Horsham District Council

By Electronic Submission

Our ref: DC/25/0053
Your ref: Appeal 6004569
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Direct Line: 01403 215166
Date: 18th March 2026

Dear Sir/Madam,

Appeal 6007707 – Land adjoining No. 2 and No. 3 Townhouse Cottages, Townhouse Farm, Coolham Road, Thakeham, RH20 3EW

Following the submission of the appeal against the refusal of full planning permission for the conversion of an existing barn into 1no. dwelling, the Local Planning Authority would like to further substantiate the reasons for refusal as follows.

Refusal Reason 1

"The development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2023) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy Ship HD1 of the Shipley Parish Neighbourhood Plan 2019-2031.

Policy 2 of the Horsham District Planning Framework (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 Horsham District Planning Framework 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.

Thakeham1 of the Thakeham Parish Neighbourhood Plan defines the built-up area boundaries of Thakeham. Development plan policies for development in the countryside apply outside the built-up area boundaries. Proposals must not undermine the visual and physical integrity of the gap between the built-up area of Thakeham and the new development at Abingworth Nurseries.

Paragraph 73 continues that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:…support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes…"*.

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."

Paragraph 84 of the NPPF continues that *"planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*

The term "isolated" is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within proximity to a number of residential dwellings, and given this spatial context is not considered to be "isolated" in its truest sense, and does not therefore engage the considerations of paragraph 80.

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 The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF, and is considered unacceptable in principle.

In this countryside location, the proposal is also considered against Policy 26 'Countryside Protection' which protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing

for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development would not meet any of these criteria, nor is it considered to be essential to the countryside location.

It is also of note that the Appellant's Statement refers to a public footpath to the south of the site (2474) which has direct access into the built-up area of Thakeham. While this footpath may be paved, it would be unlit and would require occupiers to travel a length of approximately 1km by foot to access the limited facilities within the village. Alternatively a public footpath is located to the east of the site (2476), where this would pass through fields and woodland before meeting a made track, covering a distance of approximately 0.7km along an unlit path.

Both footpaths would require occupiers to travel a considerable distance, where it is unlikely that this would offer a reasonable or attractive alternative to the private car, particularly during hours of darkness or inclement weather. In addition, it is recognised that the facilities within Thakeham are limited. Thakeham (The Street and High Bar Lane) is designated as a "Smaller Village" under Policy 3 of the HDPF, where this is a village with limited services, facilities, social networks, but with good accessibility to larger settlements or settlements with some employment but limited services, facilities or accessibility. Residents are reliant on larger settlements to access most of their requirements. It is unlikely that the facilities available within the village would service the day-to-day needs of future occupiers, including employment needs, as recognised by the categorisation under Policy 3 of the HDPF. As such, it is not considered that the site would be suitably located.

Furthermore, the appeal site is located within proximity to bus stops where this provides buses connecting Thakeham to Horsham and Storrington (Routes 74, 74a and 74b). However, the bus timetable (attached at **Appendix A**) demonstrates that only a single service is provided regularly Monday to Friday, with sporadic availability on Thursdays. On this basis, it remains that future occupiers would be heavily reliant on private vehicles to meet their needs.

For the above reasons, the proposed development is not considered to be within reasonable distance of services and facilities, where reliance on private vehicles would be necessary. The site is not therefore considered to be in a sustainable location.

Planning Balance

The Council cannot currently demonstrate a 5-year housing land supply, where the most relevant policies directing growth across the District are out of date. The tilted balance as outlined within paragraph 11(d) of the NPPF is therefore engaged, where it is outlined that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed, or 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.

The Council have published a guidance document titled "Shaping Development in the Horsham District" where it is recognised that there are likely to be applications submitted outside of defined built-up area boundaries and on unallocated sites. Given the lack of a 5-year housing land supply, and the principles behind Policy 4 of the HDPF, the guidance document outlines that applications which meet the following criteria will be considered positively:

- The site adjoins the existing settlement edge as defined by the built-up area boundary;

- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets 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.

The application site does not adjoin a settlement edge as defined by the built-up area boundary, and the development would not therefore meet all of the above criteria. The proposed development would not therefore be fully compliant with the guidance document, and no weight would be attributed to this.

While the site is accessible to the built-up area boundary of Thakeham via public footpaths 1775 and 1777, these are unlit and would not represent an attractive mode of transportation, particularly during hours of darkness and bad weather. As such, it is likely that future occupiers would be reliant on private vehicles to access everyday services, amenities and facilities. The site is therefore considered to be located within an inappropriate location, where this is considered to be of moderate weight in the planning assessment.

It is acknowledged that the proposed development would contribute 2no. dwellings to the housing supply, where this would result in some benefits, including short-term economic benefits during construction and subsequent benefits to the local economy. The benefits of providing housing within the built-up area, in accordance with the spatial strategy, would be given significant weight in the planning balance. The site is located outside of the built-up area boundary, om a countryside location that is considered inappropriate for housing. While the site would be located in close proximity to public footpaths leading to Thakeham built-up area, and within proximity of bus stops servicing Horsham and Storrington, these are unlikely to offer viable or attractive modes of transport due to their length and infrequency. The benefits arising from the development in this location are therefore considered to be of moderate weight.

It is noted that the Appellant's Statement suggests that residential redevelopment has been permitted within the cluster of development surrounding Townhouse Cottages. The Appellant makes no reference to the specifics of these applications, however having reviewed the planning history, it is noted that a number of residential conversions have taken place over the years. These related to former agricultural buildings converted to dwellings, where the relevant planning policies offer support for such conversions. In contrast, the appeal scheme relates to new build development within the countryside.

When considering the development in totality, and the planning policy framework as a whole, the proposed development would conflict with the relevant planning policies, where the adverse impacts would significantly and demonstrably outweigh the benefits arising from the scheme.

The Council would also draw attention to a number of recent appeal decisions relating to residential development, where the principle of development has been considered and the tilted balance applied.

<u>APP/Z3825/W/21/3280084 - Land adjacent Pucks Croft Cottage, Horsham Road, Rusper, West Sussex RH12 4PR</u>

This appeal sought Outline planning permission with all matters reserved except access for 7no. dwellings with car parking, landscaping and associated access. The relevant matters considered by the appeal included whether the proposed development would provide a suitable location for housing

having regard to its position within the countryside and the spatial strategy for the District, and the effect the proposal would have on the character and appearance of the area.

The appeal site is located on the outskirts of Rusper and, for the most part, comprises open grassland, although there is a barn close to the boundary of the site with Pucks Croft and Pucks Croft Cottage. There is also further residential development to the opposite side of Horsham Road, while the remainder of the site abuts predominantly open land, with a belt of fairly dense trees to the west.

The Inspector recognised that the majority of the site is adjacent to, but outside of, the defined built-up area boundary of Rusper, and is therefore within the countryside in policy terms. It is not allocated for development within the Local Plan or the Rusper Neighbourhood Plan, and there is no substantive evidence to demonstrate that the development is essential to its countryside location. The Inspector therefore noted that residential development of the site would not accord with Policies 2, 3, 4 or 26 of the HDPF.

The Inspector noted that Rusper offers some facilities including a primary school, local shop, post office and pubs within reasonable walking distance of the appeal site. However, considered that future occupiers would need to travel further afield to reach facilities including a secondary school, comprehensive shopping facilities or significant employment. There would be some opportunities to do so by bicycle or bus, but the evidence indicated that the bus service does not operate during usual commuting times or at weekends. Together with the distances to other destinations with a wider range of facilities, it was considered that future occupiers would be likely to rely on private vehicles for many journeys.

The location of the majority of the development within the countryside would conflict with the spatial strategy for the District and Policies, 2, 3, 4, and 26 of the HDPF, where it was concluded that the site would not therefore be a suitable location for housing.

With regard to character and appearance, the Inspector noted that the proposed dwellings together with associated access, parking and gardens, would spread across a considerable proportion of the site. Irrespective of nearby buildings, the encroachment of the development onto currently undeveloped land would be urbanising, and would result in a loss of openness. The Inspector considered that the site has a stronger connection, both spatially and visually, with development to the south of Horsham Road, where the large plots in a loose-knit linear arrangement provides for a spacious and informal character. The Inspector considered that this provided for a noticeable impression of transition between the village centre and the surrounding countryside, and a different character to the opposite side of Horsham Road where a more regular and tight arrangement of buildings exist.

The Inspector considered that the plots would be smaller than the majority of nearby buildings, and despite the potential for areas of public amenity and village green spaces within the site, the layout would be at odds with the generally linear ribbon character of the adjacent buildings, and would give the development a more formal and suburban character that would be incongruous with the edge of settlement character. This would have the consequent of disrupting the perception of gradual transition between the village and the surrounding countryside.

The well-contained nature of the site, with screening around the boundaries, was recognised by the Inspector. While it was considered that impacts would be localised, it was concluded that the proposal would adversely affect the countryside setting to the village, and cause harm to the character and appearance of the area. It was thereby concluded that there would be conflict with Policies, 25, 32, and 33 of the HDPF.

In respect of the planning balance, the Inspector recognised that the delivery of 7no. dwellings would provide an important benefit and attributed great weight to this matter. However, it was considered that the benefit would be fairly limited given the relatively small scale of the contribution to the mix

and supply of housing overall. The Inspector recognised that there would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. These would include support for local services and employment, and expenditure contributing to the local economy. However, the extent of these benefits would be tempered by the small scale of the development, and this was therefore attributed modest weight.

Future occupiers of the site would have some access to local services and facilities and public transport links within Rusper, as well as pedestrian and cycle linkages to the rights of way network. However, there would still be some reliance by occupiers on private vehicles, and the Inspector does not consider the accessibility of the site to constitute a significant benefit of the proposal. The Inspector concludes that taken together, the proposal would conflict with the development plan when read as a whole and material considerations, including the NPPF, do not indicate that a decision contrary to the Development Plan should be reached.

The Decision Notice and Location Plan for the proposed development is attached at **Appendix B**.

APP/Z3825/W/24/3352708 - Lancasters Cottage, Littleworth Lane, Partridge Green, West Sussex RH13 8EJ

This appeal sought planning permission for the demolition of an annexe and garden buildings, and the erection of a 3-bedroom detached dwelling. The relevant matter was whether the site is a suitable location for a dwelling with regard to the spatial strategy for the District.

The appeal site comprises part of the residential garden of Lancasters Cottage located outside of any defined built-up area. The Inspector noted that the site is located approximately 1 mile from the outskirts of Partridge Green, which is a medium village with a moderate level of services and facilities. It was recognised that Littleworth is presently an unclassified settlement to which no development would be directed, but was to be designated as a Secondary Settlement as part of the Draft Horsham District Local Plan. However, given the uncertainty that exists regarding the progress of the Local Plan, no weight was attached to the emerging plan.

The Inspector noted that Littleworth Lane is unlit and subject to national speed limit, where there is no footpath nor a separate cycleway. Even if traffic levels are low, it is still unlikely that this would be an attractive walking or cycling option for future occupiers, particularly in the dark or in poor weather. It is unlikely that future occupiers would use the bus services that would also require travelling this route. While there is a public right of way opposite the site, it is still some distance until the next village. Although there is a footpath from Littleworth to Partridge Green, this would not overcome the issues that exist between the site and Littleworth. The Inspector thereby concluded that the appeal site is not in a location which would allow for ready use of means of travel other than the private car.

The Inspector gave consideration to the Council's FAD document, and noted that this would not provide any support for the proposed development as it would not adjoin a settlement edge, and the document requires development to meet all of the identified criteria. It was therefore concluded that the proposal would not be a suitable location for the proposed development with respect to the spatial strategy. It would therefore be contrary to HDPF Policies 2, 3, 4, and 26 which taken together seek to direct housing development to settlement types identified the settlement hierarchy and protect the countryside against inappropriate development.

The Inspector recognised that there would be a benefit from the delivery of an additional dwelling, where moderate weight was attached to this given the shortfall in housing land supply and the failure to meet the requirements of the housing delivery test, as well as the capability to deliver the development quickly. Limited weight was attributed to the economic and accessibility benefits of the proposal given its limited scale.

The Inspector concluded that the site would be contrary to the locational policies of the development plan. It would not be well located in relation to settlements within the settlement hierarchy and the ability to access any settlements by means other than private car. Consequently, the Inspector found that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

The Decision Notice and Location Plan for the proposed development is attached at **Appendix C**.

APP/Z3825/W/25/3365004 - Lower Batchelors, Emms Lane, Barns Green, Horsham RH13 0QH

This appeal related to the demolition of an existing structure and erection of a single dwelling on land outside of any defined built-up area and within a countryside location. The relevant matter was whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

The Inspector noted that the appeal site is part of the agricultural surroundings of Barns Green, where open fields and paddock land interspersed with blocks of woodland dominate the landscape. Emms Lane, in the vicinity of the appeal site, is a narrow lane without road markings which is bound by trees and hedges. Development along this stretch of Emms Lane is sparse and where present it includes agricultural buildings as well as residential properties. The appeal site comprises a modest parcel of land which currently accommodates a detached block of stables with a rural appearance which is adjacent to a collection of agricultural buildings. As such, despite being located near Barns Green, the site is more closely related to the countryside than to the built form of the settlement.

The Inspector considered that while the proposal would replace existing built form, the introduction of a residential plot in this location with a dwelling and associated features, including domestic paraphernalia, would formalise and urbanise the plot. The proposal would significantly erode the contribution the appeal site makes to the countryside setting of the settlement and harm the rural character of the area.

The Inspector had regard to the Council's FAD document, but concluded that the proposed development would not meet all of the criteria, and the scheme would not be in an appropriate location or land use.

The Inspector concluded that the site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. The appeal scheme would therefore conflict with HDPF Policies 1, 2, 4, 25, 26, 32, and 33. Amongst other things, these policies seek to restrict development outside of settlement boundaries, and to promote development that protects, conserves and enhances the landscape character.

The Inspector recognised that the appeal scheme would provide one dwelling, making an effective use of land. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. As a small site, it could also be built-out reasonably quickly. There would be associated economic benefits during construction of the home and related employment for its duration, as well as future occupiers spending in the local economy. Future residents would be active in the local community. Taken together, these benefits weigh in favour of the proposal, albeit the limited number of dwellings proposed means that they attract modest weight in favour of the proposed development.

