n.j.a town planning Ltd

Applications & Appeals Services

PLANNING APPEAL

In respect of

Cadrona, Hampers Lane, Storrington, RH20 3EX



Appellant: Mr J Chadwick HGN Homes Ltd

LPA Ref: DC/25/0895

November 2025

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

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

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

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

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1.0 INTRODUCTION

1.1 This appeal is against the refusal by Horsham District Council, as Local Planning Authority, of a planning application for the ***"Construction of detached dwelling and detached carport/garage building with vehicle access from Hampers Lane"*** at Cadrona, Hampers Lane, Storrington, RH20 3EX. NJA Town Planning Ltd has been instructed by Mr J Chadwick, HGN Homes Ltd to appeal against the refusal by the Council.

2.0 BACKGROUND

2.1 The appeal application was determined by the Council on 08 August 2025 and it was refused for the following reasons:

1 ***The proposed 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 (2025) 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 1 of the Storrington, Sullington, and Washington Neighbourhood Plan.***

2 ***The proposed development, by virtue of its siting and the recent loss of established trees, would erode the verdant character and green infrastructure of the site, leading to the urbanisation of a currently landscaped and enclosed garden plot, and would also place undue pressure on the remaining trees of amenity value, causing harm to the character and appearance of the area, contrary to Policies 25, 31, and 33 of the Horsham District Planning Framework (2015)***

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

2.3 Planning application DC/25/0895, the subject of this appeal, is a resubmission of a previous planning application for a similar proposal (DC/22/2195) which was refused by the Council on 17 August 2023 and dismissed at appeal on 28 June 2024 (see Appendix NJA/1). In order to address the Planning Inspector's comments, the position of the proposed dwelling and its relationship in respect of trees has been amended and new and updated documents in respect of trees and landscaping, water neutrality, ecology and biodiversity were provided to the Council (and with this appeal).

2.4 In addition, it is important to note that the previous planning application and appeal were both determined under an earlier version of the National Planning Policy Framework (NPPF), before it was updated in December 2024. The Appellant's Planning, Design and Access Statement and this Statement of Case address the key changes relevant to the appeal, particularly in respect of housing land supply.

2.5 In line with best practice as set out in the Planning Inspectorate guidance notes, the Appellant will not repeat matters such as site description, planning history, details of the proposal etc., which have already been set out in detail in planning documentation and the Planning, Design and Access Statement submitted with the original application. This Statement of Case will consider the proposed development against the policies identified as relevant by the Council together with the NPPF and will analyse the Council's delegated report.

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

The Development Plan

2.7 The 'Development Plan' comprises the Horsham District Planning Framework adopted in 2015 (the HDPF) and in this case the Storrington, Sullington and Washington Neighbourhood Plan 2018-2031, September 2019.

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

HDPF (2015)

- Policy 1: Sustainable Development
- Policy 2: Strategic Development
- Policy 3: Development Hierarchy
- Policy 4: Settlement Expansion
- Policy 25: District Character and the Natural Environment
- Policy 26: Countryside Protection
- Policy 31: Green Infrastructure and Biodiversity
- Policy 33: Development Principles

Storrington, Sullington and Washington Neighbourhood Plan 2018-2031 (2019)

- Policy 1: A Spatial Plan for the Parishes

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

Emerging Policy

2.10 The Horsham District Local Plan 2023-2040 was formally submitted to the Planning Inspectorate on Friday 26 July 2024 for public examination. Hearings commenced, however in a recent letter dated 04 April 2025 the Planning Inspector found that the Duty to Co-operate had not been met and raised significant soundness concerns in relation to the Plan's housing requirement and spatial strategy. As a result, the Planning Inspector recommended that the Council withdraw the Plan. The Council has responded on 18 August 2025 with the request that a hearing session is re-opened to further discuss the issues. At this point, the HDPF (2015) remains as the adopted Local Plan for the District.

Relevant Legislation and Case Law

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

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

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

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

2.14 When considering whether or not a proposed development accords with a development plan, it is not necessary to say that it must accord with every policy within the development plan. The question is whether it accords overall with the development plan (see Stratford on Avon v Secretary of State for Communities and Local Government (2014). Even if a proposal cannot be described as being in accordance with the development plan, the statutory test requires that a balance be struck against other material considerations.

2.15 The Courts have emphasised that a planning authority is not obliged to strictly adhere to the development plan and should apply inherent flexibility (see Cala Homes (South) Limited v Secretary of State for

Communities and Local Government (2011) and Tesco Stores Ltd v Dundee City Council (2012)).

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

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

2.17 Paragraph 3 of the NPPF confirms that the Framework should be read as a 'whole' and the Government's National Planning Policy Guidance (NPPG) confirms that 'The National Planning Policy Framework represents up-to-date government policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 14 of the Framework. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed' (Paragraph: 007 Reference ID:21b-006-20190315).

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

Housing Land Supply (Case Law)

2.19 The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing (paragraph 78). Plans and decisions should apply a presumption in favour of sustainable development (NPPF paragraph 11). Where there are no relevant development policies, or the policies which are most determining the application are out-of-date (including where any authority cannot demonstrate a five year supply of deliverable housing sites, as per NPPF footnote 8), planning permission should be granted unless:

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

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

2.20 The 'Suffolk Coastal' case (Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 36) had regard to the meaning and effect of the provisions of the NPPF on housing land supply and the presumption in favour of sustainable development in having regard to the NPPF (2012 version). This is considered to equally apply to the present NPPF (September 2023 version).

2.21 The judgement noted the purpose of the NPPF is to have regard to the Development Plan policies unless these are not determined to be up to date. When the most relevant policies are not considered to be up to date,

the balance is ‘tilted’ in favour of the grant of planning permission unless the benefits are ‘significant and demonstrably’ outweighed by the adverse effects or where specific policies indicate otherwise. Weight is required to be afforded to such policies in the overall tilted balance (NPPF paragraph 11 d).

2.22 Importantly, the judgement determined that the decision-taker need not concern themselves with the specific reasons as to what is causing a lack of housing supply but attribute weight proportionally to addressing the problem to significantly boost an adequate supply of housing land (as required by NPPF paragraph 61).

Rural Housing (Case Law)

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

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

2.25 The Judgement additionally drew reference to transport opportunities in rural areas where it is consistent with the Framework that sustainable transport opportunities are likely to be more limited in rural areas. This

therefore further acknowledges that rural areas should not necessarily preclude new development.

2.26 The Court of Appeal's judgment in Bramshill v SSHCLG [2021] forms more recent case law addressing the interpretation of 'isolated dwellings' in the countryside. This upheld the previous interpretation of Braintree that the term 'isolated' should be given its ordinary meaning as being 'far away from other places, buildings and people; remote' and that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must consider whether the development would be physically isolated, in the sense of being isolated from a settlement. What is a "settlement" and whether the development would be "isolated" from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case.

Housing Land Supply

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

2.28 Based on this, planning policies should identify a supply of specific, deliverable sites for five years following the intended adoption and specific, developable sites or broad locations for growth, for the subsequent years 6-10, and where possible for years 11-15 of the remaining plan period (NPPF paragraph 72).

2.29 Local planning authorities are further required to *maintain* housing supply and delivery and should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where strategic policies are more than five years old (NPPF paragraph 78).

2.30 The Council's Local Plan, the HDPF, is over five years old and does not take into account the standard method in its policies relating to the supply of new homes. Furthermore, the Council's most recent Authority Monitoring Report (AMR) 2023/24 (published 30 April 2025) demonstrates that after an update to the NPPF in December 2024, the housing target is set at 1,357 dwellings per year. The Executive Summary of the AMR confirms:

'For the 2023/24 monitoring year, a total of 452 net dwellings were completed. The latest Housing Delivery Test for Horsham District showed that Horsham had only delivered 62% of its overall housing targets over the previous three years (due to the constraints of Water Neutrality).

The shortfall in housing delivery, plus a 20% buffer gives a new five year housing target of 9,030. The Council can only demonstrate a 20% (1.0 years) against the new requirement'.

2.31 A copy of the Council's latest AMR (Executive Summary and Housing chapter) is included with this appeal.

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

2.33 Having regard to paragraph 11 d) i, NPPF footnote 7, the site is not located within a 'protected area' and the Water Neutrality Statement which accompanied the planning application and this appeal confirms that the proposed development is water neutral thereby resulting in no adverse impact upon the protected sites of the Arun Valley SPA, SAC and RAMSAR.

2.34 Therefore, the policies of the NPPF (specifically paragraphs 193, 184 and 195) do not provide a clear reason for refusing the development and this does not prevent the consideration of the application under the presumption in favour of sustainable development and the provisions of NPPF paragraph 11 d).

2.35 For the reasons set out in this Statement, and having regard to 11 d) ii, there are no adverse impacts of granting planning permission that would significantly and demonstrable outweigh the benefits of the provision of a new home (of a high quality design, in a sustainable location which makes effective use of land) when assessed against the policies of this Framework taken as a whole.

Shaping Development in Horsham District Planning Advice Note September 2025

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

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

2.38 The SD PAN covers the following issues:

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

2.39 The Council's SD PAN acknowledges that the Council can only demonstrate a 1 year supply of housing land and that the Council's performance against the Housing Deliver Test is 62%. Accordingly, the Council has produced a Housing Delivery Action Plan (paragraph 1.7).

2.40 Subsequently, the SD PAN confirms the following:

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

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

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

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

2.43 In respect of Neighbourhood Plans, the SD PAN confirms that where NPPF paragraph 14 is not engaged, the 'tilted balance' would be engaged, reducing the weight that can be applied to Neighbourhood Plan policies that relate to the supply of housing. In this case, the Nuthurst Neighbourhood Plan was 'made' and became part of the development plan in 2015.

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

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

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

Water Neutrality

2.46 The Planning Inspector is advised of changes to the Council's approach to dealing with water neutrality matters since the determination of the planning application.

2.47 The Council's website advises that on 31 October 2025, Natural England issued a Withdrawal Statement confirming that its Water Neutrality Position Statement of September 2021 has been withdrawn. The website confirms the following information:

'This follows agreement between Natural England, Southern Water and the Environment Agency that a reduction in the licence cap on water abstraction will ensure with sufficient certainty that development will not adversely impact the protected Arun Valley habitats. This is the primary element of interest to local authorities

in making decisions regarding relevant plans or projects, as it removes the connection between abstraction and growth.

While the licence modification will address issues related to planning, growth, and abstraction, a separate package of measures is also proposed to support recovery and enhance ecological resilience at Pulborough Brooks SSSI. Natural England has advised that local authorities are not required to consider these measures when determining relevant plans or projects.

Whilst the Position Statement has now been withdrawn, it remains the case that Horsham District Council remains the competent authority under the Habitats Regulations, and therefore must be assured that the mitigation will be effective in practice and suitably secured. Given the licence change has not yet taken place (the withdrawal statement refers to March 2026), we cannot be certain that the issue is yet fully resolved. We do though recognise and welcome the statement from Natural England as a significant step forward in finally addressing water neutrality at a strategic level.

For individual applications, we will now be using the 2024/25 water efficiency savings made by Southern Water to allow <u>all</u> development to move forward as water neutral from 1st November 2025. These savings were previously to be used by the Sussex North Water Certification Scheme (SNWCS), and amount to some 3,240,000 litres per day. SNWCS, for the avoidance of doubt, will no longer be launched.

For applicants, this means that:

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

Please note that given the area remains at significant water stress, all applications for new housing will be required by condition to comply with the Building Regulations Part G Optional Technical Standard (currently 110 l/p/d) as required by Policy 37 of the Horsham District Planning Framework. We would welcome and support any applicant who still wishes to include water efficiencies below this standard.

To ensure continued compliance with the Habitats Regulations until the licence change has taken effect, please note that officers will continue to undertake an Appropriate Assessment of your proposals as part of their overall considerations. This will ensure your development remains compliant with the Habitats Regulations, Policy 31 of the HDPF, and Paragraph 193 of the NPPF.

For applicants who have existing planning permissions with conditions and s106 obligations requiring compliance with bespoke water neutrality mitigation, we will consider applications under s.73 of the Town and Country Planning Act to remove those conditions, and any associated applications to vary or discharge any relevant s106 obligations. If your permission is for new dwellings, we will instead apply a condition requiring compliance with the Building Regulations Part G Optional Technical Standard referred to above. This is the same condition we applied to all new dwellings prior to the 2021 Position Statement.

For current applicants, please advise your case officer of how you wish to proceed. Please note that any undetermined applications that have already been heard by our Planning Committee will need to be returned to committee to amend the water neutrality requirements, therefore you may wish to conclude your application in its current form and apply separately to vary the relevant conditions and obligations. Please note that if you wish to amend your current proposals we will need to first agree an appropriate extension of time with you.

Further updates will be set out on this page in due course, as and when necessary'.

Landscaping and Trees

2.49 In order to address the Council's second reason for refusal of application DC/25/0895, this appeal is submitted with a new proposed landscaping plan (1135-LA-P-01 Revision A P1 – Landscape Strategy Proposals Plan) and an Arboricultural Appeal Statement with updated Arboricultural Report and updated Tree Protection Plan (November 2025). These documents are referenced at Section 3 of this Statement of Case in response to the Case Officer's report.

3.0 APPRAISAL OF THE APPEAL PROPOSAL

3.1 This section examines the 'Planning Assessment' section of the Council's delegated report (in bold) to address the key planning issues and why the planning application was refused.

Principle of Development:

The application site lies outside any designated Built-Up Area Boundary (BUAB) and is therefore considered to be within the countryside in policy terms. It is not allocated for residential development in either the Horsham District Planning Framework (HDPF) or the Storrington, Sullington and Washington Neighbourhood Plan. Consequently, the proposal is in direct conflict with the spatial strategy outlined in Policies 1, 2, 3, 4, and 26 of the HDPF, as well as Policy 1 of the Neighbourhood Plan. These policies collectively seek to concentrate new housing within or adjacent to established settlements and to resist non-essential development in the countryside.

The principle of development on this site has previously been tested under application DC/22/2195, which was refused on principle grounds. The sub-sequent appeal was dismissed, with the Planning Inspector concluding that, despite the site's proximity to services and facilities in Storrington, its detachment from the built-up area and lack of demonstrable essential need rendered it incompatible with the adopted spatial strategy. The Inspector found that the proposal did not accord with the development plan's objectives for sustainable growth.

However, the planning context has evolved since the appeal decision. The Council's Authority Monitoring Report (AMR), published in April 2025, confirms that Horsham District currently has a deliverable housing land supply of only 1 year significantly below the five-year requirement. As a result, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the National Planning Policy Framework (NPPF), is engaged. This means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

In accordance with paragraph 11(d)(ii), this presumption applies unless there are policies in the Framework that protect areas or assets of particular importance, and which provide a clear reason for refusing the development pro-posed (as outlined in footnote 7). In this case, the site does not lie within or adjacent to a designated area such as a National Park or AONB, and an Appropriate Assessment under the Habitats Regulations has concluded no

adverse effect on the integrity of protected sites due to the water neutrality mitigation strategy. Accordingly, there are no clear reasons for refusal under paragraph 11(d)(i), and the tilted balance remains engaged.

The application has also been assessed against the Facilitating Appropriate Development (FAD) document, endorsed at Full Council in October 2022. The FAD sets out criteria against which applications on unallocated sites outside of BUABs should be considered in light of the current housing shortfall. These include requirements that proposals:

- **Adjoin the settlement edge;**
- **Be proportionate to the settlement's scale and function;**
- **Address local housing needs or support community facilities;**
- **Avoid prejudicing long-term comprehensive development; and**
- **Be contained within a defensible boundary and maintain/enhance landscape character.**

The current proposal fails to meet several of these criteria. The site does not adjoin the built-up area boundary and is physically and visually detached from the main settlement pattern of Storrington. Furthermore, as set out in the following section, the proposal would result in harm to the landscape character of the area, which conflicts with the requirement to maintain and enhance local landscape features.

3.2 It is acknowledged that the appeal site is located within the countryside (outside of a built-up area boundary) and that HDPF policy 26 seeks to protect the countryside from inappropriate development. HDPF policy 2 is the Council's overarching policy that covers location and amount of development. The policy states that new development should be focused in and around the key settlement of Horsham, and to allow for growth in the rest of the district in accordance with the identified settlement hierarchy. This is set out at HDPF policy 3 and settlement expansion is referred to at HDPF policy 4.

3.3 In this case there are a number of compelling reasons which justify the proposed development when considering the policies of the NPPF and HDPF *as a whole* and in particular having regard to the site's sustainable location and it's small but important contribution towards the supply of much needed new homes within the District.

