

ET Planning Statement of Case

Client:

Bruckland Developments Ltd

Land South of the Bowling Club,

The Daisycroft, Henfield, West Sussex, BN5 9RN

Appeal in relation to refused application ref DC/26/0006 for the proposed erection of no.9 detached dwellinghouses with associated parking, landscaping and hardstanding.

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01 Introduction

- 1.1 This statement is submitted following the decision of Horsham District Council to refuse planning permission for the proposed "*erection of 9no. detached dwellings with associated parking, landscaping, hardstanding, access and associated works.*" The application was registered on 22/01/2026 and considered under reference DC/26/0006. The application was refused under delegated powers on 07/05/2026. A copy of the officer's report and decision notice are included with the appeal documents.
- 1.2 This statement of case (SoC) will focus upon matters raised within the decision notice for the appeal scheme.

02 Site Location & Description

- 2.1 The application site comprises a broadly rectangular plot, expanding c.0.61Ha, situated in the Southern side of The Daisycroft. The site lies on the Southern side of the established recreational facility and forms part of the transition between the built-up settlement area of Henfield and the more open countryside to the East.

2.2 The site consists predominantly of grassland, with boundary vegetation providing a degree of enclosure. Existing mature hedgerows, shrubs, and trees define sections of the site boundaries, contributing to the site's green and edge of settlement location. To the North, the neighbouring Bowling Club represents a well-maintained leisure use that forms part of the wider community sports provision in this part of Henfield.

2.3 The surrounding character of the site is predominantly residential consisting of dwellings that vary in architectural style and built form. Along the Southern side of The Daisycroft and Furners Mead, the dwellings consist of bungalows with larger, two storey dwellings on the Northern side of the carriageway.

2.4 The site benefits from its close proximity to local services and facilities within Henfield village, including shops, community buildings, and recreational spaces, all located within convenient walking and cycling distance. The local road network provides good connectivity to the wider settlement and the surrounding area while public rights of way in the vicinity support sustainable movement patterns.

2.5 The site is not located within a National Landscape (formally AONB), nor is it situated within a Special Area of Conservation (SAC), Special Protection Area (SPA) or the Green Belt. The site is located within Flood Zone 1, which carries the lowest risk of flooding from rivers.

- 2.6 The site is allocated within the Henfield Neighbourhood Plan for approximately 10 dwellings.

03 The Appellant's Case

- 3.1 The Council's refusal reason reads as follows:

Refusal reason 1: *"The development would result in a mix, size, and type of dwellings that would fail to reflect local housing need as identified within the Northern West Sussex Strategic Housing Market Assessment (SHMA) and the Henfield Housing Needs Assessment (HHNA). The development would not therefore be designed to meet local need, contrary to Policy 16 of the Horsham District Planning Framework (2015) and Policy 2.4 of the Henfield Neighbourhood Plan. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2024) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Local and Neighbourhood Plan policies in these regards."*

Refusal reason 2: *"The development, and specifically Plots 6, 7, and 8, would be sited in close proximity to a belt of mature protected trees on the eastern boundary of the site which form an important landscape feature, contributing significantly to the character and visual amenity of the area. It has not been demonstrated that the development could be*

constructed and occupiers without causing direct or indirect harm to these protected trees, including through root damage, changes to soil levels, or future pressure for pruning or removal arising from the close relationship between the trees and the proposed dwellings. The proposal would therefore place the long-term health, retention and public amenity value of these trees at unacceptable risk. The development is therefore contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy 2.4 of the Henfield Neighbourhood Plan (2017-2031)."

3.2 The appeal proposal is assessed below against the relevant policies identified by the Council in the refusal reason, and with reference to national guidance in the form of the National Planning Policy Framework (the Framework). It must be noted that the Henfield Neighbourhood Plan is now over 5 years old, and the significance of this, in relation to the appeal site and delegated report and detailed within this statement of case.

3.3 ***Fail to reflect local housing need as identified within the Northern West Sussex Strategic Housing Market Assessment (SHMA) and the Henfield Housing Needs Assessment (HHNA):*** Refusal reason 1 states that the proposal would result in a mix, size, and type of dwellings that would fail to reflect local housing need as identified within the Northern West Sussex Strategic Housing Market Assessment (SHMA) and the Henfield Housing Needs Assessment (HHNA). As such, the LPA are of

the opinion that the proposed development would not therefore be designed to meet local need, contrary to Policy 16 of the Horsham District Planning Framework (2015) and Policy 2.4 of the Henfield Neighbourhood Plan.

3.4 It must be emphasised that the appeal site is allocated for residential development under Policy 2.4 of the Henfield Neighbourhood Plan. The allocation establishes the principle of residential development on the site and anticipates the delivery of approximately ten dwellings. The appeal proposal seeks permission for nine dwellings and therefore accords closely with the scale of development envisaged through the neighbourhood plan allocation. The Council's delegated report accepts the principle of residential development on the site and does not identify any objection to the suitability of the site for housing. Consequently, the dispute is not one of principle, but rather concerns the Council's interpretation of the appropriate housing mix. It must be noted that the lexicon of the policy denotes '*approximately 10 dwellings*' rather than a stronger '*all dwellings must be single storey*'. This allows for flexibility to which the appeal proposal adheres.