The proposal would be located outside the settlement boundary for Barns Green and would therefore be contrary to the spatial strategy and FAD guidance for the location of housing. Given the housing shortfall, the Inspector ascribed limited weight to the conflict with HDPF Policies 2, 3, 4 and 26 of the HDPF.

However, it was considered that the proposal would be harmful to the character and appearance of the area. The Framework seeks to ensure that development is sympathetic to local character, including the surrounding built environment and landscape setting. Therefore, the conflict between the proposal and HDPF Policies 25, 32 and 33 should be given significant weight in this appeal.

The Inspector concluded that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

The Decision Notice and Location Plan are attached at **Appendix D**.

APP/Z3825/W/24/3341185 - Wedgwood, Farthings Hill, Horsham, West Sussex RH12 1TS

This appeal related to an Outline planning permission for the redevelopment of the site to provide 7 residential units, ancillary parking and landscaping with all matters reserved except access. The appeal site is located within the built-up area boundary of Horsham, where the relevant matter was the effect of the proposal on the character and appearance of the area.

The Inspector recognised that dwellings on this side of Farthings Hill vary in form and design, but they are typically large properties which are set well back from the street on sizable plots, forming a loose ribbon. There is a densely vegetated verge in front of a spur alongside part of the street and further mature trees are visible within front gardens and to the rear of dwellings, including a large Oak to the rear of the appeal site. Together with the usually generous landscaping around buildings and boundary vegetation, these factors provide for an attractive spacious and reasonably verdant quality to this part of the street scene.

The Inspector considered that the position of the terrace of dwellings, sitting deep into the site and behind the frontage dwellings, would contrast with the characteristic arrangement of development on this side of Farthings Hill. The dwellings would have much smaller footprints than others here, and the plots would also be considerably smaller so that space around the buildings would be comparatively limited. The repeated effect of this across the site would reinforce the impression of an unusually high density. As seen from the street, the overlapping arrangement of the terrace and detached dwellings would further present a solid block of development spanning nearly the full width of the site. In combination, these factors would cause the development to appear awkwardly squeezed onto the site and there would be a conspicuous and pronounced erosion of the distinctive spacious character of the area.

The Inspector concluded that the proposed development could not be accommodated without undue harm to the character and appearance of the area, where the proposal would be contrary to Policies 25, 32, and 33 of the HDPF and Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan.

In undertaking the planning balance, the Inspector recognised that the Council could not demonstrate a 5-year housing land supply, and noted that the proposal would make effective use of the site which is within the built-up area, providing for a net gain of six dwellings towards the supply of housing locally. The Framework seeks to significantly boost the supply of housing, and in light of the current supply shortfall, the provision of housing is an important factor which attracts great weight. The Framework also advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. That said, the modest scale of the proposal would limit the contribution made to the overall supply of housing and consequently the extent of the benefit.

The Inspector recognised that future occupiers of the site would benefit from the accessible location with access to bus and train services as well as shops and other facilities within walking and cycling distance. There would also be social and economic benefits associated with construction and occupation of the development. These benefits would be limited by the small scale of the proposal though.

The Inspector considered that harm to character and appearance would be localised and limited given the wider context, but would be contrary to objectives in the Framework seeking development that is sympathetic to local character. While noting the housing shortfall, the Inspector found the cumulative benefits of the proposal to be insufficient to outweigh the harm identified and the resulting conflict with the development plan and the Framework.

The Decision Notice and Location Plan are attached at **Appendix E**.

APP/Z3825/W/24/3346736 - Paiges Yard, Nep Town Road, Henfield BN5 9DZ

This appeal related to the demolition of existing buildings, cessation of commercial vehicle repair business use, provision of new access and erection of two buildings containing overall 3 x 2-bed dwellings and 2 x 2-bed apartments along with ancillary parking and a utility building for each unit. The appeal site is located within the built-up area of Henfield, where the relevant matter was the effect of the proposal on the character and appearance of the area including the Henfield Conservation Area.

The Inspector noted that the proposal would see dwellings set to the rear of the site with storage units along the boundary to Nep Close. There would be a parking court to the front which would be defined by cobbled sets to the front and a low palisade fence. The frontage arrangement would be similar to that at Nep Close with development fronting onto a hardstanding. The proposal would therefore replicate a layout which has a negative effect on the Conservation Area and would not integrate with the prevailing character and appearance of the residential aspects of the Conservation Area.

The Inspector recognised that while the existing site detracts from the Conservation Area, this would not justify a redevelopment which would also fail to preserve and enhance the character and appearance of the Conservation Area.

The Inspector acknowledged that the development would deliver 5no. additional dwellings that would contribute to an identified need in an area that does not have a 5-year housing land supply nor meet the Housing Delivery Test. It was also noted that as a small site, it is likely the proposal could be delivered quickly. However, these benefits are not sufficient to outweigh the harm identified.

While the Inspector recognised that the circumstances of the tilted balance were engaged, the Inspector found that the harm arising provided a clear reason to refuse the development proposed.

The Decision Notice and Location Plan are attached at **Appendix F**.

APP/Z3825/W/25/3375892 - Gardeners Cottage, Kithurst Lane, Storrington, RH20 4BF

This appeal related to the construction of new detached chalet style house and garage. The appeal site adjoined the built-up area of Storrington on two sides and was therefore considered to satisfy the first criterion of Policy 4 of the HDPF, despite not being allocated for development. It was considered that the proposal would be appropriate to the scale and function of the settlement, would provide a family home which meets local housing needs; and would not prejudice comprehensive long-term development.

The appeal site forms part of a well maintained, landscaped area which includes a cemetery and pond. Whilst the appeal site is delineated by post and rail fencing and a laurel hedge, it shares its essential character with the countryside rather than the adjoining built-up area. The proposed vehicular access to Kithurst Lane does not have an existing fully defensible boundary and would intrude into the landscaped area. As a consequence, the proposal would conflict with the final criterion of Policy 4 of the HDPF and the Shaping Development in Horsham District guidance document.

An essential need to live in the countryside has not been demonstrated, and while the proposal would not significantly increase the overall level of activity in the countryside, it would not conserve the key features and characteristics of the landscape character area in which it is located. The proposal would therefore conflict with Policy 26 of the HDPF.

For these reasons, the Inspector concluded that the appeal site would not be a suitable location for the proposed development having regard to local planning policy, being in conflict with the relevant parts of Policies 1, 2, 3, 4 and 26 of the HDPF, Policy 1 of the Storrington, Sullington and Washington Neighbourhood Plan, and the Shaping Development in the Horsham District guidance document.

The Inspector found that the development would have a harmful effect on the character and appearance of the area, in conflict with Policies 25, 32 and 33 of the HDPF, which together seek to protect, conserve, and enhance the landscape and townscape character, and require development to respect the character of the surrounding area including its overall setting and views.

The Inspector noted that the Council cannot currently demonstrate a five year housing land supply, with its most recent Annual Monitoring Report 2024/25 showing a supply of 1.7 years. Therefore, paragraph 11(d) of the Framework applies, and permission should be grated unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

The HDPF sets out a clear strategy for focussing growth on Horsham and the built-up area. The SDHD modifies this strategy by supporting development adjacent to built-up area boundaries. The Inspector acknowledged that the appeal site abuts the built-up area boundary, the harm identified arose from the incursion into the countryside beyond the well-defined boundary which separates it from the built-up area, and the resultant erosion of the tranquil character and landscaped appearance of this part of the countryside. Given the extent of this harm, the Inspector attached substantial negative weight to the degree of conflict identified with the development plan.

The Inspector noted that the delivery of a sustainably located home would be a social benefit, whilst economic benefits would accrue from the construction phase and from expenditure on goods and services by future occupiers. The dwelling would be sustainably constructed as a passive house and would provide additional landscaping and biodiversity enhancement. A single dwelling is capable of being constructed quickly. The proposal is for a self-build dwelling, but the weight that this benefit attracts is limited in the absence of a mechanism to secure it as such. Positively contributing to the Council's housing supply, albeit in a modest manner, is a particular benefit given the Council's 1.7 year housing land supply. The Inspector therefore attached moderate positive weight to the benefits that the scheme delivers.

Taking all matters into account, the Inspector concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The material considerations, including the Framework do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal was dismissed.

The Decision Notice and Location Plan are attached at **Appendix G**.

APP/Z3825/W/25/3371528 - Lavender Cottage, Blackstone Gate Farm, Henfield Road, BN6 9JJ

The appeal related to the construction of 1no. dwelling, where the development had been built and the application was retrospective in nature. The Inspector noted that the appeal site comprises previously developed land and is outside of a built-up area boundary as defined by the HDPF.

The Inspector noted that Policy 2 of the HDPF sets out the overarching approach to development in the District through sustainable growth and suitable access to services and local employment, and encourages the effective use of land by reusing land that has been previously developed. In addition,

Policy 1 of the Woodmancote Neighbourhood Plan reflects this approach, with Policy 2 of the Neighbourhood Plan supporting small scale housing development on previously developed sites within the Parish. The Inspector found that the development did not accord with Policies 1 and 2 of the Neighbourhood Plan.

Policy 4 of the HDPF supports settlement expansion outside of built-up areas provided the site is allocated in the Local Plan or a Neighbourhood Plan and adjoins an existing settlement edge. The appeal site does not adjoin a settlement boundary, nor is it an allocated site within the HDPF or Neighbourhood Plan. The Inspector thereby concluded that the development conflicts with Policy 4 of the HDPF.

The Inspector noted that Policy 26 of the HDPF is a strategic policy which seeks to protect the countryside, outlining that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected, and proposals must be essential to their countryside location and meet at least one of four criteria.

The Appellant argued that the dwelling was required to support the overnight dog boarding business. However, the Inspector considered that whilst a dwelling at the site is more convenient for the day-to-day operations of the business, there was limited substantive and robust evidence to demonstrate that there is an essential need to live at or near their place of work.

The Inspector outlined that the site is detached from the nearest settlements and remove from those with everyday facilities and services. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, there is a lack of suitable footways and street lighting, which may discourage walking and cycling. In addition, there is no indication as to the proximity of bus stops to the site or the service provision required. Accordingly, the likelihood is that future occupiers would be highliy reliant on private vehicles to access facilities and services in larger settlements.

It was thereby concluded that the site is not a suitable location for the development with regard to development plan policy and accessibility to services and facilities. The development was therefore considered to conflict with Policies 1, 2, 4 and 36 of the HDPF and Policies 1 and 2 of the Neighbourhood Plan.

The Inspector acknowledged that the Framework does not change the statutory status of the development plan as the starting point for decision making. The site is not in a suitable location for the development, when assessed against the aforementioned policies of the HDPF and the Neighbourhood Plan. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.

The Inspector recognised that the Council are unable to demonstrate at least a five year supply of deliverable housing sites that the Framework requires; where it was noted that paragraph 11(d) of the NPPF was engaged. The development makes a positive contribution to housing supply with associated social and economic benefits. Nevertheless, despite the acute housing supply position, the contribution of the dwelling to meeting housing need in the District and the associated benefits are limited by the scale of development. Moreover, while the dwelling is close to the Appellant's business, the site is remote from everyday facilities and services and the occupants of the dwelling are heavily reliant on private vehicles to access these. Accordingly, limited weight is attribute to the contribution the dwelling makes to the supply of deliverable housing sites.

The Inspector concluded that the development is not a suitable location for the development and would conflict with the relevant policies of the development plan and the Framework in this regard. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development. The Inspector outlines that 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.

The Decision Notice and Location Plan are attached at **Appendix H**.

As with the appeal decisions above, the proposed development, on a site within the countryside and not allocated for development, would be in conflict with the spatial strategy for housing within the development plan as set out in Policies, 2, 3, and 4 of the HDPF. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF. The proposal would not therefore provide a suitable location for housing with regard to the spatial strategy within the Development Plan.

The Appellant considers that insufficient weighting has been given to other material considerations as part of the planning balance. Specifically, the Appellant's Statement of Case argues that the incorrect weighting has been given to the housing need and the absence of identified harm, where it is argued that the application of the tilted balance is incorrect.

The development would however undermine the current spatial strategy, as well as the spatial strategy coming forward as part of the draft Horsham District Local Plan. While the proposed development would contribute toward the District's housing supply and result in some modest social and economic benefits, it is not considered that this would outweigh the harm arising as outlined above.

Conclusion

It is acknowledged that the Council are currently unable to demonstrate a 5-year housing land supply, with the most recent AMR 2024/2025 reporting a 1.7 year housing land supply. As such, the tilted balance as directed by paragraph 11(d) of the NPPF applies.

Paragraph 12 of the NPPF states that *"the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

It is recognised that Policies 2, 4 and 26 of the HDPF are considered to be out of date and now carry only moderate weight in decision-making. In order to support decision-making within this context, the Council have published a Planning Advice Note titled "Shaping Development in Horsham District" which recognises that given the 5-year housing land position and the principles behind Policy 4 of the HDPF, applications that meet all of the following criteria will be supported:

- The site adjoins the existing settlement edge as defined by the built-up area boundary;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist with 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.

The appeal proposal would not meet all of the above criteria, and while the proposed development would contribute to the identified housing need, the benefits of the development would be modest. The appeal site remains remote from day-to-day services, where there would be a strong reliance on private vehicles, and would be located at a distance from the nearest amenities and facilities.

Cumulatively, the site is therefore considered an inappropriate location for housing when considering the spatial strategy, and would be in conflict with Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015) and Policy Thakeham1 of the Thakeham Parish Neighbourhood Plan. The harm arising from the development is not considered to be outweighed by the modest benefits of the scheme.

The Council therefore remain of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF. The Inspector is therefore respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, a List of Suggested Conditions is attached to this letter.

Yours sincerely,

Tamara Dale
Principal Planning Officer

List of Suggested Conditions

1 **Approved Pans**

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)

ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan reference PL01 Revision P05 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the

side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

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

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

9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, AA, B, C, D, E, G and H of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to character of the subject building, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Tree Survey & Report by Jonathan Rodwell dated January 2023.

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

13 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out Preliminary Ecological Appraisal reference ESEC/25005/01/v1.0 by Essential Ecology dated November 2025.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

14 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the Drainage Strategy reference 1ectha/2501051 Final V by Motion and dated 19.11.2025.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the Arboricultural Impact Assessment & Method Statement reference LLD3468-ARB-REP-001 Revision 00 by Lizard Landscape Design and Ecology and dated 23.10.2025.

