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By Email

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SL/Let/P2305i

Dear Sir, Madam

Land North of Eastlands Lane, Cowfold, West Sussex, RH13 8AY (LPA Reference DC/26/0472 and PINS Reference 6011338)

We write on behalf of the Appellant in response to the recent changes in the NPPF which were published on the 17 August 2026.

Policy context and significance of the 17 August 2026 Framework

The National Planning Policy Framework 2026 ("the Framework") is a material consideration of critical importance in determining the appeal. Section 38(6) of the Planning and Compulsory Purchase Act 2004 remains the statutory starting point, but paragraph 3 of the Framework confirms that national decision-making policies must be read alongside the development plan.

The appeal should be assessed against the Framework as a whole, including its policies for sustainable development, housing delivery, settlement location, design, transport and the natural environment. This letter provides commentary on the effects of the new NPPF on the proposals at Eastland Lane, Cowfold, which must be read in conjunction with our previous submissions.

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The change in national policy is material to the central issue in this appeal. The Council's case is founded principally on the location of the site outside the defined built-up area boundary and the resulting conflict with the adopted spatial strategy, together with localised landscape effects. The new Framework now establishes an express and materially more positive decision-making policy for development outside settlements.

The proposal falls within the Framework's positive approach to development outside settlements

The appeal site lies outside Cowfold's defined built-up area boundary. However, **Policy S5:** Principle of development outside settlements provides a positive policy framework for certain forms of development outside settlements.

In particular, the proposal is considered to align with the new policy S5 Framework;

Policy S5(1)(e): limited infilling within groups of houses

Policy S5(1)(e) identifies "limited infilling within groups of houses" as a form of development which should be approved unless the benefits would be substantially outweighed by adverse effects.

The appeal site is considered to represent limited infilling because:

- it lies between established residential properties to the north, east, south and west;
- it does not project into an expansive or open tract of countryside and would be assimilated into the existing built envelope present on Eastlands Lane;
- the surrounding built form and mature vegetation provide containment; and
- the development would complete and consolidate an existing pattern of residential development.

The proposal can therefore reasonably be regarded as limited infilling within an existing group of houses, or at the least closely reflects the form of development contemplated by Policy S5(1)(e). The Appellant does not, however, rely on S5(1)(e) alone: Policy S5(1)(j) provides a separate and direct basis for support given the Council's housing land supply position.

Policy S5(1)(j): development addressing evidenced unmet need

The proposal falls within the wider category in Policy S5(1)(j). This policy supports development which would address an evidenced unmet need, including housing development where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, where the development would:

- be physically well-related to an existing settlement; and

- be of a scale which can be accommodated having regard to existing or proposed infrastructure.
- The proposal satisfies those requirements because:
- Horsham District has only approximately 1.7 years of housing land supply;
- the proposal provides nine additional homes;
- the site is physically well related to Cowfold and existing development on Eastlands Lane;
- Cowfold is identified as a Medium Village;
- the proposal is modest and proportionate in scale; and
- infrastructure and technical matters can be addressed through conditions and planning obligations.

The proposal is therefore not simply a development to which additional weight should be given because of the housing shortfall. It is a form of development which the new Framework expressly identifies as acceptable in principle outside settlements, subject to the balance required by Policy S5(1).

The presumption in favour of sustainable development

As noted above, the Council cannot demonstrate a five-year supply of deliverable housing sites. The presumption in favour of engaged sustainable development therefore applies under **Policy S3**: Presumption in favour of sustainable development.

Under **Policy S3(1)(b)**, outside settlements, Policy S5 is to be applied. The appeal should therefore be assessed under the specific and positive provisions of S5, including S5(1)(e) and S5(1)(j), rather than solely by reference to the restrictive wording of the adopted settlement-boundary policies.

The development plan conflict must then be considered in the context of Policy S3, the housing policies in Chapter 6 and the balance required by Policy S5.

Substantial weight should be given to the provision of housing

Policy HO7: Meeting the need for homes states that substantial weight should be given to the benefits of providing homes which contribute towards evidenced accommodation needs.

The proposal would provide nine homes on a site capable of early delivery. It would contribute to:

- the Council's immediate housing supply;

- the supply of family-sized accommodation;
- the overall availability and choice of housing; and
- the Government's objective of significantly increasing housing delivery.

The proposal is also consistent with **Policy HO6:** Planning for a diverse mix of sites, which supports a diverse supply of sites and seeks to enable communities and villages to grow and thrive, particularly where this supports local services in a village the scale of Cowfold.

The site is deliverable and capable of early implementation.

The Framework's definition of a deliverable site in **Annex B** requires that a site is available, suitable and achievable, with a realistic prospect that homes will be delivered within five years.

