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## Appeal Decision

Site visit made on 15 July 2026

**by E Everitt BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> September 2026

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### **Appeal Ref: 6006961**

### **Paddock north of Spring Acres, West End Lane, Henfield, West Sussex BN5 9RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr T Tingey against the decision of Horsham District Council.
  - The application Ref is DC/26/0041.
  - The development proposed is erection of up to 9 self-build dwellings.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted<sup>1</sup>. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appellant has provided a site layout plan. As the application is for permission in principle, I have considered the plan on the basis that it is indicative only.
5. A revised National Planning Policy Framework (the Framework) was published during the consideration of the appeal. The main parties were provided with the opportunity to comment on the relevance of the Framework to the appeal, and I have taken account of the comments received, and the Framework, in making my decision.
6. The appellant raises a number of matters with respect to the Council's actions that they invite the Inspector to consider as unreasonable behaviour, but has not made a costs application. In consideration of the merits of the case and the behaviour of the Council, I see no reason to instigate an awards of costs myself.

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<sup>1</sup> PPG Paragraph: 012 Reference ID: 58-012-20180615

## Main Issue

7. The main issue is whether the site is suitable for residential development in terms of its location, the proposed land use and the amount of development, with particular regard to:
- development plan policies concerning the location of development; and
  - the character and appearance of the area.

## Reasons

### *Location*

8. Policies 2 and 3 of the Horsham District Planning Framework (excluding South Downs National Park) (adopted 2015) (the HDPF) outline the development strategy for the District, directing development primarily towards settlements with employment, services and facilities and leisure opportunities and access to public transport services. Policy 4 of the HDPF identifies that outside built-up area boundaries the expansion of settlements will be supported in specific circumstances.
9. The appeal site comprises an open parcel of land fronting onto West End Lane. Existing residential dwellings are present close to the appeal site. Nevertheless, the appeal site is undisputably located within the open countryside. It does not adjoin an existing settlement edge, nor is it a site allocated for housing in the HDPF or the Henfield Neighbourhood Plan 2017-2031 (adopted 2021) (the HNP). As such, the proposed development would be contrary to Policy 4 of the HDPF.
10. Policy 26 of the HDPF sets out that outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development, with any proposal required to be essential to its countryside location and 1. support the needs of agriculture or forestry; 2. enable the extraction of minerals or the disposal of waste; 3. provide for quiet informal recreational use; or 4. enable the sustainable development of rural areas. It has not been put to me that the proposal is essential to its countryside location or that it would accord with any of the criteria in Policy 26 of the HDPF.
11. The appellant argues that the site is sustainably located compared to sites subject to recent appeals and decisions by the Council<sup>2</sup>. Unlike in some of these cases, the Highway Authority has not objected to the appeal proposal. Nonetheless, I note that its consultation response identifies that the site location is not sustainable in transport terms, due to very limited public transport options and no footways, even if the conclusion reached is that this is to be expected in a rural location.
12. The appellant also argues that, in line with the findings in the latter cited appeal in respect of accessibility to services and facilities, a pragmatic approach to access to sustainable transport options is needed in the context of the current housing land supply shortfall. Even were I to agree on this point, which I will return to in my planning balance, this matter does not overcome the failure to comply with the relevant provisions of Policies 2, 3, 4 and 26 of the HDPF. This is irrespective of whether West End Lane is well used by walkers and cyclists and whether the appeal site is located a shorter distance from services and facilities than some of

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<sup>2</sup> APP/Z3825/W/25/3361339, APP/Z3825/W/25/3360134, APP/M3645/W/24/3352066 and DC/26/0735

the cited cases, which relate to different proposals in different contexts and will have been assessed on their own individual circumstances in any event.

13. For these reasons, I conclude that the site would not be suitable for residential development, with regard to Policies 2, 3, 4 and 26 of the HDPF, the relevant provisions of which I have outlined above.