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

Appendix A

Bus Timetable 74, 74a and 74b

74: Storrington - West Chiltington - Barns Green - Horsham
74A: Storrington - Thakeham - Barns Green - Horsham
74B: Storrington - Thakeham - Shipley - Maplehurst - Horsham

includes 64 journeys from Loxwood to Coolham, Barns Green and Horsham

74 74A 74B

Operates on days shown

	M-F 74A	Tue 74	Tue 74	Tue 74	Thu 74B	M Th 64	Thu 74A	Thu 74A
Storrington, Bus Stand	0643	0935	1212	1340	0935		1219	1347
Thakeham, The Street	0649	▼	▼	▼	0941		1225	1353
W.Chiltington Common, C'rds	▼	0941	1218	1346	▼		▼	▼
W.Chiltington, Queens Head	▼	0944	1221	1349	▼		▼	▼
Danhill, Crossroads	0651	0950	1227	1355	0943		1227	1355
Shipley Village	▼	▼	▼	▼	0948		▼	▼
Buckbarn Crossroads	▼	▼	▼	▼	0953		▼	▼
Maplehurst, White Horse	▼	▼	▼	▼	0959		▼	▼
Nuthurst, Black Horse	▼	▼	▼	▼	1003		▼	▼
Coolham, Crossroads	0654	0953	1230	1358	▼	1115	1230	1358
Brooks Green	0657	0956	1233	1401	▼	1118	1233	1401
Barns Green, The Hordens	0701	1000	1237	1405	▼	1122	1237	1405
Barns Green, Recreation Grnd	0702	1002	1239	1407	▼	1124	1239	1407
Christs Hospital, Bluecoat Pond	0708	1008	1245	1413	▼	1130	1245	1413
Horsham, Bus Stn, Bay A (arr)	0714	1016	1253	1421	1016	▼	1253	1421
Horsham, Bus Stn, Bay A (dep)		1020	1255	1425	1020	1138		
Horsham, Carfax		1022	1257	1427	1022	1140		

	Tue 74	Tue 74	Tue 74	Thu 74A	Thu 74B	M Th 64	Thu 74A	Sch 74A	M-F 74A
Horsham, Bus Station, Bay A (dep)	1020	1255	1425	1020	1255	1325	1425		1635
Horsham, Carfax	1022	1257	1427	1022	1257	1327	1427		1637
Horsham, Station	▼	▼	▼	▼	▼	▼	▼		1640
Horsham, Hospital	▼	▼	▼	▼	▼	▼	▼		1641
Christs Hospital, Bluecoat Pond	1032	1307	1437	1032	▼	1337	1437		1651
Barns Green, Recreation Ground	1038	1313	1443	1038	▼	1341	1443		1657
Barns Green, The Hordens	1040	1315	1445	1040	▼	1343	1445		▼
Brooks Green	1044	1319	1449	1044	▼	1346	1449		1703
Coolham, Crossroads	1047	1322	1452	1047	▼	1350	1452		1706
Nuthurst, Black Horse	▼	▼	▼	▼	1307		▼		▼
Maplehurst, White Horse	▼	▼	▼	▼	1311		▼		▼
Buckbarn Crossroads	▼	▼	▼	▼	1317		▼		▼
Shipley Village	▼	▼	▼	▼	1322		▼		▼
Danhill, Crossroads	1050	1325	1455	1050	1327		1455		1709
W.Chiltington, Queens Head	1056	1331	1501	▼	▼		▼		▼
W.Chiltington Common, Crossroads	1059	1334	1504	▼	▼		▼		▼
Thakeham, The Street	▼	▼	▼	1052	1329		1457		1711
Thakeham, SGS Rock Rd, Grounds	▼	▼	▼	▼	▼		▼	1520**C**	▼
Storrington, Bus Stand	1105	1340	1510	1058	1335		1503	1530	1717
Rackham Street								1538	
Amberley Square								1542**R**	
Amberley Station								1546**R**	
Houghton, Houghton Lane								1548**R**	

C - Operates via Thakeham, Furze Common Road. This section to Thakeham carries school pupils only and not the public
M-F - Operates Mondays to Fridays
Mon - Operates Mondays only
Tue - Operates Tuesdays only
Thu - Operates Thursdays only
M Th - Operates Monday and Thursday only
Sch - Operates schooldays only
R - Request for passengers already onboard

Compasstravel
your local bus company

Appendix B

APP/Z3825/W/21/3280084 - Land adjacent Pucks Croft Cottage, Horsham Road, Rusper, West Sussex RH12 4PR

The Planning Inspectorate

Appeal Decision

Site visit made on 21 June 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/Z3825/W/21/3280084
Land adjacent Pucks Croft Cottage, Horsham Road, Rusper, West Sussex RH12 4PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by BPH Construction Equipment Ltd against the decision of Horsham District Council.
- The application Ref DC/20/2465, dated 4 December 2020, was refused by notice dated 3 February 2021.
- The development proposed is described as 'outline planning application with all matters reserved except for access in relation to the provision of 7no. houses with car parking, landscaping and associated access at land adjacent to Pucks Croft Cottage, Rusper, Horsham'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although expressed differently at part E of the appeal form and on the Council's decision notice, neither of the main parties has provided written confirmation that a revised description of development from that entered on the original planning application form has been agreed. I have therefore used this description in the banner heading above.

3. The application is made in outline with all matters reserved except for access which is to be considered at this stage. I have had regard to the plans submitted as part of the application. However, I have regarded all elements of these drawings as indicative, apart from the details of the access.

4. Subsequent to the Council's decision on the application, it received advice from Natural England raising concerns in relation to the impact of water abstraction within the Sussex North Water Supply Zone ('SNWSZ') on the integrity of the Arun Valley Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Ramsar Site. In light of this advice, the Council's appeal statement sets out that it considers the effect of the development on the Arun Valley sites in the absence of demonstrated water neutrality to justify an additional reason for refusal. The main parties have had the opportunity to comment on this matter as part of their evidence, and have also been able to comment in relation to the appellants proposed approach to achieve water neutrality. I have determined the appeal on the submissions and evidence before me.

5. Also since the Council determined the application, the Rusper Neighbourhood Plan 2021 ('RNP') was formally made and therefore now comprises part of the

development plan. The main parties have been able to provide comments on any implications for the appeal of this change in policy as part of their evidence, and I have had regard to the RNP in making my decision.

Main Issues

6. The main issues are:
   i) whether or not the proposed development would provide a suitable location for housing having regard to its position within the countryside and the spatial strategy for the District;
   ii) the effect of the proposal on the character and appearance of the area;
   iii) the effect of the proposal on the integrity of the Arun Valley SPA, SAC and Ramsar Site, with particular regard to the abstraction of water within the SNWSZ; and
   iv) the effect of the proposal on highway safety.

Reasons

Suitability of the Location

7. The appeal site is located on Horsham Road on the outskirts of Rusper. For the most part, it comprises open grassland, although there is a barn close to the boundary of the site with Pucks Croft and Pucks Croft Cottage which are to the north east. There is further residential development to the opposite side of Horsham Road, while the remainder of the site abuts predominantly open land, with a belt of fairly dense trees to the west.

8. Policy 2 of the Horsham District Planning Framework 2015 ('HDPF') provides a spatial strategy intended to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. It focuses development in and around Horsham and directs growth in the rest of the district in accordance with the identified settlement hierarchy.

9. Policy 3 of the HDPF sets out that development will be permitted in towns and villages which have defined built-up areas, while Policy 4 of the HDPF outlines that outside of built-up area boundaries, the expansion of settlements will be supported subject to criteria including that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. Policy 26 of the HDPF further relates to development in the countryside, and includes a requirement that any proposal for development outside of built-up area boundaries must be essential to its countryside location.

10. The majority of the site is adjacent to but outside of the defined built-up area boundary of Rusper, and is therefore within the countryside in planning policy terms. It is not allocated for development in the Local Plan or in the RNP, and I have not been provided with substantive evidence demonstrating that the development is essential to its countryside location. Residential development of the site would not therefore accord with Policies 2, 3, 4 or 26 of the HDPF.

11. In addition, HDPF Policy 3 identifies that smaller villages including Rusper have limited services, facilities, social networks but good accessibility to larger settlements or settlements with some employment but limited services, facilities or accessibility. It states that residents of smaller villages are reliant on larger settlements to access most of their requirements. As highlighted

within the appellant's evidence, Rusper does offer some facilities including a primary school, local shop, post office and pubs within reasonable walking distance of the appeal site. However, future occupiers would need to travel further afield to reach facilities including a secondary school, comprehensive shopping facilities or significant employment. There would be some opportunities to do so by bicycle or by bus, but the details before me indicate that the available bus service does not operate during usual commuting times or at weekends. Together with the distances to other destinations with a wider range of facilities, I consider that occupiers would be likely to rely on private vehicles for many journeys, contrary to objectives within the National Planning Policy Framework ('the Framework') to promote sustainable transport. That said, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and it is clear that there would be potential to access at least some day to day services by means other than private vehicle. Noting also the small scale of the development, I consider that the adverse impacts in this regard would be limited.

12. Nevertheless, the location of the majority of the development within the countryside would conflict with the spatial strategy for the District and Policies 2, 3, 4 and 26 of the HDPF, and I conclude on this basis that it would not therefore be a suitable location for housing. I return to consider the weight to be given to the conflict with these policies including with regard to the supply of housing in the District in my Planning Balance below.

Character and Appearance

13. Extracts of the West Sussex County Council Landscape Character Assessment 2003 for the Low Weald Hills Landscape Character area included within the appellant's Landscape Appraisal/Study 2020 ('LAS') note that Rusper forms a particularly attractive area with a traditional core and some suburban development on village edges. Although the appeal site is in close proximity to Pucks Croft and Pucks Croft Cottage, the site is largely open. It reflects the small and medium scale grassland fields edged with woodland shaws, hedgerows and hedgerow trees that the LAS notes are characteristic of the landscape to the south and east of Rusper, and I find that it contributes an attractive rural character and setting to the village.

14. Layout is a reserved matter, but details of access to the site do form part of the application, and the indicative drawings suggest that dwellings would be arranged around a cul-de-sac. The proposed dwellings together with associated access, parking and gardens would spread across a considerable proportion of the site. Irrespective of nearby buildings, the encroachment of the development onto currently undeveloped land would be urbanising, and would result in a loss of openness.

15. The appellant argues that the density of development would be comparable to other areas in Rusper, including at Gardeners Green to the opposite side of Horsham Road, and that it would be lower than developments closer to the village centre. Be that as it may, I consider that the open site has a stronger connection, both spatial and visual, with the adjacent development to the south of this part of Horsham Road where I saw that the closest dwellings are typically set back varying distances from the street on large plots in a loose-knit linear arrangement which provides for a spacious and informal character. In my assessment, this provides for a noticeable impression of

transition between the village centre and the surrounding open countryside, and a different character to the opposite side of Horsham Road where I observed a more regular and tighter arrangement of buildings.

16. The submitted details indicate that the plots to dwellings would be smaller than the majority of nearby buildings to this side of Horsham Road. Despite the potential for areas of public amenity and village green spaces within the site, the overall density of development would also be higher, and in my view, the proposal would result in a slightly more intense form of development that would contrast with these more spacious neighbours.

17. Moreover, while the appellant indicates that the dwelling on Plot 7 would face Horsham Road, it would be accessed from within the site. I appreciate that there are other examples of cul-de-sacs in Rusper, but the layout would be at odds with the generally linear ribbon character of the adjacent buildings on this side of Horsham Road, and would give the development a more formal and suburban character that I consider would be somewhat incongruous at this edge of the settlement. I find given these factors that the proposal would erode the spacious character along this side of Horsham Road, disrupting the perception of a gradual transition between the village and the surrounding countryside.

18. Nevertheless, the site would in many cases be seen together with higher density development elsewhere in Rusper and would not therefore be wholly exceptional within the village. The appellant has also sought to develop a 'landscape-led' approach, and I agree that the planting together with indicated provision of open spaces within the site would provide visual links with the surrounding landscape and would help to integrate the development with its surroundings. Although I am not persuaded that the inclusion of landscaping and enhanced planting including along Horsham Road would fully offset or mitigate the encroachment of more intense built form into the countryside to this side of Horsham Road, these factors would serve to reduce the visual impact of the proposal.

19. In addition, I acknowledge that the site is well-contained, and that new planting could be incorporated into the scheme including around the boundaries which would provide some screening of the development. The LAS outlines that there would be no or only negligible change to views from many points, and while there would be some views of the development from Horsham Road and sections of the nearby right of way, I find that the visual impact of the proposal would be localised. Given also the relatively small scale of the development, harm to the character of the wider surrounding landscape would in my judgement be modest.

20. Even so, the LAS highlights key relevant landscape characteristics of the area around the site as a rural unspoilt character and largely intact historic dispersed settlement pattern. While the effect would be localised, I find for the above reasons that the proposal would adversely affect the countryside setting to the village and I conclude that it would cause some harm to the character and appearance of the area.

21. As a consequence, there would be conflict with policies 25, 32 and 33 of the HDPF which together and amongst other things broadly seek to conserve and enhance landscape character and the natural environment, and require new

development to be of high quality design that complements local character and contributes to a sense of place.

Nature Conservation Sites

22. Natural England has issued advice outlining that it cannot be concluded that existing water abstraction within the SNWSZ is not having an adverse impact on the integrity of the Arun Valley SAC, SPA and Ramsar Site through reduced water levels and potential water quality impacts. The advice also indicates that further development with a requirement for additional abstraction in the SNWSZ is likely to have an adverse impact on the European sites.

23. The appeal site is within the SNWSZ. From the information before me, I am unable to conclude with sufficient certainty that the proposal would not be likely to have a significant effect on the Arun Valley sites either alone or in combination with other plans and projects through water abstraction to meet the increased water demand associated with the 7 dwellings.

24. To be able to determine that a proposal would not be likely to adversely affect the integrity of the Arun Valley sites, advice from Natural England indicates that the proposal would need to demonstrate that it would achieve no net increase in water consumption, or 'water neutrality'. In advance of a strategic solution, Natural England has advised that demonstrating water neutrality may be done through a combination of water efficiency measures and offsetting.

25. The appellant has provided a Water Neutrality Statement, as well as supplementary comments in response to concerns raised by the Council regarding the Statement and in response to a subsequent request that I made for further information.