The appeal site:

- is controlled by the Appellant;
- is available for development;
- has been submitted as a full planning application;
- uses an established access arrangement;
- does not require a major strategic infrastructure programme; and
- is capable of being implemented promptly following permission to address the current shortfall.

This is consistent with Policy **HO13:** Build out of residential and strategic sites, which encourages housing to be brought forward without unnecessary delay. Against a housing supply of only approximately 1.7 years, the ability of a small, unconstrained site to deliver homes promptly is not an abstract benefit: it directly addresses the deficiency which Policy S5(1)(j) is intended to address.

The proposal is well-related to a sustainable settlement

The Framework's **Policy TR3:** Locating development in sustainable locations requires development to support sustainable patterns of movement and provide good accessibility, having regard to the type and scale of development.

The proposal is very well-related to Cowfold, a recognised Medium Village within Horsham District that provides for appropriate services and infrastructure to support an application of this scale.

- a primary school and pre-school;

- a convenience store;
- medical facilities;
- community facilities;
- sports and recreation facilities;
- local clubs and societies;
- public transport; and
- an established public rights of way network.

The proposal does not need to be entirely self-contained. The Framework recognises that rural settlements will depend on higher-order settlements for some employment, healthcare, education and shopping needs. The proposal is however of a scale that is entirely appropriate for a settlement the scale of Cowfold.

The proposal is consistent with the transport policies

The proposal is supported by an established access arrangement and WSCC as Highway Authority raise no concerns in respect of the site accessibility and connectivity to Cowfold.

It responds positively to:

- Policy TR3(1)(a) by being related to an existing settlement and limiting the need for travel;
- Policy TR3(1)(c) by providing mitigation where necessary;
- Policy TR3(1)(d) by addressing the environmental effects of traffic and taking opportunities to improve air quality;
- Policy TR3(1)(e) by improving connectivity in a rural area;
- Policy TR4(1)(a) by prioritising walking and cycling within the scheme and towards the settlement;
- Policy TR4(1)(c) by providing safe and inclusive routes; and
- Policy TR8 by retaining and improving the public rights of way network.

The proposal also provides parking, cycle storage and electric vehicle charging infrastructure consistent with **Policy TR4(1)(e)** and the relevant development plan requirements.

The proposal also seeks to enhance Eastlands Lane through the provision of pedestrian refuge points, walking improvements and potential lighting measures for existing and future residents.

This provides further support and compliance with **Policies TR3, TR4 and TR8**.

The design responds fully to local context

The proposal accords with **Policy DP3**: Key principles for well-designed places by responding to the history, character and features of the site and its surroundings.

It provides:

- varied dwelling types and heights;
- detached and semi-detached forms;
- pitched roofs and locally informed materials;
- a low-density layout;
- retained trees and hedgerows;
- substantial landscape separation;
- a minimum 15-metre undeveloped western buffer with Eastland Wood; and provides
- a clear distinction between private gardens, access routes and landscape areas.

The scheme responds to the relevant DP3 principles of:

- liveability under DP3(2)(a);
- climate resilience under DP3(2)(b);
- nature and green infrastructure under DP3(2)(c);
- movement under DP3(2)(d);
- built form under DP3(2)(e);
- public space under DP3(2)(f); and
- identity under DP3(2)(g).

The Council's allegation of suburbanisation should therefore be considered against the actual form and design of the proposal, rather than against the plain fact that it introduces built form.

The landscape effects are limited and capable of mitigation

Under **Policy N2**: Improving the natural environment, development should take account of landscape character and conserve and enhance existing natural features where possible.

The proposal does so by:

- retaining existing boundary vegetation;
- maintaining the woodland relationship;
- providing additional native planting;
- strengthening landscape boundaries;
- retains a substantial undeveloped buffer; and
- secures long-term landscape management.

The submitted Landscape Statement identifies that the site is semi-enclosed and influenced by existing residential development, Eastlands Wood, the private access road and mature vegetation.

The effects are very localised to its immediate surroundings. The development does not lie within a Protected Landscape under **Policy N4**, and there is no evidence that it forms part of a landscape of high importance.

The proposal should therefore be assessed under the general landscape and countryside provisions of Policy N2, together with the relevant development plan policies, which must be considered in respect of the revised test to justify substantial harm, which cannot reasonably be levied at a development of this scale, location or form.

The proposal provides measurable biodiversity benefits

The Framework's Policy N2(1) supports proposals which:

- conserve and enhance natural features;
- strengthen ecological networks;
- use green infrastructure and nature-based solutions;
- minimise adverse biodiversity effects; and
- provide long-term management.