3.5 As confirmed in the Delegated Report (**Appendix 1**) the proposed development comprises three two-bedroom single-storey bungalows, three four-bedroom bungalows with accommodation in the roof, and three four-bedroom two-storey detached dwellings. The Council's concern

centres on the fact that six of the nine dwellings contain four bedrooms and therefore do not align precisely with the dwelling size distribution identified within the SHMA and HHNA. However, such an approach places undue emphasis on bedroom numbers whilst failing to properly consider the actual dwelling types proposed and the objectives of the development plan policies. Attention is politely drawn to appendix 1 of the submitted Planning Design and Access Statement which accompanied the application, (**Appendix 2** of this appeal SoC) which is the committee report for Land to the South of Furners Mead, Henfield. In this, the Officer states that “1.5 storey dwellings give the appearance of a single storey dwelling”. The Officers rationale here has been applied to this scheme, confirming the acceptability of the principle of the proposals despite not adhering entirely to single storey dwellings.

- 3.6 Policy 16 of the HDPF seeks the provision of a mix of housing sizes, types and tenures informed by the latest evidence of housing need. The policy does not require strict adherence to numerical housing mix percentages, nor does it prescribe a fixed dwelling size distribution for every site. Rather, it requires planning judgement to be exercised having regard to the circumstances of individual developments. Similarly, Policy 2.4 of the Henfield Neighbourhood Plan seeks housing that responds to local needs and specifically identifies accommodation suitable for older residents and those wishing to downsize. Significantly, the policy specifically refers to

the provision of single-storey dwellings as a means of meeting that objective.

- 3.7 The Council's assessment effectively treats the SHMA and HHNA as prescriptive targets rather than evidence documents intended to guide planning decisions. Neither document was prepared for the purpose of dictating the precise housing mix of individual developments. The SHMA is a strategic assessment prepared across the wider Northern West Sussex Housing Market Area and provides broad evidence regarding future housing requirements. Likewise, the HHNA identifies local demographic trends and housing needs within Henfield. Both documents are intended to inform planning decisions, not replace planning judgement.
- 3.8 A fundamental weakness in the Council's reasoning is that it conflates bedroom numbers with housing need and, in doing so, overlooks one of the principal objectives of Policy 2.4 itself. The neighbourhood plan does not simply seek smaller dwellings in numerical terms. Rather, it seeks accommodation suitable for older residents and those wishing to downsize, with specific reference to the provision of single-storey dwellings. The appeal proposal responds directly to this objective through the delivery of three traditional two-bedroom single-storey bungalows together with three bungalow-form dwellings incorporating accommodation within the roof. Consequently, six of the nine dwellings,

representing two-thirds of the entire scheme, are bungalow-style properties.

3.9 This represents a significant and meaningful response to the specific aspirations of the neighbourhood plan. The provision of bungalow accommodation is frequently identified as one of the most effective ways of meeting the needs of an ageing population by enabling residents to remain within their local community whilst occupying more manageable and accessible homes. The proposal therefore directly supports one of the principal objectives underpinning Policy 2.4.

3.10 The provision of detached single-storey bungalows should attract substantial weight in favour of the proposal. The HHNA identifies the ageing demographic profile of Henfield and highlights the need for accommodation that enables older residents to remain within the parish. The appeal proposal directly addresses that need. The Council's delegated report gives insufficient weight to this aspect of the scheme and instead focuses almost exclusively on bedroom numbers. In doing so, it fails to properly acknowledge that the proposal delivers precisely the type of accommodation sought by the neighbourhood plan.

3.11 Furthermore, the Council's reasoning appears to assume that downsizing is synonymous with occupying a one or two-bedroom dwelling. Such an assumption is not supported by either the SHMA or the HHNA. In practice,

many households seeking to downsize are moving from larger detached family homes and often wish to retain additional accommodation for visiting family members, home working, hobbies, storage, or future care and accessibility needs. The fact that the bungalow-form dwellings contain four bedrooms does not prevent them from meeting the needs of older residents or downsizers.

3.12 The Council's conclusion that accommodation for downsizing households must comprise bungalows is unsupported by any evidence. It is disappointing that the Local Planning Authority appears to have adopted such a narrow and arguably patronising view of what constitutes suitable accommodation for those wishing to downsize. Downsizing does not automatically mean moving into a single-storey dwelling, and many households choose to downsize into modern, lower-maintenance family homes. Neither the Strategic Housing Market Assessment nor the Henfield Housing Needs Assessment states that downsizers require bungalow accommodation, and the Local Planning Authority has provided no evidence to justify this assumption.

3.13 Indeed, the appeal proposals design, accessibility and flexibility are likely to make them attractive to precisely the demographic groups identified within the HHNA. The Council has therefore placed undue weight on bedroom numbers whilst failing to properly consider the actual dwelling types proposed. Whilst the scheme may not replicate the precise

dwelling-size percentages identified within strategic housing evidence, it delivers an exceptionally high proportion of bungalow accommodation on an allocated site. In doing so, it directly addresses the neighbourhood plan's specific aspiration for single-storey housing and makes a positive contribution towards meeting the needs of older residents and households wishing to remain within Henfield.

3.14 The Council's analysis also overlooks the fact that the SHMA does not identify a need solely for smaller homes. Whilst there is recognised demand for smaller dwellings and accommodation suitable for older households, the SHMA also identifies an ongoing need for larger family housing within the district's housing stock. The proposal therefore contributes towards meeting a range of identified housing needs rather than focusing exclusively on a single sector of the market. The provision of family housing alongside accommodation suitable for older residents contributes towards creating a balanced and sustainable community, consistent with the objectives of both local and national planning policy.

3.15 The Council further concludes that there are no material considerations sufficient to outweigh the identified conflict with development plan policy, notwithstanding the absence of a five-year housing land supply and the operation of paragraph 11(d) of the National Planning Policy Framework. The Appellant respectfully disagrees with this conclusion. This will be fully

detailed within this SoC, but in the interim, an over view is provided below.