26. Based on an indicative housing mix and assumed population of 24 residents, these detail an expected normal water consumption for the development of around 744,600 litres per annum. However, the appellant proposes that rainwater harvesting can be installed to meet non-potable water demand, and the use of identified water efficiency measures to achieve a maximum daily water use of 80 litres per person per day. This equates to a water demand of around 700,800 litres per annum that would need to be offset to achieve water neutrality.

27. The appellant suggests that the increase in water demand at the appeal site could be offset on a site within their ownership at Northwood Forestry where planning permission was granted in February 2022 for change of use of existing land and buildings to use for plant hire, sales and repair. The evidence before me includes a copy of the Water Neutrality Statement for the Northwood Forestry development ('WNS'). This indicates that additional water demand associated with that development could be met by the harvesting of rainwater from existing roofs in the south east part of the site, and concluded that the development would be considered water neutral.

28. In relation to the current appeal, the appellant has provided details indicating that additional roof area of around 3,000sqm would be available at the Northwood Forestry site to accommodate further rainwater harvesting. However, the appellant confirms that the remaining baseline water usage at the Northwood Forestry site after the development and water neutrality measures proposed there would be around 349.93m^3 (or 349,930 litres) per

annum. Moreover, the WNS confirms that fresh drinking water at the Northwood Forestry site would continue to be supplied from the mains, albeit that this is suggested to be a very small proportion of the baseline demand.

29. Even if I were satisfied that further rainwater harvesting at the Northwood Forestry site could potentially harvest a volume of water equivalent to the water usage of the appeal development requiring offsetting (around 700,800 litres per annum), this would far exceed the baseline water demand volume at that site. From the information before me, it is not clear how harvested rainwater in excess of the baseline water usage at the Northwood Forestry site would contribute to reducing water usage in practice, and I have no substantive details to indicate how water demand associated with the appeal proposal in excess of the baseline water demand at Northwood Forestry could otherwise be offset. I am not therefore satisfied that there would be scope to fully offset the water usage associated with the appeal development at the Northwood Forestry site. Although I am aware that work to develop a strategic solution to offsetting is ongoing, I have no clear indication of what form mitigation would take, nor likely timescales.

30. I have considered the appellant's suggested 'Grampian' condition to secure water neutrality based on a calculation of exact water consumption figures and offsetting requirements according to details to be agreed at reserved matters stage. However, I need to be convinced the proposal is capable of achieving water neutrality. Given my findings above, I can have little confidence from the information before me that measures to fully offset additional water demand arising at the appeal site could be delivered in practice in order to achieve water neutrality. As there is currently insufficient certainty that effective mitigation could be secured to achieve water neutrality, I am not satisfied that this issue could in this case be reasonably deferred to be addressed through a planning condition. Given that water neutrality has not been secured and the absence of an appropriate mechanism by which it could be secured, I find that adverse effects on the integrity of the Arun Valley SAC, SPA and Ramsar Site can not be excluded.

31. As a result, I can only conclude that the proposed development would adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar Site. In these circumstances, I find that Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Regulations') would preclude the proposal from proceeding. The proposal would also conflict with Policy 31 of the HDPF which, amongst other things, sets out that permission will be refused where development is anticipated to have an adverse impact on biodiversity sites such as SPAs and SACs, unless appropriate mitigation measures are provided. It would also be contrary to the Framework's objectives for the protection of biodiversity and the conservation of the natural environment.

Highway Safety

32. The Council's third reason for refusal of the planning application asserted that insufficient information had been provided to demonstrate that there would be safe and suitable access to the development.

33. As part of the appeal, the appellant has provided a Planning Appeal Statement (Transport) dated 7 May 2021 ('PAST') which includes details of Automatic Traffic Count surveys undertaken in the vicinity of the site in accordance with

Department for Transport Document CA 185 Vehicle Speed Measurement 2019, part of the Design Manual for Road and Bridges ('DMRB'). Having regard to the observed vehicle speeds, the PAST confirms that visibility splays consistent with design standards specified by DMRB and the Department for Transport Manual for Streets can be achieved within highway land or land under the control of the appellant.

34. The Council has not raised concerns in relation to the additional information provided with the appeal. From the evidence before me, I can see no firm reason to take a different view, and I am satisfied that suitable standards of visibility could be achieved sufficient to provide safe and suitable access to the site and to avoid undue conflict between traffic, cyclists and pedestrians.

35. Accordingly, I conclude that the proposal would not cause unacceptable harm to highway safety, and I find no conflict with Policy 40 of the HDPF which includes requirements seeking development that provides safe and suitable access and that minimises conflict between traffic, cyclists and pedestrians.

Benefits of the Development

36. The Framework includes clear objectives seeking variously to make the best use of available land, to boost significantly the supply of housing and recognising that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Moreover, the Council accepts that it is unable to demonstrate a five year supply of housing. In this context, the delivery of 7 additional dwellings is an important benefit, and I give it great weight. However, even if I were to find the current supply is 3.9 years as the appellant had suggested rather than 4 years as the Council asserts, I consider that the benefit would be fairly limited given the relatively small scale of the contribution to the mix and supply of housing overall.

37. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. These would include support for local services and employment, and expenditure contributing to the local economy. However, the extent of these benefits would be tempered by the small scale of the development, and I give them modest weight. I also note that the appellant has referred to New Homes Bonus payment to the Council, but the Planning Practice Guidance makes it clear that it would not be appropriate to make a decision based on the potential for a development to raise money for a local authority, and I have not been provided with evidence that any benefit arising in this regard would be directly related to the development. This is not therefore a matter to which I afford weight in favour of the proposal.

38. The indicative landscaping proposals would enhance natural features across the site and would provide additional habitat for biodiversity. In this regard, I see no reason to disagree with the Council's Ecology Consultant that the proposal could deliver a biodiversity net gain on the site itself which would be supported by the Framework. However, this would depend somewhat on the detail of reserved matters and enhancement measures, and the extent of any benefit is not therefore clear at this stage which limits the weight that I afford to it.

39. The indicative details also show that open space and areas of recreation and play would be provided on the site, and the appellant advises that these would

be accessible to existing local residents. I note support within the RNP for increasing provision of public open space in Rusper, but I have not been provided with substantive evidence drawing my attention to an identified deficit in space locally. Accordingly, I give modest weight to this benefit.

40. Future occupiers of the site would have some access to local services and facilities and public transport links within Rusper, as well as pedestrian and cycle linkages to the rights of way network. However, I have found there would still be some reliance by occupiers on private vehicles, and I do not consider the accessibility of the site to constitute a significant benefit of the proposal.

41. I have no reason to doubt that the mass, scale and materials of the buildings could be designed to be sympathetic to the local area and that it would be possible to provide sustainable drainage and passive surveillance of open spaces as part of the development. However, I am not persuaded that these are positive benefits in favour of the scheme. I also note the appellant's comments that the development would incorporate sustainable design and construction measures, but it is not clear from the information before me that these would provide for significant benefit over what would in any case be necessary to comply with requirements of the development plan and building regulations which limits the weight that I give to this factor.

Planning Balance

42. Although I have found that the proposal would not unacceptably harm highway safety, I have concluded that the development would not be a suitable location for housing on account of the position of the majority of the site within the countryside, in conflict with the spatial strategy for the District. It would also cause harm to the integrity of the Arun Valley SPA, SAC and Ramsar Site and to the character and appearance of the area, albeit that the harm in the latter case would be localised and relatively modest. For these reasons, the proposal would conflict with Policies 2, 3, 4, 25, 26, 31, 32 and 33 of the HDPF. While these policies are most important for determining the proposal, the lack of a five year housing supply means that they would be deemed out of date under the provisions of footnote 8 of the Framework.

43. In these circumstances, the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is engaged, and provides that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

44. Given however my conclusion that the proposal would adversely affect the integrity of the Arun Valley SPA, SAC and Ramsar Site, footnote 7 and paragraph 182 of the Framework confirm that the presumption in favour of sustainable development would not apply.

45. Notwithstanding the shortfall in housing land supply, the adverse effect of the development on designated nature conservation sites and conflict with the Regulations is a matter of overriding concern that would significantly outweigh the modest benefits of the proposal.

46. Taken together with the harm, albeit modest, to the character and appearance of the area, and arising from the location of the development contrary to the spatial strategy for the district, I conclude overall that the proposal would conflict with the development plan when it is read as a whole. Material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached.

Conclusion

47. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

Appendix C

APP/Z3825/W/24/3352708 - Lancasters Cottage, Littleworth Lane, Partridge Green, West Sussex RH13 8EJ

The Planning Inspectorate

Appeal Decision

Site visit made on 17 January 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/Z3825/W/22/3297418
Lancasters Cottage, Littleworth Lane, Partridge Green, Horsham RH13 8EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs S Brewer against the decision of Horsham District Council.
- The application, Ref. DC/21/2812, dated 20 December 2021 was refused by notice dated 11 March 2022.
- The development proposed is the removal of garage and garden buildings. Construction of carbon neutral dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. An application (Reference DC/20/2086) for a new dwelling on the site was refused on 8 January 2021. An appeal against the refusal (Ref. APP/Z3825/W/21/3269125) was dismissed on 10 September 2021. The findings and decision of the Inspector are an important consideration in this current appeal.

Main Issue

3. The main issue is whether, having regard to local and national planning policies and all other material considerations, a new dwelling in this countryside location would be appropriate.

Reasons

4. The appeal site is within the curtilage of Lancasters Cottage, a detached two storey dwelling in the open countryside. There is another residential property, Birchfield, immediately to the north and the two houses are one of several examples of sporadic residential development along Littleworth Lane. The proposed dwelling would occupy garden land at the side of the existing dwelling and also replace a garage and ancillary buildings. It would share an access with Lancasters Cottage and a boundary with Birchfield.

5. Local planning policy comprises the development plan, made up of the Horsham District Planning Framework 2015 ('the HDPF') and the West Grinstead Neighbourhood Plan 2019-2031 formally made on 23 June 2021. The HDPF sets out the Council's overarching spatial strategy for Horsham District, with Policies

2, 3, 4 & 26 the key elements of its implementation. All of these HDPF policies are cited in the Notice of Refusal.

6. Policy 2 sets out the main elements of the strategy for the District, whilst Policy 3 establishes the Development Hierarchy. Policy 4 refers to the five types of settlement expansion that will be supported. Policy 26 seeks to preclude development outside built up area boundaries with any development needing to be essential to its countryside location and additionally meeting one of four criteria. As regards the Neighbourhood Plan, there is some confusion in the evidence as to 'Policy 6' but although extracts from the Plan are referenced by the appellants in support of the scheme, the important point is that the Neighbourhood Plan does not allocate any sites for development.

7. The Inspector in the dismissed appeal for a house on the same site appraised the proposal against the HDPF and Neighbourhood Plan policies and also Government policy in the then recently revised National Planning Policy Framework 2021 ('the Framework'). In this current appeal, the single reason for refusal is one of a harmful conflict with the development plan polices and the Framework. I have therefore given careful consideration to the Inspector's reasons for dismissal and findings in paragraphs 18 and 19 of that Decision.

8. These were that '*The appeal site is in the countryside and it has not been demonstrated that the proposal is essential to its countryside location. The development would be contrary to the overall spatial strategy of the development plan and the way in which it provides for the growth of existing settlements to protect the District's rural character and reduce the need to travel. It would be contrary to Policies 1, 2, 3, 4 and 26 of the HDPF policies ……. it would also be contrary to paragraphs 78 to 80 of the Framework relating to the location of rural housing, as well as paragraph 15 which makes clear that the planning system should be genuinely plan-led'.*

9. Having regard to the similarity of the application with the current scheme in terms of principle (one detached house on the same plot) and the fact that the decision was made little more than 18 months ago, I regard the Inspector's findings as meriting significant weight in this appeal. Accordingly, if this new appeal is to succeed there needs to have been one or more of (i) a change in circumstances as regards planning policy; (ii) significant new features of the development, and (iii) additional evidence or submissions of sufficient weight to alter the planning balance.

10. As regards planning policy under (i), the Council is preparing a new District Local Plan for the period 2019-2036 which the officer's report on the appeal application says has not yet reached submission stage and so carries minimal weight in decision-making. The grounds of appeal refers to the polices of the Consultation Draft considered to be relevant to the appeal scheme, which I have duly noted.

11. These include the proposed upgrading of Partridge Green in the HDPF settlement hierarchy to the category of small towns and larger villages and of Littleworth from its 'Unclassified Settlement' to a 'Secondary Settlement'. However, given that the Draft Plan is still at a formative stage I am satisfied that it is only the adopted policies that are sufficiently material to carry significant weight in the determination of this appeal.

12. Turning to (ii) significant new features of the development, the appeal application is a revision of the previous scheme and is now for the *'construction of a carbon neutral detached dwelling'*. The concept was outlined in the Design and Access Statement and further supported by a comprehensive range of supporting information including the Sustainability Reports prepared by Blew Burton and Border Oak. In addition there is the appellants' own planning statement which sets out their vision for a new self-build home with its sustainability credentials.

13. The proposed development of a carbon neutral dwelling is undoubtedly a laudable project consistent with a number of national and development plan energy and planning policies, to which the appeal statement has drawn my attention. In particular there are the energy focused Policies 35, 36 & 37 in the HDPF and the three pronged approach of sustainable development achieving economic, social and environmental objectives in paragraph 8 of the Framework. Paragraphs 60 and 69 of the Framework also refer to the objectives of quickly boosting the supply of homes. I have had regard to these policies in my appraisal and acknowledge that they identify considerations that are helpful to the appellants' case for a carbon neutral home.

14. However, whilst the proposed dwelling would be an exemplar of sustainable construction and is undoubtedly a positive factor to weigh in the planning balance, it does not go to the heart of the reason for refusal. This is the specific location of the site in relation to the Council's spatial strategy and the complementary policies of Framework and their relevance to the proposal (as summarised in the previous Inspector's conclusions in paragraph 8 above).

15. Furthermore, a high degree of sustainability in the method and materials used for construction is by no means an uncommon issue raised in applications and appeals in support of exceptions being made for housing development in locations not supported by spatial policies or where the contemporary design of a proposed building in its context is adjudged to require justification. With measures to mitigate climate change at a high level in national consciousness this will be a trend that is likely to continue to gather pace and in my judgement it has already reached a point where it is no longer exceptional.

16. The implication of this is that a high standard as regards the sustainability credentials of building works and subsequent efficient energy consumption is rather more 'par for the course' than carrying significant weight to justify a divergence from adopted policy for the distribution of development (such policy having been approved only after public scrutiny and independent examination).

