



Applications & Appeals Services

**APPEAL UNDER S.78 OF THE
TOWN & COUNTRY PLANNING ACT 1990**

STATEMENT OF CASE

in respect of

Erection of a single storey (self-build) dwellinghouse.

at

**Land to the northwest of Coach House, Blackhouse Road,
Colgate, West Sussex, RH13 6HS**



Appellants: Ms R. Licorish and Ms K. Thorn

LPA Ref: DC/26/0427

July 2026

Nikolas J. Antoniou BSc (Hons) DipTP MRTPI

NIKOLAS JAMES ANTONIOU

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.

CONTENTS	PAGE
1.0 INTRODUCTION	4
2.0 BACKGROUND	5
3.0 ASSESSMENT OF THE COUNCIL'S REPORT	16
4.0 PLANNING BALANCE AND CONCLUSIONS	42

APPENDICES

NJA/1 – Land to the north of Cowfold Road, Coolham, appeal decision

NJA/2 - Horsham Golf Club, appeal decision

1.0 INTRODUCTION

- 1.1 This appeal is against the refusal of planning permission by Horsham District Council, as Local Planning Authority, for **“Erection of a single storey (self-build) dwellinghouse.”** at land to the northwest of Coach House, Blackhouse Road, Colgate, West Sussex, RH13 6HS. NJA Town Planning Ltd has been instructed by Ms R. Licorish and Ms K. Thorn to appeal against this refusal of planning permission by the Council.

2.0 BACKGROUND

2.1 The appeal application (DC/26/0427) was determined by Horsham District Council on 1st July 2026 and it was refused for the following reasons:

1. The proposed development would be located within an unsustainable location in the countryside, beyond a defined built-up area on a site not allocated within the Development Plan and would not be essential to this countryside location. The development would therefore be contrary to the overarching spatial strategy and hierarchy approach of concentrating development within defined settlements and advocating a planned approach to settlement expansion, contrary to policies 1,2, 3, 4 and 26 of the Horsham District Planning Framework (2015). 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 which would outweigh harm arising from conflict with the above policies.

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

2.3 In line with best practice as set out in the Planning Appeals: procedural guide for appeals relating to applications dated on or after 1 April 2026, the Appellants 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 primarily consider the proposed development against the policies identified as relevant by the Council within its reasons for refusal together with the National Planning Policy Framework (NPPF) and it will analyse the Council's delegated report.

2.4 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 NPPF 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

- 2.5 The 'Development Plan' comprises the Horsham District Planning Framework adopted in 2015 (the HDPF). The Council's reasons for refusal refer to the following policies of the HDPF:

HDPF (2015)

- Policy 1: Sustainable Development
- Policy 2: Strategic Development
- Policy 3: Development Hierarchy
- Policy 4: Settlement Expansion
- Policy 26: Countryside Protection

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

Emerging Policy

- 2.7 The Horsham District Local Plan 2023-2040 was formally submitted to the Planning Inspectorate in July 2024 for public examination. Hearings commenced, however in 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.
- 2.8 Matters have since progressed and in January 2026 a Planning Inspector was appointed to conduct a new examination of the Horsham Local Plan 2023-2040. Examination re-commenced with final hearings in October 2026 and adoption presently anticipated for January 2027. In addition, and following the Government's changes to the Local Plan process and requirements, Horsham District Council has been mandated to start a new Local Plan as well, at the same time. As such, the Council presently has an emerging Local Plan at Examination stage, in addition to commencing work on a new style Local Plan.

- 2.9 At this stage however, the HDPF remains the adopted development plan relevant to the determination of this appeal.

Relevant Legislation and Case Law

- 2.10 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 reiterated at paragraph 2 of the NPPF).
- 2.11 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 relevant to the application).
- 2.12 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."

- 2.13 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* [2013] EWHC 2074 (Admin)). 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.
- 2.14 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] EWHC 97 (Admin) and *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).

