site is located outside of a built-up area boundary, it is clearly not situated in 'isolated' countryside having regard to its proximity to Southwater and other residential development along Bonfire Hill. Therefore, notwithstanding the screened

nature of the site and the low height of the proposed dwellings, the overall development will not appear out of keeping with the character and appearance of this particular countryside location. The Case Officer's report does not identify any specific views that would be affected by the proposal and the density of development is low – just two new dwellings on a large plot with ample space retained to the site boundaries and space for new landscaping.

3.54 Similarly, a large private garden area will be retained for The Fords and like the host dwelling, the two new dwellings will also be set back from Bonfire Hill, behind a dense tree/hedgerow screen. Both dwellings will be accessed via the existing vehicle access from Bonfire Hill and as such, there will be little change to the character and appearance of the lane.

3.55 As a result of the secluded nature of the appeal site, the screening to the boundaries, the low density of development and height of the dwellings and their set back from Bonfire Hill, the proposal will not result in any harmful 'suburban' appearance or 'formalisation' of landscape character. Importantly, the informal character of the lane will be retained and the proposed dwellings will be clustered close to other residential development (and very close to Southwater) meaning that there will be no harmful spread of built form into prominent or isolated open countryside.

Figure 1: Extract from Google Maps



3.56 The Case Officer's report does not raise any specific objections to the design of the proposed dwellings which is high quality and appropriate to the site's location and character, appearance, scale and siting of The Fords itself.

3.57 The proposed development has been carefully considered to ensure that it respects and reflects the character and appearance of the site and surroundings and no harm will be caused to the visual amenities of the countryside landscape. The proposal therefore complies with HDPF policies 25, 32 and 33 and Neighbourhood Plan policies SNP16 and SNP18.

Residential Amenity:

Policy 33 of the HDPF requires development be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The dwellings would be a sufficient distance from the existing dwelling known as The Fords' such that it would not give rise to detrimental impacts from loss of light. Although it is noted that there would be some reduction in privacy given the eastern facing windows of plot 1 that facing The Fords' this impact would not be considered unacceptable.

The proposed dwellings are single storey in nature such that whilst they are sited closely together, they would not result in an unacceptable relationship with one another. The garden amenity space is sufficient and the size of the dwellings would allow for the dwellings to meet Nationally described space standards.

3.58 As noted above, the proposed dwellings would be located a sufficient distance away from the Fords and appropriately orientated to ensure that there would be no adverse impact caused to the residential amenities of the host dwelling (including in respect of any harmful overlooking, overbearing appearance or overshadowing). A high-quality living environment will be created for the occupiers of the proposed dwellings and retained for the occupiers of The Fords including large private amenity spaces and good levels of natural lighting.

3.59 The Council has raised no objections to the proposed development in respect of amenity and the proposal complies with the relevant provisions of HDPF policy 33 and Neighbourhood Plan policies SNP10 and SNP16.

Highways Impacts:

Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices

and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. In addition, proposals should minimise conflict between traffic, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

The application proposes two detached homes with garages on Bonfire Hill with on-site parking and manoeuvring space provided. The development will use the existing access The WSCC Highway Authority has been consulted during the application process and reviewed the Transport Report.

WSCC have no objection to the proposal on the basis of highway safety concerns with visibility splay requirements met. From the information submitted the number of vehicular movements generated would be around 11 two-way daily movements and can be absorbed by the local road network.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. There are considered to be no reasons to take a different view and there are no transport grounds to resist the proposal.

3.60 As noted above, the County Highway Authority has raised no objections to the proposed development either in respect of the use of the existing access from Bonfire Hill or in respect of onsite car parking and turning. The proposal complies with the provisions of HDPF policies 40 and 41 and Neighbourhood Plan policy SNP14.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

The Council's Ecologist has advised that there is sufficient ecological information available to support determination of this application, and that subject to mitigation being secured there would be no adverse impact on protected species or habitat. If the application were to be approved this would be secured through condition and would ensure no conflict with the above policy.