17. In this context it is not without significance that paragraph 80 of the July 2021 revision of the Framework deleted 'innovative' as a potential justification in itself for *'isolated homes'* in the countryside. And following the *Bramshill* judgement in the Court of Appeal, the remoteness of the appeal site from a settlement rather than other buildings is a description that can reasonably be applied in this instance, a conclusion already reached by the Inspector in the first appeal.

18. As regards (iii) additional evidence or submissions the appellants have sought to address, the updated position in housing supply is stated in the Council's Annual Monitoring Review (31 December 2021), and confirms a 'Five Year Land

Supply' of only 4 years. This shortfall is a factor in the appellants' favour but is more expediently considered in the weighing of the planning balance towards the end of this Decision.

19. The issue of 'locational sustainability' has been re-addressed in this appeal with the submission of the Transport Sustainability Report that considers the previous Inspector's findings on this subject in paragraphs 14, 17 and 25 of their Decision and now claims to demonstrate that the proposed development is in fact *'located in a sustainable location and is an accessible location to facilities and services'*.

20. To support this conclusion the report records the nearest (Horsham to Brighton service) bus stop to the site as a 14 minute walk from the site; the two nearest railway stations a 16 and 17 minute drive respectively; a 7 minute cycle ride to Partridge Green High Street, and public rights of way to Cowfold village some 2.3km to the east. I acknowledge that this information demonstrates that subject to favourable circumstances (for example clement weather, daylight and the 'right' time of the year) there are some potentially usable options for future occupiers of the appeal dwelling (as a 'self-build' project initially the appellants) to access services needed on a day to day basis other than by private car.

21. On the other hand, as regards accessibility and sustainability the site performs poorly compared with development within the settlements higher up in the hierarchy and on land adjoining those communities. I therefore do not consider the additional detail to be at all persuasive that the placement of Littleworth (at the lowest level in the development hierarchy of HDPF Policy 3) is in any way validated as an appropriate location for an open market dwelling.

22. Even if the Draft Local Plan is in due course confirmed as including the aforementioned upgrades, the location would still not be favourably regarded as appropriate for additional housing. And leaving aside the policy input, from observation at my visit I was in agreement with the previous Inspector's opinion at paragraph 16 that Littleworth Lane - as a narrow unlit road without footpaths and 1.1km & 2.2km from Littleworth and Partridge Green respectively - would be unsuitable for cycling and walking, the latter including the 1.2km to the bus stop when a bus is required for the destination.

Other Matters

23. The Design and Access Statement submitted with the application document, the Sustainability Report as an appeal document and the appeal statement itself refer to permissions given by the Council and allowed appeals for new housing in the countryside. The absence of an appeal statement by the Council in this case precludes an opportunity for a counter schedule of housing applications that have been refused and upheld on appeal for the same reason as in this case.

24. In the event that development on this site had not already been refused permission with the decision confirmed at appeal and/or the inconsistency of the appeal site location with the Development Hierarchy preferences had been more finely balanced, I would regard these decisions as having more weight. However as I have already explained, the principle of the site's unsuitability for development has already been confirmed in the last appeal. And having first satisfied myself that this decision was made on the basis of a fair and

reasonable interpretation of the most relevant HDPF and Framework policies, I do not consider that other decisions based on the particular locational factors and characteristics of each site can reasonably carry significant weight.

25. On another matter, the appeal statement refers to 34 representations of support for the appeal scheme, albeit only 8 of these from addresses within Horsham District. I have taken these into account, but as regards the appellants' frustration with the application being determined by officers rather than committee members, this is not a matter I can take into account.

Planning Balance and Conclusion

26. With a 4 year housing land supply, slightly less than at the time of the first appeal, the Council is unable to demonstrate a 5 year deliverable supply of housing. Having regard to paragraph 11d) and footnote 8 in the Framework this means that the key policies in the determination of the application are out of date. Paragraph 11d) ii also says that where this applies, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

27. I have acknowledged that the proposed dwelling has sustainability credentials as regards its construction and future energy use, although in itself this does not carry significant weight. I have additionally referred to local and national policies that are favourable to the development. Also as regards housing supply, I recognise that the construction of an additional dwelling would make an incremental, albeit modest, contribution to housing supply.

28. However, the development of this site which would result in a new home isolated from any settlement and would be clearly at odds with the HDPF'S spatial strategy which seeks to safeguard the rural character of the District by ensuring that developments and particularly new homes are located within or adjacent to existing built up areas. The development hierarchy is the mechanism that achieves sustainable development with the maximum economic and social benefits, and the appeal proposal would run counter to this with no other 'essential reason' for being in an open countryside location.

29. I therefore conclude that the adverse impacts of the development would significantly and demonstrably outweigh its benefits when considered against the Framework taken as a whole. For this reason the presumption in favour of sustainable development in paragraph 11 of the Framework does not apply.

30. There are no other considerations which outweigh this finding and accordingly the appeal is dismissed.

Martin Andrews

INSPECTOR

Appendix D

APP/Z3825/W/25/3365004 - Lower Batchelors, Emms Lane, Barns Green, Horsham RH13 0QH

Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2025

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/Z3825/W/25/3365004
Lower Batchelors, Emms Lane, Barns Green, Horsham RH13 0QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a permission in principle.
- The appeal is made by Mr and Mrs Christian John against Horsham District Council.
- The application Ref is DC/25/0005.
- The development proposed is the demolition of an existing structure and erection of a single dwelling.

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. I have removed wording from the description of development in the banner heading above that does not describe development.

3. The proposal is for permission in principle, which the Planning Practice Guidance (PPG) advises is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (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. The appeal relates to the first stage.

4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of the subsequent technical details application, if permission in principle is granted. I have determined the appeal on this basis.

5. The appellant has referred to the draft Horsham District Local Plan (Local Plan 2021-2038), but I have not been directed to any specific policy within this plan. There is limited evidence before me in relation to the current stage of the emerging local plan nor detail of its policy approach regarding new housing in the countryside. I therefore attach limited weight to this plan in my decision.

6. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council submitted putative reasons for refusal in its evidence, which I have used to formulate the main issues below.

7. During my consideration of this appeal Natural England has withdrawn its water neutrality position in Arun Valley. I shall return to this matter later in my decision.

Main Issues

8. The main issues are:

- whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development; and
- the effect of the proposal on the integrity of protected Habitats sites.

Reasons

Whether the site is suitable for residential development

9. The site lies outside the defined settlement boundary and therefore it is within the countryside for the purposes of planning policy. Policy 2 of the Horsham District Planning Framework 2015 (HDPF) sets out the broad spatial strategy for the district, and seeks to focus development in and around the key settlement of Horsham and allow for growth in the rest of the district in accordance with the identified settlement hierarchy, which is set out in HDPF Policy 3.

10. HDPF Policy 26 sets out that, outside built-up area boundaries, any proposal must be essential to its countryside location, and in addition meet the criteria listed. There is no compelling evidence before me which indicates that the scheme would meet any of the exceptions listed. Therefore, the proposal would not be supported under HDPF Policy 26.

11. HDPF Policy 4 sets out that, outside built-up area boundaries, the expansion of settlements will be supported where the criteria listed are met. In terms of the criteria set out under this policy, the site is not allocated in the Local Plan or in a Neighbourhood Plan. Moreover, since the appeal site is outside, and distinctly detached from, the settlement of Barns Green, the proposed development would not be an acceptable settlement expansion as defined in Policy 4. Since the proposed development would fail to meet this criterion, the extent to which it would meet with the remaining criteria is of little consequence.

12. The Council's Facilitating Appropriate Development Document 2022 (FAD) sets out an approach to boosting the supply of housing, pending adoption of the emerging Local Plan. It takes a more positive stance on applications for housing outside settlement boundaries, subject to the criteria listed, all of which need to be satisfied. These maintain the requirement that any such applications should be for sites which adjoin the existing settlement edge as defined by the built-up area boundary. As the proposed development would not meet that requirement, the extent to which it would accord with the other criteria is of limited relevance. Thus, the scheme would not be in an appropriate location or land use.

13. The appeal site is part of the agricultural surroundings of Barns Green, where open fields and paddock land interspersed with blocks of woodland dominate the landscape. Emms Lane, in the vicinity of the appeal site, is a narrow lane without road markings which is bound by trees and hedges. Development along this stretch of Emms Lane is sparse and where present it includes agricultural buildings as well as residential properties.

14. The appeal site comprises a modest parcel of land which currently accommodates a detached block of stables with a rural appearance which is adjacent to a collection of agricultural buildings. As such, despite being located near Barns

Green, the site is more closely related to the countryside than to the built form of the settlement.

15. Hence, while the proposal would replace existing built form, the introduction of a residential plot in this location with a dwelling and associated features, including domestic paraphernalia, would formalise and urbanise the plot. The proposal would significantly erode the contribution the appeal site makes to the countryside setting of the settlement and harm the rural character of the area.

16. The nearby residential dwellings vary in design; however they generally have good sizes and are accommodated in commensurate plots. The appeal site is constrained in size and, on the evidence before me, I am not persuaded that a single dwelling could be successfully accommodated within it in such a manner that would relate well with the surrounding context. Consequently, the proposed amount of development would be inappropriate.

17. In light of the above, the site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. The appeal scheme would therefore conflict with HDPF Policies 1, 2, 4, 25, 26, 32, and 33. Amongst other things, these policies seek to restrict development outside of settlement boundaries, and to promote development that protects, conserves and enhances the landscape character.

Habitats sites

18. In September 2021, Natural England advised 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 Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. As a consequence, and to comply with the legal duties set out in the Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations), all new development since has been required to demonstrate water neutrality.

19. However, on 31 October 2025, Natural England formally withdrew the 2021 Position Statement, citing a package of measures that it was satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence by March 2026.

20. The Council advised that, given the licence change has not yet taken place in Horsham, currently there is no certainty that new development would 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).

21. In light of the above, I am satisfied that the scheme would not adversely affect the integrity of protected Habitats sites. Consequently, the proposal would accord with HDPF Policy 31, which seeks to protect the integrity of the Arun Valley sites.

Other Matters

22. The Council has confirmed that the site does not lie within the Green Belt. Consequently, I have not considered the appeal on this basis.

Planning Balance

23. The Council confirmed that it cannot currently demonstrate a five-year supply of deliverable housing sites, and advanced that the figure is 1 year, which is not disputed by the appellant. In such circumstances paragraph 11 d) ii of the National Planning Policy Framework (the Framework) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

24. In terms of benefits, the appeal scheme would provide one dwelling, making an effective use of land. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. As a small site, it could also be built-out reasonably quickly. There would be associated economic benefits during construction of the home and related employment for its duration, as well as future occupiers spending in the local economy. Future residents would be active in the local community. Taken together, these benefits weigh in favour of the proposal, albeit the limited number of dwellings proposed means that they attract modest weight in favour of the proposed development.

25. The proposal would be located outside the settlement boundary for Barns Green and would therefore be contrary to the spatial strategy and FAD guidance for the location of housing. Given the housing shortfall within the borough, I ascribe limited weight to the conflict with HDPF Policies 2, 3, 4 and 26.

26. However, as I have set out, the proposal would be harmful to the character and appearance of the area. The Framework seeks to ensure that development is sympathetic to local character, including the surrounding built environment and landscape setting. Therefore, the conflict between the proposal and HDPF Policies 25, 32 and 33 should be given significant weight in this appeal.

27. Thus, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

28. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR

Appendix E

APP/Z3825/W/24/3341185 - Wedgwood, Farthings Hill, Horsham, West Sussex RH12 1TS

The Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2024

Appeal Ref: APP/Z3825/W/24/3341185
Wedgwood, Farthings Hill, Horsham, West Sussex RH12 1TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Shingadia against the decision of Horsham District Council.
- The application Ref is DC/23/1748.
- The development proposed is redevelopment of the site to provide 7 residential units, ancillary parking and landscaping with all matters reserved except access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission. Approval is sought for access, but matters relating to appearance, landscaping, layout and scale are reserved for future consideration. I have had regard to the submitted plans which include an Illustrative Landscape Masterplan and Indicative Plans and Elevations for the dwellings. However, while these show one potential way that the site could be developed, there could be alternative ways to bring forward a scheme as part of a reserved matters submission. I have therefore treated details apart from those relating to access as illustrative.

3. In determining the planning application, the Council identified that subject to mitigation measures being secured, the proposal would not lead to adverse effects on the integrity of the Arun Valley Special Protection Area ('SPA'), Special Area of Conservation ('SAC') and Ramsar site. During the appeal process however, it raised concerns in respect of the Unilateral Undertaking ('the UU') submitted by the appellant which included obligations purporting to mitigate effects on the Arun Valley sites.

4. The SPA and SAC are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), and the National Planning Policy Framework ('the Framework') indicates that the Ramsar site should be similarly protected. The appellant was afforded an opportunity to respond to the Council's comments on the UU and while they have not done so, I am therefore satisfied that no unfair prejudice would be caused by my taking this matter into account within my decision as I must in accordance with the duties under the Habitats Regulations and the Framework.

Main Issues

5. The main issues are:
   i) the effect of the proposal on the character and appearance of the area

including in respect of trees;

ii) the effect of the proposal on the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site; and

iii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy, natural light and whether or not it would be overbearing.

Reasons

Character and Appearance

6. The appeal site includes a detached dwelling with annex located on Farthings Hill, very close to the junction with the A24 Interchange. Dwellings on this side of Farthings Hill vary in form and design, but they are typically large properties which are set well back from the street on sizable plots, forming a loose ribbon. There is a densely vegetated verge in front of a spur alongside part of the street and further mature trees are visible within front gardens and to the rear of dwellings, including a large Oak to the rear of the appeal site. Together with the usually generous landscaping around buildings and boundary vegetation, these factors provide for an attractive spacious and reasonably verdant quality to this part of the street scene.

7. The illustrative plans show the 7 dwellings proposed as two detached dwellings, on a broadly similar alignment to the neighbour at Oaklands, one to either side of an access from Farthings Hill, behind which would be a terrace of five dwellings on the rear part of the site.

8. The appellant's Arboricultural Impact Assessment indicates that this arrangement would result in a very slight incursion of development to the root protection area of the large Oak tree to the rear of the site. Having regard to the minimal degree of incursion and subject to suitable protection and construction methods which could be secured by planning conditions, construction of the development would be unlikely to result in direct adverse effects on the health or longevity of the tree.