- 3.16 Firstly, the extent of any conflict with Policy 16 and Policy 2.4 is limited. The proposal does not fail to address local housing needs. Rather, it addresses those needs in a different way to that preferred by the Council. The development provides a substantial proportion of bungalow accommodation and directly responds to the neighbourhood plan's aspiration for single-storey housing. Any conflict therefore relates only to the precise balance between dwelling sizes rather than a failure to provide housing suitable for identified groups.
- 3.17 Secondly, the proposal delivers housing on a site specifically allocated for residential development within the development plan. Significant weight should be attached to the delivery of allocated housing sites, particularly in circumstances where the Council accepts that it cannot demonstrate a five-year housing land supply.
- 3.18 Thirdly, the proposal would provide nine additional dwellings in a sustainable location within Henfield. The delivery of new housing is a benefit which attracts significant weight in the planning balance, particularly in the context of the Council's acknowledged housing land supply position. A full planning balance will be detailed further below, within this Statement of Case.

3.19 Taken together, these considerations significantly reduce the weight that should be afforded to the alleged conflict with housing mix policies and demonstrate that the Council's conclusion regarding the planning balance is flawed.

3.20 In summary, the Council's refusal places undue reliance on bedroom numbers whilst failing to properly consider the actual dwelling types proposed and the specific objectives of Policy 2.4 of the Henfield Neighbourhood Plan. The proposal provides three single-storey bungalows and three further bungalow-form dwellings, meaning that two-thirds of the development comprises accommodation of a type specifically sought by the neighbourhood plan. The Council has therefore misinterpreted both the purpose of Policy 2.4 and the role of the SHMA and HHNA. The proposal makes a meaningful contribution towards meeting local housing needs, accords with the overall objectives of the development plan, and delivers housing on an allocated site in circumstances where the Council cannot demonstrate a five-year housing land supply. For these reasons, the Appellant respectfully submits that Reason for Refusal 1 is not substantiated and that planning permission should be granted.

3.21 **Policy 2.4 and the Henfield Neighbourhood Plan:** Within refusal reason 1, the Officer stated that the proposal would be contrary to, amongst other policies, Policy 2.4 of the Henfield Neighbourhood Plan. For

clarity and convenience to the Inspector, this section relates specifically to this policy, plan document and the criterion within.

3.22 Policy 2.4 allocates the appeal site, "Land South of the Bowls Club (Off Furners Mead)", for approximately 10 single-storey dwellings, subject to a number of site-specific criteria. The delegated report confirms that the principle of residential development on the site is acceptable and assesses the proposal against the requirements of the allocation policy as outlined above within this Statement of Case.

3.23 Criterion (a) requires the design to demonstrate an understanding of the elements that contribute to the character of the landscape and to ensure that these inform the design and layout of the development. The proposal is also required to be of an appropriate scale and massing that reflects the character of the surrounding area. In assessing the proposal, the delegated report concludes that the proposed dwellings utilise forms and features found within the locality, relate sympathetically to the surrounding built form and would sit comfortably within the context of the site and its surroundings. The report further concludes that the development would not result in significant adverse harm to the visual amenities of the area. It is therefore considered that the proposal complies with criterion (a).

3.24 Criterion (b) requires the proposal to preserve or enhance the significance of the Henfield Conservation Area, safeguard the setting of nearby heritage assets and provide a landscaped buffer within the south-western part of the site. The delegated report confirms that following amendments to the roof design that were submitted through the application process, the proposal would preserve the character and appearance of the Conservation Area and would not result in harm to the significance of nearby designated heritage assets. The report concludes that the proposal accords with the heritage-related requirements of Policy 2.4 and the wider development plan. Accordingly, the proposal complies with criterion (b).

3.25 Criterion (c) requires that the proposal comprises single-storey dwellings suitable for older persons and households wishing to downsize in order to meet local need. This is the criterion that forms the basis of the Council's refusal. In reaching its conclusion, the delegated report notes that the proposal comprises three 2-bedroom single-storey bungalows, three 4-bedroom bungalows with accommodation in the roof and three 4-bedroom two-storey dwellings. The report concludes that the proposed housing mix does not sufficiently reflect the recommendations of the SHMA and HHNA and therefore conflicts with Policy 16 of the HDPF and Policy 2.4 of the Henfield Neighbourhood Plan.

3.26 The Appellant respectfully submits that criterion (c) should be considered by reference to its actual wording and purpose. The criterion is concerned

with the provision of single-storey accommodation suitable for older persons and downsizers and does not prescribe a specific bedroom mix. Nor does it require all dwellings within the allocation to be single-storey properties. The proposal includes three traditional 2-bedroom single-storey bungalows together with three bungalow-form dwellings incorporating accommodation within the roof. Consequently, six of the nine proposed dwellings are bungalow-style properties, representing two-thirds of the development.

3.27 This represents a substantial response to the objective of providing accommodation suitable for older residents and households wishing to downsize. The proposal therefore delivers a significant proportion of housing in the form specifically sought by the allocation policy. Whilst the Council has concluded that the proposed housing mix does not adequately reflect the recommendations contained within the SHMA and HHNA, the policy itself is not framed solely by reference to bedroom numbers. Rather, it seeks accommodation suitable for older residents and downsizers. In this regard, the provision of three single-storey bungalows and three further bungalow-form dwellings makes a meaningful contribution towards meeting that objective.