3.61 The application was submitted with a Preliminary Ecological Appraisal (Arun Ecology, June 2025) and the Case Officer's report confirms no objections in respect of the information submitted subject to the implementation of mitigation measures which may be secured by condition. The proposal complies with HDPF policy 31.

Water Neutrality:

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.

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.

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.

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. Natural England have been consulted on this Appropriate Assessment and have provided standing advice which raises no objection to this approach.

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 s.70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

3.62 The planning application was submitted to the Council in June 2025 with a Water Neutrality Report (CGS Civils, January 2025) because at a time, Horsham District Council was requiring such proposals to demonstrate water neutrality in accordance with Natural England's 2021 Position Statement. However, following Natural England's withdrawal of this Position Statement in October 2025, it is no longer necessary to the Appellant to demonstrate that the proposed dwellings will be water neutral for the reasons set out above.

3.63 Case Officer's report confirms that an Appropriate Assessment has been carried out (in consultation with Natural England) and as a result, it is not considered that the proposed development would either alone or in combination with other development, have an adverse effect on the protected sites of the Arun Valley. The proposed development therefore complies with the relevant provisions stated above including HDPF policy 31.

Biodiversity Net Gain:

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has an application form indicating that the application would be self-build development such that it would be exempt from Biodiversity net gain requirements.

3.64 The proposed dwellings will be self-build dwellings and as such, the development is not required to demonstrate a 10% Biodiversity Net Gain (BNG).

Other matters:

Archaeology

The Archaeology officer has commented on the application given that the site is within an archaeological notification area and further investigative work would be needed to be carried out in advance of the development occurring to ensure nothing of archaeological value is destroyed. Had the application been acceptable in other respects, this could be addressed by means of a pre-commencement condition.

3.65 An Archaeology Study (Chilcroft, September 2025) was submitted to the Council during the course of the planning application. This comprises an archaeological desk-based assessment. The Council has raised no objections above and a pre-commencement condition for further investigative work may be applied.

Climate Change:

Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

If necessary, conditions could be imposed to secure the following and ensure compliance with the above policies: -

Water consumption limited to 110litres per person per day
Requirement to provide full fibre broadband site connectivity
Dedicated refuse and recycling storage capacity
Opportunities for biodiversity enhancement
Cycle parking facilities
Electric vehicle charging points

3.66 The planning application was submitted with an Energy and Sustainability Statement (Blewburton, June 2025). This sets out the details of the proposal in respect of energy and carbon emissions, water conservation, flood risk and biodiversity, waste and pollution, materials selection and future needs.

3.67 In respect of renewable energy technology, the Energy and Sustainability Statement confirms that the heating and hot water for the proposed dwellings will be generated by Air Source Heat Pumps to underfloor heating and that solar energy technology (photovoltaic panels) may also be installed. Full details of the installation of renewable energy technology together with the other matters listed in the Case Officer's report above may be agreed and secured by condition.

Conclusions:

The application seeks planning permission on a site outside of the built-up area and unallocated within the development plan. The proposed development for 2no. dwellings would be contrary to the overarching spatial strategy as directed by Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), and would not benefit from the provisions of the Shaping Development in Horsham District document.

It is acknowledged that the Council is currently unable to demonstrate a full 5-year housing land supply, and it is recognised that this forms a material consideration in decision making which triggers the application of the 'tilted balance' at Paragraph 11(d) of the NPPF. In accordance with Paragraph 11(d), the Council is required to grant permission unless either (or both) of the following apply:

(i) the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 14 of the NPPF outlines the continued relevance of Neighbourhood Plans in situations where the presumption of favour or 'tilted balance' applies. Paragraph 14 states that in situations where the presumption (at paragraph lid) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

(a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
(b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

The Southwater Neighbourhood Plan was made on 23 June 2021 and is therefore less than 5 years old. The Neighbourhood Plan also allocates land for housing to meet local need. Both criteria (a) and (b) have therefore been met, albeit it is acknowledged that the NP will shortly be more than 5 years old. At this point in time however the NPPF is clear that the 'adverse impact on allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits'.