9. However, separation between the tree and the closest dwelling would be relatively limited. The position of the tree to the north corner of the site would limit likely overshadowing, but the canopy would still overhang a significant proportion of the main rear garden space. The proportion could increase further in future should the crown rebalance as the Council's Arboricultural consultee notes could happen following removal of a tree that historically shared a canopy with it. While the canopy is raised, future occupiers may still perceive nuisance or danger associated with the tree and given the extent of the closest garden that it would overhang, this could well lead to pressure for works to the tree or its removal. The contribution that the tree currently makes to the verdant character of the area could therefore be diminished.

10. In addition, the position of the terrace sitting deep into the site and behind frontage dwellings would contrast with the characteristic arrangement of development on this side of Farthings Hill. The dwellings would have much smaller footprints than others here, and the plots would also be considerably smaller so that space around the buildings would be comparatively limited. The repeated effect of this across the site would reinforce the impression of an unusually high density. As seen from the street, the overlapping arrangement of the terrace and detached dwellings would further present a solid block of

development spanning nearly the full width of the site. In combination, these factors would cause the development to appear awkwardly squeezed onto the site and there would be a conspicuous and pronounced erosion of the distinctive spacious character of the area.

11. I recognise that layout, scale, appearance and landscaping are reserved matters and that the illustrative plans do not represent the only way that the site could be developed. However, while the appellant suggests that development could comprise houses, flats or a combination of the two, I have no details of any alternative scheme to show how any proposal could integrate sympathetically with its surroundings and avoid undue pressure on the Oak tree. From the information before me, it is difficult to see how 7 dwellings could be appropriately provided without resulting in an incongruously high density of development and a discordant loss of existing spaciousness on the site.

12. In seeking development that relates sympathetically to its surroundings and that complements locally distinctive character, Policies 25, 32 and 33 of the Horsham District Planning Framework 2015 ('the HDPF') do not specify that character relates only to the immediate surroundings of a site.

13. The appellant has drawn my attention to Firs Close as an example of higher density development in the vicinity of the site, as well as Farthings Walk and Pines Ridge as further cul-de-sacs which I accept form part of the character of the wider area. That being said, these developments are not appreciated as part of the street scene to the north east of Farthings Hill within which the appeal site sits and against which the development would be seen. The provision of higher density development within a cul-de-sac arrangement on the appeal site may not be exceptional in the wider area and this context would help to moderate the harm to some degree. Even so, the appellant's evidence indicates that the density of the proposal would be higher than Firs Close and in my view, the degree of the contrast that the material before me suggests would arise between the proposal and its closest neighbours would be striking and would cause it to stand out in this location. Notwithstanding the character of the broader surroundings, the proposal would sit uncomfortably against its neighbours, and would cause a harmful erosion of the distinctive spacious quality which contributes positively to the character and appearance of the area.

14. I have also noted reference to an appeal decision considering a proposal at Ridgehurst Drive where it was found that a higher density of development than is proposed here would not cause material harm to the character or appearance of the area. However, that decision comments that the properties would be of a size and have a garden area comparable to the neighbouring properties which I saw include relatively closely spaced dwellings and terraces on modest plots. Given this differing context, the circumstances are not directly comparable to the appeal proposal. Noting also its distance some way from the site, this example does not offer meaningful support for the development before me.

15. Policy 33 of the HDPF includes a requirement for efficient use of land and there are similar objectives in the Horsham Blueprint Business Neighbourhood Plan 2022 ('the NP') and the Framework. However, these are balanced and qualified alongside requirements seeking to ensure high quality design and development that respects and is sympathetic to local character. For the reasons set out above, it has not been demonstrated that the proposal would achieve those

aims and general support for making efficient use of land is not in itself a compelling justification for the development.

16. In conclusion, I am not satisfied from the information before me that the appeal site could accommodate the 7 dwellings proposed without undue harm to the character and appearance of the area. The proposal would therefore be contrary to requirements of Policies 25, 32 and 33 of the HDPF broadly seeking protection and enhancement of townscape character and development that relates sympathetically to its surroundings and locally distinctive character. It would also be contrary to Policy HB4 of the NP insofar as it includes a requirement for development that integrates well with its surroundings.

17. The Council's reason for refusal additionally refers to Policy HB5 of the NP, but this seeks sustainable design in order to reduce energy consumption and climate effects and seems to me to be of less direct relevance here.

Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site

18. In circumstances where a proposal is likely to have a significant effect on a habitats site designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), there is a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment. This duty would now fall to me. In accordance with the Framework, Ramsar sites should be afforded equivalent protection to habitats sites.

19. The information before me indicates that the Arun Valley SPA is designated for waterbird assemblages, including Bewick's swan and the SAC is designated for the little whirlpool Ramshorn snail. The conservation objectives of the SPA and SAC seek broadly to ensure that their integrity is maintained or restored and that the sites contribute to achieving the favourable conservation status of qualifying features by maintaining or restoring the extent, distribution, structure, function and population of qualifying features and the supporting processes on which habitats of the qualifying features rely.

20. Natural England has issued a Position Statement identifying that existing groundwater abstraction within the Sussex North Water Supply Zone ('the SNWSZ'), which includes the appeal site, cannot be ruled out as contributing to adverse effects on the integrity of the Arun Valley sites. It advises that new development with a requirement for abstraction within the SNWSZ would be likely to have an adverse effect. However, one way to ensure that development would not have an adverse impact on the integrity of the Arun Valley sites is to demonstrate 'water neutrality'.

21. The proposed dwellings would have an associated demand for water and could therefore result in increased water abstraction in the SNWSZ. On that basis, the appeal proposal, either alone or in combination with other plans and projects, could have a likely significant effect on the integrity of the Arun Valley sites.

22. As part of the application, the appellant provided a Water Neutrality Statement ('WNS') dated 14 September 2023, with a revised version dated 14 October 2023. Both versions of the WNS outline that the proposal would increase water demand relative to the baseline of the existing site. However, it is suggested that the development could achieve water neutrality through the installation of

water efficient fixtures and fittings to the proposed dwellings, and offsetting of the remaining additional demand through retrofitting of flow control devices to 16 of Moat Housing Association's properties within the catchment area.

23. In principle, I am satisfied that these measures could ensure no adverse effects on the integrity of the SPA, SAC or Ramsar site.

24. However, while installation of water efficient fixtures and fittings within the development could reasonably be secured by a planning condition, the offsetting element of the mitigation relies on land outside of the appeal site and the appellant's control. The October WNS suggests that Moat Housing Association has confirmed that they would allow the installation of the flow device on their properties, but I have not been provided with details of any formal agreement. In these circumstances and from the information before me, I am not satisfied that a condition in respect of offsetting would be enforceable or reasonable here. It would not therefore meet the tests for conditions in the Framework.

25. Moreover, the First Schedule to the appellant's UU includes requirements that development does not commence until Water Neutrality Credits have been purchased and details confirming Water Neutrality Credits have been provided to the Council. The definitions to the UU suggest that Water Neutrality Credits means 'credits purchased to mitigate the impacts of the Development to ensure water neutrality in accordance with the Water Neutrality Statement at Annex 1 of this Deed'. However, the WNS makes no reference to purchase of any credits, relying instead on offsetting through retrofitting of flow control devices to Moat Housing Association properties.

26. Given this discrepancy, there is a marked lack of clarity around what is intended. I am concerned that implementation of the strategy that is actually detailed in the WNS would not be properly secured, and in the absence of any other details setting out how a credit purchase scheme would operate, it has not been demonstrated that this would be effective as a means to offset remaining water demand associated with this proposal.

27. I also note that Moat Housing Association is not a party to the UU and so would not be bound by its requirements. In addition, there is no schedule detailing the land/properties where retrofitting of flow control devices would be carried out to deliver the required offsetting. I do not know if they would be located within the local planning authority area, and I cannot be sure that they would not also be included as part of an offsetting scheme for development elsewhere. Even if I were satisfied that the UU properly related to the strategy outlined in the WNS, these shortcomings mean that the UU offers limited confidence that effective mitigation would be delivered, and further that the obligations would be adequately enforceable.

28. I therefore find the UU does not offer sufficient assurance that effective mitigation to offset additional water demand at the site would actually be secured in practice. The achievement of water neutrality is consequently in doubt.

29. As the competent authority, I would need to be satisfied that the integrity of the Arun Valley sites would not be adversely affected by the proposal. I appreciate that Natural England had not objected to the proposal, but that was subject to the delivery, management and maintenance of measures identified in the WNS to achieve water neutrality. Having regard to all of the above, I find

that there is no appropriate mechanism to adequately secure the identified measures in respect of offsetting. Accordingly, I am unable to determine that the proposal would achieve water neutrality.

30. For these reasons, I conclude taking a precautionary approach that adverse effects on the integrity of the Arun Valley SAC, SPA and Ramsar site can not be excluded. I have no firm reason to find that there are no alternative sites that could accommodate the development with lesser effects on the integrity of the designated sites, nor that there are imperative reasons of overriding public interest that would outweigh the adverse effects. In these circumstances, the operation of the Habitats Regulations would preclude the proposal. There would also be conflict with Policy 31 of the HDPF which sets out, amongst other things, that permission will be refused where development is anticipated to have an adverse impact on biodiversity sites such as SPAs and SACs unless appropriate mitigation measures are provided.

Living Conditions

31. While details of the layout, scale, appearance and landscaping of the development are illustrative only at this stage, the indicative plans for Plots 1-5 to the rear part of the site show that first-floor windows closest to Oaklands could be obscure glazed or angled away from the boundary such that there would not be direct views of this neighbour or its garden. I also saw that the existing building on the appeal site includes clear-glazed first-floor windows to the side elevation facing Oaklands as well as windows to its rear. Even if dwellings on the front part of the site were positioned closer to the boundary, any views would be unlikely to result in more intrusive overlooking of this neighbour than currently occurs. Accordingly, I am satisfied that the proposal would not cause a harmful loss of privacy for occupiers of Oaklands.

32. Windows to the rear of plots 1-5 would face towards the rear part of the garden to 19 Wildgoose Drive rather than the dwelling. This part of the garden includes an outbuilding with glazing and decking. However, the existing boundary fencing provides for some screening which is further supplemented by vegetation, albeit that I acknowledge that vegetation can die or be removed. The Council's evidence does not refer specifically to harm to No 19 in respect of privacy and having regard to the potential for separation and the overall relationship, I see no firm reason that a reserved matters submission would be unable to ensure that overall living conditions for occupiers of No 19 would not be undermined through an unacceptable loss of privacy.

33. Furthermore, development on the rear part of the appeal site would not alter the main outward aspect from windows to the rear of the closest neighbouring dwellings which would remain views along their deep gardens. It may be apparent in oblique views or views from the outbuilding to No 19, but I am satisfied that sufficient separation could be provided to ensure that it would not be excessively dominant or cause any significant loss of outlook or light for these windows. It would also be likely to be perceived alongside only a modest proportion of the deep gardens such that it would not result in an undue impression of enclosure or overshadowing to these spaces.

34. The illustrative plans suggest that plot 7 would sit forward of the existing dwelling to be broadly alongside Oaklands. In this position, it would have a reduced presence in views from the rear of this neighbour in comparison to the

existing dwelling. However, I saw a clear-glazed window to the side elevation of Oaklands facing the appeal site.

35. Currently, much of the outlook from this window is onto the boundary fence and front corner of the existing appeal dwelling, but there are also open views above the level of the fence across the appeal site frontage. Based on my observations, the two-storey building that the illustrative plans show on plot 7 in close proximity to the boundary would effectively close off open views from the window to the side of Oaklands resulting in a significant increase in the impression of enclosure and a loss of outlook for the room served. Although not part of the Council's case, I agree with interested parties that the close relationship would also be likely to have some effect on natural light to the window and there is no substantive evidence before me to demonstrate that effects would not be significant.

36. However, while I acknowledge the constraints on the site including the mature Oak tree, it seems to me that there would still be scope to bring forward an alternative form of development at reserved matters stage including in respect of the scale, appearance or layout of development on this part of the site which could mitigate potential for unacceptable harm to living conditions for occupiers of Oaklands. On that basis, loss of outlook and light to Oaklands caused by plot 7 would not be determinative in this case.

37. For these reasons, I conclude that there would not be unacceptable harm to living conditions for occupiers of neighbouring dwellings. Accordingly, I find no conflict with Policy 33 of the HDPF insofar as it includes a requirement for development to avoid unacceptable harm to the amenity of occupiers of nearby property.

Other Matters

38. I have noted additional concerns raised by interested parties including in respect of the safety of the highway access, parking provision, flood risk and provision for wastewater. I have also noted comments in support of the proposal including in respect of the quality of the development, making good use of land and the benefit of housing provision and modern and smaller houses in particular. However, none of the matters raised alter my conclusions on the main issues or overall planning balance.

Planning Balance

39. The appellant refers to the 2022/23 Monitoring Report which suggests that the Council is able to demonstrate only a 2.9 year housing land supply. The Council has not disputed that this is the current position. Paragraph 11 d) of the Framework is therefore relevant and indicates that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular 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 the Framework taken as a whole.

40. The proposal would make effective use of the site which is within the built-up area, providing for a net gain of six dwellings towards the supply of housing locally. The Framework seeks to significantly boost the supply of housing, and in light of the current supply shortfall, the provision of housing is an important

factor which attracts great weight. The Framework also advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. That said, the modest scale of the proposal would limit the contribution made to the overall supply of housing and consequently the extent of the benefit.

41. Furthermore, the precise housing mix would depend on the reserved matters and while I note the appellant's suggestion that there would be a good mix of 2, 3 and 4-bedroom dwellings, I can therefore give limited weight to this factor. Similarly, the suggested biodiversity net gain of 36.9% habitat units and 306.94% hedgerow units would depend on details including of landscaping which would be subject to future reserved matters submissions and so the gains cannot be assured at this stage. On that basis, the level of suggested net gain attracts no more than moderate weight.

42. Future occupiers of the site would benefit from the accessible location with access to bus and train services as well as shops and other facilities within walking and cycling distance. There would also be social and economic benefits associated with construction and occupation of the development. These benefits would be limited by the small scale of the proposal though.

43. On the other hand, I have found that living conditions for neighbouring occupiers would not be adversely affected. However, this would not outweigh the harm that the proposal would cause to the character and appearance of the area and to the Arun Valley sites and I find that the proposal would conflict with the development plan when it is read as a whole.