Location and Shaping Development in Horsham

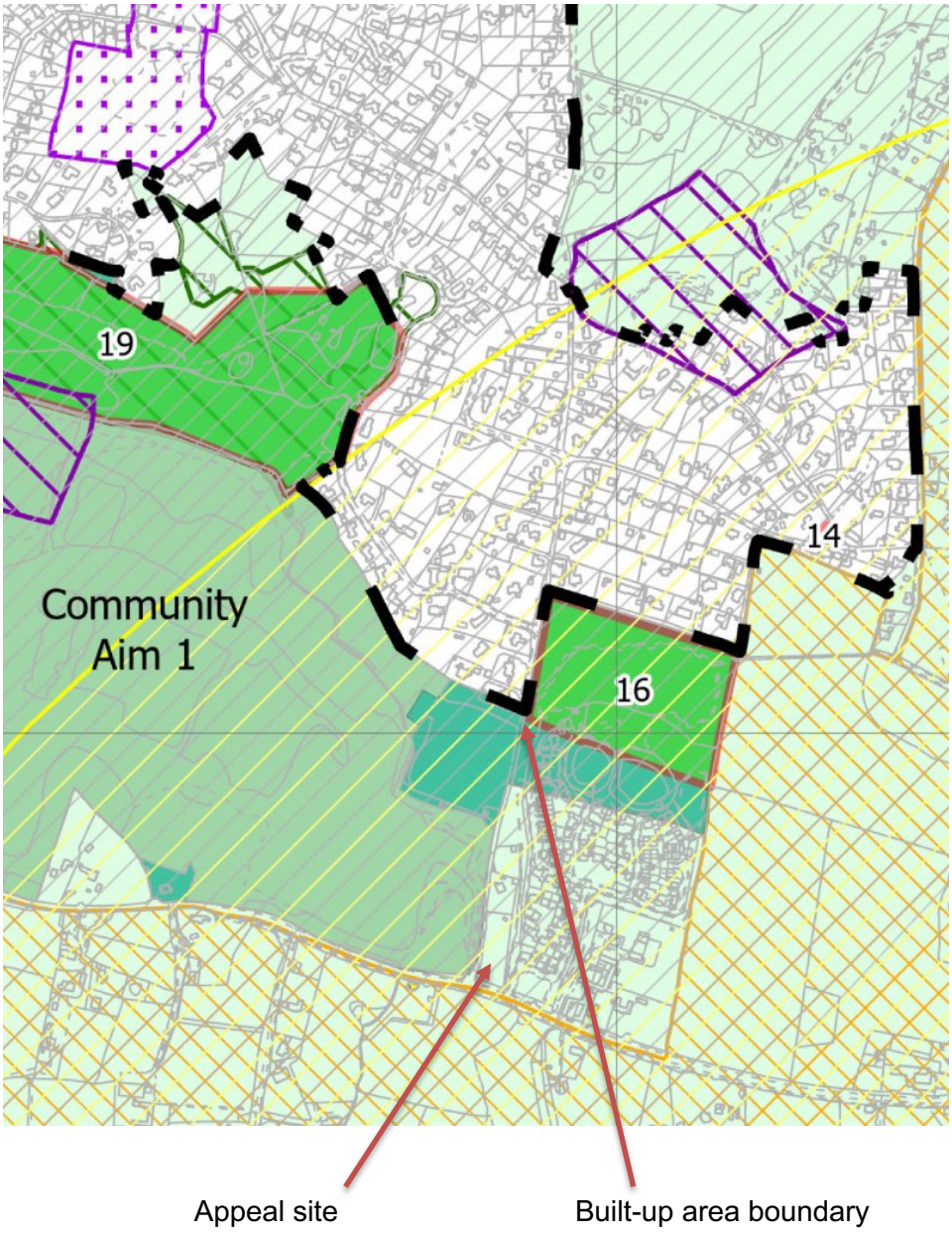
3.4 In respect of location of new homes and the Council's spatial strategy, Policy 2 of the HDPF seeks to maintain the rural character of the District and states that new development should be focused in and around *'the key settlement of Horsham'* with growth in the rest of the District in accordance with the settlement hierarchy set out at HDPF Policy 3 and also in accordance with HDPF Policy 4.

3.5 Policy 3 establishes the settlement hierarchy for the District and confirms that development will be permitted within towns and villages which have defined built-up areas.

3.6 Cadrona is located just 0.2 miles to the south of the settlement boundary of Storrington & Sullington. The settlements combined are defined by HDPF policy 3 as a small town/larger village described by the policy as settlements *'with a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. The settlements act as hubs for smaller villages to meet their daily needs, but also have some reliance on larger settlements/each other to meet some of their requirements'.*

3.7 Storrington & Sullington are together one of the main settlements within the District and comprise a wide range of local services and facilities including education, retail, a medical centre, numerous local businesses, employment opportunities, sport and recreation facilities and community groups and facilities. Occupiers will be able to walk into Sullington via Hampers Lane or Milford Grange which links to footpaths running through the Milford Grange Country Park. Storrington is also within walking distance via the roadside footpath which runs along the southern side of the A2383 directly accessible from Cadrona. In addition, there is a bus stop with shelter outside of Milford Grange which serves regular buses going into and out of Storrington and further afield.

Figure 1: Storrington & Sullington Inset Map, extract from the HDPF (2015)



3.8 In considering the previous appeal, the Planning Inspector did note the proximity of the site to local services and facilities and states at paragraph 9 of the appeal decision notice:

'However, the settlement contains a reasonable number and range of shops, services and facilities. Despite its commercial centre being well over 1km from the appeal site, it is feasible to walk and/or cycle between the site and the services and facilities that are available in the settlement'.

3.9 The Planning Inspector further commented on the route via the A283 but found at paragraph 10 that:

'Notwithstanding this, there are bus stops close to the appeal site, and I am advised that there is a regular bus service providing access to the settlement and beyond from these stops. Future occupiers would not therefore be entirely reliant on the use of private cars to access local services and facilities that are ordinarily required for everyday living'.

3.10 Notwithstanding this, the Planning Inspector found the site to not be in a suitable location having particular regard to the local development strategy, however, it is contended that the site is sustainably located, in close proximity to an established local community and where occupiers of the dwelling will not necessarily be reliant upon the use of the private vehicle especially in meeting day-to-day needs. This matter must also now be considered against the updated NPPF and weighed in balance with the now even higher need for new homes within the District, as further addressed within this Statement.

3.11 NPPF paragraph 110 requires the planning system to actively manage patterns of growth. Whilst significant development should be focused on locations which are or can be made sustainable, it should also be recognised that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.*

3.12 In addition, NPPF paragraph 115 states that sustainable transport modes should be prioritised when taking account the vision for a site, the type of development proposed and its location. A safe and suitable access to a site should be achieved for all users and any significant impacts from a development on the transport network should be mitigated.

3.13 The proposed construction of one dwelling is not 'significant' development and it will not in in itself result in unsustainable patterns of vehicle movements within the rural area. Furthermore, it is demonstrated that sustainable transport options are available to occupiers of the proposed dwelling with the proposal therefore not conflicting with the provisions of NPPF paragraphs 110 and 115.

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

3.15 As noted, whilst the Planning Inspector found the site not to be in a suitable location for the proposed development *'with particular regard to the local development strategy'* (i.e. HDPF policies 2, 3, 4 and 26), due to the age of the HDPF and the lack of a five year housing land supply, having regard to the updated requirements of NPPF paragraph 11 d), it is reiterated that these policies are out-of-date and less weight should be given to them in the decision making process. Furthermore, since the determination of the previous appeal, the Council's housing land supply has dropped even further to just one year and the emerging Local Plan is still delayed. The Council's declining five year housing land supply must now be given even greater weight in the decision making process when considering this significant issue in the planning balance against the Council's spatial strategy.

3.16 HDPF policy 4 supports the growth of settlements across the District in order to meet identified local housing, employment and community needs. Therefore, outside built up area boundaries, Policy 4 permits the expansion of settlements subject to the following:

1. *'The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.*
2. *The level of expansion is appropriate to the scale and function of the settlement type.*
3. *The development is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services.*
4. *The impact of the development individually or cumulatively does not prejudice comprehensive development, in order to not conflict with the development strategy; and*
5. *The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced'.*

3.17 The supporting text for HDPF Policy 4 (and 3) sets out the following justification - *'to ensure that development takes place in a manner that ensures the settlement pattern and the rural landscape character of the District is retained and enhanced, but still enables settlements to develop in order for them to continue to grow and thrive'* (HDPF paragraph 4.6).

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

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

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

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

3.21 The appeal site does not adjoin a settlement edge, however, for the reasons described, the site is considered to be in a suitable position to accommodate a new dwelling without significant conflict with the Council's spatial strategy (even though the policies in relation to the supply and location of new homes are out-of-date and should carry less weight in the decision making process).

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

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

3.24 In respect of criterion 5 of the SD PAN and HDPF policy 4, the appeal site is contained by an existing defensible boundary and important landscape features will be retained and enhanced by new landscaping (to be agreed by condition). The proposed dwelling would be very close to existing built form and it will not harmfully encroach into open countryside.

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

3.26 Given the small scale of development proposed, the sustainable location of the appeal site, the lack of any harm caused to the visual amenities of the countryside landscape and the high need for new homes within the District, the proposal does not significantly conflict with the overarching principles of the Council's spatial strategy or the Council's SD PAN. However as set out, any conflict must be weighed in balance with the provisions of NPPF paragraph 11 d) and the presumption in favour of sustainable development.

3.27 It should also be noted that the proposed dwelling is deliverable in the short term in accordance with the NPPF and the Council's SD PAN (paragraphs 5.13 – 5.17).

Case Studies

3.28 As set out, the Appellant's Planning, Design and Access Statement refers to three appeal decisions where planning permission has been granted for the creation of dwellings within the HDC countryside (Cowfold Lodge Cottage, Marlpost Meadows and Wappingthorn Lodge).

3.29 More recently, on 28 October 2025, planning permission was granted at appeal for the construction of a dwelling at Thornhill Stables, Billingshurst

Road near Coolham within the Horsham District (DC/24/1486 – see Appendix NJA/2).

3.30 The Planning Inspector did not find the appeal site to be in isolated countryside in the context of NPPF paragraph 84 but also did not consider the site to be in a suitable location having regard to local and national policy in respect of the accessibility of the site to services, facilities and employment opportunities.

3.31 However, when considering the proposal in the planning balance, the Planning Inspector found the following:

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

Taking all matters into account, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework'.

3.32 Another case relevant to note is planning application DC/24/1887 in respect of a site named Potters Field, Mill Lane, Partridge Green (details at Appendix NJA./3. The decision is pending however the Council's

Committee Report recommending that (outline) planning permission be granted for the construction of two dwellings be granted.

3.33 In respect of housing land supply, the Committee Report (dated 16 September 2025) states the following in response to the site's location outside of a built-up area boundary:

'The weight to be applied to this conflict is though diminished given the Council is unable demonstrate a 5-year supply of deliverable housing sites and has failed the most recent Housing Delivery Test'.

3.34 In respect of the principle of the proposed development the Committee Report states:

'The site is located outside any defined BUAB and is not allocated for development in the adopted development plan (the HDPF or the West Grinstead Neighbourhood Plan). The principle of the development is therefore contrary to Policies 2, 3, 4 and 25 of the HDPF. Notwithstanding this, it is recognised by Officers that in the context of the Council's 5-year housing supply position, the benefits that would arise from the delivery of extra housing carry positive weight in the determination of the proposal. In order to come to a considered conclusion, it is necessary to therefore balance the benefits of the proposed development against the conflict with the above adopted development plan policies and any other policy compliance, conflict and harm'.

3.35 The Committee Report concludes that under the context of NPPF paragraph 11(d), that the proposal would be acceptable for the following reasons:

'It is acknowledged that the development would be located outside the built-up area boundary and would be in conflict with Policy 26 of the HDPF. However, as outlined above, Littleworth has been recognised as being sustainably located with access to the larger settlement of Partridge

Green. The proposal would be experienced as a form of infill development along Mill Lane, with existing development present to either side and immediately opposite. The proposal would be seen in this immediate context and would not represent encroachment outside of what would be perceived as a pattern of development in this section of Littleworth, with the transition to open countryside considered to take place further to the west of this application site'.

While the site lies outside the boundary of the South Downs National Park (SDNP), it is located in close proximity to it, with the A283 (Washington Road) forming the intervening boundary. The South Downs National Park Authority was not formally consulted on the current application; however, they did provide comments in response to the previous application (DC/22/2195). At that time, the SDNPA raised no concerns relating to the potential impact of the development on the setting of the National Park, however did make note that little consideration was given to the perceptual or intrinsic landscape harm, the potential loss of buffer habitat, and effects on dark skies a recognised special quality of the National Park.

Although the current application makes some changes to tree cover and arboricultural information, it does not introduce fundamental alterations to the scale, form, or layout of the proposed development. As such, the comments previously submitted by the SDNPA remain relevant and carry material weight in the assessment of this proposal. Their concerns further underscore the sensitivity of the site's location and its contribution to the rural transition zone between Storrington and the protected landscapes of the National Park.

While this proximity does not trigger the protected area exclusions listed under Footnote 7 of the NPPF, since the site itself lies outside the designated boundary the National Park setting remains a material consideration in assessing both the principle of development and its impact on landscape character. This is consistent with Policy 30 of the HDPF, which requires developments near the National Park to respect and where possible enhance its setting.

3.36 HDPF policy 25 seeks to protect the natural environment and landscape and townscape character of the District including conserving (and where possible) enhancing the setting of the SDNP. HDPF policy 30 refers more specifically to protected landscapes and states that the natural beauty and

public enjoyment of the SDNP will be conserved and enhanced. The policy states that:

'Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages'.

3.37 As noted above, the Council did not consult with the SDNPA in respect of the present proposal. Instead, the Case Officer's report above is referencing comments made in respect of the previous application (DC/22/2195), notwithstanding the fact that the proposal has been amended and supported with additional and new information.

3.38 Nevertheless, the SDNPA did not previously comment on the principle of the proposed development and made no comments in respect of the scale, form or layout of the proposed development. The SDNPA commented only on biodiversity sensitivities and dark night skies, although the comments in respect of these matters appear as guidance rather than any specific objection or recommendation to refuse.

3.39 The revised planning application (and this appeal) was submitted with a Preliminary Ecological Appraisal, Biodiversity Net Gain information a proposed landscape plan and arboricultural information. It is therefore considered that the environmental sensitivities of the site in respect of its proximity to the SDNP boundary are adequately addressed.

3.40 In respect of dark night skies, as suggested in the SDNPA comments, this matter may be addressed by way of condition to agree an external lighting scheme and to install black out blinds/or low transition glazing. The proposed development complies with the provisions of HDPF policies 30 and 31 in respect of the protection of the surrounding landscape and biodiversity.

3.41 A copy of the SDNPA comments (dated 23 December 2022) made in respect of application DC/22/2195 are included at Appendix NJA/4 of this Statement of Case.

While the applicant has cited three appeal decisions in support of their proposal, it is important to note that each case must be assessed on its own merits. In this instance, there have been numerous appeal decisions that have upheld the Council's position in resisting development in similar countryside locations. The cumulative weight of these decisions reinforces the importance of adhering to the adopted spatial strategy and policy framework.

In summary, whilst the Council cannot currently demonstrate a five-year housing land supply and the tilted balance is engaged, the proposed development would conflict with the adopted spatial strategy and result in adverse impacts that would significantly and demonstrably outweigh the limited benefits of delivering a single dwelling in this location. The proposal is therefore not considered to constitute sustainable development, and the principle of development is not supported.

3.42 The appeal decisions referred to above are set out within the Appellant's Planning, Design and Access Statement at paragraphs 6.49 – 6.58 (and included at Appendices NJA/1, 2 and 3 of the document). The appeals relate to the creation of dwellings within the Horsham District countryside (two of which relate to the construction of new dwellings, one is a conversion scheme) where Planning Inspectors have given weight to the insufficient supply of homes within the District and the provisions of NPPF paragraph 11 d). These cases are still considered to be material to the determination of this appeal.

3.43 The sustainable location of the appeal site has already been addressed and other important factors include the provision of rural homes, countryside impact (and the lack of any harm in this case) and the making of effective use of previously developed land. These issues are addressed as follows:

Rural Housing and Countryside Impact

3.44 HDPF policy 26 seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development. However policy 26 must also be read in the context of the text at HDPF paragraph 9.18 which sets out that:

'*The Council is seeking to identify the most valued parts of the district for protection, as well as maintain and enhance this natural beauty and the amenity of the district's countryside'.*

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

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

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

3.47 As set out, the proposed dwelling will be situated close to other built form. The site is not located within a prominent or isolated position and it is enclosed within well-defined boundaries. The scale and extent of the proposed development is limited and the dwelling is sensitively located and designed to ensure it has no adverse impact upon the setting of the

National Park. The proposal therefore accords with NPPF paragraph 189, HDPF policy 30 and Neighbourhood Plan policy 8.

3.48 The proposed dwelling is of high quality, traditional design which is appropriate to and in keeping with the rural character of the area. In addition, and as set out, just one dwelling will not result in any significant increase in the overall level of activity within the countryside.

3.49 Given the proximity of the site to the Milford Grange residential development, the proposed dwelling will not appear at odds with the context of the site's surroundings. There is as such also no conflict with policy 26 in respect of its requirement for proposals to be of a scale appropriate to the countryside character and location and to protect/conserve/enhance key features and characteristics of landscape character.

Efficient Use of Land

3.50 Paragraph 124 of the NPPF states that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.* Paragraph 128 requires that a positive approach is taken to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs. In addition, NPPF paragraph 129 reiterates that planning policies and decisions should support development that makes efficient use of land and sets out certain priorities.

3.51 HDPF policy 2 (criterion 8) supports sustainable development including the encouragement of the *'effective use of and by reusing land that has been previously developed (brownfield land), provided it is not of a high environmental value'.*

3.52 The application site falls within the definition of previously developed land, defined by the NPPF (at Annex 2: Glossary) as follows:

'Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks and recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.

3.53 The application site forms the residential curtilage of Cadrona and whilst it is considered that the site forms part of the village and community of Storrington & Sullington as described, it is not situated within a 'built up area'. The definition only excludes residential gardens within such areas and therefore, gardens that are located *outside* of a built-up area should fall within the NPPF's definition of previously developed land.

3.54 This point is clarified in case law and specifically the case of Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors [2017] EWCA Civ 141.

3.55 The proposed dwelling makes efficient use of the land available, providing for a new home within the rural area which is important to maintaining an appropriate housing stock for local people. The proposal is of an appropriate (low) density of development which maintains the area's prevailing character and setting (including the retained residential garden

of Cadrona itself). The proposal fully accords with the principles of sustainable development set out within the NPPF (including paragraphs 124, 128 and 129) in this respect and also at HDPF policy 2 (criterion 8).

Design and Appearance:

The application site comprises part of the large, previously landscaped garden of Cadrona and historically contained a notable number of mature trees which positively contributed to the verdant character of the area. The site is located within the countryside and forms part of a wider green corridor on the fringe of the Storrington settlement, adjacent to the modern residential development at Milford Grange. This corridor provides a landscaped buffer to the A283 and contributes positively to the character and identity of the local landscape.

The previous planning application (DC/22/2195) was refused in part due to the adverse impact the development would have on the site's trees, and consequently its contribution to local landscape character. This concern was upheld by the Planning Inspector, who concluded that the relationship of the proposed dwelling with surrounding trees was likely to lead to future pressure to prune or remove important specimens. The Inspector considered this to be harmful to the character and appearance of the area, particularly in respect of green infrastructure.

Since the appeal decision, several trees previously identified as significant have been removed, resulting in a notable change to the site's landscape context. This pre-emptive clearance has had a direct and intrinsic impact on the verdant character of the area, clearly signalling intentions for site development. While the removal of these trees has lessened the immediate physical constraints on the proposed dwelling, it has simultaneously increased the site's visual exposure and heightened the potential impact of the development on the surrounding landscape character.