- 2.15 In *Corbett v Cornwall Council* [2020] EWCA Civ 508 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.”

- 2.16 Paragraph 3 of the NPPF confirms that it 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: 006 Reference ID:21b-006-20190315).

- 2.17 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).

Housing Land Supply (Case Law)

- 2.18 The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 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 an authority cannot demonstrate a 5 year supply of

deliverable housing sites, with the appropriate buffer, or where the Housing Delivery Test indicates that the delivery of housing was substantially below, less than 75%, of the housing requirement over the previous three years, 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).

2.19 The Suffolk Coastal District Council v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 case 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 (paragraphs 14 and 49 in the 2012 version).

2.20 The judgement emphasised that if a Council cannot demonstrate a five-year supply of housing land, the presumption in favour of sustainable development is triggered (the tilted balance) and the weight given to restrictive policies is diminished if counterpart to out-of-date housing goals.

Rural Housing (Case Law)

2.21 In terms of the provision of housing within the countryside, the Braintree DC v Secretary of State for Communities and Local Government {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 (which 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'.

- 2.22 The case held that 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.
- 2.23 The case additionally drew reference to transport opportunities in rural areas where it is consistent with the NPPF 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.
- 2.24 The *Bramshill v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 320 decision 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

- 2.25 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 national planning practice guidance (NPPF paragraph 62).
- 2.26 Policies in local plans and spatial strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary (NPPF paragraph 34). In addition, 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 (paragraphs 72 and 78).

- 2.27 In the case of Horsham District Council, the present HDPF was adopted in 2015. It is therefore significantly over five years old and it does not take into account the current standard method in its policies relating to the supply of new homes (specifically HDPF policy 15).
- 2.28 In addition, the Council's most recent Authority Monitoring Report (AMR) for 2024/25 (published on 19 December 2025) states that in accordance with the NPPF, the standard method calculates the local housing need (at December 2025) to be 1,338 per year. This equates to 6,690 for the five-year period (1 April 2025 – 31 March 2030). However, as Horsham District has a 62% result from the 2023 Housing Delivery Test results, a 20% buffer must be added to this figure and this results in a total five year supply requirement of 8,028 (see paragraphs 3.21 – 3.26 of the AMR).
- 2.29 Paragraph 3.40 of the AMR confirms that the Council can only demonstrate a **housing land supply of 1.7 years** and as such, it is unable to demonstrate a five-year supply as required by the NPPF. Specifically, the supply deficit is 5,286 homes which is significant (see table 6 of the AMR).
- 2.30 The under provision of housing within the Horsham district has persisted for some time - the Council's AMR for 2023/24 set out a 1 year supply of housing and the AMR for 2022/23 set out 2.9 years' supply.
- 2.31 As the Council cannot demonstrate the necessary level of housing land supply as required by the Framework, the provisions of NPPF paragraph 11 d) (the '*tilted balance*') apply to the proposal which must in turn be considered against the Framework's presumption in favour of sustainable development.
- 2.32 Having regard to paragraph 11 d) i, NPPF footnote 7, the Council is no longer requiring Applicants to demonstrate that that new development is water neutral (as of November 2025 – please see explanation below). In addition, whilst the appeal site is located within a 'protected area' (the High Weald Area of Outstanding Natural Beauty – a National Landscape), the Council have raised no objections in respect of the policies which seek to protect this area. As such, there are no policies in relation to this issue

which provide a *strong* reason for refusing the development proposed or prevent the proposed development from being considered under the presumption in favour of sustainable development and the provisions of NPPF paragraph 11 d).