44. Harm to character and appearance would be localised and limited given the wider context, but would be contrary to objectives in the Framework seeking development that is sympathetic to local character. As a result of my findings that adverse effects on the integrity of the Arun Valley sites can not be excluded, policies within the Framework relating to habitats sites and Ramsar sites would in this case provide a clear reason for refusing the development, and the presumption in favour of sustainable development at paragraph 11 of the Framework would not apply.

45. Notwithstanding the shortfall in housing supply and the benefits of the proposal, I find the adverse effect on designated nature conservation sites and conflict with the Habitats Regulations is a matter of overriding concern. Even taken together, I find that the cumulative benefits of the proposal are insufficient to outweigh effects on the Arun Valley sites together with the harm to the character and appearance of the area, and the resulting conflict with the development plan and the Framework.

Conclusion

46. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

Appendix F

APP/Z3825/W/24/3346736

Paiges Yard, Nep Town Road, Henfield BN5 9DZ

Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/Z3825/W/24/3346736
Paiges Yard, Nep Town Road, Henfield BN5 9DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Keith Henley of HHC Developments Ltd against the decision of Horsham District Council.
- The application Ref is DC/24/0465.
- The development proposed is demolition of existing buildings, cessation of commercial vehicle repair business use, provision of new access and erection of two buildings containing overall 3 x 2-bed dwellings and 2 x 2-bed apartments along with ancillary parking and a utility building for each unit.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr and Mrs Keith Henley of HHC Developments Ltd against Horsham District Council. This application is the subject of a separate decision.

Preliminary Matters

3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test (HDT) results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.

4. The application was accepted as valid by the Council and there is insufficient evidence before me to allow me to conclude that they were in error to do so. I therefore proceed to determine the appeal.

Main Issues

5. The main issues in this appeal are:

   - whether the proposal would have an acceptable effect on the provision of employment space;
   - the effect of the proposal on the character and appearance of the area including the Henfield Conservation Area;
   - the effect of the proposal on the living conditions of neighbouring occupiers with respect to outlook and daylight and future occupiers with respect to noise.

Reasons

Commercial Space

6. Horsham District Planning Framework (adopted 2015) (HDPF) Policy 7 supports the redevelopment, regeneration, intensification and smart growth of existing employment sites and confirms that sustainable local employment growth would be encouraged via neighbourhood plans. Henfield Neighbourhood Plan (made May 2021) (HNP) Policy P3.2.2 confirms that the redevelopment of existing employment sites to non-employment uses will not be supported unless the employment use is no longer appropriate for its location or it has been demonstrated that it would not be viable.

7. There is no substantive evidence before me such as marketing or evidence of the costs of redevelopment in comparison to any likely return which would demonstrate that the site could not be put to an employment use. There are no planning controls over the site, however it has operated in proximity to residential properties in the past, as the neighbouring commercial property at Vinalls Business Centre continues to do. Nor is there any robust evidence before me that the only interest in the site would be from uses which would conflict with the residential uses. It may be that the appellant has experience in the demands of the market in this area, but this has not been translated into any robust evidence before me.

8. HNP Policy P3.2.2 would have been prepared and subsequently made in the knowledge that it was seeking to retain existing employment land alongside further allocations for employment/ commercial uses. It therefore cannot be assumed that the allocations provide a reason to accept the loss of this employment space in the absence of robust evidence. The support of the parish council would not change my assessment of the proposal against the employment policies of the development plan.

9. It therefore has not been demonstrated that the proposal would not have an adverse effect on the provision of commercial space. It would therefore be contrary to HDPF Policy 7 and HNP Policy P3.2.2 which taken together seek to retain existing employment sites.

Character and Appearance

10. The site comprises a number of buildings and containers of varying designs, materials and states of repair. To one side is a commercial business centre, while to the other side and opposite side of the road are further residential properties. The structures are generally located into the site, with only a very limited relationship to the road.

11. The site lies within the Henfield Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is derived from its historic interest as a large loosely planned village which evolved from a dispersed Saxon village to a medieval linear settlement and outlying hamlet and finally to its present form.

12. The buildings on the site are not classified on the building audit map contained within the Henfield Conservation Area Appraisal and Management Plan (HCAA). They do not have the appearance of historic buildings but rather appear modern and do not provide any evidence of the historic development of the area. There is no compelling reason to retain this arrangement on the site. The Council assesses them as having a neutral effect. The audit map shows the neighbouring commercial units as a mixture of negative and neutral buildings, although the text does acknowledge the neighbouring complex of light industrial buildings as being a detractor in the CA. Having regard to this, and my observations at my site visit, I consider the appeal site to have a negative effect on the character and appearance of the CA.

13. The HCAA, in its analysis of the Nep Town area of the CA, sets out otherwise that dwellings are generally set well back from the road behind walls and hedges and sheltered by trees. It also notes that vegetation is prominent. My observations at my site visit confirm this remains the case. The arrangement of the dwellings at Nep Close around a central hardstanding is also noted as detracting from the CA.

14. The proposal would see dwellings set to the rear of the site with storage units along the boundary to Nep Close. There would be a parking court to the front which would be defined by cobbled sets to the front and a low palisade fence. The frontage arrangement would be similar to that at Nep Close with development fronting onto a hardstanding. The proposal would therefore replicate a layout which has a negative effect on the CA and would not integrate with the prevailing character and appearance of the residential aspects of the CA.

15. While the existing site detracts from the CA, this would not justify a redevelopment which would also fail to preserve and enhance the character and appearance of the CA. Paragraph 212 of the Framework confirms that great weight should be given to the conservation of heritage assets and paragraph 213 that any harm to the significance of a designated heritage asset should require clear and convincing justification. Given that the harm would be localised to Nep Town Road in proximity to the site, I find the harm would be less than substantial, but nonetheless of considerable weight.

16. In such circumstances, paragraph 215 sets out that this harm should be weighed against the public benefits of the proposal. The proposal would deliver five additional dwellings in an area which can demonstrate at best a 2.9 year supply of deliverable housing land and has not met the requirements of the HDT. As a small site, it is likely the proposal could be delivered quickly. The proposal would also allow the installation of a stair lift in two units. However, these benefits are not sufficient to outweigh the harm I have identified.

17. I therefore conclude the proposal would fail to preserve or enhance the character and appearance of the Henfield Conservation Area. It would fail to satisfy the requirements of the Act, section 16 of the Framework, HDNP Policy 34 and HNP Policy 12 which require development to reinforce the special character of the district's historic environment and be consistent with the special character of conservation areas.

Living Conditions

18. The neighbouring properties on Nep Close have their rear elevation facing onto the appeal site. The gardens of those properties are of a limited length. The

boundaries to these properties were of a typical domestic scale at the time of my site visit. While some had landscaping, this was not particularly substantial. While the existing structure on the site also sits adjacent to this boundary, it has a monopitch that slopes away from the boundary and is a modest single storey structure overall.

19. The proposal would see the introduction of development 1m from the boundary with the rear garden of some of those properties. Although the proposal has been designed with a shorter length than the other properties, and the upper floor has been incorporated into the roof, the proposal would nonetheless be particularly prominent when viewed from the properties on Nep Close that it would be immediately adjacent to. This would result in an increase in the sense of enclosure and a loss of outlook to occupiers when using the gardens that would have an adverse effect on their living conditions.

20. I do not have documentation demonstrating that a 25 degree line would be achieved in this case. However, even if that were shown to be the case, it would not mitigate for the adverse effects I have identified above.

21. The site is immediately adjacent to the Vinalls Business Centre. There is no substantive evidence before me as to any planning permission or lawful use certificate which would define the use of that site. I therefore cannot be certain what the potential there is for there to be uses on the site in future which could have an adverse effect on the living conditions of future occupiers of the proposed residential properties. On the basis of the written evidence before me, along with my observations at my site visit, I prefer the appellant's view on this matter. However, this is a separate issue to the harm to the living conditions of existing occupiers I have identified.

22. I conclude that the proposal would have an adverse effect on the living conditions of neighbouring occupiers with respect to outlook. This would be contrary to HDNP Policies 32 and 33 and HNP Policy 12 which require development to provide functional environments that respects and avoids unacceptable harm to the amenity of occupiers of nearby properties.

Other Matters

23. The appeal site is within the Sussex North Water Supply Zone. The Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site are vulnerable to pressures arising from groundwater abstraction from this supply zone. The appellant has submitted a water neutrality statement in mitigation. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats site and if the mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue, as a finding that the proposal would not have an adverse effect on the integrity of the habitats sites, with or without any mitigation, would be at best a neutral matter.

24. There is no detail before me of the relocation premises or the extant planning agreement from 1992 that encourages residential development at the site. There is no substantive evidence before me of any intention to bring forward residential development at the Vinalls Business Centre that would weigh in favour of the proposal.

25. No concern with the appearance of the dwellings has been raised, and I have no reason to reach a different conclusion. Sufficient parking would be provided and there would not be an adverse effect on the operation of the highway network. Appropriate living conditions would be provided for future occupiers of the proposed dwellings. Appropriate provision for drainage could be made and mitigation for contamination could be secured by condition. There would be a negligible effect on biodiversity and enhancements could be secured. However, these are to be expected of any well designed development and would be neutral in my assessment.

Planning Balance

26. It is not in dispute that the Council cannot display a five year deliverable supply of housing land which at best would be 2.9 years. The results of the most recent housing delivery test show a rate of 62%. There is some uncertainty around the emerging Local Plan. In such circumstances, paragraph 11d) of the Framework is engaged.

27. My findings in respect of the harm to the CA means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

28. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR

Appendix G

APP/Z3825/W/25/3375892 - Gardeners Cottage, Kithurst Lane, Storrington, RH20 4BF

Planning Inspectorate

Appeal Decision

Site visit made on 3 February 2026

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2026

Appeal Ref: APP/Z3825/W/25/3375892
Gardeners Cottage, Kithurst Lane, Storrington, West Sussex RH20 4BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Philip Orpwood on behalf of the Norbertine Order against the decision of Horsham District Council.
- The application Ref is DC/25/0533.
- The development proposed is to construct new detached chalet style house & garage to passive house standards.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Natural England's document entitled "Withdrawal of Natural England's Water Neutrality Position Statement" was issued after the determination of the application. It confirmed that as of 1 November 2025, development could come forward without water neutrality restrictions. The Council subsequently advised that it was withdrawing its reason for refusal relating to water neutrality.

3. Since determining the application the subject of this appeal, the Council has granted planning permission for a change of use of volunteers agricultural storage barn to 1 no. residential unit at Priory Field Barn, Monastery Lane[1], which is located close to the appeal site. I have noted and had regard to the details of this approved scheme.

Main Issues

4. In light of the above, the main issues in this appeal are:

   - whether the appeal site would be a suitable location for the proposed development having regard to local planning policy; and

   - the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The proposal is to erect a dwelling in the countryside. Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework November 2015 (HDPF) and policies 1

[1] LPA reference DC/25/1329

and 8 of the Storrington, Sullington & Washington Neighbourhood Plan 2018-2031 (SSWNP) together focus growth on Horsham and the built-up areas in order to maintain the district's unique rural character.

6. Policy 4 of the HDPF identifies that outside built-up area boundaries (BUABs), the expansion of settlements will be supported where: the site is allocated 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 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 and townscape character features are maintained and enhanced.

7. Shaping Development in Horsham District Planning Advice Note (SDHD), which was endorsed by the Council on 17 September 2025, is a material consideration in decision-making. The SDHD addresses locational suitability and scale, and in so doing modifies the criteria in Policy 4 by removing the requirement for sites outside BUABs to be allocated, but continues to require that sites adjoin an existing settlement edge. The remaining criteria in Policy 4 are unchanged.

8. The appeal site abuts the BUAB of Storrington on two sides and thereby satisfies the first criterion of HDPF Policy 4 as modified by the SDHD, despite not being allocated for development. Furthermore, the proposal would be appropriate to the scale and function of Storrington & Sullington (criterion 2); provide a family dwelling which meets local housing needs (criterion 3); and would not prejudice comprehensive long-term development (criterion 4).

9. Criterion 5 requires development to be contained within an existing defensible boundary, and for landscape and townscape character features to be maintained and enhanced. The appeal site forms part of a well maintained, landscaped area which includes a cemetery and a pond. Whilst the appeal site is delineated by post-and-rail fencing and a laurel hedge, it shares its essential character with the countryside rather than the adjoining built-up area. The proposed vehicular access to Kithurst Lane does not have an existing fully defensible boundary and would intrude into the landscaped area. As a consequence, the proposal would conflict with the final criterion of HDPF Policy 4 and the SDHD.

10. Although the appellant has indicated that they would live in the dwelling and work on the land, an essential need to live in the countryside has not been demonstrated. Whilst the proposal would not significantly increase the overall level of activity in the countryside, it would not conserve the key features and characteristics of the landscape character area in which it is located. The proposal would therefore conflict with Policy 26 of the HDPF.

11. For the reasons set out above, the appeal site would not be a suitable location for the proposed development having regard to local planning policy, being in conflict with the relevant parts of policies 1, 2, 3, 4 and 26 of the HDPF, Policy 1 of the SSWNP, and the SDHD, the aims of which I have outlined above.

Character and appearance

12. The landform of the area is dominated by the chalk escarpment of the South Downs to the south of Storrington[2]. The land falls gently down from the appeal site before rising in the direction of Kithurst Hill, which is part of the chalk escarpment. Owing to this topography, the appeal site is visible in longer views, albeit intervening vegetation helps to filter these views.

13. There is a clear delineation between the built up area and the countryside, with a well-defined defensible boundary separating the two. The open area of which the appeal site forms a part is characterised by its tranquil, landscaped character, which is distinct from the residential character of the adjacent built-up area. The development of the appeal site with a dwelling and driveway would alter its character, representing an incursion of the built-up area into the countryside, with a resultant erosion of the quality of the countryside.

14. The hedge and fence which border the appeal site do not fundamentally alter the site's relationship with the countryside, and whilst the hedge may in due course screen the site from view, it would not ameliorate the effect on the area's character of extending the built-up area into the countryside.

15. The proposal is for a chalet style dwelling with a relatively low eaves and ridgeline, which would help to minimise the visual impact of the proposal. The appellant has contrasted their design approach with the bulkier and taller flats near the appeal site. However, these flats are within the BUAB where such development is appropriate. A chalet style dwelling in the countryside, by contrast, would not be appropriate, for the reasons I have set out.