The proposed development would now be introduced into a more open and sensitive setting one that was formerly defined and sheltered by mature tree cover. This shift has led to a greater degree of visual intrusion and a discernible erosion of the site's rural identity.

The Council's Arboricultural Officer maintains concerns with the proposal, particularly the inadequate assessment of retained trees, including a mature sycamore and an oak, which are now of heightened importance to the site's landscape value. Although the Officer acknowledges that mitigation could be secured by condition, this does not negate the overall harm arising from the loss of tree cover and the resulting weakening of local landscape

structure. The proposal would also place undue future pressure on the remaining trees, which make a positive contribution to the area's character.

The remaining landscape features on the site are insufficient to assimilate the proposed development without causing harm to the site's verdant setting. The proposed dwelling, although of traditional design, would introduce a formal and urbanising presence into this rural edge location. The erosion of green infrastructure and landscaped enclosure would diminish the visual qualities of the area and fail to conserve its intrinsic rural character.

As such, the proposal is considered to result in harm to the character and appearance of the area. This harm conflicts with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015), which seek to protect landscape character, green infrastructure, and ensure high quality, contextually appropriate development. While the Council cannot demonstrate a five-year housing land supply and the presumption in favour of sustainable development under paragraph 11(d) of the NPPF is engaged, the adverse im-pact of the development on the character and appearance of the area is considered to significantly and demonstrably outweigh the benefits of delivering a single additional dwelling in this location.

3.56 As set out, HDPF policy 25 seeks to protect the natural environment and landscape and townscape character of the District including the setting of the SDNP. This matter has already been addressed. In respect of HDPF policies 31 and 33, policy 31 refers to the protection and enhancement of trees and biodiversity and policy 33 sets out the Council's development principles including in respect of design matters.

3.57 The Case Officer's appraisal above does not seem to take into account the proposed landscaping scheme which accompanied the planning application. As advised, this appeal is also submitted with a new Landscape Strategy Proposals Plan which contains additional details and proposes further tree planting to the southern area of the site in particular and proposes new tree and native planting to the boundaries. This will supplement the retained trees including the mature trees at the site entrance. Together, the existing and proposed trees/landscaping will assist with the integration of the proposed dwelling into the site and surroundings.

3.58 Furthermore, the proposed dwelling is set back into the site, away from the southern boundary and the A283 and again, just one dwelling represents a very low density of development especially when compared with the higher density of development at Milford Grange just to the east.

3.59 The Case Officer's report does not specifically note which views would be affected by the proposed development in terms of the *'surrounding landscape character'* in identifying the alleged harm. However, it is contended that the proposed dwelling, which is of a high quality, attractive design, will not appear unduly prominent to views from outside of the appeal site on the basis of the existing and proposed trees and landscaping, the set back from the main road and because of the low density and spacious form of development.

3.60 It is also important to note that the proposed dwelling it not located within either an isolated or a prominent countryside location and the proposed dwelling will be viewed in context with the adjacent built form. As a result, the creation of a new dwelling in this location will not appear as an incongruous addition to the surroundings and no harm will be caused to the visual amenities of the countryside landscape.

3.61 In respect of trees, the Council's Arboricultural Officer notes in comments dated 22 July 2025 (included at Appendix NJA/5) that *'Although less internal trees remain, the remaining trees still make a positive contribution to the surrounding landscape'.* These trees, supplemented with the new tree and hedgerow planting shown in the proposed landscaping scheme will as discussed provide sufficient screening of the proposed dwelling, thereby retaining the site's verdant appearance.

3.62 The Arboricultural Officer's comments do not specifically state that the proposal should have been refused on tree grounds and conditions are suggested. In addition, the Case Officer's report does not raise any specific objection in respect of the design of the proposed dwelling.

3.63 For the reasons set out, the proposal is considered to comply with the provisions of HDPF policies 25, 31 and 33 and consequently, the proposal's (acceptable) impact upon the character and appearance of the area does not represent any *'significant'* or *'demonstrable'* harm having regard to NPPF paragraph 11 d).

Trees and Landscaping:

The application site was previously well treed, and a number of mature specimens contributed positively to the site's landscape character and to the wider green infrastructure on the edge of Storrington. Since the dismissal of the previous appeal (DC/22/2195), several trees that had previously been identified as worthy of retention have been removed. This has reduced the extent of immediate arboricultural constraints on the proposed dwelling but has also increased the site's visual exposure and reduced its vegetative screening.

The Council's Arboricultural Officer has reviewed the updated arboricultural assessment submitted with this application. While acknowledging that fewer internal trees remain, the Officer notes that those which do remain specifically a mature sycamore (T17) and an oak (T20) still contribute positively to the landscape. Concerns remain regarding the adequacy of the assessment, particularly in relation to the lack of root protection area analysis for key retained trees, contrary to BS5837:2012 standards.

The Officer has indicated that, if permission were to be granted, it would be necessary to secure tree protection measures and arboricultural supervision by condition. However, this does not eliminate the concern that the development could place undue long-term pressure on the retained trees due to proximity, shading, leaf litter, or perceptions of safety. The recent removal of other trees on site also weakens the overall landscape structure, increasing reliance on a reduced number of specimens to maintain local character.

As such, while mitigation could be secured via condition, the proposal is not considered to demonstrate a fully responsible or sustainable approach to tree protection. The cumulative impact of tree loss and the pressure on remaining trees weighs against the scheme and contributes to the overall assessment that the development fails to conserve and enhance the natural environment, contrary to Policies 31 and 33 of the Horsham District Planning Framework (2015).

3.64 The planning application was submitted to the Council with an Arboricultural Report and tree protection plan. The Arboricultural Report includes an impact assessment and a method statement and sets out that the proposed development has been assessed in line with best practices outlined in BS 5837:212 Trees in Relation to Design, Demolition and Construction. It confirms the tree removal carried out was to alleviate issues previously raised by the Local Planning Authority regarding the perceived nuisance of mature trees close to the proposed dwellings. It confirms that the trees removed were not subject of a Tree Preservation Order and many were low quality or structurally compromised.

3.65 The Arboricultural Report further confirms that:

'The removal of trees will be offset by a robust planting scheme featuring a mix of broadleaf and coniferous species, alongside native hedgerow planting. This landscaping will enhance privacy, screen views from the A238, and help to buffer road noise.

All retained trees, both on-site and adjacent, will be fully protected in accordance with BS:5837:2012 throughout the construction process' (paragraph 2.9).

3.66 In support of this appeal, an Arboricultural Appeal Statement is submitted together with an updated Arboricultural Report and Tree Protection Plan (all November 2025).

3.67 The Arboricultural Appeal Statement provides an overview of the trees on site including their quality and details of recent tree removal together with an assessment in respect of the retained trees and assessment against planning policy. A summary of proposed mitigation measures and site enhancements is set out.

3.68 The Arboricultural Appeal Statement re-confirms that the trees which have been removed were generally small trees, trees with limited wider

amenity or poorly formed of defective trees. It also finds that a detached dwelling within a substantial property curtilage will not place undue pressure on the remaining trees and that the proposal is supported by a robust scheme of tree and landscape planting which will screen the proposed dwelling as well as providing privacy for occupants and biodiversity enhancement.

3.69 The planning application and appeal submission have taken a responsible approach to ensuring the protection of retained trees and for the planting of new trees and hedgerows to mitigate against the loss of previous trees and to ensure that the proposed development remains appropriately screened from view. The landscape structure of the site will be robust and which will maintain and enhance local character. The proposal complies with HDPF policies 31 and 33 in relation to the consideration of trees.

Residential Amenity:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The proposed development would result in the construction of a single two-storey dwelling within the former garden of Cadrona. The nearest residential properties are located at Cadrona itself, to the south, and along Milford Grange to the east. Given the siting, orientation, and separation distances involved, it is not considered that the proposed dwelling would result in any unacceptable overbearing impact, loss of privacy, or overshadowing to neighbouring occupiers.

No windows are proposed at first floor level that would result in direct over-looking into the private amenity space of adjacent dwellings. The new dwelling would benefit from an acceptable amount of private outdoor space, and internal floorspace meets minimum national standards. The introduction of a single dwelling in this location is not considered likely to result in an intensity of use that would cause undue disturbance to adjacent properties.

The proposal is therefore considered acceptable in respect of residential amenity, in accordance with Policy 33(2) of the Horsham District Planning Framework (2015).

3.70 The Council has raised no objections in respect of any impact upon neighbouring residential amenity and the proposal complies with HDPF policy 33 in this respect. This matter is also addressed at paragraph 7.5 of the Appellant's Planning, Design and Access Statement.

Highways Impacts:

Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users.

The proposed development includes the creation of a new vehicular access from Hampers Lane, along with a private driveway and sufficient on-site turning space. West Sussex County Council, as Highway Authority, has raised no objection to the proposal and considers that it would not give rise to a severe impact on the operation of the highway network.

Adequate visibility splays can be achieved from the new access, and sufficient on-site parking is provided to meet the needs of the new dwelling. A re-fuse collection point is also proposed near the access to allow for appropriate waste servicing.

The scale and nature of the development is unlikely to generate significant levels of traffic, and the proposal is therefore considered acceptable in terms of highways safety and operation, in accordance with Policy 40 of the Hors-ham District Planning Framework (2015).

3.71 The Council has raised no objections to the proposed development in respect of any highway impacts and the provision of car parking. The proposed development therefore complies with HDPF policies 40 and 41 and Neighbourhood Plan policies 17 and 18.

Ecology:

The application is supported by an Ecological Appraisal (WE, March 2025), which has been reviewed by Place Services, acting as the Council's ecological advisor. Their assessment considers the likely impacts of the proposed development on protected and priority species, habitats, and designated sites, including potential habitat connectivity for Barbastelle bats a qualifying feature of The Mens Special Area of Conservation (SAC), located approximately 10.8km from the site.

The site lies within the 12km wider conservation area for The Mens SAC under the Sussex Bat Special Area of Conservation Landscape Protocol. Records of Barbastelle bats exist within 500 metres of the site, and over 100 bat records of various species occur within a 2km radius. One retained oak tree on site was identified as having moderate bat roost potential, and the sur-rounding hedgerows and trees offer foraging and commuting opportunities for a range of species.

Place Services concluded that, while the development would not result in the direct loss of habitat connectivity, there is potential for harm from light spill on functionally linked land for Barbastelle bats. As such, a Wildlife-Sensitive Lighting Strategy is required to avoid impacts to foraging and commuting routes. This mitigation is required to be secured via planning condition, alongside adherence to the recommendations of the submitted Ecological Appraisal.

Additionally, Place Services support the delivery of biodiversity enhancements and recommend that these be secured through a Biodiversity Enhancement Strategy prior to development above slab level, to demonstrate net gain in accordance with NPPF paragraph 187(d) and s40 of the Natural Environment and Rural Communities (NERC) Act 2006.

Place Services confirm that, subject to securing the identified mitigation and enhancement measures by condition, they have no objection on ecological grounds. The proposed development is therefore considered to have an acceptable impact on ecology and biodiversity, in accordance with Policies 25 and 31 of the Horsham District Planning Framework (2015), and paragraphs 179 and 180 of the NPPF (2024).

3.72 As set out, the planning application was submitted with a PEA together with information in respect of biodiversity net gain. The Council's ecology advisers have raised no objections to the proposed development subject to the imposition of conditions in respect of mitigation and enhancement measures. As such, the proposed development complies with HDPF policies 25 and 31 and the relevant provisions of the NPPF in respect of ecology and biodiversity.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone, which sources its water supply from groundwater abstraction at Hardham. Natural England has advised that this abstraction cannot, with certainty, be concluded to have no adverse effect on the Arun Valley Special Protection Area (SPA), Special Area of

Conservation (SAC), and Ramsar site. Consequently, all new development within this supply zone that increases water demand must demonstrate water neutrality to ensure no adverse effect on the integrity of these designated sites.

As the proposed development would result in additional water consumption over the existing baseline (which is currently zero), a Habitats Regulations Assessment (HRA) has been undertaken. The applicant has submitted a detailed Water Neutrality Statement, supported by technical documentation and further clarification from their consultant. The proposed strategy includes:

- **The use of water-efficient fittings and appliances throughout the dwelling.**
- **A rainwater harvesting system capable of collecting approximately 455 litres per day from a 231m² roof area, with a minimum 35-day on-site storage capacity.**
- **Full treatment of harvested water, including filtration and UV sterilisation, ensuring it is suitable for all potable and non-potable domestic uses.**
- **A single point reverse osmosis (RO) unit serving a dedicated tap used only for drinking, cooking, and beverages. The RO system is low-consumption, with minimal reject water, and this has been factored into the water balance.**
- **A mains water connection retained only for emergency use during prolonged drought events exceeding 35 days.**

Further clarification was sought regarding the water treatment process, the position and function of the RO unit, and the treatment of reject water in the neutrality calculations. The applicant has confirmed that all water entering the house will be treated to potable standards, and the RO unit is an additional safeguard, supplying only one dedicated tap for limited use (approximately 2 litres per person per day). The waste from the RO process is minimal and has been accounted for within the water neutrality strategy.

The strategy demonstrates that the development will achieve water neutrality, with total daily demand (after efficiency measures) entirely offset by the rainwater harvesting system. Natural England have raised no objection, subject to the implementation and enforcement of the proposed mitigation measures. As such, the Appropriate Assessment concludes that the development will not have an adverse effect on the integrity of the Arun Valley SPA, SAC or Ramsar sites, either alone or in combination with other plans or projects, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Natural England have been consulted and have no objection to the above strategy. Conditions will be imposed to secure the implementation of the water neutrality strategy prior to occupation,

including submission of an as-built water calculator, installation evidence, and rainwater harvesting system specifications.

The proposal is therefore considered acceptable in respect of water neutrality, in accordance with Policy 31 of the Horsham District Planning Framework (2015), paragraphs 193 and 194 of the National Planning Policy Framework (2024), and relevant duties under the Habitats Regulations.

3.73 As set out, following updated advice from Natural England on 31 October 2025 (in a Withdrawal Statement), the Council is now no longer requiring applicants to demonstrate water neutrality via the submission of water neutrality statements, no payment into Sussex North Water Certification Scheme is necessary and no bespoke conditions of s106 obligations are required to demonstrate water neutrality. Instead, all applications for new housing will be required to comply with the Building Regulations Part G Optional Technical Standard (currently 110 l/p/d) as required by HDPF policy 37.

3.74 To ensure continued compliance with the Habitat Regulations until the licence change has taken effect, the Council's Planning Officer's will continue to undertake Appropriate Assessments of proposals as part of overall considerations to ensure that development remains compliant with HDPF policy 31 and NPPF paragraph 193.

3.75 Nevertheless, as the planning application was submitted and determined prior to this change a copy of the Applicant's Water Neutrality Statement is included with this appeal for the Planning Inspector's information.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that development must achieve at least a 10% Biodiversity Net Gain (BNG), unless exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. As such, all planning permissions granted for the development of land in England are subject to the condition that development must not begin unless a Biodiversity Gain Plan has been submitted to and approved by the local planning authority.

A Biodiversity Net Gain Report and supporting Defra Metric (March 2025, Wychwood Environmental) has been submitted in support of the application. The baseline condition identifies 2.84 habitat units, and 0.55 hedgerow units present on site. Post-development, the scheme is predicted to deliver 1.79 habitat units and retain 0.55 hedgerow units, resulting in:

- **A net loss of 1.09 habitat units (equating to -38.25% change);**
- **No gain in hedgerow units (0% change), falling short of the 0.60 units required to meet the 10% target.**

The proposal does not meet the statutory requirement for a minimum 10% net gain, nor the biodiversity metric trading rules, due to loss of moderate distinctiveness habitats (notably individual urban trees) and lack of equivalent or higher distinctiveness replacement habitats.

Given that all proposed habitats and enhancements fall within a private residential curtilage and therefore cannot be secured or managed for 30 years as required, the applicant proposes to address the shortfall through the off-site provision of biodiversity units either through a third-party habitat bank or, if necessary, by purchasing Statutory Biodiversity Credits from the government.

No legal agreement is currently in place to secure off-site gains, and the ap-plication does not include a completed Biodiversity Gain Plan. As such, it has not been demonstrated that the development can deliver the required biodiversity net gain.

It has not been possible to confirm whether the proposed development qualifies as exempt from the requirement to achieve a minimum 10% BNG. Therefore, the standard condition requiring the submission and approval of a Bio-diversity Gain Plan is recommended on a precautionary basis, in line with national guidance.

3.76 The planning application submission (and this appeal) included a BNG report and metric calculation. As set out above, the BNG report acknowledges that the proposed development does not meet the required minimum 10% net gain in Habitat Units on a small residential development where the whole site falls within a private residential curtilage. As such, it is acknowledged that it is necessary to secure off site habitat and hedgerow units to offset the deficit in units. The BNG report states that this will be provided by either a third party provider or if this is not possible, through the purchase of Statutory Credits. The Case Officer's report

confirms that this matter can be dealt with by condition requiring the submission and approval of a Biodiversity Gain Plan.

Conclusions:

Planning permission is sought for the construction of a detached dwelling and detached carport/garage building with vehicle access from Hampers Lane, near Storrington & Sullington. As the site is not allocated for development within the HDPF or a made Neighbourhood Plan, owing to the site's location outside of the built-up area boundary, the principle of the development is resisted under Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF.

The Council published its Authority Monitoring Report (AMR) in April 2025. Chapter 3 of the AMR revealed that the Council currently benefits from a deliverable supply of housing sites of 1 year. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance.

NPPF paragraph 11(d)(i) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 3, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless there is 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 the Framework taken as a whole. Footnote 7 under this paragraph refers to development relating to designated sites such as those listed under NPPF paragraph 187 (including National Landscapes such as the High Weald in this case).

3.77 The Council acknowledges that it cannot demonstrate a five year supply of housing. As a result, it is reiterated that the relevant local planning policies in respect of the supply and location of new homes are out-of-date and the tilted balance at NPPF paragraph 11 d) is engaged. HDPF policies 2, 3, 4 and 26 are now not fully compliant with the NPPF and as a result, these policies should be given reduced weight in the decision making process.