Water Neutrality

- 2.33 The Horsham district lies within the Sussex North Water Resource Zone (WRZ) which is supplied from ground water abstraction, from the Folkestone bed of the Lower Greensand/Wealden Greensand semi-confirmed aquifer, close to Pulborough. The WRZ also covers the Arun district, Crawley borough, Chichester district and Mid Sussex district including areas located within the South Downs National Park.
- 2.34 The abstraction site is located on the River Arun, close to a group of nature conservation sites known as the 'Arun Valley Sites'. These are designated as a Special Area of Conservation, Special Protection Area and Ramsar Site due to their rare and protected habitats.
- 2.35 In September 2021, Natural England issued a Position Statement setting out that it could not be concluded that water extraction was not having an impact on the protected Arun Valley sites and that development must not add to this impact by increased water abstraction. As a result, development was required to be 'water neutral' by not increasing the demand for water above current abstraction rates.
- 2.36 However more recently, on 31 October 2025, Natural England issued a Withdrawal Statement confirming that its Water Neutrality Position Statement of September 2021 has been withdrawn. For individual applications, the Council will be using the 2024/25 water efficiency savings made by Southern Water to allow all development to move forward as water neutral from 01 November 2025. As a result, for Applicants, it is no longer a requirement to demonstrate water neutrality at planning application stage. This means that:
1. No water neutrality statement is now required.
 2. No payment into SNWCS is needed to use the Southern Water capacity.
 3. No bespoke conditions or s106 obligations are required to demonstrate water neutrality.

Shaping Development in Horsham District Planning Advice Note September 2025

- 2.37 The Shaping Development in Horsham District Planning Advice Note (SD PAN) was 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.
- 2.38 The SD PAN is now a material consideration in determining planning applications. 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.
- 2.39 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
- 2.40 The Council's SD PAN acknowledges that the Council cannot demonstrate a five year supply of housing and that it has produced a Housing Delivery Action Plan.
- 2.41 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).

- 2.42 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) indicates 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.
- 2.43 In respect of the Council's emerging Local Plan, SD PAN paragraphs 2.13 and 2.18 confirm that (at the point of writing), 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).
- 2.44 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.
- 2.45 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 but which is no longer requirement). 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'.***

2.46 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.

3.0 ASSESSMENT OF THE COUNCIL'S REPORT

- 3.1 This section responds to the Case Officer's delegated report (in bold) and addresses the key planning issues and the Council's reasons for refusal.

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 HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Policy 4 of the HDPF refers to the expansion of settlements outside the built-up area, and states that such development is only supported where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge.

The application site lies outside of the defined Built-Up Area Boundary on a site not allocated for development, and therefore in planning policy terms forms part of the countryside where new development is strictly controlled. In this countryside location, Policy 26 is also applicable. Policy 26 seeks to protect the countryside against inappropriate development unless it is essential to its countryside location and meets one of the following criteria: supporting agriculture or forestry; enabling mineral extraction or waste disposal; providing for quiet informal recreation; or enabling the sustainable development of rural areas.

3.2 NPPF paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. Achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental (NPPF paragraph 8).

3.3 Paragraph 10 of the NPPF states:

‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

3.4 HDPF Policy 1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Therefore, in line with the NPPF, planning applications that accord with the policies of the HDPF will be approved without delay (unless material considerations indicate otherwise). Where there are no policies relevant to the application, or relevant policies are out of date, Policy 1 states that the:

‘Council will grant permission, unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specific policies in that Framework indicate that development should be restricted’.*

3.5 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.

- 3.6 HDPF policy 26 seeks to protect the rural character and undeveloped nature of the countryside from inappropriate development. Any proposal must be essential to its countryside location and meet one of four criteria. In addition, proposals must be of a scale appropriate to its countryside character and location and should not lead either individually or cumulatively, to significant increase in the overall level of activity in the countryside and protects and/or conserves and /or enhances the key features of the landscape character area in which it is located.
- 3.7 It is acknowledged that the appeal site is located within the countryside, however, in this case there are compelling reasons which justify the proposed development when considering the policies of the NPPF and HDPF as a whole. These material planning considerations are addressed below in response to the Case Officer's assessment below.

Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Rural Housing

- 3.8 The NPPF supports the provision of rural homes at paragraph 83 where it 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 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'.

- 3.9 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 appeal site is arguably 'essential' to rural areas and allows the sustainable development of rural areas (HDPF policy 26, criterion 4).