16. I find that the proposal would have a harmful effect on the character and appearance of the area, in conflict with policies 25, 32 and 33 of the HDPF, which together seek to protect, conserve and enhance the landscape and townscape character, and require development to respect the character of the surrounding area including its overall setting and views.

Other Matters

17. Section 85 of the Countryside and Rights of Way Act 2000 imposes a duty to seek to further the purpose of conserving and enhancing the natural beauty of National Parks. The duty extends to consideration of the setting of a National Park when development is proposed outside of but close to it. As the appeal site is located some distance from the boundary of the National Park, and partially screened by intervening vegetation, the proposal would not affect its setting.

18. Storrington Conservation Area is located on the far side of the cemetery which lies adjacent to the appeal site. Given the distance involved and the intervening presence of the cemetery, the appeal site does not make any contribution to the significance of this designated heritage asset, and the proposed development would not adversely affect its setting.

19. The proposal is described as a self-build dwelling. The Framework requires planning policies to reflect the needs of people wishing to commission or build their own homes. As of 2024 there were 162 people on Horsham's self-build register, with only 10 planning permissions granted for self-build homes in the 12 months

[2] Landscape and Visual Technical Note prepared by Huskisson Brown Associates

prior. Moreover, there are no self-build housing allocations in the development plan. However, in the absence of a mechanism to secure the development as self-build, I afford only limited positive weight to the appellant's intention in this regard.

20. The proposal is for a passive house. As of 2023, Horsham Council had not granted any planning permissions for passive houses. There is however no policy imperative for the Council to grant passive homes, and I therefore afford limited positive weight to the sustainability credentials of the proposal.

21. The appellant sought unsuccessfully via the development plan process to include their land within the BUAB and disagrees with the Council's reasons for excluding it. However, I can only have regard to the BUAB as it is currently defined. I have been referred to numerous planning permissions for new houses on sites outside the BUAB, including several in the Storrington area, but in the absence of detailed information in respect of these permissions, they have limited relevance to the circumstances of the current appeal.

22. Several appeals for residential development on the land have been dismissed in recent years. Inspectors have offered qualified support for specific aspects of the schemes but overall have concluded that the proposals were unacceptable. I have had regard to these previous decisions, and my findings are consistent with them.

23. I have given consideration to the recent planning permission to convert a barn to a dwelling at Priory Field Barn, close to the appeal site. Whilst that site is also outside the Built-Up Area Boundary, the proposal was a conversion rather than a new build, which distinguishes it from the current appeal in terms of its impact on the countryside and the relevant development plan policies. I therefore attached limited positive weight to the granting of this permission.

24. Although the updated Framework was published as a consultation draft on 16 December 2025, in its draft form the proposed changes carry limited weight in decision-making.

25. The concerns of the appellant regarding their dealings with Council staff have played no part in my decision-making.

Appropriate Assessment

26. The appeal site falls within an area identified as the Sussex North Water Supply Zone, where water abstraction has the potential to adversely affect the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. It is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). It is incumbent upon me as competent authority to consider whether the development is likely to have a significant effect on the integrity of the site.

27. The site supports rare and diverse plant, invertebrate and bird assemblages as qualifying features. It consists of low-lying grazing marsh, largely on alluvial soils. Variation in soils and water supply lead to a wide range of ecological conditions and hence a rich flora and fauna. Natural England has previously advised that due to the additional demand for water abstraction, it could not be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the site.

28. Based on a voluntary licence reduction and a commitment to delivering a package of mitigation, Natural England is now satisfied that there is sufficient certainty that there would be no adverse impact on the integrity of the European Designated Site. From 1 November 2025, therefore, development is able to come forward without water neutrality restrictions. As I am dismissing the appeal for other reasons, it has not been necessary to consider these matters further.

Planning Balance

29. A house is proposed, and the Council has confirmed that it cannot currently demonstrate a five year supply of housing, with its most recent Annual Monitoring Report 2024/25 showing a supply of 1.7 years. Therefore, paragraph 11(d) of the Framework applies, and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

30. The HDPF sets out a clear strategy for focussing growth on Horsham and the built-up area. The SDHD modifies this strategy by supporting development adjacent to built-up area boundaries. Although the appeal site abuts the BUAB, the harm I have identified as arising from the proposal relates to its incursion into the countryside beyond the well-defined boundary which separates it from the built-up area, and the resultant erosion of the tranquil character and landscaped appearance of this part of the countryside. Given the extent of this harm, I attach substantial negative weight to the degree of conflict I have identified with the development plan.

31. The delivery of a sustainably located home would be a social benefit, whilst economic benefits would accrue from the construction phase and from expenditure on goods and services by future occupiers. The dwelling would be sustainably constructed as a passive house and would provide additional landscaping and biodiversity enhancement. A single dwelling is capable of being constructed quickly. The proposal is for a self-build dwelling, but the weight that this benefit attracts is limited in the absence of a mechanism to secure it as such. Positively contributing to the Council's housing land supply, albeit in a modest manner for a single dwelling, is a particular benefit given the Council's 1.7 year housing land supply. I therefore attach moderate positive weight to the benefits that the scheme delivers.

32. Taking all matters into account, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Conclusion

33. The proposal would conflict with the development plan as a whole. The material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR

Appendix H

APP/Z3825/W/25/3371528 - Lavender Cottage, Blackstone Gate Farm, Henfield Road, BN6 9JJ

Planning Inspectorate

Appeal Decision

Site visit made on 21 October 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/Z3825/W/25/3371528
Lavender Cottage, Blackstone Gate Farm, Henfield Road, Albourne, Hassocks BN6 9JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mrs Caroline Jones against the decision of Horsham District Council.
- The application Ref is DC/23/1595.
- The development is described as the construction of 1 no. dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the site address is 'Lavender Cottage, Henfield Road', whereas the decision notice and appeal form refer to the site as 'Lavender Cottage, Blackstone Gate Farm, Henfield Road'. I have taken the address from the appeal form as this is more precise. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.

3. The description of development in the heading above and my formal decision has been taken from the planning application form. In section E of the appeal form it is stated that the description of development has not changed from that stated on the application form. However, a different description has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application form. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.

4. The application form states that the development has already taken place. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the development.

5. The appellant has submitted a Technical Note 2: Water Neutrality Statement[1] (WNS). I consider the proposal before me (should the WNS be included), is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this information. As such I am satisfied that the information does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the WNS.

[1] Dated 10 July 2025, prepared by Motion.

6. The other appeal on the site regarding the erection of dog grooming/reception building, alterations to design and use of stables for mixed equestrian and dog daycare and change of use of land for exercising dogs and associated works (Ref: APP/Z3825/W/25/3371529) is the subject of a separate decision.

7. On 31 October 2025, Natural England (NE) notified relevant local planning authorities that its advice has now changed on the basis of new evidence. Consequently, NE has withdrawn its 'Position Statement for Applications within the Sussex North Water Supply Zone Interim Approach September 2021' (PS). In collaboration with the Environment Agency and Southern Water, NE has agreed a package of ecological resilience measures and proposed licence amendments that will address the risk of further decline of the Arun Valley sites as a result of the existing abstraction. These measures are to be implemented by March 2026. In Natural England's view this provides certainty that development in the Sussex North Water Supply Zone (WSZ) will not have a likely significant effect on the Arun Valley sites in line with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

Main Issues

8. The main issues are:

- whether the site is a suitable location for housing, with regard to development plan policy and accessibility to services and facilities; and
- the effect of the proposed development on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites, with regard to water neutrality.

Reasons

Suitable location

9. The appeal site consists of an existing dwelling, known as Old Dairy East Cottage, and further land beyond Old Dairy West Cottage, which is not within the site. Lavender Cottage is set back within the site. The parties agree that the site comprises previously development land and is outside of a built-up area boundary, as defined by the Horsham District Planning Framework 2015 (PF).

10. The development is for a dwelling, which is located beyond the existing dwellings comprising Old Dairy East Cottage and Old Dairy West Cottage. Policy 2 of the PF sets out the overarching approach to development in the District through sustainable growth and suitable access to services and local employment, and encourages the effective use of land by reusing land that has been previously developed.

11. Policy 1 of the Woodmancote Parish Neighbourhood Plan 2017 (NP) reflects this approach provided proposals accord with other provisions of the Neighbourhood Plan and development plan. Policy 2 of the NP supports small scale housing development on previously development sites within the Parish where, amongst other things, the site lies within or adjoins a designated Green Link. The site is neither within nor adjoins a Green Link as indicated on the policy map of the NP. Consequently, the development does not accord with Policies 1 and 2 of the NP.

12. Policy 4 of the PF supports settlement expansion outside of built-up areas provided the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. The appeal site does not adjoin a settlement boundary, nor is it an allocated site within the PF or the NP. Accordingly, the development conflicts with Policy 4.

13. Policy 26 of the PF is a strategic policy which seeks to protect the countryside. It details that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected, and proposals must be essential to their countryside location and meet at least one of four criteria. The appellant acknowledges that the development would not meet any of the four criteria and consequently the development conflicts with Policy 26.

14. The appellant states that Lavender Cottage is required to support the overnight dog boarding business. While part of the business operates from the buildings and land close to Lavender Cottage, the overnight boarding has typically taken place within, and the licence relates to, the dwelling at Old Dairy East Cottage. The dwelling at Lavender Cottage provides accommodation for appellant's family at the site of the business. However, whilst a dwelling at the site is more convenient for the day-to-day operations of the business, there is limited substantive and robust evidence before me that demonstrates that there is an essential need to live at or near their place of work. Moreover, given that the overnight boarding and licence is associated with Old Dairy Cottage East and the other business activities take place during daytime hours, the evidence before me does not demonstrate an essential need for an additional dwelling.

15. The site is detached from the nearest settlements, and remote from those with everyday facilities and services. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, there is a lack of suitable footways and street lighting, which may discourage walking and cycling. In addition, there is no indication as to the proximity of bus stops to the site or the service provision available. Accordingly, the likelihood is that future occupiers would be highly reliant on private vehicles to access facilities and services in larger settlements.

16. I conclude that the site is not a suitable location for the development, with regard to development plan policy and accessibility to services and facilities. The development therefore conflicts with Policies 1, 2, 4 and 26 of the PF and Policies 1 and 2 of the NP, as set out above.

Water neutrality

17. The appeal site draws its water from groundwater abstraction in the Sussex North WSZ, which affects the Arun Valley SPA, SAC and Ramsar sites. The SPA, SAC and Ramsar sites are European sites protected under the Habitats Regulations. Under the Habitats Regulations, an Appropriate Assessment is required in relation to the effect of the development on the integrity of the sites. This responsibility falls to me as competent authority in the context of this appeal.

18. The Arun Valley SPA, SAC and Ramsar sites consist of low-lying grazing marsh, largely on alluvial soils with an area of peat derived from a relict raised bog. The conservation objectives for the Arun Valley SAC & SPA are to ensure that the

integrity of the site is maintained or restored as appropriate; and ensure that the site contributes to achieving the aims of the Wild Birds Directive.

19. The qualifying features of the Arun Valley SAC & SPA include its assemblage of waterfowl, in particular shoveler, teal, wigeon, and Bewick's swan, and its populations of little whirlpool ramshorn snail. The features of the Arun Valley Ramsar include seven threatened wetland invertebrate species, four nationally rare, and four nationally scarce plant species, with diverse and rich flora including species of duckweed, watercress, milfoils, dropworts, and pondweeds.

20. In September 2021 NE issued a PS to the relevant local planning authorities advising that new development within the Sussex North WSZ should demonstrate water neutrality. This is to protect the Arun Valley habitats from potential impacts linked to Southern Water's groundwater abstraction at Pulborough. However, NE's PS has now been withdrawn. This indicates that it can be concluded that existing abstraction within Sussex North WSZ is not having an impact on the Arun Valley SPA, SAC and Ramsar sites and advises that development within the WSZ would not add to this impact.

21. I conclude that the development does not adversely affect the integrity of the Arun Vally SPA, SAC and Ramsar site. The development therefore accords with Policy 31 of the Horsham District Planning Framework, the Habitats Regulations and, insofar as it relates to habitats sites, the Framework, which collectively require all impacts on habitats sites to be mitigated for.

Planning Balance

22. The Framework does not change the statutory status of the development plan as the starting point for decision making. The site is not in a suitable location for the development, when assessed against the aforementioned policies of the PF and the NP. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.

23. The Council concedes that it is unable to demonstrate at least a five year supply of deliverable housing sites that the Framework requires. The appellant's assertion that the Council can only demonstrate a one year supply of housing land has not been disputed. Paragraph 11. d) of the Framework indicates that permission should be granted unless 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.

24. The development makes a positive contribution to housing supply with associated social and economic benefits. Nevertheless, despite the acute housing supply position, the contribution of the dwelling to meeting housing need in the District and the associated benefits are limited by the scale of development. Moreover, while the dwelling is close to the appellant's business, the site is remote from everyday facilities and services and the occupants of the dwelling are heavily reliant on private vehicles to access these. Accordingly, I attribute limited weight to the contribution the dwelling makes to the supply of deliverable housing sites.

25. The dwelling at Lavender Cottage occupies the broad position of a former stables building that had planning permission[2] for the conversion to holiday let accommodation. While the details of the approved development have not been presented, the evidence before me indicates that the building has since been demolished. Consequently, the holiday let accommodation can no longer be implemented and the weight I can attribute to this is therefore minimal.

26. The appellant has drawn my attention to appeal decisions at Marlpost Meadows[3], Cowfold Lodge Cottage[4] and Butlers[5], which are all within the District. While the three proposals were for housing outside of the defined built-up area boundary, I note that the Inspectors considered their proximity to larger settlements, namely Southwater, Cowfold and Horsham, and the associated accessibility weighed in favour of these proposals. Given that the site is distant from the nearest settlement, and everyday facilities and services, the circumstance are different to those within the identified appeals. In any event, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations, which is what I have done in this case.

27. In the particular circumstances of this case, I have concluded that the development is not a suitable location for the development and would conflict with the relevant policies of the development plan and the Framework in this regard. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development.

Other Matter

28. Permission has been sought retrospectively for the development. Nevertheless, the provisions of Section 73A of the Town and Country Planning Act 1990 allow for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing.

Conclusion

29. 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. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR

[2] DC/20/1019
[3] APP/Z3825/W/22/3303603
[4] APP/Z3825/W/23/3325926
[5] APP/Z3825/W/25/3360134