3.28 It is also important to recognise that neither the SHMA nor the HHNA suggests that all households seeking to downsize require one-bedroom or two-bedroom accommodation. Many older households moving from larger

family homes continue to require additional space for visiting family members, home working, hobbies, storage or future care needs. The inclusion of bungalow-form dwellings with accommodation in the roof does not preclude their occupation by older residents or downsizers. Indeed, such dwellings can provide a degree of flexibility and adaptability that is attractive to precisely the demographic groups identified within the HHNA.

3.29 Accordingly, whilst the Council has reached a different conclusion regarding the interpretation of local housing need evidence, it is submitted that the proposal responds positively to both the wording and underlying purpose of criterion (c) by providing a substantial proportion of bungalow accommodation suitable for older persons and downsizing households.

3.30 Criterion (d) requires that the proposal safeguards the amenities of neighbouring residential properties. The delegated report concludes that the development would not result in unacceptable overlooking, overbearing impact, loss of light or loss of privacy and would not cause unacceptable harm to neighbouring living conditions. The proposal therefore complies with criterion (d).

3.31 Criterion (e) requires that the development takes account of important views and visual sensitivities associated with the site, including mitigation

of visibility from the south. The delegated report concludes that the development would sit comfortably within its surroundings and would not result in significant adverse visual impacts. The scheme incorporates landscaping and open space consistent with the objectives of the allocation. The proposal therefore complies with criterion (e).

3.32 Criterion (f) requires the retention and enhancement of the site's rural character, including the retention of important landscape features and the reinforcement of boundaries with native planting where appropriate. The proposal retains the site's key landscape features and incorporates additional planting and landscaping measures. The development also provides the landscaped open space anticipated by the allocation. The proposal therefore responds positively to the objectives of criterion (f).

3.33 Criterion (g) requires the submission of ecological information and the implementation of any necessary mitigation and enhancement measures. Ecological surveys, biodiversity assessments and associated mitigation measures were submitted with the application. No ecological objection was raised and the Council's ecological adviser did not identify any overriding ecological constraint to development. The proposal therefore complies with criterion (g).

3.34 Criterion (h) requires vehicular access to be taken from Furners Mead.

The proposal provides access from Furners Mead in accordance with the allocation policy and therefore complies with criterion (h).

3.35 Criterion (i) requires roads, footways and associated infrastructure to accord with the relevant highway standards. No highway reason for refusal was issued and the Highway Authority did not object to the proposal. The development therefore complies with criterion (i).

3.36 Criteria (j), (k) and (l) relate to lighting, electric vehicle charging infrastructure and drainage. Supporting information addressing these matters accompanied the application and none of these issues form part of the Council's reasons for refusal. It is therefore evident that the Council did not identify any substantive conflict with these requirements.

3.37 When Policy 2.4 is considered in its entirety, the proposal demonstrably accords with the allocation strategy and the overwhelming majority of the policy's site-specific requirements. The principal area of disagreement relates to criterion (c) and the interpretation of local housing need evidence. However, the proposal delivers three traditional single-storey bungalows and three additional bungalow-form dwellings, thereby providing a significant proportion of accommodation capable of meeting the needs of older residents and households wishing to downsize. In these circumstances, it is submitted that the proposal responds positively to the

objectives of Policy 2.4 and should be regarded as substantially compliant with the allocation policy when read as a whole.

3.38 Turning to the Neighbourhood Plan as a whole, the Delegated Report outlines on page 16 that *"Paragraph 14 of the NPPF outlines the continued relevance of Neighbourhood Plans in situations where the presumption of favour or 'tilted balance' applies. Paragraph 14 states: "in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

(a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

(b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement"

Henfield Neighbourhood Plan was made on 23 June 2021 and is therefore less than 5 years old. The Neighbourhood Plan allocates several sites for housing development to meet identified local needs up to 2030. It is therefore considered that both criteria (a) and (b) have been met."

3.39 The delegated report places reliance upon paragraph 14 of the National Planning Policy Framework (2024) when assessing the weight to be afforded to the policies of the Henfield Neighbourhood Plan in circumstances where paragraph 11(d) of the Framework is engaged.

3.40 The report correctly notes that paragraph 14 provides additional protection for neighbourhood plans where two conditions are met. These are that: (a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

3.41 The delegated report concludes that both criteria are met because the Henfield Neighbourhood Plan was made on 23 June 2021 and was therefore less than five years old at the time the application was determined. However, the Appellant respectfully submits that the relevant consideration for the purposes of this appeal is the policy position at the time the appeal is determined, rather than the position that existed at the date of the Council's decision.

3.42 The Henfield Neighbourhood Plan was made on 23 June 2021. Accordingly, from 23 June 2026 onwards, the neighbourhood plan will have formed part of the development plan for more than five years. In

such circumstances, criterion (a) of paragraph 14 can no longer be satisfied.

- 3.43 Whilst the Henfield Neighbourhood Plan will remain part of the statutory development plan and continue to attract significant weight in decision-making, the specific protection afforded by paragraph 14 of the Framework will no longer apply. The consequence is that conflict with neighbourhood plan policies should be assessed through the normal planning balance and through the operation of paragraph 11(d), rather than attracting the additional weight envisaged by paragraph 14.
- 3.44 This is particularly important in the present appeal because the Council's conclusion that there are no material considerations sufficient to outweigh the identified conflict with Policy 2.4 was reached in the context of a policy framework where paragraph 14 was considered applicable. As the appeal will be determined after 23 June 2026, that assumption would no longer be correct.
- 3.45 In those circumstances, the appeal should be assessed having regard to the tilted balance set out in paragraph 11(d) of the Framework without the additional protection afforded by paragraph 14. Significant weight should therefore be attached to the delivery of nine dwellings on an allocated housing site within a district that is currently only able to demonstrate approximately 1.0 years of housing land supply. The benefits

arising from the proposal should be weighed against the actual extent of any conflict with development plan policy rather than through the enhanced protection mechanism that paragraph 14 provides for recently made neighbourhood plans.