3.78 The NPPF sets out that it is the Government's objective to significantly boost the supply of new homes (paragraph 61) and that even small to medium sized sites can make an important contribution to meeting the

housing requirement of an area and are often built out relatively quickly (paragraph 78). As such, the provision of windfall housing, even for the provision of single dwellings, make an important contribution to the supply of new homes and the cumulative provision of such should not be underestimated in helping to meet housing needs.

As detailed above, the Council are firmly of the view that the proposed development would result in harm to the character and appearance of the countryside, through the introduction of built form into a previously verdant and visually enclosed garden plot, and by placing undue pressure on the few remaining mature trees of landscape value. Therefore, this represents a clear reason for refusal (as per NPPF paragraph 11(d)(i)). As such, this adverse impact on protected sites disengages the presumption in favour of sustainable development in the 'tilted balance' to its default position.

As per the preceding sections of this report, the granting of this permission would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF. This conflict with the development plan is afforded significant weight, as it would undermine the strategic process of allocating housing sites for development in appropriate locations, and the democratic **process of selecting sites within Neighbourhood Plans.**

No other discernible benefits would arise from the granting of this permission.

3.79 The proposed development has been carefully designed to ensure that the new dwelling will fit appropriately into its surroundings without causing any harm to the character and appearance of the countryside. The retained trees will be supplemented by additional tree and hedgerow planting and the planning application submission was appropriately supported by relevant arboricultural and landscaping information.

3.80 It is reiterated that the proposed dwelling is not sited in isolated countryside and the appeal site is just 0.2 miles from the built-up boundary and adjacent to other residential development. The site is in a sustainable location where the occupiers of the proposed dwelling will be able to access the services and facilities within Storrington & Sullington without necessarily having to rely on the use of the private car and many day-to-day needs can be met locally without the need for further travel. There are also bus services available and Storrington & Sullington form one of

the main settlements within the District. The settlements combine to form sustainable settlements and the appeal site is in a sustainable location in respect of its close proximity to them.

3.81 Given that the tilted balance at NPPF paragraph 11 d) is engaged in this case, it is reiterated that the proposal should be considered against the presumption in favour of sustainable development set out within the Framework. Therefore, having regard to the three key objectives of sustainable development set out at paragraph 8 of the NPPF, the proposed development complies as follows:

a) an economic objective – the proposal will make a small contribution to the local building industry and associated trades in creating the new dwelling. Furthermore, occupiers of the new dwelling will help to support local services and facilities. The proposal complies with the economic objective of sustainable development.

b) a social objective – the proposal provides a suitable site for the creation of a new dwelling in close proximity to local services and facilities including schools, public transport and community facilities. The proposal will also make a small but important cumulative contribution to the supply of new homes within the District. The proposal complies with the social objective of sustainable development.

c) an environmental objective – The proposal makes efficient use of land as encouraged by the NPPF, no harm will result to the visual amenities of the countryside landscape and matters of trees, biodiversity and water neutrality are appropriately addressed. The design of the proposed dwelling will be environmentally sustainable and the location of the site is in a sustainable position thereby helping to reduce reliance on the private vehicle. The proposal will not result in unsustainable patterns of vehicle movements within the rural area and

public transport options are available nearby. The proposal complies with the environmental objective of sustainable development.

The Facilitating Appropriate Development (FAD) document was endorsed at Full Council on 19 October 2022. The FAD recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet all of the criteria:

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

While the current housing shortfall is a material consideration of significant weight, the site does not adjoin the settlement edge, and the proposed development would result in adverse impacts that would significantly and demonstrably outweigh the benefits arising from the contribution of the dwelling to the Council's housing supply – therefore, the proposal would not benefit from the provisions of the FAD as above. In addition, the applicant has not provided sufficient information relating to arboricultural impacts of the development. The material benefits are not therefore considered to outweigh the harm identified above, and the proposal is therefore recommended for refusal.

3.82 The Council's FAD has since been superseded by the SD PAN document which has been previously addressed. It is acknowledged that the site does not adjoin a settlement boundary however, the site's very close proximity to the boundary remains an important consideration in considering the proposed development against the policies of the NPPF as a whole.

4.1 CONCLUSIONS

4.1 This appeal Statement of Case supports the proposal for the construction of a detached two storey dwelling with detached outbuilding on land to the south of Cadrona, Hampers Lane, Storrington.

4.2 As set out at Section 2, case law confirms when considering whether a proposal complies with a development plan, it is not necessary to say that it must accord with every policy of the development plan and the question is whether it accords with the development plan overall. In addition, paragraph 3 of the NPPF confirms that the Framework should be read as a 'whole' and the Government's Planning Policy Guidance (PPG) states that any conflicts between the development plan should be considered in light of all material planning considerations including local priorities and needs, as guided by the NPPF. It is therefore necessary to consider the planning balance.

4.3 The Council's HDPF is over five years old and the Council's latest AMR confirms that it cannot demonstrate a five year supply of housing against housing need as required by the NPPF. As such, the Council's policies in respect of housing which are most important for determining the application (NPPF footnote 8) are out-of-date and less weight should be given to HDPF policies 2, 3, 4, 15 and 26. In such circumstances, in accordance with the objectives of sustainable development, it is repeated that the NPPF paragraph 11 d) requires planning permission to be granted unless:

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

ii. ***Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies 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'.

4.4 The site is not located within a 'protected' area (NPPF footnote 7) and as it is proven that the proposed dwelling will be water neutral, there will be no adverse impact caused to the protected sites of the Arun Valley. The tilted balance at paragraph 11d) is therefore engaged and it is further demonstrated that there are no adverse impacts of granting planning permission that would '*significantly and demonstrably'* outweigh the benefits of the provision of a new when considered against the policies of the Framework taken as a whole. These benefits are:

1) The application site is not located within *isolated* countryside and the proposal will not result in unsustainable modes of travel, out of keeping with the character of the area. The new dwelling will not be remote from a settlement or other built form (the site is very close to the settlement boundary of Storrington & Sullington) and the day-to-day needs of the occupiers may be met locally without reliance upon the private vehicle.

2) NPPF paragraph 83 encourages the sustainable development of rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF does not therefore necessarily always exclude the provision of new housing within the rural areas. The proposed dwelling will provide a home helping to enhance and maintain the vitality of the local rural community. The provision of new homes of an appropriate scale and location such as that offered by the proposal scheme is arguably 'essential' to the rural area, thereby complying with this particular requirement of HDPF policy 26 and NPPF paragraph 83.

3) Just one dwelling will not result in any harmful intensification of use and the low density/amount of development is appropriate to the edge

of settlement location and adjacent residential development. Given the modest scale and design of the proposed dwelling and screening to the site boundaries, no harm will be caused to the visual amenities of the countryside. There is as such there is no conflict with the intention of HDPF policy 26 to protect the countryside from inappropriate development. The Council has also raised no specific objections to the design of the proposed dwelling.

4) NPPF paragraph 110 makes it clear that whilst the planning system should actively manage patterns of growth (and *significant* development should be focused on locations which are or can be made sustainable), opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This should be taken into account in both plan-making and decision-making. The proposal is not for significant development and the site is not located within remote countryside.

5) The proposed dwelling will make a small but important contribution to the supply of new homes within the District. With the delay in the adoption of a new Local Plan, the cumulative provision of individual homes should not be under estimated as acknowledged by NPPF paragraph 73. In the meantime the lack of housing supply within the District must inevitably be growing and this undermines the Government's intentions to *'significantly boost'* the supply of new homes (NPPF paragraph 61).

6) HDPF policy 4 and the Council's SD PAN permit the expansion of settlements subject to criteria. Whilst the site does not adjoin a settlement boundary, it is very close and the proposed level of 'expansion' is very small with just one dwelling. Given the small scale nature of the development, the site's sustainable location and the lack of a five year housing land supply, there is no significant conflict with the overall intentions of the policy or the Council's spatial strategy to direct new housing to the more sustainable parts of the District and to protect the countryside from inappropriate development (HDPF

policies 2, 3, 4 and 26 and Neighbourhood Plan policy 1). This is notwithstanding the fact that the Council's housing policies are out-of-date.

7) The NPPF promotes the efficient use of land for meeting the need for homes. In accordance with the provisions of the NPPF the proposal makes efficient use of previously developed land for an appropriate, small scale residential use. The proposal is supported by NPPF paragraphs 124, 128 and 129 in this respect.

8) The proposed dwelling is sensitive to its impact upon the natural environment. It will be of a sustainable construction with minimal impact upon natural resources and water neutrality is demonstrated. The proposed dwelling will also not negatively impact upon the biodiversity of the site/area and biodiversity net gain and on site enhancements can be secured by condition.

9) In respect of trees, the trees which have been removed were not protected trees and many were low quality or structurally compromised. However, the removal of trees will be offset by a robust planting scheme featuring a mix of broadleaf and coniferous species alongside new native hedgerow planting. In addition, all retained trees on site (and adjacent) will be fully protected in accordance with the relevant standards during the construction process.

10) The verdant character and green infrastructure of the site will be enhanced and the proposed development will not place undue pressure on existing trees of amenity value. The character and appearance of the site and area will be protected and no harm will be caused to the setting of the SDNP not only having regard to the protection and enhancement of green infrastructure but also having regard to the degree of separation (with the intervening main road), the set back of the proposed dwelling into the site, the small scale nature of the development and low density (just one dwelling) and

having regard to the fact that the new development will be viewed in the context of adjacent residential development. The proposal therefore complies with HDPF policies 25, 31 and 33.

4.5 Paragraph 39 of Framework sets out that decision makers at every level should seek to approve applications for sustainable development wherever possible. In this case, the provisions of NPPF paragraph 11 d) apply and it is fully demonstrated that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits of the provision of a much needed new home within the District. The proposed development meets the Framework's key policies in respect of directing development to sustainable locations, making effective use of land and securing well-designed places (complying with relevant paragraphs 84, 110, 115, 129, 135 and 139 – NPPF footnote 9). It is therefore respectfully asked that in accordance with NPPF paragraph 39 and HDPF policy 1, that the appeal is allowed for the sustainable development proposed.

The Planning Inspectorate

Appeal Decision

Site visit made on 9 April 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/Z3825/W/23/3333097
Cadrona, Hampers Lane, Storrington, West Sussex RH20 3EX

- 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 J Chadwick of HGN Homes Ltd against the decision of Horsham District Council.
- The application Ref is DC/22/2195.
- The development proposed is Construction of detached dwelling and detached car barn with home office above. Vehicle access from Hampers Lane.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the zone of influence of the Arun Valley Special Protection Area, Special Area of Conservation (SAC), and, Ramsar sites (the Arun Valley habitat sites), and, the Mens SAC. These are European-designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 – as amended (the Habitat Regulations). Although not forming part of the Council's reason for refusal, it is incumbent upon me as the Competent Authority, to consider whether the proposed development would be likely to have a significant effect on the integrity of these European-designated sites (habitat sites). It is necessary to consider this matter as a main issue.

Main Issues

3. The main issues are;
   - whether the appeal site is a suitable location for the proposed development, with particular regard to the local development strategy and accessibility of services and facilities; and the effect of the development on;
   - the character and appearance of the area, with particular regard to green infrastructure; and
   - European sites designated under the Habitat Regulations.

Reasons

Local development strategy

4. The appeal site is located outside of the built-up area boundary as identified within the Storrington, Sullington, and Washington Neighbourhood Plan 2018-2031 dated September 2019 (the NP). As such, for planning policy purposes, it is within the countryside.

5. Policy 1 of the Horsham District Planning Framework dated 2015[1] (the HDPF) provides a presumption in favour of sustainable development. Policies 2, 3, 4, and 26 of the HDPF then provide part of the development strategy for the district. Together these policies seek to maintain the district's unique rural character at the same time as supporting sustainable development. They generally encourage growth within those settlements which have suitable access to services and local employment. Policy HDPF 3 identifies Storrington & Sullington (the settlement) as one of the small towns and larger villages that have a good range of services and facilities, strong community networks, and local employment provision, together with reasonable rail and/or bus services.

6. Policy 4 of the HDPF allows for some growth of settlements. However, amongst other things, it requires the land to be allocated in the Local Plan or Neighbourhood Plan and to adjoin an existing settlement edge. HDPF policy 26 is a countryside protection policy, one of the requirements of which is that any proposal must be essential to its countryside location.

7. Policy 1 of the NP indicates that development outside of the built-up area boundaries must conform to Development Plan policies regarding the management of development in the countryside. That is unless the land is specifically allocated by the policy, or where the development would result in the re-use of previously developed land outside of the National Park.

8. The essential need for the proposed development in a countryside location has not been demonstrated in this case. Furthermore, although the appeal site is close to a sizable cluster of dwellings at John Island Way, at its closest, it is several hundred metres from the NP-defined built-up area boundary of the settlement. As such, and on the basis that none of the exception criteria within policy 1 of the NP would be met, the proposed development would not accord with the spatial strategy contained within the Development Plan.

9. However, the settlement contains a reasonable number and range of shops, services, and facilities. Despite its commercial centre being well over 1km from the appeal site, it is feasible to walk and/or cycle between the site and the services and facilities that are available within the settlement.

10. The most direct route to the commercial centre of the settlement is via the A283. Although a snapshot in time, during my mid-morning and mid-week site visit, I found this road to be relatively heavily trafficked. I accept this may not always be the case. Nevertheless, given the narrowness and proximity of parts of the footway to the road and the distance between the site and the commercial centre of the settlement, future occupiers of the dwelling would be unlikely to commonly choose to walk or cycle to access the services and facilities that are available within it. Notwithstanding this, there are bus stops close to the appeal site, and I am advised that there is a regular bus service providing access to the settlement and beyond from these stops. Future occupiers would not therefore be entirely reliant on the use of private cars to access local services and facilities that are ordinarily required for everyday living.

11. Although future occupiers of the dwelling would have reasonable access to services and facilities by means other than by private car, for the reasons

[1] Horsham District Coucnil Horsham District Planning Framework (excluding South Downs National Park) November 2015

previously given, the appeal site would not be a suitable location for the proposed development with particular regard to the local development strategy. In this respect, it would conflict with those parts of policies 2, 3, 4, and 26 of the HDPF and policy 1 of the NP which seek to direct new housing development to locations within and adjacent to settlements and to prevent non-essential development in countryside locations.

Character and appearance

12. The appeal site comprises a somewhat overgrown and unkempt part of the large gardens at Cadrona. In common with other nearby land, it contains a significant number of trees, as well as roadside hedgerows.

13. An arboricultural survey, impact assessment and method statement (arboricultural report), and an associated tree protection planting plan have been provided. The tree identified as T017 within these documents is a substantial roadside tree that rises well above the adjacent hedgerow and makes a significant and positive contribution to the quality of the area. Although the tree at T010 is less prominent from locations outside of the appeal site than T017, this tree, together with other trees within the site, also makes a positive contribution to the quality and distinctiveness of the area.

14. I have no reason to doubt that the decay fungus noted around some of the Douglas firs in the aforementioned group of trees, is likely to reduce the lifespan of the other Douglas firs within the group. Nevertheless, the evidence indicates that a couple of these Douglas firs still have a 20+ year estimated remaining contribution.

15. The house and the adjacent patio would be close to the tree at T017 as well as the other trees within the group of trees which include T010 and T006. Furthermore, there would be a significant amount of glazing to the sides of the house that face these trees.

16. Parts of the sizable garden would remain unshaded at any given time of day. Nevertheless, the ongoing presence of mature trees close to the house and patio would be likely to cause future occupiers of the dwelling concerns in respect of overshadowing and loss of daylight - both on the patio and within the house. The proximity of trees to the dwelling would also be likely to cause concerns in respect of leaf litter nuisance, and fear of branch fall. Nevertheless and notwithstanding that the removal of ivy and the pruning or pollarding of trees would potentially reduce some of these concerns, likely future pressure to remove or substantially prune the trees closest to the dwelling would remain. The removal and/or substantial reduction of these trees would result in the loss and/or reduction of important landscape features that make a positive contribution to the character and appearance of the area.

17. The retention of trees and hedgerows within the site would undoubtedly afford future occupiers areas of shade within the garden, and help to enhance the setting of the dwelling. Nonetheless, such benefits would not require the retention of the trees closest to the house.

18. notwithstanding the proposed tree planting, the removal and/or substantial pruning of onsite trees, would reduce the amount and quality of the green infrastructure on the site, in at least the short and medium term.

19. Onsite trees and hedgerows would help to screen the A283 and Hampers Lane roads from the house. As such, those trees and hedgerows within the site that would be further from the dwelling are less likely to be subject to future removal pressure. However, this is a neutral consideration.

20. I am mindful that the on-site trees are not afforded protection by tree preservation order/s or as a result of being within a Conservation Area. However, from the evidence, I am unconvinced that the healthy trees on the site would be felled if planning permission were not forthcoming.

21. The house would encroach within a very small part of the root protection zone (RPZ) of the tree at T017, and the driveway would cross the RPZ's of several other trees. Nevertheless, measures for the protection of these trees have been set out within the Arboricultural report and associated tree protection and planting plan. Given this, and subject to a porous no-dig driveway being installed - which could be controlled by condition, I am satisfied that retained trees would be appropriately safeguarded during any site clearance, excavation, and construction works.

22. Notwithstanding these latter considerations, the development would be likely to cause some harm to the character and appearance of the area, with particular regard to green infrastructure. Consequently, the development would conflict with policies 31 and 33 of the HDPF. Amongst other things, these policies support the retention of existing important landscape and natural features such as trees and hedges. They also seek to ensure that development maintains or enhances the existing network of green infrastructure; and relates sympathetically to the local landscape.

Habitat sites

23. Natural England has confirmed that the site is outside of a 12km zone of influence of the Ebernoe Common SAC. However, the evidence indicates that the site is within the zones of influence of both the Arun Valley habitat sites and the Mens SAC.

24. Beech forests with ilex & taxus in the shrub layer, and barbastelle bats, are the qualifying features of the Mens SAC. However, Natural England advises that the site is outside of the 6.5km 'key conservation area' of this SAC. For this reason, and on the basis that there would be no loss of potential foraging habitat or severance to flight lines for barbastelle bats, I am satisfied that, both alone and in combination with other developments, the appeal scheme would not have a likely significant effect on the conservation status of the Mens SAC or its qualifying features.

25. The qualifying features of the Arun Valley habitat sites include; Berwick's swan (non-breeding); little whirlpool ram's horn snail; the assemblage of non-breeding overwintering waterfowl; a variety of threatened wetland invertebrates and nationally rare and nationally scarce plant species; and the habitats that support them.