#### *Character and appearance*

14. The appeal site has an open character. It fronts onto a section of West End Lane which is characterised by built development to the south and predominantly open land to the north. While there is some development to the north of the road, this is sporadic and screened from the surrounding area by established vegetation. Consequently, the area is viewed and experienced as comprising development on a single side of the road. Views towards the surrounding countryside through open parcels of land, including the appeal site, contribute to an open, verdant character in the area. The pattern of development along this part of West End Lane distinguishes the area from the settlement of Henfield which is more densely developed.
15. The appeal proposal would introduce built form on a parcel of land which is currently open. Even though there are existing urbanising features in the surrounding area, the introduction of buildings onto the site would depart from the established pattern of development. The proposal would also erode views from West End Lane towards the surrounding countryside. In doing so, the proposal would urbanise the area and detract from its open, verdant character and appearance. This is irrespective of the proposal relating only to the part of parcel of land abutting West End Lane, with the remainder to remain open and undeveloped.
16. The submitted indicative site layout plan reflects the pattern of development immediately south of the appeal site, illustrating that built form similar in form to the nearby buildings could be accommodated on the site. Nevertheless, by reason of the introduction of built development onto a currently open parcel of land, the proposal would unduly urbanise the area, eroding the established pattern of development which distinguishes the area from the densely developed settlement of Henfield. The development would, therefore, detract from the character and appearance of the area, even if were to have a similar form to that of nearby existing buildings.
17. Furthermore, even if the appeal proposal would generate less traffic than the previously proposed natural burial ground<sup>3</sup>, it would increase the built form in the area and result in additional domestic paraphernalia and activity. The extent of built form and level of activity would be dependent on the number of dwellings delivered. However, based on my observations during my site visit, I am not satisfied that any built form on the site could be accommodated without harm to the open, verdant character of the site and the contribution this makes to the character and appearance of the area. This is particularly due to the reasonably small scale of the site which limits the potential for landscaping of sufficient scale to effectively screen the development.

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<sup>3</sup> APP/Z3825/W/25/3375037

18. In this regard, irrespective of the quantum of dwellings delivered on the site, the proposal would materially and detrimentally alter the character and appearance of the area, contrary to the requirements as well as the underlying aspirations and intentions of Policies 25, 32 and 33 of HDPF. In this context, the appellant's agreeableness to a lesser quantum of development does not lead me to an alternative conclusion on this matter.
19. My attention has been drawn to Policy L3 of the Framework regarding making efficient use of land. Policy L3 sets out that development footprints should make the best use of a site's development potential, taking into account the policies in the Framework. For the reasons given above, the proposal would, regardless of the quantum of dwellings delivered on the site, conflict with Policy DP3 of the Framework which seeks development proposals which respond to their context so that they integrate with and enhance their surroundings. Therefore, the efficiency of the use of the land is not determinative.
20. The appellant indicates that they would be agreeable to the imposition of conditions relating to boundary treatments to screen the development and materials. However, the PPG specifies that it is not possible for conditions to be attached to a grant of permission in principle<sup>4</sup>. In any event, irrespective of the specifications of boundary treatments and materials, for the reasons set out above, residential development on the site would be harmful to the character and appearance of the area.
21. Accordingly, I conclude that the site would not be suitable for residential development, with regard to the character and appearance of the area. As such, the proposal would be contrary to the relevant provisions of Policies 25, 32 and 33 of the HDPF and Policies 1 and 10 of the HNP. Among other things, these policies seek high quality development which protects, conserves and enhances the landscape and townscape character and results in a positive landscape and visual impact.

### **Other Considerations**

22. The appeal site is located in the Sussex North Water Supply Zone, development within which has the potential to adversely affect the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Sites. Habitats Regulation 63(1) states that a competent authority, before deciding to give any consent or permission, must make an appropriate assessment of the implications of the plan or project for that site. However, given my reasoning in respect of the suitability of the location for residential development, and that the appeal is dismissed, there is, therefore, no requirement upon me in that regard. Even were I to find that the proposal was acceptable in this respect, it would be neutral in my determination of the case.
23. The appellant highlights that the appeal site is not located within the Green Belt. They assert that, in the interests of protecting the Green Belt, weight should be given to sequentially preferable countryside outside the Green Belt. However, each proposal must be considered on its own individual circumstances, against the national and local policies relevant in that particular case, as I have done with this appeal. The appellant also suggests the site is partially previously developed and that, consequently, very special circumstances do not need to exist to justify the

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<sup>4</sup> PPG Paragraph: 020 Reference ID: 58-020-20180615

development. The Framework does not require very special circumstances to be demonstrated for development on non-Green Belt land. As such, irrespective of whether part of the site is previously developed, these matters are not determinative in my decision.