3.46 Accordingly, as this appeal is submitted after 23 June 2026, the Council's reliance on paragraph 14 within the delegated report can no longer be regarded as a material consideration carrying the same weight as it did at the time of the original decision.

3.47 ***The absence of a five-year land housing supply and the provisions of paragraph 11(d) of the NPPF :*** Within refusal reason 1, the LPA are of the opinion that despite the lack of a 5 year housing land supply, and the provisions of the National Planning Policy Framework (2024) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Local and Neighbourhood Plan policies.

3.48 The submitted Planning, Design and Access Statement draws attention to the Council's most recently published Authority Monitoring Report (1 April 2023 – 31 March 2024), which confirms that Horsham District Council can demonstrate only 1.0 years of deliverable housing land supply against the five-year requirement. Recent Appeal decisions have suggested a 1.7 year housing land supply, however this still represents a substantial and

significant shortfall in housing delivery. The degree of under-supply is therefore not marginal, but acute, and should attract significant weight in favour of proposals that contribute towards the delivery of additional housing.

3.49 Paragraph 11(d) of the Framework establishes a presumption in favour of sustainable development where the policies most important for determining the application are out-of-date, including situations where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

3.50 The Council nevertheless concludes that there are no material considerations sufficient to outweigh the perceived conflict with Policy 16 of the Horsham District Planning Framework and Policy 2.4 of the Henfield Neighbourhood Plan. The Appellant respectfully submits that this conclusion fails to properly reflect both the nature of the alleged policy conflict and the substantial benefits arising from the proposal and that reason 1 for refusal is unjustified.

3.51 This is further supported through Appeal Decision APP/Z3825/W/25/3376143 which is attached at **Appendix 3**. This also

relates to a site in Henfield, in this case an unallocated site in the countryside. Crucially, The Inspector determined at paragraph 78 that 'paragraph is not absolute' and that it 'requires the decision-maker exercise judgement as to whether conflict with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits'. In that case, the site was unallocated and therefore the conflict with the development plan was greater. However, the Inspector still found that the provision of housing against the Council's supply outweighed any potential harm.

3.52 Furthermore, at paragraph 87, the Inspector found that 'significant material changes in circumstances since the HNP was made suggest its identified housing requirement is no longer reliable' and that this diminished the proposals conflict with HNP policy.

3.53 Overall, the Inspector concluded that 'the adverse impact of allowing development that conflicts with the HNP is a matter of considerable weight and importance. However, in this circumstance, the adverse impact of allowing development that conflicts with the local development strategy, including the provisions of the HNP, would not significantly and demonstrably outweigh the benefits of the proposal. As a result, the presumption in favour of sustainable development would apply, and the appeal should be allowed'.

3.54 The Appeal proposal has a lesser degree of conflict with the HNP as the conflict relates to housing mix only, but the site as a whole is allocated. This weighs in favour of the grant of permission, following the logic of the Inspector on the Charlwood Road appeal decision. Furthermore, at the time that decision was made, the HNP was less than 5 years old and therefore the requirements of paragraph 14(a) of The Framework were met. As explained, that is no longer the case and, as such, the conflict with the HNP attracts less weight.

3.55 The Inspector for the Charlwood Road Appeal placed very significant weight on the provision of 191 homes and ultimately weighed this, and lack of harm, against the conflict with the HNP and allowed the Appeal. While the Appeal proposal is for 9 homes, it relates to an allocated site and does not conflict with the broad aspirations of the allocation; and the HNP is now more than 9 years old. This statement, and indeed the Officer's report, demonstrates that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the provision of housing on this allocated site. As such it is respectfully requested that this Appeal is allowed.

3.56 **Refusal Reason 2: Proximity to protected trees:** Refusal reason 2 states that the proposed dwellings, specifically plots 6,7 and 8, would be close to a belt of mature protected trees on the eastern boundary of the site which form an important landscape feature, contributing significantly

to the character and visual amenity of the area. The LPA are of the opinion that it has not been demonstrated that the development could be constructed and occupiers without causing direct or indirect harm to these protected trees, including through root damage, changes to soil levels, or future pressure for pruning or removal arising from the close relationship between the trees and the proposed dwellings.

3.57 The application was accompanied by a comprehensive package of arboricultural information prepared by Canopy Consultancy, including a Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan. These documents were prepared specifically to assess the interaction between the proposed development and retained trees and to identify any measures necessary to ensure their successful long-term retention.

3.58 The submitted arboricultural survey identifies the belt of trees along the eastern boundary as an important landscape feature and recognises their contribution to the character and visual amenity of the area. Significantly, the proposed development does not seek the removal of this tree belt. Instead, the layout has been designed to retain these trees as an integral component of the development and to ensure their continued contribution to the character of the site and wider locality. The layout of the proposal has been carefully designed throughout to protect these trees. In

particular, they have been positioned to be at the rear of the proposed gardens. This ensures that the built form and associated foundations are positioned outside of the root protection areas, safeguarding the trees. Furthermore, the TPOs on the Eastern boundary of the site have been intentionally positioned outside of the curtilage of the dwellinghouses. This has been done to promote ease of management and to safeguard the trees from future occupants of the dwellings.