26. Land within the Sussex North Water Supply Zone - which includes the appeal site, is hydrologically linked to the Arun Valley habitat sites. Moreover, the evidence indicates that development leading to increased water abstraction within the Sussex North Water Supply Zone creates a pathway to adverse effects on the integrity of these habitat sites. As such, and given that I must

adopt a precautionary approach in respect of European protected sites, it is credible that the delivery of a dwelling on the appeal site would have likely a significant effect on the internationally important features of the habitat sites. Such an effect could result either from the development alone or in combination with other developments and sites.

27. In these circumstances the Habitat Regulations require that an Appropriate Assessment is carried out. I have sought further evidence on this matter, and Natural England has been consulted as part of this appeal.

28. The general conservation objectives of the Arun Valley habitat sites are to ensure that the integrity of the sites be maintained or restored as appropriate; and that they contribute to achieving the favorable conservation status of qualifying features and/or the aims of the Wild Bird Directive. More specific objectives include; the restoration of the population of Berwick's swan and the maintenance of their preferred food plants and habitats; the maintenance of water quantity and salinity; and, the restoration of water quality.

29. Unless measures could be implemented to ensure water neutrality, the future occupation of the proposed development would undoubtedly generate increased demand for water abstraction and usage within the Sussex North Water Supply Zone. Consequently, without appropriate mitigation, adverse effects on the integrity of the Arun Valley habitat site cannot be ruled out as a result of the implementation of the proposed development.

30. The submitted Water Neutrality Report (the statement) identifies measures to reduce water demand, including the fitting of water-efficient devices. Subject to these measures being implemented, and sufficient rainwater harvesting and storage capacity being provided, then it has been demonstrated that the development could be water-neutral. However, it does not necessarily follow that it would be.

31. Within the statement, it is indicated that a mains water connection should be made for use in an emergency. However, what and when would constitute an emergency hasn't been clearly articulated. In the absence of this detail, and the identification of measures to prevent mains water from being used in non-emergency situations, future occupiers would have little incentive to prevent their water usage from exceeding that which has been captured and stored on-site via rainwater harvesting. This is because they would know that they would have a mains water supply to fall back on. They may also choose to use mains water for drinking and cooking purposes, over stored and treated rainwater. I cannot therefore be certain, on the evidence before me, that a main water supply would not be frequently or routinely used.

32. Irrespective of the fitting of water-efficient devices and the provision of rainwater storage facilities, I cannot therefore conclude that the development would not lead to an increased demand for water abstraction within the Sussex North Water Supply Zone. Nor, for the same reasons, can I establish that any such increase in water abstraction would necessarily be limited.

33. In both the Cowfold Lodge Cottage[2] and Marlpost Meadows[3] appeals, conditions were imposed requiring the provision of details in respect of rainwater harvesting and/or water reduction and re-use measures. However, I have not

[2] Appeal ref: 3325926
[3] Appeal ref: 3303603

found that limited water abstraction would occur as a result of the appeal scheme, and it is not clear that an 'emergency' main connection was proposed in the Marlpost Meadows case. It has not therefore been demonstrated that these other schemes are readily comparable with that subject of this appeal.

34. Natural England is satisfied that subject to the delivery, management, and maintenance of the measures within the statement to achieve water neutrality, then the adverse effects could be appropriately mitigated. However, based on my previous findings, and even if one of the suggested conditions that have been put before me in respect of this matter were to be imposed, I am unable to conclude with a very high level of certainty, that the development would be water-neutral. Therefore, I am not satisfied beyond all reasonable scientific doubt, that suitable mitigation would be put in place to achieve water neutrality and to avoid adverse effects on the Arun Valley habitat sites.

35. As such, the Habitat Regulations require me to consider whether there are any alternative solutions that would have a lesser effect on the features of the habitat sites. However, no such solutions have been put before me.

36. I must also assess whether there are any imperative reasons of overriding public interest relating to human health, public safety or benefits of primary importance to the environment, which would result from the delivery of the development. Considering the merits of the case, the provision of a single dwelling, would not constitute such imperative reasons which would justify the development. As such, and having regard to the Habitat Regulations, permissions must not be granted.

37. For the reasons given above, there is insufficient evidence to provide the certainty needed to rule out adverse effects on the integrity of European-designated sites. Consequently, I cannot establish that the development would comply with policies 24 and 25 of the HDPF. Amongst other things, these policies seek to; protect the district's environment; maintain and improve the environmental quality of watercourses and groundwater; and prevent harm that would be caused by inappropriate development to protected habitats. The development would also conflict with the Habitat Regulations.

Other matters

38. The main parties agree that the Council cannot demonstrate a five-year supply of housing land. Moreover, the Horsham District Council – Authority Monitoring Report 2022/23 shows that as of 1st April 2023, the Council could demonstrate a 2.9 housing land supply. On this basis, and whether the Framework requires the provision of either a 4 or a 5-year housing land supply, I have no reason to doubt that there is a significant shortfall in housing land supply within the district.

39. Paragraph 11 d) of the Framework is therefore relevant. This sets out that permission should be granted unless certain circumstances apply. One such circumstance, at 11. d) i. is where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 of the Framework confirms that the policies referred to within 11. d) i. include habitat sites, which would include the Arun Valley habitat sites. Given that I have not been able to rule out adverse effects on the integrity of these habitat sites as a result of the

implementation of the appeal scheme, the presumption given by paragraph 11. d) is not triggered in this case.

40. In exercising or performing any functions, so as to affect land in a National Park, I have a duty to have regard to the purposes of the National Park. These are; conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas; and, promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public. Planning Practice Guidance[4] states that this duty extends to consideration of the setting of a National Park. Further to this, paragraph 182 of the Framework also states that great weight should be given to conserving and enhancing the landscape and scenic beauty and the wildlife and cultural heritage in National Parks.

41. The A283 road separates the appeal site from the South Downs National Park (the National Park). The house would also be set well back from the established and thick hedgerow on the A283 road facing site boundary, and many of the trees within the site would be retained. As such, the development would be well-screened from the National Park. For these reasons, and given the absence of roof-lights within either the proposed dwelling or the garage building, the development would not have a harmful effect on the dark skies available within the National Park. Nor, for the same reasons, would it conflict with the purposes of the National Park.

42. The application form indicates that the proposed development would take the form of self-build and custom-build. However, no mechanism has been put before me to ensure its delivery as such. Therefore, even if the Council cannot demonstrate that enough permissions have been granted to meet the demand as identified on their self-build register, this consideration would not weigh in favour of the scheme.

43. Outline planning permission was granted on appeal for residential development of up to 78 houses on neighbouring land in 2012[5]. In that case, the Inspector attributed great weight to the delivery of so many houses. Moreover, the effect of the development on the Arun Valley habitat sites was not referred to within the decision letter. As such, that permission does not lead me to reach an alternative view regarding the acceptability of the scheme subject of this appeal.

Conclusion

44. For the reasons given above, and having regard to the development plan as a whole and any other relevant material considerations, I conclude that this appeal should be dismissed.

V Simpson

INSPECTOR

[4] Paragraph: 039 Reference ID: 8-039-20190721 – revised 21 07 2019
[5] Application ref: DC/10/1457

Planning Inspectorate

Appeal Decision

Site visit made on 20 August 2025

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/Z3825/W/25/3361339
Land at Thornhill Stables, Billingshurst Road, Coolham RH13 8QN

- 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 V Sawyer against the decision of Horsham District Council.
- The application Ref is DC/24/1486.
- The development is described as Construction of detached barn style dwelling.

Decision

1. The appeal is allowed and planning permission is granted for construction of detached barn style dwelling at Land at Thornhill Stables, Billingshurst Road, Coolham, RH13 8QN in accordance with the terms of the application, Ref DC/24/1486, dated 26 September 2024, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:

   - whether the site is a suitable location for the proposal having regard to the spatial strategy for the district; and
   - the effect of the proposal on the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site, with particular regard to water neutrality.

Reasons

Suitable location

3. The application site is located to the north of Billingshurst Road, and is accessed via a private track. The site currently comprises an agricultural field, with industrial and storage units situated to the rear, beyond the northern boundary. To the west of the site, on the opposite side of the track there are large detached dwellinghouses.

4. As the appeal site is set within a small cluster of buildings in residential and commercial use, it does not appear isolated within its immediate environment. Nor is it isolated in the context of paragraph 84 of the National Planning Policy Framework (2024) (the Framework). Nevertheless, it is located outside of a built-up area boundary and is therefore located in the countryside for planning purposes.

5. Policy 2 of the Horsham District Planning Framework (2015) (HDPF) outlines the Council's spatial strategy, which focusses significant development in Horsham. Further growth shall be distributed across a range of settlements outlined within a hierarchy in Policy 3.

6. Policy 4 of the HDPF supports the expansion of settlements beyond built-up area boundaries, provided that the site is allocated either in the Local Plan or a Neighbourhood Plan, and adjoins the existing settlement edge. In this case, the appellant confirms that the appeal site lies 0.6 miles from the village of Coolham. Therefore, it does not adjoin a settlement edge. Furthermore, policy HD1 of the Shipley Neighbourhood Plan (2020) (NP) outlines areas where housing development will be considered favourably. The proposal does not meet the criteria within Policy HD1, nor is it allocated within the NP and accordingly, the proposal would be in conflict with Policy 4 of the HDPF.

7. Policy 26 of the HDPF states that, outside built-up area boundaries, development must be essential to its countryside location and must also satisfy the criteria set out within the policy. To meet the policy requirements, proposals must be needed to support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use, or enable the sustainable development of rural areas. Given the residential nature of the proposal, it would not meet any of these stated criteria.

8. As the Council is currently unable to demonstrate a five-year housing land supply in accordance with existing development plan policies, it has produced the Facilitating Appropriate Development Document (2022) (FAD) to support the delivery of housing in the interim period, pending adoption of a new Local Plan. While the FAD is guidance rather than policy, it adopts a more positive approach to residential development outside settlement boundaries. Notably, it allows for the consideration of unallocated sites located outside but adjoining built-up area boundaries. However, the appeal site is not located in close proximity to any built-up area boundaries, and therefore the extent to which it would comply with the other criteria within the FAD is of limited relevance.

9. The appellant argues the site is sustainably located due to its proximity to Coolham which offers limited services such as a primary school, village hall, and public house. Within policy 3 of the HDPF Coolham falls under the 'Unclassified settlements' classification. The policy recognises such settlements as having few facilities and poor accessibility. While Coolham is about 0.6 miles from the site and reachable via pavement, its limited services are unlikely to meet day-to-day needs. Bus stops in the village also provide links to Billingshurst and Horsham.

10. The site is around 2 miles from Billingshurst, a 'Small Town/Larger Village' under Policy 3, offering a good range of services, employment, and public transport. Although buses connect Coolham to Billingshurst, I have not been provided with a timetable and so cannot be certain that the routes or timings would be viable for the typical daily needs of future occupiers. Overall, I find that future occupiers are more likely to rely on private vehicles rather than to undertake local journeys by other modes of transport.

11. As such, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy, having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment

opportunities. The proposal fails to accord with policies 1, 2, 3, 4, and 26 of the HDPF and policy HD1 of the NP. Amongst other things, these policies set out the settlement strategy, seek to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities.

Water neutrality

12. The appeal site is within the Sussex North Water Supply Zone defined by Natural England. Within that Zone, Natural England has advised that developments involving an increased level of water extraction could have a likely significant effect on qualifying features within the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Sites. These Habitats Sites include important wetland habitats supporting rare plants, birds and invertebrates.

13. The Council requires that applications within the Sussex North Water Supply Zone, for development involving increased water consumption, are accompanied by evidence of proposed measures for achieving water neutrality within the development. The application was accompanied by a Water Neutrality Report dated 6 June 2024. A subsequent report with updated appendices dated was submitted on 4 November 2024.

14. The updated Water Neutrality Report confirms that the proposed dwelling would be water neutral via the installation of water reducing appliances, installation of rainwater harvesting tanks and via the purchase of credits from Sussex Water Neutrality which would offset remaining water demand. A Water Credit Agreement with Sussex Water Neutrality has been provided.

15. Natural England responded to consultation on the planning appeal and raised no objection to the development, subject to the delivery, management and retention of measures identified in the Water Neutrality Report to achieve water neutrality.

16. Having taken account of the above evidence, including advice from Natural England, and subject to securing further details by planning condition I am satisfied that the development would be water neutral and that the measures required to achieve that status can be adequately secured. Consequently, there would be no adverse effect on the integrity of the Arun Valley Habitats Sites, and the proposal would meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy 31 of the HDPF and the requirements of the National Planning Policy Framework to protect the biodiversity of European sites.

Other Matters

17. Comments from the Parish Council raise concerns in relation to the proposal creating overdevelopment and because the proposal would not provide affordable housing. The barn style dwelling is appropriate to the rural character of the area and would generally integrate well with the form of nearby buildings. I have not been directed to any policy which indicates that the proposal is required to provide affordable housing.

18. Third party concerns relate to the potential noise impacts from the nearby industrial uses on the future residential occupiers. As the industrial estate is subject to planning conditions controlling noise levels, the proposal would not have

a harmful effect on the operations of the nearby industrial estate. An interested party raises concerns about an increase in traffic on the private access track. The appeal proposal provides a single new house within an access which is shared with dwellings and an industrial estate. It would result in a very limited increase in local traffic, and consequently would not harm highway safety.

19. The proposal would provide benefits associated such as making an efficient use of the site and contributing to local housing supply. The Framework seeks to significantly boost housing supply and emphasises the importance of small and medium sized sites. It also encourages the optimal use of underutilised land. The appellant indicates that there is an opportunity to improve on-site biodiversity through landscape planting. These matters weigh in favour of the development. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's future residents would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development.

20. The design would reflect the appellant's individual requirements, and some evidence has been provided to indicate an intention for the dwelling to be delivered as a self-build project. However, no legal mechanism is proposed to secure its delivery as self-build housing in accordance with the relevant statutory definition. Consequently, there is no certainty that the scheme would contribute towards meeting the Council's legal duty to grant sufficient permissions for self-build housing. For this reason, this matter attracts only limited positive weight.

21. I recognise that the proposal would be built to be energy efficient and would have an electric vehicle charging point. The proposed dwellings would also have good internal space, with a functional layout and future occupiers would have sufficient external amenity areas. These weigh neither for nor against the proposal and are therefore considered neutral in the planning balance.

22. The site is located within a red risk zone for great crested newts (GCN), a European protected species. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) therefore impose a duty to consider whether the GCN would be adequately protected. The appellant has provided a District Licencing Scheme Certificate received from NatureSpace Partnership. This confirms that the proposal can be authorised under District Licence WML-OR136 or a further licence, subject to two conditions.

23. The first condition requires the development is undertaken in accordance with the Council's Organisational Licence. The second condition requires the development only takes place in accordance with the GCN Mitigation Principles set out within District Licence WML-OR136. I consider that these conditions are necessary to ensure that any potential adverse impacts on GCN are suitably mitigated and the necessary compensation measures are undertaken. Subject to these conditions, I am satisfied that the proposal would safeguard GCN in line with the Regulations.

Planning Balance

24. The appellant and the Council are in agreement that the Council cannot demonstrate a 5-year housing land supply. The appellant indicates that the Council has a 2.9 year supply of housing land, and this is reflected in the Council's

most recent Authority Monitoring Report (AMR) 2022/23 (January 2024). This is a significant shortfall.

25. In these circumstances, footnote 8 of paragraph 11(d) of the Framework confirms that insufficient housing delivery dictates that planning permission should be granted unless, as per paragraph 11(d)(i); 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 (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.

26. The development would fall within the zone of influence of European sites, but the mitigation measures identified within the Water Neutrality Report would ensure that it does not harm the qualifying features of those sites. As such, the scheme falls to be considered against the second limb of Paragraph 11 d).

27. The proposed dwelling would be in a location that is not considered suitable when assessed against the relevant HDPF and NP policies. The site lacks close proximity to a wide range of essential services and facilities. Although there are some opportunities for travel by means other than private car, reliance on car journeys is likely to be significant. In these respects, the proposal would conflict with key development plan policies.

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

29. Taking all matters into account, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework.

Conditions

30. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.

31. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.

32. A condition requiring a contamination risk assessment is necessary to ensure that there are no unacceptable risks to humans, controlled waters or the wider environment. Similarly, a condition is required to ensure that suitable drainage measures are implemented at an early stage, to support the introduction of a residential use.

33. A condition related to water neutrality is necessary to ensure that the development does not affect the integrity of Habitats Sites. A condition requiring compliance with the Preliminary Ecological Appraisal is imposed in the interests of protected species.

34. Given the site's rural location and the associated accessibility constraints, a condition related to broadband infrastructure is reasonable to satisfy the requirements of Policy 37 in the HDP. I have imposed a condition requiring the layout and provision of on-site car parking in the interests of highway safety. A condition related to cycle parking spaces is imposed to promote sustainable travel modes.

35. The Framework outlines that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. As a result, and in the absence of any specific justification, I have not imposed the suggested condition which would restrict future permitted development rights.

Conclusion

36. The proposed development would conflict with the development plan. However, other material considerations, including the presumption in favour of sustainable development as defined in the Framework, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be carried out in accordance with the following approved drawings: DE1257/01/P1; DE1257/02/P1; DE1257/03/P1; DE1257/04/P1; DE1257/05/P1; and DE1257/06/P2.

2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

3) No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
(a) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.
The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details.

4) No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

5) The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for the proposal has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, completion of the as built Part G water calculator or equivalent and water harvesting system installation. The installed measures shall be retained as such thereafter.

6) Prior to the first occupation of the dwelling hereby permitted, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

7) No part of the development hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

8) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The cycle parking spaces shall thereafter be retained.

9) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal as submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details

10) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land at Thornhill Stables: Impact plan for great crested newt District Licensing (Version 1)" dated 11th November 2024.

11) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence'), and works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

END OF SCHEDULE

Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Application Number: DC/24/1486

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr v Sawyer

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby **REFUSE** to permit the works specified hereunder, that is to say:

Construction of a two storey four bedroom barn style dwelling.