24. Even if the site is available now and the Inspector undertaking the examination of the emerging Local Plan indicates a need for additional housing, such matters do not alter my assessment of the appeal proposal. Similarly, a lack of harm to the living conditions of occupiers of adjoining properties does not lead me to an alternative conclusion on the main issue.
25. Matters relating to access arrangements, the set back of the proposed dwellings from the road frontage and their design and energy efficiency are not determinative at this permission in principle stage.
26. My attention has been drawn to Policy L3 part 2.c. of the Framework regarding the density of development within reasonable walking distance of well-connected stations. From the information before me, it is evident that the appeal site is located some distance from a train station and that it would not accord with the definition of 'reasonable walking distance' set out in Annex B of the Framework. This matter is, therefore, not determinative.
27. The appellant has drawn my attention to Policy L1 of the Framework, which relates to planning for an effective use of land. However, Policy L1 is identified as a plan-making policy, which paragraph 8 of the Framework specifies should not be used when making decisions on development proposals. I have, therefore, not considered this policy.
28. I appreciate the frustrations of the appellant regarding the Council's approach to the application, including in respect of a perceived failure to approach the proposal positively and proactively as required by the Framework, and consider a lesser quantum of development. I also appreciate the frustrations of the appellant in respect of a lack of engagement with the Council following the determination of the application and perceived lack of consistency in the application of development plan policies and approach to the planning balance compared to recent decisions made by the Council<sup>5</sup>. Nonetheless, I have assessed the appeal scheme on the basis of the plans and information before me. Ultimately, therefore, these matters do not lead me to an alternative conclusion on the main issues.

### **Planning Balance and Conclusion**

29. The site is not suitable for residential development in terms of its location, the proposed land use and the amount of development, with particular regard to development plan policies concerning the location of development and the character and appearance of the area. As such, the proposal would conflict with the development plan as a whole.
30. I acknowledge that the HDPF dates from 2015, prior to the publication of the current iteration of the Framework. However, the Framework makes clear in Annex A that policies should not be given reduced weight simply because they were adopted prior to the publication of the Framework. Policies relating to the location and accessibility of development are not materially inconsistent with the

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<sup>5</sup> DC/23/2278 and DC/26/0735

emphasis within the Framework on directing growth towards locations which are or can be made sustainable. Policies relating to character and appearance are also consistent with the Framework's emphasis on development that responds to its context and enhances its surroundings. As such, I afford them due weight.

31. Notwithstanding this, Policy S3 of the Framework establishes that decisions on development proposals should apply a presumption in favour of sustainable development. Policy S5 of the Framework states that only certain forms of development should be approved outside settlements, as specified in the policy.
32. This includes Policy S5 part 1.e. which allows for limited infilling within groups of houses. As I have explained above, the appeal site is located on a section of West End Lane which is characterised by predominantly open land to the north of the road, with only sporadic development present. Consequently, I do not consider that the site is located within a group of houses, with Policy S5 part 1.e. therefore not applicable. It has not been put to me that the proposal would accord with any of the other criteria set out in part 1 of Policy S5 of the Framework.
33. Part 4 of Policy S5 states that development proposals which do not fall within one of the categories set out in the policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.
34. There would be a variety of benefits to the scheme, including the provision of new self-build housing on a small site, support for which is found in the Framework. These benefits attract substantial weight in favour of the development. However, given the scale of the proposed development, the benefits would be small in scale. Consequently, I attach moderate weight to them. There would also be economic benefits during construction and following occupation, to which I attach moderate weight in favour of the proposed development.
35. While these benefits weigh in favour of the proposal, they would not substantially outweigh the harm I have identified above in respect of the effect of the proposal on the character and appearance of the area. This is even if a pragmatic approach to access to sustainable transport options is taken and weight attached to the comparative accessibility of the appeal site relative to the cases cited by the appellant.
36. Accordingly, even though the provisions of Policy S6 (previously paragraph 14) of the Framework are no longer applicable as of June 2026, 5 years after the adoption of the HNP, in this case, the application of the presumption in favour of sustainable development does not indicate that permission should be granted.
37. In conclusion, therefore, for the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

*E Everitt*

INSPECTOR