3.59 The Arboricultural Impact Assessment concludes that there are no known overriding arboricultural constraints which would prevent the proposed development from proceeding, subject to the implementation of the recommended protection measures and construction methodologies. This is an important professional conclusion reached following a detailed assessment of the proposed layout, the Root Protection Areas of retained trees and the nature of the proposed development. The Council has not presented any alternative arboricultural assessment that reaches a contrary conclusion.

3.60 As stated within the submitted arboricultural documents, there are no.2 protected trees on the Eastern boundary of the appeal site, TPO references TPO/1468 which was served 19/08/2014 and TPO/1468 which was served 19-08-2014, both of with pre-dating the adoption of the Neighbourhood Plan. The presence of Tree Preservation Orders (TPOs) on the site does not, in itself, preclude development. It is notable that the

TPOs were made prior to the adoption of the Neighbourhood Plan, which subsequently allocated the site for residential development of approximately 10 dwellings. In allocating the site, the qualifying body and the Local Planning Authority would have been aware of the existence of the protected trees and nevertheless concluded that the site was suitable, in principle, for residential development. The allocation therefore demonstrates that the development plan anticipates that an appropriate form of development can be achieved whilst respecting the site's arboricultural constraints.

3.61 The concern regarding construction impacts is directly addressed within the submitted Arboricultural Method Statement. The report identifies a series of specific protection measures, including the erection of protective fencing prior to commencement of development, strict exclusion of construction activity from protected areas, no-dig construction techniques where required, careful routing of services, hand excavation where necessary and ongoing supervision by a qualified arboricultural consultant. These measures are established arboricultural practices routinely employed to facilitate development adjacent to retained trees and are specifically intended to avoid unacceptable impacts upon root systems and long-term tree health.

3.62 The refusal reason also refers to the possibility of future pressure for pruning or removal of trees arising from the proximity of Plots 6, 7 and 8

to the eastern boundary tree belt. However, this concern is inherently speculative. No evidence has been provided to demonstrate that future occupiers would seek removal of the trees or that any such requests would be justified.

3.63 The trees in question are protected and their management remains subject to statutory controls. The existence of nearby residential development does not automatically result in pressure for tree removal, particularly where the relationship between buildings and trees has been fully assessed at the planning application stage and where future occupiers will purchase properties with full knowledge of the site's landscape setting.

3.64 Indeed, the retention of mature trees within residential developments is a common and desirable characteristic of high-quality placemaking. The presence of mature trees often enhances the attractiveness of residential environments and contributes positively to landscape character, biodiversity, visual amenity and residential quality. The possibility that future residents may wish to undertake pruning works at some point in the future is not, in itself, evidence that the long-term retention of the trees is placed at unacceptable risk, especially as residents would need to apply to do so.

3.65 It is also notable that the Council's refusal does not identify any specific tree that would be lost as a direct consequence of the proposal. Nor does it identify any aspect of the Arboricultural Method Statement that is considered incapable of implementation. The refusal instead relies upon a concern that future impacts may arise despite the mitigation measures proposed.

3.66 The Planning Inspector is respectfully invited to give substantial weight to the findings of the professional arboricultural evidence submitted with the application. The proposal has been designed around the retention of the eastern boundary tree belt, detailed protection measures have been provided, and specialist arboricultural advice confirms that there are no overriding arboricultural constraints to development. An additional plan is provided at **Appendix 4**, 25-P0315-001 Rev K, which includes patios for the houses. This does not alter any other part of the development, but shows where patios to be provided. This further safeguards the trees by removing the future homeowners' need to provide hard surfacing. It is requested that this replaces plan 25-P0315-001 Rev J (proposed site plan). Alternatively, this could be dealt with via a landscaping condition, with the revised site plan providing confidence that the condition can be complied with. Any further arboricultural measures can also be controlled by condition.

3.67 Furthermore, the appeal site is specifically allocated for residential development under Policy 2.4 of the Henfield Neighbourhood Plan and this allocation was made after the TPO. The proposed layout seeks to deliver that allocation whilst retaining the site's important landscape features, including the eastern boundary trees that form the basis of Refusal Reason 2. The scheme therefore represents a balanced and considered response to both housing delivery objectives and environmental constraints.

3.68 In these circumstances, the Appellant submits that Refusal Reason 2 is not supported by the technical evidence before the Council. The submitted arboricultural information demonstrates that retained trees can be successfully protected during construction and that the long-term retention of the eastern boundary tree belt can be secured. The concerns identified within the refusal reason are therefore not sufficient to justify withholding planning permission, particularly on a site allocated for residential development within a district experiencing a severe housing land supply shortfall.

3.69 Accordingly, the proposal complies with the objectives of Policies 32 and 33 of the Horsham District Planning Framework and Policy 2.4 of the Henfield Neighbourhood Plan, and Refusal Reason 2 should not be sustained.

3.70 **Planning Balance:** In considering the planning balance, it is important to recognise the nature of the matters raised by the Council. Refusal Reason 1 relates to the Council's assessment of the proposed housing mix and its interpretation of the SHMA and HHNA. As set out elsewhere in this statement, the proposal nevertheless provides three single-storey bungalows and three further bungalow-form dwellings, making a substantial contribution towards the provision of accommodation suitable for older residents and households wishing to downsize. The disagreement therefore concerns the extent to which the proposed mix reflects the recommendations contained within the housing evidence base rather than any identified harm arising from the occupation of the dwellings themselves.