The proposal would provide:

- approximately 21% habitat biodiversity net gain;

- approximately 22.95% hedgerow net gain;
- new native planting;
- enhanced habitat connectivity;
- controlled wildlife-sensitive lighting;
- protection of the woodland edge; and
- long-term landscape and ecological management.

These measures exceed the statutory minimum biodiversity net gain requirement and provide a positive environmental benefit.

The proposal also accords with **Policy N3**: Trees in new development, through the retention and protection of existing trees and the provision of new planting, subject to detailed approval and long-term maintenance.

Climate change and sustainable drainage benefits

The proposal supports **Policies CC2**: Mitigation of climate change and **CC3**: Adaptation to climate change through:

- use of air source heat pumps;
- provision of solar panels where appropriate;
- energy-efficient building fabric;
- water-efficient homes;
- electric vehicle charging;
- sustainable drainage; and
- new planting and green infrastructure.

The drainage strategy is also consistent with **Policy F8**: Sustainable drainage systems and watercourses, which requires proportionate SuDS providing, where possible, benefits for water quality, biodiversity and amenity.

The Lead Local Flood Authority has raised no objection subject to conditions. This confirms that drainage matters are capable of being satisfactorily controlled.

The development plan and neighbourhood plan must be read in the context of updated national policy

The Framework's Annex A, paragraph 2 confirms that development plan policies which are materially inconsistent with national decision-making policies should be given very limited weight.

The adopted HDPF is more than five years old and was prepared against a substantially lower housing requirement and different evidence base. Its restrictive spatial strategy must therefore be assessed against:

- the current housing need;
- the Council's housing land supply position;
- Policy S5(1)(e) and S5(1)(j);
- Policy HO7;
- Policy HO6; and
- the emerging Local Plan Inspector's requirement for additional housing sites.

The Cowfold Neighbourhood Plan also remains relevant, but **Policy S6**: Neighbourhood plans and the presumption cannot reasonably restrict development, when the housing needs and subsequent allocations of land are out of date, and were clearly inconsistent with national decision making policies, (in respect of how to calculate housing need) at the time of adoption.

The CNP housing figure is based on outdated, historic evidence and the former HDPF strategy. The emerging Local Plan Inspector's letter of 5 May 2026 confirms that:

- Horsham's housing need has materially increased;
- additional unmet need must be accommodated;
- the submitted Local Plan requires further housing sites; and
- previously assessed sites may need to be revisited.

The CNP's housing restraint policies should therefore attract no material weight under **policy PM5** of the new framework insofar as they are relied upon to resist this modest, deliverable proposal and under Policy PM5 (2) the content of a neighbourhood plan should not result in less development than specified in other parts of the development plan that cover that area.

In this regard, the emerging local plan, clearly identifies Cowfold as a settlement that can accommodate more growth than set out in the CNP and therefore the neighbourhood plan is overly restrictive toward appropriate new growth in the settlement.

Our previous comments on matters of housing need/evidence supporting the CNP equally apply to the new framework.

Overall conclusion

The NPPF 2026 materially strengthens the case for allowing the appeal. In particular, the proposal:

- falls within, or closely reflects, Policy S5(1)(e) as limited infilling within a group of houses;
- alternatively satisfies Policy S5(1)(j) as housing addressing an evidenced unmet need on land physically well-related to an existing settlement;
- is not isolated development under Policy S5(3);
- benefits from the presumption in favour of sustainable development under Policy S3;
- provides for new housing in a sustainable settlement, that should be providing more development that restricted by an out of date Neighbourhood Plan (in respect of housing need and allocations to meet such a need)
- attracts substantial housing-delivery weight under Policy HO7;
- supports a diverse and deliverable housing supply under Policy HO6;
- is capable of early implementation under Policy HO13;
- is well-related to Cowfold and supported by the transport principles in Policies TR3, TR4, TR6 and TR8;
- provides a well-designed response to its context under Policy DP3;
- delivers biodiversity and green infrastructure benefits under Policies N2 and N3;
- provides climate adaptation, energy and drainage benefits under Policies CC2, CC3 and F8; and
- does not involve development within Local Green Space LGS12.

The adverse effects identified by the Council are principally conflict with the adopted settlement strategy and a degree of localised landscape change. Those matters must now be assessed through the new national decision-making framework. Policy S5 expressly supports this form of development and requires approval unless the benefits are substantially outweighed by adverse effects. On the evidence before the Inspector, that threshold is not met.

The benefits of nine deliverable homes, in the context of an approximately 1.7-year housing land supply, together with biodiversity, landscape management and pedestrian infrastructure improvements, materially outweigh the limited residual adverse effects.

The appeal should therefore be allowed.

If you have any further queries or require further information, please contact me on 01903 248777.

Yours sincerely
ECE Planning



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