Land Parcel at Thornhill Stables Billingshurst Road Coolham West Sussex

as shown on Plan and Application Number DC/24/1486 submitted to the Council on 26/09/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposed 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.

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	DE1257 / 01 REV P1	26.09.2024
Floor plan	Proposed Ground Floor Plan	DE1257 / 02 REV	26.09.2024

		P1	
Floor plan	Proposed First Floor Plan	DE1257 / 03 REV P1	26.09.2024
Roof plan	Proposed Roof Plan	DE1257 / 04 REV P1	26.09.2024
Elevation plan	Proposed Elevations	DE1257 / 05 REV P1	26.09.2024
Site plan	Site Block Plan	DE1257 / 06 REV P1	26.09.2024
Supporting Docs	Preliminary Ecological Appraisal by Arun Ecology dated September 2024	C-NJA-011-001-001 REV 001	26.09.2024
Supporting Docs	Reptile Survey Report by Arun Ecology dated September 2024	C-NJA-011-002-001 REV 1	26.09.2024
Supporting Docs	Water Neutrality Report by cgs civils dated 28 June 2024	C3236 REV P-	26.09.2024

Note to Applicant – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note To Applicant:
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Emma Parkes
Head of Development and Building Control

Date: 21/11/2024

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.

Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1486
Land Parcel at Thornhill Stables, Billingshurst Road, Coolham, West Sussex,

DESCRIPTION:

Construction of a two storey four bedroom barn style dwelling.

RELEVANT PLANNING HISTORY:
No relevant planning history

DETAILED DESCRIPTION AND SITE AND SURROUNDS

The application seeks permission for a change of use of part of an agricultural field and erection of a two storey four bedroom dwelling with a width of 19.3 metes, a depth of 11.3 metres and an overall height of approximately 8 metres and an eaves height of 4.6 metres with the catslide element having an eaves of approximately 2.5 metres.

The roof slope would be part catslide at the front and would be part hipped with four rooflights and one rooflight to the rear. The front elevation would have a large amount of glazing to the front located right of centre to the dwelling and would have a mixture of materials including part brick at the ground floor level, timber cladding and plain clay roof tiles.

The application site is set to the north of Billingshurst road approximately 0.68km away from Coolham and currently consists of an agricultural field with industrial and storage units to the rear of the site to the north. There is sporadic residential dwellings along Billingshurst road. To the west of the application site on the other side of the access, there are detached large dwellinghouses. Two parking spaces are proposed as indicated within the application form and would include a road running from the access road along to dwelling running the width of the plot.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

The Horsham District Local Plan 2023-2040
The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July 2024. Paragraph 48 of the NPPF states that *"local planning authorities may give weight to relevant policies in emerging plans according to:*

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework [NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since the 26th of July 2024, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The relevant policies are:

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles

Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

Shipley Neighbourhood Plan 2019-2031:
Policy HD3 High quality design

Shipley Parish Design G**uidance**

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

Natural England: Objection

Concur with the conclusion of your authority's HRA appropriate assessment, insofar that further information is required in order to determine the significance of impacts on designated sites and the scope for mitigation, chiefly

- Objection due to additional information to evidence of the purchase of water credits

Naturespace: Objection, further information required

An ecological report has been submitted and notes that further information would be required to assess the level of impact of the development on Great Crested Newts, it is recommended that the applicant enter into the Mid Sussex District license.

HDC Environmental Health: Objection given further information required

The application site is located immediately adjacent to established commercial uses including a recently approved permission for redevelopment for class B8 and Class E uses. An acoustic assessment is required to show that the approved commercial uses will not be prejudiced by the introduction of the residential use and that the agent of change principle has been appropriately considered. Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Due to the immediate proximity of the application site to the commercial uses, a preliminary risk assessment should be provided to ensure the application is properly determined. Information with respect to water neutrality is also required.

Ecology Consultant: No Objection

No buildings on site are noted within the Reptile Survey report, (Arun Ecology, September 2024) and preliminary ecology appraisal (Arun Ecology, September 2024). There is within the site, deciduous woodland and a line of trees which would not be impacted such that there would be no severance to the flight lines of foraging or commuting bats.

Southern Water: Comment

Recommendation to follow Building regulations and note that there is published guidance from Southern water in respect of tree planting near water mains and sewers.

Highways: No Objection

Subject to the inclusion of recommended conditions concerning parking provision and cycle parking

Shipley Parish Council:

- Conflict with policies within the Neighbourhood Plan
- Outside the built-up area boundary
- Not affordable housing
- Conflicts with Design Statement
- Overdevelopment
- Arboricultural concerns in respect of removal of three oak trees

Representations:

1 letter of objection received, and this can be summarised as follows:

- Location of entrance
- Access to the private road

2 letters received neither objecting to or supporting the application. These can be summarised as follows:

- Restrictions in place on noise levels for the nearby light industrial
- No noise impacts
- Suitable access
- Proximity to watercourse ditch
- Ownership of access lane

1 letter of response provided by the Applicant to the comments submitted, and this can be summarised as follows:

- Design is of a rural barn
- Set back to limit loss of privacy
- Same or similar size to detached houses in adjacent Mill Lane
- Self build development
- Generous spacing
- No trees will be removed and more will be added

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are 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. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, 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.

Emerging Strategic Policy 2 of the draft Horsham District Local Plan (HDLP) promotes a similar development hierarchy within the defined BUAB as in Policy 3 of the HDPF. Therefore, as the proposal is located outside the defined BUAB this proposal does not accord with Emerging Strategic Policy 2. Emerging Strategic Policy 3 of the HDLP supports the expansion of existing settlements to meet identified local housing needs where all the criteria detailed within the policy is met. This includes the site being either allocated in the Local Plan or in a Neighbourhood Plan and adjoining the existing settlement edge. It is noted that Coolham is within the emerging HDLP is a secondary settlement, however the application site is approximately 0.68km from this boundary. Given that the application site is entirely outside of the boundaries of the secondary settlement it would not be in accordance to policy 2 in this regard.

Policy Ship HD1 of the Shipley Neighbourhood Plan states that applications for housing development within Shipley and Coolham villages and Dragons Green and Brooks Green hamlets will be considered favourably where the proposals meet all of the following criteria: the proposed development is for an infill gap, or on previously developed land, within the continuity of existing buildings; the proposed development will not result in the outward extension of the villages or hamlets onto greenfield land; the proposed development delivers new affordable housing; the proposed development reflects the scale and density of existing development in the village or hamlet where it is located; the proposed development responds positively to Shipley Parish Design Guidance.

Paragraph 70 of the NPPF outlines 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. 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 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.

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 pre-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 this criteria, nor is it considered to be essential to the countryside location.

The proposed development would not accord with the spatial strategy as set out in Policies 2, 3,4 and 26 of the HDPF and would therefore be unacceptable in principle.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy Ship HD3 of the Shipley Neighbourhood Plan states that all proposals for new development in Shipley Parish are expected to respond positively to local design characteristics and features as set out in the Shipley Parish Design Guidance. New development should be of a size and scale which respects and, where possible, enhances the character of the area or locality, using materials typical of the area.

The application site would be viewed in the context of an open agricultural field, along with commercial and agricultural development. The application site is located within the immediate context of the commercial development, and whilst the proposed dwelling would be located within a narrow plot of land, it is not considered that the proposal in itself would result in harm to the landscape character and visual amenity of the area.

There are however some concerns regarding the design of the proposal. It is understood that given the wider site context, the design appears to be intended to appear as a converted agricultural barn such that from wider views it would reflect the built form to the north and would not be visually incongruous with this context in wider views of the application site. Whilst this rationale is generally accepted, the design of the proposal does not reflect its intention, with the resultant dwellinghouse being overly domestic in appearance. The proposed dwelling would have a large number of windows of a uniform size and appearance that would be noticeably residential in nature. Had the development been

considered acceptable in all other regards, amendments to the proposal to improve the design would have been encouraged.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The proposed dwelling would retain a considerable separation distance of approximately 15 metres such that the resulting relationship is considered sufficient to prevent any unacceptable impacts to the future occupiers in terms of lack of daylight/sunlight, obtrusive appearance or loss of privacy, subject to the addition of an appropriate site boundary treatment.

Historically the application site to the north as agricultural in nature, but has since been converted to class B8 and Class E uses. Environmental Health have been consulted during the course of the application and object to the proposal on the basis of insufficient information in regards to noise, with the future occupiers being potentially impacted by the use of the immediate neighbouring site. Additionally, they note that commercial and agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Due to the immediate proximity of the application site to the commercial uses, a preliminary risk assessment should be provided to ensure the application is properly determined. Information with respect to water neutrality is also required.

Environmental Health concerns are noted, however given that there are other reasons for refusal it would not in this instance be considered advisable to request further information in light of the lack of information. Furthermore, it is considered that the information requested could be submitted as part of a pre-commencement condition and on balance therefore, there are no objections to the proposal in light of policy 33 of the HDPF.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Highways have been consulted as part of the proposal and have no objections to the application subject to the inclusion of relevant conditions. The application includes provision for 2 vehicles. There are no objections to the proposal in light of policies 40 and 41 of the HDPF.

The concerns raised within the representations in respect of the ownership of the access are noted, however this would be a civil matter.

Ecology:

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

The Council's Ecological consultant has been consulted during the course of the application and have no objections to the proposal on the basis of the submitted reports.

The Naturespace consultant however has objected to the proposal on the basis of insufficient information, noting that the applicant should enter into the District Newt license scheme. It is considered however, that this license could be sought as part of a pre-commencement condition and therefore would not subject to the recommendations within the Preliminary Ecological Appraisal, not appear to conflict with policy 31 of the HDPF.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot 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 Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The application includes a dedicated Water Neutrality statement. Given that the application site consists of an open field, the baseline is considered zero. It has provided proposed figures from a Part G calculator prior to mitigation and post mitigation. Mitigation in the first instance is efficient fixtures and fittings. This brings the total of 314.6 litres per day to 176.2 litres per day, partly given that their non potable water would be supplied by rainwater harvesting. There is a sufficient information submitted in terms of the rainwater calculations with a roof of approximately 200sqm. The tank provided would be of a sufficient size to account for a 35 day drought period. This would leave 176.2 litres per day on site unaccounted for that they suggest they would account for from off site mitigation of credit purchase from Nicholls boreholes.

There are multiple concerns from the first Water Neutrality statement submitted in regards to whether the offsetting could be secured with reasonable certainty. In this instance, at the time of submitting the appropriate assessment, no basic information was submitted in terms of whether an agreement had been achieved between the applicant and the credit supplier. Limited information had also been provided in respect of the viability and sustainability of the bore hole. This form of offsite mitigation would require a s106 legal agreement and would require checks to ensure that these credits were being double counted by the credit supplier. It appeared at this point that no agreement was made and therefore a S106 legal agreement was not sought.

Although no amendments were requested, it is noted that the applicant has submitted two further Water Neutrality during the course of the application, with the most recent being on the 5th November, after the Natural England consultation was received objecting to the proposal. Accepting the further Water Neutrality statements would result in delays to the determination which would not result in the proposal overcoming the other material planning considerations which represent reasons for refusal, including the principle of the development. As such, it would be unreasonable to delay the determination by accepting the amendments and requesting further consultation requests from Natural England when the application would still be refused. The application is considered therefore on the basis of the original submission.

These measures are considered not sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects.

Biodiversity Net Gain (BNG):

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

The Applicant has not submitted a biodiversity net gain metric given that the application would form an exemption to the requirements as a self-build residential dwelling.

Conclusions:

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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.

Footnote 7 to Paragraph 11(d) of the NPPF states that the policies referred to are those in the Framework relating to habitat sites. Insufficient information has however been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species). On this basis, the titled balance derived from paragraph 11(d) of the NPPF does not apply.

The provision of housing within the HDPF of any type would attract a *significant* weight. However, the Council considers that this benefit would be very *limited* given the small overall contribution to the supply. The degree of contribution that one market dwellinghouses would make is negligible such that the benefit arising from a singular dwelling in tackling the shortage is in questionable significance.

The proposal's ability to demonstrate no adverse amenity impact, safe access and suitable parking and the use of sustainable technologies and improved energy efficiency are not considered benefits to the scheme, but would rather be necessary to demonstrate compliance with local planning policies.

The development would be located beyond a defined built-up area on a site not allocated within the Development Plan and would not be essential to this countryside location. This would be contrary to the development plan in light of policy 26 and would be afforded moderate weight.

The limited benefits afforded to the provision of one market dwellinghouses in the context of a shortfall are acknowledged, however this would not be outweighed by the adverse impacts arising from the development, including the conflict with the development plan (moderate weight) and the site's unsustainable location (significant weight) or adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction. On balance therefore, the proposal is recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1 The proposed 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.

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1486
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

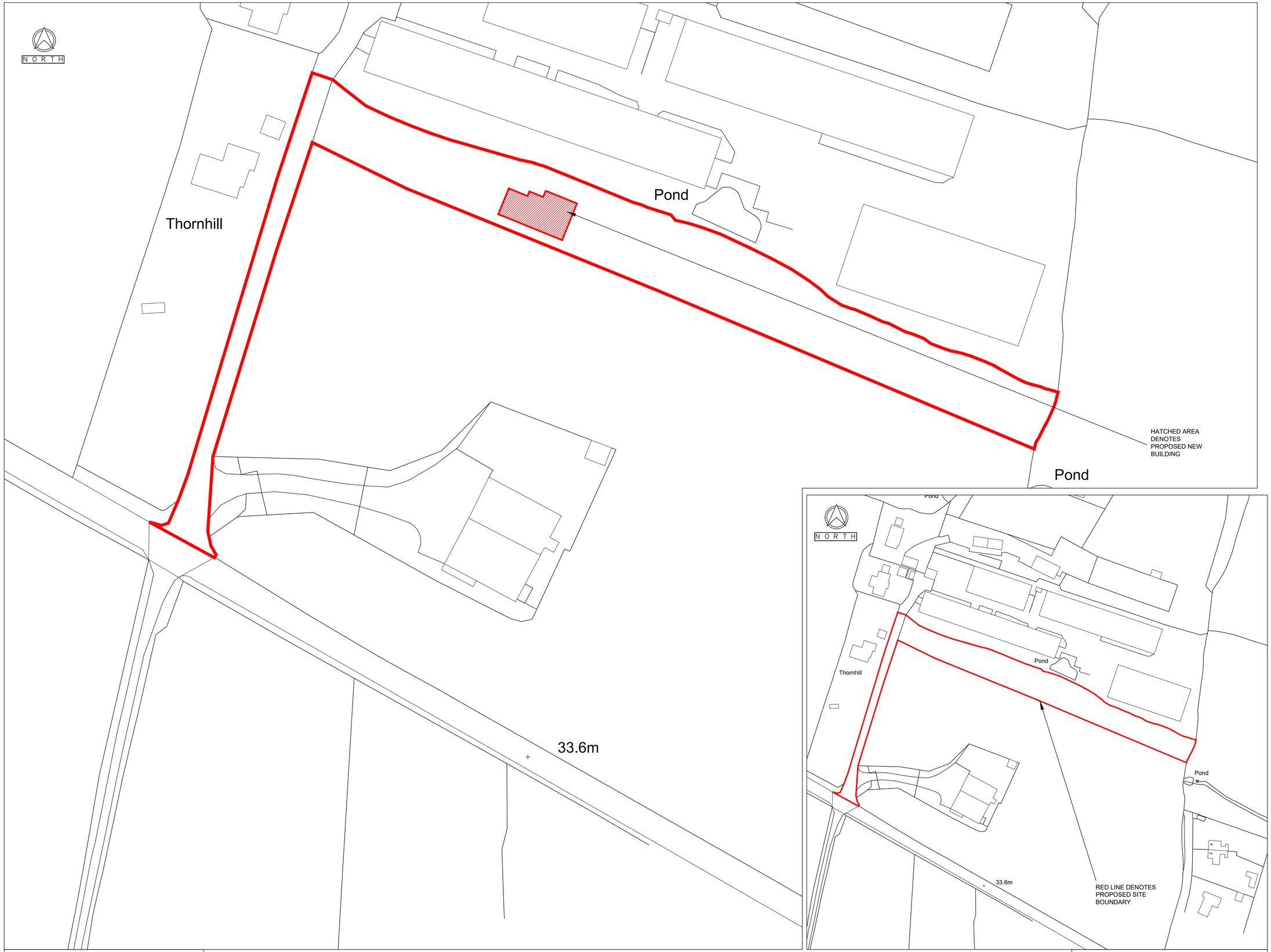
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	DE1257 / 01 REV P1	26.09.2024
Floor plan	Proposed Ground Floor Plan	DE1257 / 02 REV P1	26.09.2024
Floor plan	Proposed First Floor Plan	DE1257 / 03 REV P1	26.09.2024
Roof plan	Proposed Roof Plan	DE1257 / 04 REV P1	26.09.2024
Elevation plan	Proposed Elevations	DE1257 / 05 REV P1	26.09.2024
Site plan	Site Block Plan	DE1257 / 06 REV P1	26.09.2024
Supporting Docs	Preliminary Ecological Appraisal by Arun Ecology dated September 2024	C-NJA-011-001-001 REV 001	26.09.2024
Supporting Docs	Reptile Survey Report by Arun Ecology dated September 2024	C-NJA-011-002-001 REV 1	26.09.2024
Supporting Docs	Water Neutrality Report by cgs civils dated 28 June 2024	C3236 REV P-	26.09.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 14.11.2024

Authorising Officer sign/initial	Tamara Dale	Date:	21.11.2024



SITE BLOCK PLAN (1:500)

SITE LOCATION PLAN (1:1250)

This drawing is to be read in conjunction with all other relevant drawings and specifications.
Do not scale from this drawing. Use figured dimensions only. All levels and dimensions to be checked on site. All dimensional discrepancies are to be brought to the immediate attention of DMA BUILDING DESIGNS.

Responsibility cannot be accepted for alteration and/or deviation from this design without prior knowledge of DMA BUILDING DESIGNS.

Copyright reserved. This drawing may only be used for the client and location specified in the title block. It may not be copied or disclosed to any other third party without prior written consent from DMA BUILDING DESIGNS.

Prior to any works commencing on site, DMA BUILDING DESIGNS is to be contacted regarding the current status, revision or regulatory approval of this drawing.

Notes

STANDARD DOMESTIC B-REGS NOTES

A: STRUCTURE
For structural elements and connection details please refer to Structural Engineers Calculations and Design Details.