3.68 The Case Officer's report acknowledges the under provision of housing within the district and that as a result, the provisions of NPPF paragraph 11 d) apply. It should also be noted that the Southwater Neighbourhood Plan is now five years old.

The contribution of two self-build dwellings would bestow some socio-economic benefits in the form of housing delivery. The provision of housing within the HDPF of any type would attract a *significant* weight. However, the Council considers that this benefit would be *limited* given the small overall contribution to the supply.

The development would represent an increase in the scale and massing of built-form, with its resulting impact on the appearance of the application site being materially different to the current dwelling which has a distinctly modest appearance and rural character. Furthermore, the proposal would result in a harmful encroachment into the surrounding open countryside and would not be contained within existing residential / PDL boundaries. The proposal would therefore result in some visual harm that would be contrary to policies 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

It is recognised that the proposed development, while located outside of a defined built-up area, would have reasonably good accessibility to services and facilities within Southwater despite clear limitations associated with walking.

It is however considered that the harm arising from the siting and location of the proposed housing together with the conflict with the Southwater Neighbourhood Plan would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Recommendation: Application Refused

3.69 As set out, the Council's HDPF is over five years old and the Council is unable to demonstrate a five-year supply of housing as required by the NPPF. As a result, the tilted balance at NPPF paragraph 11 d) is engaged and the proposal should be considered against the presumption in favour of sustainable development. Subsequently, less weight should be given to the Council's policies in respect of the supply and location of new homes, including HDPF policies 2, 3, 4, 15 and 26.

3.70 Given that the presumption in favour of sustainable development applies to this proposal, and having regard to the three key objectives of sustainable development set out at paragraph 8 of the NPPF, the proposed development complies as follows:

a) an economic objective – the proposal will make a small contribution to the local building industry and associated trades in constructing the new dwellings. Furthermore, occupiers of the new dwellings will help to support local services and facilities which is particularly important within rural areas (NPPF paragraph 83). The proposal complies with the economic objective of sustainable development.

b) a social objective – the proposal provides a suitable site for the creation of two new dwellings in close proximity to local services and facilities including schools, public transport and work opportunities. The proposal will also make a modest but important contribution to the supply of new homes within the district. The proposal complies with the social objective of sustainable development.

c) an environmental objective – the proposal makes efficient use of PDL and no harm will result to the visual amenities of the countryside landscape. The proposed dwellings are of a high quality design, the appeal site is sustainably located, very close to Southwater and matters of ecology, trees and sustainable construction are appropriately addressed.

3.71 In respect of 11 d) 'I', (and NPPF footnote 7) it is reiterated that there are no protected areas or assets of particular importance that provide a strong reason for refusing the development proposed (there are no specific objections in respect of archaeology with conditions recommended and the Council has raised no objections in respect of water neutrality or in respect of the setting of heritage assets).

3.72 In respect of 11 d) 'ii', the above and Statement overall demonstrates that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits of the provision of two new homes in a sustainable location, which makes effective use of PDL and which are well designed, appropriate to the character and appearance of the area.

3.73 The cumulative provision of new homes should not be underestimated as acknowledged by NPPF paragraph 73 and the long term, continued lack of housing land supply within the Horsham district undermines the Government's intention to significantly boost the supply of homes (NPPF paragraph 61).

3.74 The appeal decisions previously referred to demonstrate that Planning Inspectors have given weight to the importance of new homes and even individual homes in meeting the housing requirement of the district. The appeal decision at Marlpost Meadows, a short distance to the west of The Fords on Bonfire Hill, is a material planning consideration. This is the case regardless of whether the appeal site at The Fords is deemed to be PDL or not given the Planning Inspector's emphasis on the 'significant' undersupply of housing within the district (which has since fallen even more).