3.71 The 'Hallam' judgement (**Appendix 5**) sets out that:

"Secondly, the policies in paragraphs 14 and 49 of the NPPF do not specify the weight to be given to the benefit, in a particular proposal, of reducing or overcoming a shortfall against the requirement for a five-year supply of housing land. This is a matter for the decision-maker's planning judgment, and the court will not interfere with that planning judgment except on public law grounds. But the weight given to the benefits of new housing development in an area where a shortfall in housing land supply has arisen is likely to depend on factors such as the broad magnitude of the shortfall, how long it is likely to persist, what the local planning

authority is doing to reduce it, and how much of it the development will meet”.

3.72 Refusal Reason 2 relates to the potential impact of the development upon trees. However, the application was accompanied by a detailed Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared by suitably qualified specialists. These documents concluded that there are no overriding arboricultural constraints preventing development of the site and identified a range of mitigation and protection measures capable of safeguarding retained trees throughout the construction process. Whilst the Council has reached a different conclusion on this matter, the existence of detailed technical evidence demonstrating that impacts can be appropriately mitigated is a material consideration that should be afforded weight in the overall planning balance.

3.73 Against the matters identified in the refusal reasons must be weighed the substantial benefits of the proposal. These include the delivery of nine dwellings on an allocated housing site within a district experiencing a severe housing land supply deficit; the provision of accommodation suitable for older residents and downsizers through the delivery of three single-storey bungalows and three bungalow-form dwellings; the efficient use of an allocated site within the built-up area of Henfield; and the

economic and social benefits associated with the delivery of additional housing in a sustainable location.

3.74 The Council's refusal reasons identify concerns regarding housing mix and arboricultural impacts, but neither reason challenges the suitability of the site for housing development in principle. Nor do the refusal reasons identify significant environmental, heritage, highway, drainage or residential amenity harm. The proposal therefore remains a sustainable form of development on a site specifically allocated for residential use through the neighbourhood plan.

3.75 A full planning balance is provided below:

Matter	Weight	Assessment
Delivery of 9 dwellings on an allocated site	Substantial Weight in favour	The proposal would deliver nine new dwellings on a site specifically allocated for residential development under Policy 2.4 of the Henfield Neighbourhood Plan. The principle of housing development on the site has therefore already been established through the development plan process.

Housing Land Supply Contribution	Substantial Weight in favour	Horsham District Council's Authority Monitoring Report (1 April 2023 – 31 March 2024) confirms a housing land supply position of only 1.0 years against the five-year requirement. This represents a severe housing land supply deficit. The proposal would make a meaningful contribution towards addressing this significant shortfall. The Council accepts that paragraph 11(d) of the NPPF is engaged. In circumstances where the Council cannot demonstrate a five-year housing land supply, planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
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Housing Mix Paragraph 14 NPPF – Reduced Weight to Neighbourhood Plan Protection	Limited weight against	The delegated report relies upon paragraph 14 of the NPPF on the basis that the Henfield Neighbourhood Plan was made on 23 June 2021 and was less than five years old at the time of determination. However, if the appeal is determined after 23 June 2026, the neighbourhood plan will have formed part of the development plan for more than five years. Criterion (a) of paragraph 14 can therefore no longer be satisfied and the additional protection afforded to neighbourhood plans under paragraph 14 will not apply. Whilst the neighbourhood plan remains part of the development plan and continues to attract weight, conflict with its policies should be assessed through the normal planning balance and the operation of paragraph 11(d), rather than through the enhanced protection afforded by paragraph 14. In any event, the Council’s severe 5YHLS shortage significantly reduces the weight that this policy attract and in that context, it is considered out of date. The proposal includes 3 no. 2-bedroom single-storey bungalows and 3 no. 4-bedroom bungalows with accommodation in the roof. Six of the nine dwellings are therefore bungalow-style dwellings, providing accommodation capable of meeting the needs of older residents and those
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		wishing to downsize whilst remaining within Henfield.
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Economic Benefits	Moderate Weight in favour	The proposal would generate economic benefits through construction activity, local investment and expenditure by future residents within Henfield and the wider district.
Retention of Protected Trees	Moderate weight in favour.	Afforded neutral weight as the requirements of policy been met and no harm identified.
Ecology and Biodiversity	Neutral weight	Afforded neutral weight as the requirements of policy been met and no harm identified.
Heritage Impact	Neutral weight	Afforded neutral weight as the requirements of policy been met and no harm identified.
Residential Amenity	Neutral weight	Afforded neutral weight as the requirements of policy been met and no harm identified.
Highway Safety and Access	Neutral weight	Afforded neutral weight as the requirements of policy been met and no harm identified.

3.76 Neutral weight has been afforded to all technical matters which require compliance and result in no harm, as agreed by the case officer. This includes trees as the information submitted with the application clearly demonstrates that no harm will arise to the protected trees.

3.77 As such, it cannot be concluded that the adverse impacts identified by the Council would significantly and demonstrably outweigh the benefits of delivering nine dwellings on an allocated housing site within a district that can currently demonstrate only 1-1.7 years of housing land supply. The severe housing shortfall acknowledged by the Council's own monitoring

evidence attracts substantial weight in favour of the proposal and materially alters the planning balance.

3.78 Accordingly, when assessed against the policies of the Framework as a whole and having regard to the operation of paragraph 11(d), the Appellant respectfully submits that the benefits of the development outweigh the harm identified by the Council and that planning permission should be granted.

04 Conclusion

4.1 For reasons set out in this statement it is considered that the appeal proposal adheres to relevant development plan policies, and gains further support from national guidance in the form of the Framework.