All foundations to be a minimum of 450mm wide and to a depth of 1000mm minimum below outside ground level, (unless otherwise specified) and to the satisfaction of the Local Authority Building Inspector.

B: FIRE SAFETY
Smoke alarms should be installed in all circulation spaces (where a house is extended) in accordance with BS 5839-6:2004. All smoke/heat alarms should mains supplied & have a standby power supply.

Elements of structure which are load-bearing should have a minimum Fire Resistance of 30mins. Separating (or party) walls/floors should be constructed to have a minimum Fire Resistance of 60mins.

F: VENTILATION
All ventilation should be designed in accordance with the Systems suggested within Approved Document F.

Background Ventilation;
- Minimum intermittent extract ventilation rates should be provided as follows - Kitchens > 30l/s (adjacent to a hob) or 60l/s (elsewhere). Utility room > 30l/s. Bathroom > 15l/s. Sanitary Accomodation (WC) > 6l/s.
- Trickle vents to be provided to all new windows at the following rates - Habitable Rooms > 5000mm². Non-Habitable Rooms > 2500mm².

H-DRAINAGE & WASTE DISPOSAL
Where pipes are laid less than 1000mm below formation level, or less than 900mm in fields & gardens, protection should be provided.
Rigid pipes of 100mm dia. with less than 300mm cover, or 150mm dia. pipes or greater with less than 600mm cover should be surrounded in 150mm of concrete with joints at max 500mm crs.
Flexible pipes with less than 600mm cover, NOT under a road, should be protected with a layer of concrete paving slabs with a 75mm layer of granular material between pipe and slab OR be surrounded in 150mm of concrete.

All sanitary pipework above ground level should comply with BS 5572.
Waste pipes and unplasticised PVC to BS 2871 Part 1. WC 100mm dia salt-glazed clayware, soil connection to manhole or SVP.
No connections to be within 200mm of WC connection to SVP. Cleaning access to be provided at all waste pipe angles and at all angles/bends at bases of SVPs.
SVPs to be encased with timber studwork frame and 12.5mm plasterboard, and, where passing through a habitable room, should be wrapped in sound-reducing quilt.

Gutters should be laid to falls, towards the nearest rainwater downpipe outlet. Such an outlet should discharge into a drain or gully, but may also discharge onto another surface if it is suitably drained thereafter. If surface water is to be discharged into a soakaway, this should be situated a minimum of 5m away from any building.

Prior to commencement of any works on site, the line and level of existing drainage systems is to be established and checks carried out to ensure, i) the proposed extension works are not in conflict with existing runs; and ii) proposed connections to the existing system are achievable.

K: PROTECTION FROM FALLING
Private, domestic staircases should be designed as follows - maximum rise and minimum going of 220mm as long as the pitch of the stair does not exceed 42°. A minimum of 2m headroom should be provided from the pitch line of the stair.

Handrails on flights should be between 900-1000mm when measured from the pitch line of the stair to the top of the handrail. Guarding on any flights and landings should be constructed so that a 100mm sphere cannot pass through any openings in it.

L1-CONSERVATION OF FUEL & POWER
New light fittings within the dwelling should be provided with a minimum of 3 dedicated low energy light fitting out of every 4 new (75%).
Low energy light fittings should have lamps with a luminous efficacy greater than 45 lamp lumens per circuit-watt and a total output greater than 400 lamp lumens.

All new thermal elements on existing dwellings should be designed to the following minimum U-Values;
Walls 0.28 w/m²K
Pitched Roof (insulation at ceiling level) 0.16 w/m²K.
Pitched Roof (insulation at rafter level) 0.18 w/m²K.
Flat roof (or roof with integral insulation) 0.18 w/m²K.
Floors 0.22 w/m²K.

All new glazing in windows/doors etc should be sealed double glazed units with a min 6mm air gap, to give a minimum U-Value of 1.6 w/m²K or better.

N: GLAZING - SAFETY IN RELATION TO IMPACT
All glazing below 800mm from FFL, any glazing to doors, and any glazing within 300mm adjacent to doors (eg. side panels) MUST be safety glass. All first and second floor windows with any part opening within 800mm above FFL must be fitted with opening restrictors to limit opening toa maximum of 100mm (unless the window is to be used for egress - in accordance with Approved Document B of the Building Regulations).

P: ELECTRICAL SAFETY IN DWELLINGS
All new electrical work is to be designed, installed, inspected and tested in accordance with BS 7671. On completion of the works, the installers Electrical Installation Certificate should be forwarded to the Local Authority.

REGULATION 7: MATERIALS & WORKMANSHIP
Any building work which is subject to the requirements imposed by Schedule 1 of the Building Regulations should, in accordance with Regulation 7, be carried out with proper materials and in a workmanlike manner.

REV	DESCRIPTION	DATE
P1	ISSUED FOR PLANNING APPROVAL	08.2024

DMA BUILDING DESIGNS
KILN HOUSE, RUDGWICK BRICKWORKS, LYNWICK ST
RUDGWICK, HORSHAM, WEST SUSSEX, RH12 3DH.
TEL No 01403 822220 Mobile 07730 523447
Email - info@dmabuildingdesigns.co.uk

CLIENT
VIC SAWYER

PROJECT
NEW DOMESTIC DWELLING

DRAWING
LOCATION AND BLOCK PLAN
THORNHILL STABLES LAND, BILLINGSHURST ROAD,
COOLHAM, RH13 8QN

STATUS
PLANNING

SCALE @ A1	DATE	DRG No	REVISION
1:1250, 1:500	AUGUST 2024	DE1257 / 01	P1

PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	16 September 2025
DEVELOPMENT:	Outline Application for the erection of 2No. detached dwellings and garages with all matters reserved except access.
SITE:	Potters Field Mill Lane Partridge Green West Sussex RH13 8JU
WARD:	Cowfold, Shermanbury and West Grinstead
APPLICATION:	DC/24/1887
APPLICANT:	**Name:** Mr John Elliott **Address:** Tyburn House Ely Grange Frant East Sussex TN3 9DZ

REASON FOR INCLUSION ON THE AGENDA: The application, if approved, represents a departure from the Development Plan

RECOMMENDATION: To approve outline planning permission subject to appropriate conditions and subject to the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 Outline planning consent is sought for the construction of 2no. detached dwellings on an existing field located on the north side of Mill Lane, Littleworth, with all matters other than access reserved for later consideration. The indicative Site Plan indicates the potential scale and location of each dwelling, and sets out that each dwelling would be accessed via the existing single access point off Mill Lane. Each dwelling is indicatively shown set back from the road with separate car ports.

DESCRIPTION OF THE SITE

1.2 The application site comprises a 0.3-hectare parcel of land on the northern side of Mill Lane in Littleworth. The site is located outside of the built-up area boundary with the larger settlement of Partridge Green further south, and Littleworth, a smaller settlement, closer to the site. The site comprises a small undeveloped infill plot lying between existing housing and benefits from an existing access gate.

1.3 Residential properties at Mill Cottage site to the east, with further residential properties opposite to the south. To the immediate west are three Grade II listed buildings at Potters

Field and Quince Cottage. Open fields are located to the rear and in the wider vicinity to the west, southwest, and east. A public footpath (PRoW 1824/2) runs north-south to the east of the site, outside of the site itself.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

2.2 **National Planning Policy Framework**

2.3 **Horsham District Planning Framework (HDPF 2015):**
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 **West Grinstead Neighbourhood Plan (2019-2031):**
Policy 1: Local Gap
Policy 4: Green Infrastructure: Existing trees, hedgerows, habitats, and wildlife
Policy 10: Car Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five-year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 1 year. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

2.5 **Horsham District Local Plan (2023-40) (Regulation 19):**
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District
Policy 45: Replacement Dwellings and House Extensions in the Countryside
Policy 46: Ancillary Accommodation

2.6 **Supplementary Planning Guidance:**
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

2.7 **Planning Advice Notes:**
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

2.8 PLANNING HISTORY AND RELEVANT APPLICATIONS

WG/23/93	Erection of bullock shelter, feed & implement store Site: Potters Field Mill La Littleworth Partridge Green	Application Permitted on 12.08.1993.

A site further to the west on Mill Lane is subject of the following application (included elsewhere on this Agenda): -

DC/24/1888	Outline application for the erection of 2 no. detached dwelling houses and garages with all matters reserved except access.	Under Consideration

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

3.2 **HDC Landscape:** Holding Objection/ More Information: -

3.3 It is our judgement that the proposals do not address landscape concerns expressed within pre-application advice, and though a document titled, 'LVIA' has been provided, it is not compliant with the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition (GLVIA3, 2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA) and does not provide a transparent assessment of the likely landscape and visual effects. Notwithstanding, this document is useful to provide some indication of massing of the 2no proposed dwellings in relation to key view points within the context along and around Mill Lane, noting however that the visualations are not carried out in accordance with TGN 06/19 Visual Representation of development proposals prepared by the Landscape Institute (LI).

3.5 Our judgement remains that the proposals are contrary to Policies 25 and 26 of the HDPF as they are likely to result in adverse effects on the receiving landscape by eroding the rural and historic character of the area with the introduction of suburban built form. The proposals are also considered likely to result in adverse effects to the visual amenity of users along Mill Lane and users of public right of way 1824 which runs along the site's eastern boundary.

3.6 Notwithstanding, due to its positioning within Mill Lane, immediate context and urbanising influences, this parcel is considered more favourably and capable to more successfully assimilate development than the western site DC/24/1888, provided a suitable landscape strategy is adopted and consideration is taken to the landscape setting of the adjacent listed building.

3.7 **HDC Conservation:** Objection: -

3.8 Quince Cottage and Potters Field are mid-late eighteenth-century dwellings. They are located a little outside the hamlet of Littleworth and may have had some connection with the brick and tile works that were immediately adjacent. It would seem unlikely that they were not associated with that industry. They are now experienced as part of the residential expansion of Partridge Green but are clearly rural dwellings. They are also differentiated from the suburban character of the twentieth century development along Mill Lane by being set back within their plots and some distance from the road frontage. Their shared orientation is the result of a historic field boundary which can still be perceived in the fields to the west. The experience of these as separate to the later suburban development is important in preserving their special interest.

3.9 The proposal for a pair of detached houses to the west will more closely draw the listed buildings into a suburban streetscape. The large area of hard standing will dilute the rural character of their setting. The prominence of the proposed houses towards the front of their plots will result in the listed buildings being experienced as secondary and less important. This will result in harm to their special interest through detrimental change within their setting. This harm will be less than substantial and in the middle of that scale.

3.10 There is confidence that development may be possible without harming the setting of the listed buildings, but the outline application offers no detail that would assuage my concern. Fundamentally it would be beneficial to reinforce a contrast of development on the north side of Mill Lane from the suburban sprawl on the south side.

3.4 **HDC Environmental Health:** Comment, conditions recommended.

OUTSIDE AGENCIES

3.5 **Drainage:** Require evidence to show surface water and foul water drainage has been considered, to demonstrate that adequate space is provided in the masterplan, draining the

site is feasible and a viable outfall or method of disposable is available for foul and surface water.

3.6 **Ecology Consultant:** No Objection subject to conditions.

3.7 **Nature Space:** A NatureSpace report has been provided and if approved there are mandatory conditions and informatives within the Report (on pages 7/8) that must be used *in verbatim* on the decision notice. This is in order to comply specifically with conditions in the council's district licence.

3.8 **Natural England:** No Objection – subject to appropriate mitigation being secured. The delivery, management and maintenance of any measures identified in the applicant's water neutrality statement that are required to ensure that the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.

3.9 **WSCC Highways:** Highway Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS

3.10 Representations:
6 representations have been received, objecting to the application on the following grounds:

- Curtilage of existing listed properties encroached upon by development.
- Development clearly visible from road and footpath
- Significant level of development in the hamlet
- Drainage issue – soakaways not adequate to mitigate risk
- Lane already seen increase in traffic
- Reduce privacy for residents
- Increase noise and light pollution in the area
- Impact local wildlife
- Proposal fails to respect historical and environmental significance of Littleworth
- Overdevelopment

3.11 1 representation has been received in support of the application, which would make a useful contribution to local housing shortfall

3.12 Parish Comments:
West Grinstead Parish Council: Objection. Recommend to refuse the application for the following reasons:

- The development is in the countryside outside the built-up area
- It is outside the secondary boundary of Littleworth and Jolesfield
- It is not adjoined to the existing settlement edge
- It is out of keeping with the surrounding area/location
- The water neutrality requirements has not been sufficiently explained with a robust solution
- It is of potential detriment to the listed buildings in the area

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 Outline planning permission is sought for the erection of 2no residential dwellings to the north of Mill Lane, with all matters reserved except access. The application is accompanied by a location plan and block plan, and an indicative site plan. Matters relating to appearance, layout, scale, and landscaping would be addressed at the subsequent reserved matters stage.

Principle of Development:

6.2 The application site comprises an undeveloped field located to North of Mill Lane, which runs in an east-west direction through Littleworth, a small hamlet which is predominately centred along Littleworth Road, and a short distance north of Partridge Green. Partridge Green is classified as a 'medium village' under Policy 3 of the HDPF, defined having a moderate level of services and facilities. However, Littleworth itself is not identified as a classified settlement within the settlement hierarchy under Policy 3 of the HDPF. The application site is therefore located outside of a defined built-up area and is considered to be within a countryside location in policy terms.

6.3 As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the Horsham District Planning Framework (HDPF) are relevant 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 2, 3 and 4 of the HDPF.

6.4 In this countryside location, the proposal is also considered against Policy 26 which seeks to protect 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 does not meet any of

this criteria, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.

6.5 The West Grinstead Neighbourhood Plan does not include any policies controlling development within the countryside, therefore the proposed development would not be in conflict with the neighbourhood plan in this regard. Nevertheless, the proposals fail to accord with spatial Polices 2, 3, 4, and 26 of the HDPF as set out above.

6.6 It is noted that the Regulation 19 Horsham District Local Plan (HDLP) proposes the designation of Secondary Settlements within draft Policy 2, where some degree of infill to otherwise unclassified settlements could contribute to the sustainable development of rural areas. Littleworth has been reviewed as part of this process, where it is recognised that Littleworth is a small hamlet which is predominantly centred along Littleworth Road, a distance to the north of Partridge Green, which contains a reasonable level of services and facilities. The dwellings in the area are a mix of sizes and ages which help to contribute to a sense of place, and there are a number of allotments available which provides evidence of an established community. For this reason, it has been recommended that Littleworth be designated as a secondary settlement.

6.7 The proposed Secondary Settlement boundary would extend tightly around the defined curtilages of the residential dwellings to the south of Mill Lane, excluding the application site. As such, while the application site would adjoin the Secondary Settlement boundary, it would remain within the countryside in policy terms.

6.8 The weight to be applied to this conflict is though diminished given the Council is unable to demonstrate a 5-year supply of deliverable housing sites and has failed the most recent Housing Delivery Test. In recognition of this, and the key objective of Government policy to significantly boost the supply of homes, the Council has adopted a Facilitating Appropriate Development (FAD, Oct 2022) document to help identify where development proposals on non-allocated sites outside of settlement boundaries could be supported. The advice contained in the FAD is guidance only and does not form policy and does not alter the statutory decision-making framework. It nevertheless forms a material planning consideration in decision making.

6.9 The FAD sets out the weight that can be given to current and emerging local policy and to enable the Council to act proactively to continue to deliver housing in a sustainable manner. For development proposals located outside the defined BUAB, the FAD (at paragraph 5.7) echoes the requirements of HDPF Policy 4 and states that applications will be considered positively provided that all of the following criteria are met:

- The site adjoins a BUAB
- The level of expansion is appropriate to the related settlement
- The proposal meets local housing needs
- The impact does not prejudice long term development
- The development is within an existing defensible boundary

6.10 This proposal would not meet all the criteria of the FAD because the site does not adjoin a defined built-up area boundary, albeit the site would be located directly north of the proposed secondary settlement boundary. In all other respects, the development would comply with the FAD as it would represent a level of expansion appropriate to Littleworth, would help meet local housing needs, would not prejudice long term development, and is within an existing defensible (field) boundary.

6.11 In terms of other material considerations that weigh in favour of the development, Paragraph 83 of the NPPF states that "*to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially*

where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.". The addition of two dwellings would have a very minor benefit in enhancing the vitality of the settlement.

6.12 The proposed development is also not considered 'isolated' for the purposes of Paragraph 84 of the NPPF, which requires that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more stated exception circumstances apply. The site is instead located in close proximity to residential development to either side and to the south on the edge of Littleworth, and therefore would not appear isolated from existing built form.

Sustainable Location

6.13 An appeal was allowed at Bayley Paddock, which is also located on Mill Lane for the change of use to a holiday let (DC/23/0107). Within the decision, the Inspector acknowledged that the proposal would accord with Policy 26 of the HDPF as it would enable the sustainable development of the rural area. The Inspector recognised that that the site was in close proximity to bus stops which provide access to Partridge Green, and even without the bus stop, walking and cycling are viable transport options. An appeal was dismissed at Land East of Pemberley, which is also located on Mill Lane (DC/21/1240), however, again the Inspector recognised the sustainable location of the development due to the bus stop and cycle/walking options which provides access to various services in Partridge Green. This benefit was considered to attract moderate weight in favour of the proposal. Furthermore, the conversion of a barn to dwellinghouse, on Mill Lane, was permitted (DC/24/1710) also acknowledging that the site would be sustainable due to the accessibility of Partridge Green. On the basis of these planning decisions, it is considered that future occupiers would also have access to a range of facilities and services located in Partridge Green, with the proposed dwellings a reasonable distance from a 'medium village' with good transport links to go to other settlements in necessary.

Conclusions on Principle

6.14 The site is located outside any defined BUAB and is not allocated for development in the adopted development plan (the HDPF or the West Grinstead Neighbourhood Plan). The principle of the development is therefore contrary to Policies 2, 3, 4 and 26 of the HDPF. Notwithstanding this, it is recognised by Officers that in the context of the Council's 5-year housing supply position, the benefits that would arise from the delivery of extra housing carry positive weight in the determination of the proposal. In order to come to a considered conclusion, it is necessary to therefore balance the benefits of the proposed development against the conflict with the above adopted development plan policies and any other policy compliance, conflict and harm.