3.75 The Council's SD PAN document has been previously considered within this Statement together with the spatial strategy of the HDPF. Whilst the appeal site does not adjoin a settlement boundary, this does not mean to say that it should be automatically assumed that the site's location is unsustainable. In this case, the appeal site is not located within isolated countryside and it is clearly not remote from local services and facilities and other development including residential. The proposed dwellings will not appear out of keeping with the context of the area.

4.0 CONCLUSIONS

4.1 This Statement of Case supports the proposal for the construction of a two detached single storey dwellings with detached garages at The Fords, Bonfire Hill, Southwater. Planning permission was refused by the Council on 15 May 2026 (DC/25/1077) for two reasons relating to the site's location outside of a built-up area boundary (contrary to the spatial strategy of the HDPF) and the impact of the proposal upon the landscape characteristics of the area.

4.2 Case law confirms when considering whether a proposal complies with a development plan, it is not necessary to say that it must accord with every policy of the development plan and the question is whether it accords with the development plan overall. In addition, paragraph 3 of the NPPF confirms that the Framework should be read as a 'whole' and the Government's Planning Policy Guidance states that any conflicts between the development plan should be considered in light of all material planning considerations including local priorities and needs, as guided by the NPPF.

4.3 Therefore whilst the site is located outside of a built-up area boundary, it is necessary to consider the following aspects of the proposal in the planning balance:

- The Council's HDPF is over five years old and the Council is unable to demonstrate a five year supply of housing as required by the NPPF. As a result, the Council's policies in respect to the supply and location of new homes are out-of-date (including HDPF policies 2, 3, 4, 15 and 26) and the provisions of NPPF paragraph 11 d) is engaged. This requires the proposal to be considered against the presumption in favour of the proposed development.

- The proposal will make a small but important contribution towards windfall housing provision within the district. The cumulative provision of individual homes should not be under estimated as acknowledged by NPPF paragraph 73. The long term, continued lack of housing supply within the district undermines the Government's intentions to ***'significantly boost'*** the supply of new homes (NPPF paragraph 61).

- NPPF paragraph 83 encourages the sustainable development of rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. Occupiers of the proposed dwellings will help to support local services and facilities within the rural community.

- NPPF paragraph 110 makes it clear that whilst the planning system should actively manage patterns of growth (and *significant* development should be focused on locations which are or can be made sustainable), opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This should be taken into account in both plan-making and decision-making. The proposal is not for significant development and neither will it generate significant levels of vehicle movements.

- In addition, the appeal site is not located within isolated countryside the proposal will not result in unsustainable modes of travel, out of keeping with the character of the area. The new dwellings will not be remote from a settlement or other built form as the site is just a short distance away from Southwater (one of the main settlements within the district) where there is a wide range of local services and facilities which can be accessed without total reliance upon the private vehicle.

- The proposed dwellings have been carefully designed to ensure they are of a high quality construction and appearance and of an appropriate height, scale and mass. As a result, and having regard to the well-defined and screened site boundaries, coupled with the siting of the proposed dwellings, set back from Bonfire Hill and positioned within spacious plots, there will be no significant or harmful impact upon the surrounding landscape and countryside setting. The proposed development is low density which also having regard to the site's proximity to Southwater and to other residential development, will not result in any harmful formalisation or suburbanisation of the appeal site. The proposed development complies with the relevant provisions of HDPF policies 25, 32 and 33 in respect of design and appearance. The proposal also does not conflict with HDPF policy 26 in respect of its intention to seek to protect the countryside from inappropriate development.

- Whilst the appeal site is located outside of a defined built-up area boundary, its sustainable location, the high need for new homes within the district together with the lack of any harm caused to the visual amenities of the countryside landscape are all material planning considerations which weigh heavily in favour of the proposal. The proposal is not considered to result in significant conflict with the relevant core principles set out at Neighbourhood Plan policy SNP1.

7.4 Overall, this Statement of Case demonstrates that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits of two new homes in a sustainable location which will make a small but important contribution towards the supply of much needed homes within the district. Therefore, in accordance with paragraphs 11 and 39 of the NPPF and HDPF policy 1, it is respectfully asked that this appeal is allowed.