4.2 It is considered that the policy strategy supports the appeal scheme as an efficient use of land that would not result in an adverse effect on the character and appearance of the host dwelling/area, nor the residential amenity of adjacent neighbours. The proposal for nine dwellings closely reflects the scale of development envisaged by that allocation and complies with the overwhelming majority of the policy's requirements. The Council accepts the principle of residential development on the site, and the appeal therefore concerns only the interpretation of housing mix

and the relationship between the proposed development and retained protected trees.

- 4.3 The evidence submitted demonstrates that both matters can be satisfactorily addressed. The proposal delivers 6 out of 9 proposed bungalow-style dwellings, making a significant contribution towards meeting the neighbourhood plan's objective of providing homes suitable for older residents and those wishing to downsize. Likewise, comprehensive arboricultural evidence confirms that the protected trees can be retained and safeguarded throughout construction. Significantly, the Tree Preservation Orders pre-date the allocation of the site, demonstrating that the site was considered suitable for residential development despite the presence of the protected trees.
- 4.4 In the context of Horsham District Council's severe housing land supply shortfall, the delivery of nine dwellings on an allocated site attracts substantial weight. Paragraph 11(d) of the Framework is engaged and, by the time this appeal is determined, the additional protection afforded by paragraph 14 to neighbourhood plans will no longer apply as the Neighbourhood Plan would be over 5 years old. When assessed against the Framework as a whole, the limited concerns identified by the Council do not significantly and demonstrably outweigh the substantial benefits of delivering sustainable housing on an allocated site.

4.5 There are no matters that would significantly and demonstrably outweigh the benefits of the proposal and the recent Appeal decision provided also supports the grant of permission on this site.

4.6 Therefore, the Council's reason for refusing the proposed development is unjustified, and it is respectfully requested that the appeal be allowed.

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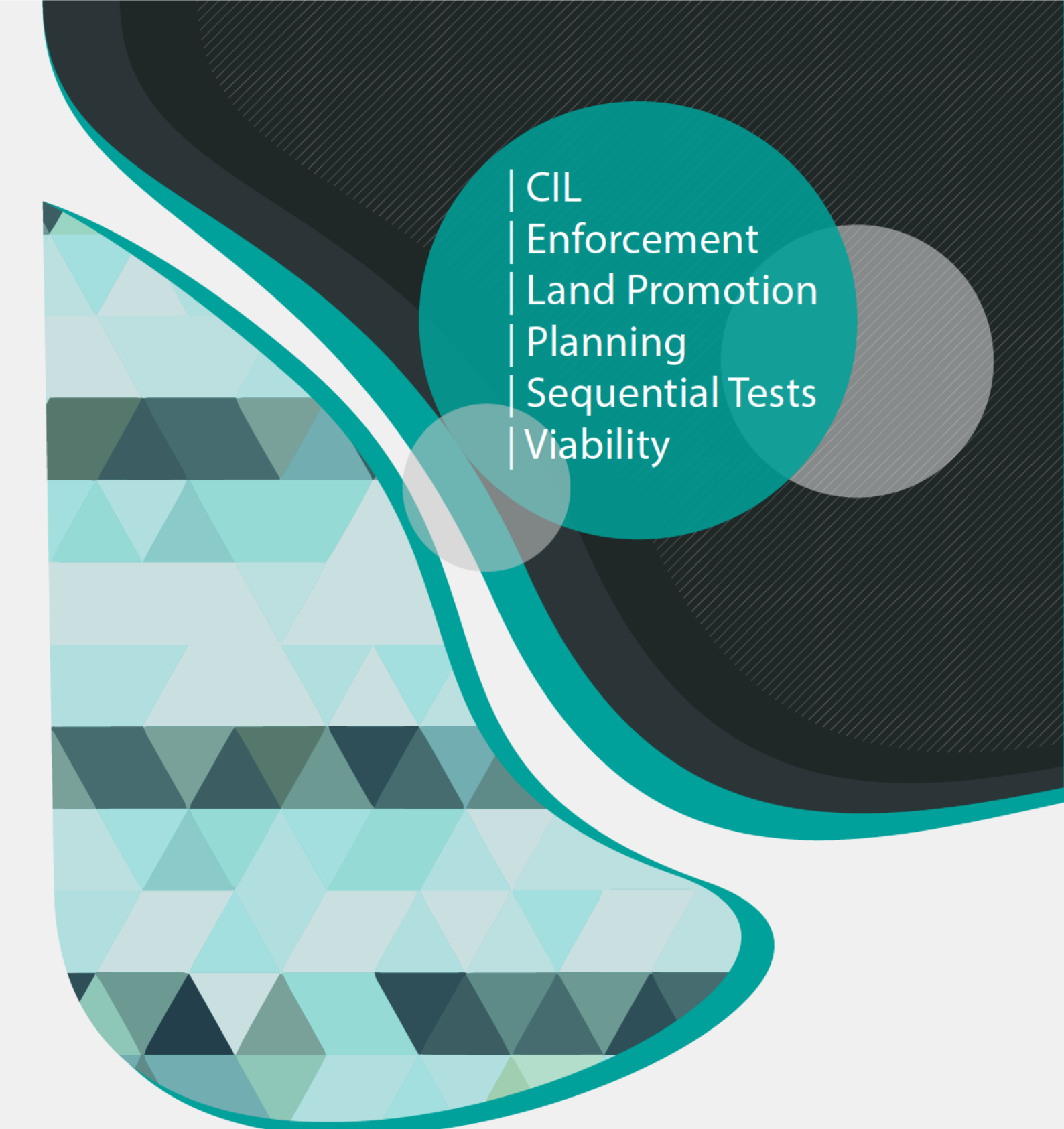
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