Highways / Access:

6.15 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

6.16 Matters relating to access are submitted for approval thorugh this outline consent. It is outlined that the site is currently served by an existing field gate, and this would be modified to form a vehicle crossover to serve the two dwellings. This would be subject to a licence from WSCC Highways. The indicative driveway layout would appear suitable to provide at least three car parking spaces for each of the dwellings in accordance with

WSCC parking standards. WSCC Highways have noted the 40mph speed limit outside the site and the ability to attain appropriate visibility splays, and as a result do not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Accordingly, the means of access into the site are considered satisfactory.

Layout, Scale, Appearance & Landscaping:

6.17 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves, and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

6.18 The openness and undeveloped nature of the application site contributes to the rural character of Littleworth and landscape setting of the adjacent listed buildings. The Council's Landscape Officer has noted that the development pattern along this section of Littleworth hamlet is characterised by dispersed dwellings set back from the road to the north of Mill Lane, and a ribbon of development to the south of Mill Lane. Mill Lane is a verdant road, framed by hedgerow, trees and open field, relating closely to its landscape character area, J3 – Cowfold and Shermanbury Farmlands, a historical feature of which is its small fields carved out of woodland and shaws.

6.19 Other relevant key characteristics of the LCA J3 are mostly small scale intricate landscape, localised areas with more open character, field ponds, gently undulating low ridges and valleys, small farmsteads and cottages dispersed along lanes and tracks. Key issues identified include loss of hedgerows and shaws, and visual intrusion from suburban development which reflects the key sensitivities of suburbanisation on main road routes.

6.20 The Landscape Officer's comments note that the methodology and approach within the submitted Landscape Visual Impact Assessment does not reflect good practice and therefore fails to fully assess the effects of proposal on landscape character and visual amenity. Their judgement is though that the proposals would result in adverse effects to the rural character and visual amenity of the area.

6.21 These comments are noted, and it is recognised that there is a looser more rural character on land to the north of Mill Lane with a more suburban character to the southern side. The application site does contribute to the semi-rural character on this northern side of Mill Lane. This character is though also derived from the existing presence of detached dwellings set within spacious plots with surrounding screening, with the application site directly adjoining by residential development to the south, east and west.

6.22 It is considered that the presence of 2 detached dwellings, as suggested within the indicative drawings, would not be out of keeping with the pattern of development on the northern side of Mill Lane. There would inevitably be some loss of openness as a result of development on the site. This existing openness is though experienced within the constraints of the more suburban development to the south and adjoining detached residential properties, and is not considered of fundamental importance to the existing character of this section of Mill Lane / Littleworth.

6.23 The proposal would reflect existing historic field boundaries and is of a scale which reflects the northern side of Mill Lane. There is also significant scope to develop a comprehensive landscaping scheme which would be considered and secured through the subsequent reserved matters submission. It is therefore considered that while there may be some localised harm the application site is capable of assimilating development and with a

suitable landscaping strategy the resulting impact on landscape character and visual amenity would be acceptable.

6.24 The surroundings are characterised by residential development of varying form and design. The northern side of Mill Lane features a loser series of detached dwellings set within larger plots, with the southern side properties set within narrower plots. The matters of layout, scale and appearance have been reserved for later consideration, and as such do not form part of the current application. The submitted indicative plans do though show two detached dwellings of a siting and footprint which would be reflective of surrounding properties. There are no reasons why an acceptable layout, scale and appearance could not be secured through a future reserved matters submission.

6.25 The application site falls within the setting of three Grade II listed buildings to the west at Potters Field and Quince Cottage. Section 16 (2) of the Town and Country Planning (Listed Buildings and Conservation Areas) (Act 1990 places a statutory duty on decision makers to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.26 Policy 34 of the Horsham Development Framework aims to sustain and enhance the historic environment through positive management of development affecting heritage assets. By reassuring development preserve and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric, and materials.

6.27 Paragraph 215 of the NPPF states *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

6.28 The Council's Conservation Officer has raised concerns that the development would result in the adjacent listed buildings being experienced as secondary and less important due to large areas of indicated hardstanding which would dilute the rural character of the area and their indicative forward position. These comments are noted.

6.29 There is no evidence to suggest a historical functional relationship between the listed buildings and the application site, which is not considered to have any particular significance in relation to the listed buildings. The adjoining listed buildings are experienced as the outer lying dwellings on the northern side of Mill Lane, with the presence of surrounding natural screening lessening their prominence from the public realm. The historic fabric and vernacular construction which give rise to the building's significance are not seen in the context of the application site.

6.30 The indicative plans demonstrate that significant separation can be retained around the proposed development, with considerable scope for appropriate landscaping across the site. This layout would ensure that the development does not directly compete with the adjoining listed buildings, the features and historic fabric of which would remain unchanged.

6.31 At this outline stage there are no reasons to consider that development of the site would result in harm to the setting of the listed buildings. It is instead considered that at this outline stage the proposed density of the development, taking into account the size of the site and the relationship with surrounding development, would preserve the setting of the listed buildings in accordance with Policy 34 of the HDPF and the NPPF. This assessment reflects the views of the Conservation Officer, who has confidence that development may be possible without harming the setting of the listed buildings, but raises concerns that the outline application offers no detail. In this instance the need for a further reserved matters application would provide the certainty that an appropriate design solution can be found for the site.

Other Considerations

Residential Amenity:

6.32 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties (and the proposed development) and land. Development should consider the scale, massing, and orientation between buildings.

6.33 The indicative site layout indicates that the proposed dwellings would maintain a sufficient distance from nearby residential properties to limit potential overlooking, loss of privacy and loss of light. No objections are therefore raised in this regard. It is noted that there have been several objections in relation to the application for a number of reasons, such as; impact on listed buildings, privacy issues, impact on wildlife and overdevelopment. These are acknowledged, however, this would be subject of further consideration and public consultation when elevations are submitted at reserved matters stage.

Ecology:

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

6.35 The provided ecological assessment concluded that bats are likely to be absent from the site as there are no buildings or structures onsite and there are no potential roost features in the trees. The assessment highlighted that there is suitable habitat for dormice on site, but due to the limited extent of suitable habitats there is a lack of connectivity to the wider landscape and the majority of the habitat will be retained. Recommendations were made to ensure that these habitats are protected. The Ecologist had no objections on ecological matters and welcomed the reasonable biodiversity enhancements on site and mitigation measures.

6.36 As the development site is within 100m from a pond that returned a positive eDNA for great crested newts, a licence is required to undertake works. The Applicant has confirmed they have entered into the District Licencing Scheme for Great Crested Newts and have provided the relevant certificate. Following consultation with NatureSpace, the applicant has proceeded with acquiring a district licence. NatureSpace have recommended that mandatory conditions and informatives are attached to the planning permission. These are considered reasonable and necessary to address potential impacts on Great Crested Newts. For these reasons, the development is considered to have taken appropriate consideration of Great Crested Newts and their habitat.

Water Neutrality:

6.37 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot 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 Arun Valley SAC, SPA and Ramsar sites.

6.38 Natural England advise that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the

matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.39 The submitted Water Neutrality Statement outlines that the existing baseline use on site is 0 l/d. The proposed development of 2 4-bedroom dwellings represents a water demand of 509.31 l/day. To offset this increased water demand, rainwater harvesting is proposed to provide water to the toilets and washing machine within the dwelling, as well as water for external use, reducing water demand to 352.4 l/day.

6.40 This remaining water use is to be offset by way of an offsite water-saving plan through Nicholls Water Credits Ltd, at Dangstein Home Farm, Rogate, Petersfield GU31 5BZ. The allocation of 371 credits from Nicholls Water Credits Ltd has been confirmed through the receipt of the purchase agreement between Dangstein Farm Ltd and Tymaric Properties Ltd. This confirms that the credits purchased have been assigned to the development at Potters Field and cannot be used on other schemes. Through the combination of Rainwater Harvesting on-site and credits purchased off-site, the development would be water neutral. Therefore, subject to conditions and S106 legal agreement to secure the off-site mitigation, the development would be water neutral.

6.41 Natural England have been consulted on the water strategy following the carrying out of an Appropriate Assessment by officers, and have raised no objection, subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality. The information available and the mitigation measures proposed are considered to provide the necessary certainty to demonstrate that the proposed development would be water neutral. Appropriate mitigation measures have been demonstrated and are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC, and Ramsar site from the development either alone or in combination with other plans and projects, in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats and species).

Climate Change

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

6.43 The proposal currently before the Authority does not seek to specifically address the requirements of HDPF Policies 35, 36 and 37, though, it is accepted that these measures could be detailed through the reserved matters submission and be secured by way of appropriately worded conditions, such as the use of sustainable drainage infrastructure, cycle parking/electric vehicle charging apparatus, and opportunities for biodiversity enhancement. These measures, collectively, would be considered sufficient to establish compliance with the requirements of HDPF Policies 35, 36 and 37.

Biodiversity Net Gain (BNG):

6.44 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG), unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and that every planning

permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.45 The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

6.46 The Applicant has submitted a Biodiversity Metric which demonstrates a net loss of -1.55 habitat units (-73.51%) and a net gain of 0.07 hedgerow units (11.03%), with a 12.02% net gain achievable by way of offsite biodiversity gains. The offsite biodiversity gains will be undertaken using the land to the north of the application site, which is within the applicant's wider ownership and will be registered on the biodiversity net gain register. Due to this, a S106 legal agreement will be completed to secure the maintenance and monitoring of the registered offsite biodiversity gains for the required 30 years.

Drainage

6.47 The Council's Drainage Consultant has identified the information for surface and foul disposal. There are no reasons, given the location and constraints of the site, why adequate drainage could not be provided. The required information cannot though be secured until the detailed layout is known and this would therefore be secured through condition for approval at a later date.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

6.48 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

6.49 In the case of outline applications, the CIL charge will be calculated at the relevant reserved matters stage.

Conclusions and Planning Balance:

6.50 Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

6.51 The proposed 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. It is however recognised that the Council are currently unable to demonstrate a 5-year housing land supply, with the Housing Delivery Test of April 2025 confirming that the Council can demonstrate a 1-year housing land supply. Therefore, for the purposes of decision making the presumption in favour of sustainable development within Paragraph 11(d) of the NPPF applies.

6.52 Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning

permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or 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.

6.53 In this instance policies 2, 4 and 26 are considered out of date and as determined by recent appeal inspectors now carry only moderate weight in decision-making. The West Grinstead Neighbourhood Plan, although recently adopted, does not contain policies and allocations to meet its identified housing requirement, instead relying on the new local plan to address housing need in the plan area. The protections of Paragraph 14 of the NPPF do not therefore apply to decision making in this case.

6.54 It is acknowledged that the development would be located outside the built-up area boundary and would be in conflict with Policy 26 of the HDPF. However, as outlined above, Littleworth has been recognised as being sustainably located with access to the larger settlement of Partridge Green. The proposal would be experienced as a form of infill development along Mill Lane, with existing development present to either side and immediately opposite. The proposal would be seen in this immediate context and would not represent encroachment outside of what would be perceived as the pattern of development in this section of Littleworth, with the transition to open countryside considered to take place further to the west of this application site.

6.55 There are no reasons to consider that at this outline stage a development of two new dwellings would not preserve the setting of neighbouring listed buildings, with no adverse harm identified.

6.56 Considering the outline application, it is considered that the harm afforded by the conflict with Policies 2, 3, 4 and 26 of the HDPF would not significantly and demonstrably outweigh the benefit of a new dwellings in this sustainable location. The application is recommended for approval accordingly, subject to the conditions as set out below and S106 legal agreement to secure the water neutrality credits and the biodiversity net gain.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to appropriate conditions and s106 legal agreement as detailed below.

1. **A List of the Approved Plans**

2 **Standard Time Condition:**

a. Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

b. Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

c. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

d. The development hereby permitted shall begin either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

4 **Pre-Commencement Condition**: The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following measures:

i. Details of site management contact details and responsibilities;
ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
    a. location of site compound,
    b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
    c. site offices (including location, height, size and appearance),
    d. location of site access points for construction vehicles,
    e. location of on-site parking,
    f. locations and details for the provision of wheel washing facilities and dust suppression facilities
iii. The arrangements for public consultation and liaison prior to and during the demolition and construction works - newsletters, fliers etc, to include site management contact details for residents;
iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;

The construction shall thereafter be carried out in accordance with the details and measures approved.

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).

5 **Pre-commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality

strategy (Water Neutrality Statement C3404 REV P2 received 19.02.2025) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

8 **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 [(11)101, REV B] 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).

9 **Regulatory Condition**: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Greenspace Ecological Solutions, November 2024). This includes the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 6.4.11 and the Precautionary Method Statement for mobile protected species in Section 6.4.2 of the Ecological Assessment (Greenspace Ecological Solutions, November 2024). This avoids impacts on European Protected Species and protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during

construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

10 **Regulatory Condition**: No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Potters Field: Impact plan for great crested newt District Licensing (Version 1)" dated 30th April 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Background Papers: DC/24/1887
DC/24/1888



01-Site Layout 1:250
Proposed New Dwellings

0 1 2 5 10 20
Scale in metres

General Notes:

Meynell Gunton is a trading name of JDRM Architectural Design LLP.

© This drawing is the property of JDRM Architectural Design LLP and protected by the Copyright, Designs and Patents Act, 1988.

Do not scale from drawings, use listed dimensions only, request additional dimensions from Meynell Gunton if required.

All dimensions and conditions are to be verified on site prior to commencing any work or ordering materials.

Units (Unless noted otherwise):
- Dimensions: Millimetres
- Levels: Metres
- Areas: Metres (all areas are approximate)

Report any discrepancies to Meynell Gunton in writing.

Project Notes:

The proposed design is based entirely on OS Mapping Data.

Detailed Topographic Data / Measured Survey data along Mill Lane was undertaken by Hook Surveys early July 2024.

Revision History:

Date	Rev	Notes	Appr
03/12/2024	A	Issue For Approval	RM
24/04/2025	B	Rear boundary amended to step around ponds	RM

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Project:
Potters Field, Mill Lane, Littleworth

Client:
Tymaric Properties Ltd

Drawing Title:
Proposed Site Layout

Project No: 2222
Drawing No: (11)101
Revision: B

Drawing Status: FOR APPROVAL
Scale: 1:250 @ A1
Approved By: RM

South Downs
National Park Authority

Horsham District Council

Our Ref: SDNP/22/05902/ADJAUT
Contact Officer: Stella New
[redacted]

23rd December 2022

Dear Sir/Madam,

Neighbouring Authority Consultation

Applicant Name: Horsham District Council
Proposal: Adjoining Authority Consultation - Horsham District Council (DC/22/2195) - Erection of a detached two-storey dwelling and a detached car barn with home office above. Creation of vehicle access from Hampers Lane.

Address: Cadrona Hampers Lane , Storrington , West Sussex

Thank you for your correspondence received 16 December 2022, consulting us as a neighbouring authority on the above noted development proposals.

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

- **Purpose 1:** To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- **Purpose 2:** To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- **Duty:** To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

The development site is located to the north of Washington Road/A283, which forms the boundary to the National Park in this location. The site appears to be land associated with the residential dwelling to the north known as Cadrona, however is located in open countryside.

The SDNPA makes no comment on the principle of development.

The submitted DAS makes some consideration of impacts upon the setting of the National Park, which is welcomed. However, whilst the new dwelling would be well screened by existing vegetation, little consideration has been given to perceptual or intrinsic harm including impacts upon dark skies.

Furthermore, the site's ecological sensitivities do not appear to have been assessed, which is unfortunate. In its current state, the site is likely to contribute positively in terms of buffer habitat provision. This should be carefully considered in the context of the National Park, given the site's proximity to the National Park's boundary.

It is recommended that further consideration be given to ecological impacts and dark night skies, which are a special quality of the National Park. The South Downs National Park is a designated International Dark Sky Reserve and dark skies and tranquillity are a special quality of the National Park which need to be protected. Paragraph 185(c) of the NPPF 2021 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. Whilst there is likely to be pre-existing lighting associated with other uses in the locality, the SDNPA would encourage any new development to have a sensitive approach to lighting which conforms the Institute of Lighting Professionals for lighting in environmental zones, and tries to achieve zero upwards light spill in all respects. The use of timed black out blinds and/or low transmission glazing should be secured via condition.

Any lighting should also take into account the biodiversity sensitivities of the site and not disturb or harm wildlife, given the priority woodland habitat and likelihood that bats could be present or forage in the area. The Council's biodiversity officer should be able to advise further on this.

Yours faithfully

TIM SLANEY
Director of Planning
South Downs National Park Authority

Contact Officer
Stella New
[redacted]

HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Cadrona, Hampers Lane, Storrington
DESCRIPTION:	Erection of a detached two-storey dwelling and a detached car barn with home office above. Creation of vehicle access from Hampers Lane
REFERENCE:	DC/25/0895
RECOMMENDATION:	Advice

SUMMARY OF COMMENTS & RECOMMENDATION:

Following the dismissed appeal in respect of the earlier application for similar development (DC/22/2195), the trees originally highlighted as being unreasonably shown for retention in relatively close proximity to the proposed build footprint, and yet forthrightly defended for retention by the applicant at appeal, have been felled.

Although less internal site trees remain, the remaining trees still make a positive contribution to the surrounding landscape.

My former comments in respect of the failure of the submitted arboricultural report to appropriately plot and assess impacts of the development on the key rooting areas of the mature laneside sycamore and the oak adjacent to the main road in accordance with the relevant design standard (BS5837) remain pertinent.

In light of the inspectors comments in respect of these two trees, if minded to approve, I recommend conditions to attempt to control direct and indirect impacts of construction on the future health of remaining trees and their contribution to the landscape setting.

MAIN COMMENTS:

See former comments in respect of the application DC/22/2195 and associated appeal documentation.

ANY RECOMMENDED CONDITIONS:

Yes – Standard conditions **3.6 – Utility/service line details required; 3.7 Tree protection – pre-emptive installation of measures; 3.8 Arboricultural Method**

statement required – to include details of any new or upgraded hard landscaping, hardstanding or alterations to the existing accessway and drive	
NAME:	ANDY CLOUT – ASST. ARBORICULTURAL OFFICER
DEPARTMENT:	STRATEGIC PLANNING - SPECIALISTS
DATE:	22/07/25