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

- *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;*
- *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;*
- *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- *the development would involve the subdivision of an existing residential dwelling; or*
- *the design is of exceptional quality, in that it:*
 - (i) *is truly outstanding or innovative, reflecting the highest standards in architecture, and*
 - (ii) *would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area"*

The term "isolated" is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. There are other residential dwellings with the locality and so given this spatial context, it is not considered to be "isolated" in its truest sense and does not therefore engage the considerations of paragraph 84.

The proposed development would therefore be in conflict with Policies 2, 3, 4 of the HDPF, and does not meet any of the exceptions as identified within Policy 26. As such, the proposal is therefore unacceptable in principle. Whether there are any material considerations that would outweigh the conflict as identified, will be discussed in the Planning Balance and Conclusions section below.

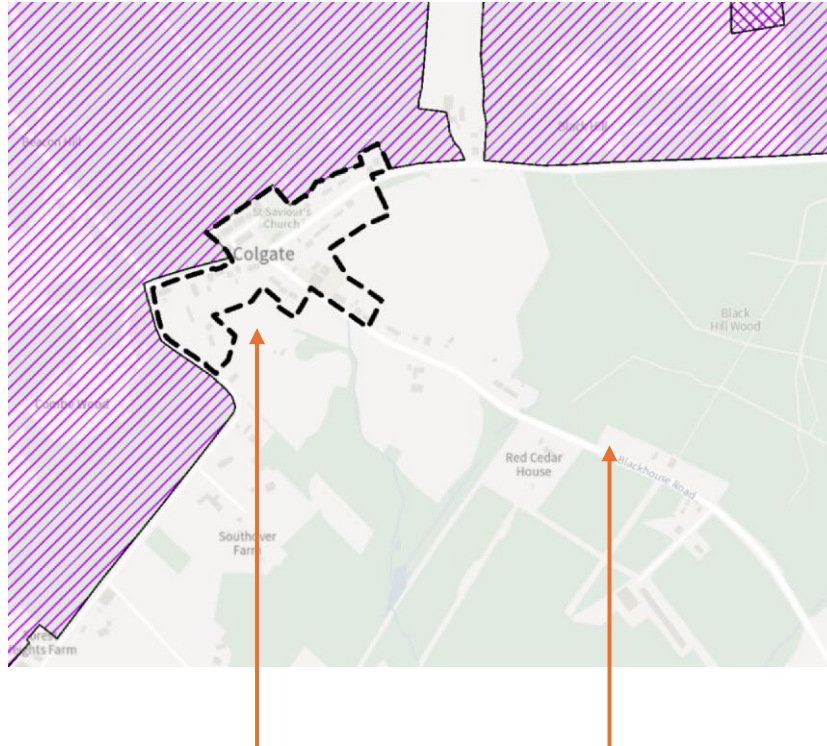
Location and Shaping Development

- 3.10 As set out, with particular regard to the spatial strategy of the HDPF, its policies in respect of the supply and location of new homes should be considered out of date (HDPF policies 2, 3, 4, 15 and 26) on the basis that the HDPF is over 5 years old and Council is unable to demonstrate a five year supply of housing as required by the NPPF. As such, less weight should be given to them in the decision making process due to the age of the HDPF and the lack of a five year supply of housing. Nevertheless, the relevant policies of the HDPF in respect of the location of new homes are addressed as follows:

- 3.11 As set out, HDPF policy 2 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.
- 3.12 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.
- 3.13 The application site is located approximately 0.4 miles to the south east of Colgate and just over 2 miles from the outskirts of Horsham. The train station at Faygate is approximately 2 miles away to the north, past Colgate.
- 3.14 Whilst Colgate is an ‘unclassified’ settlement (HDPF policy 3), it does have some amenities including a primary school (on Blackhouse Road close to the application site), a village hall, a church and a public house. There are also bus stops on Forrest Road where the number 6 (Handcross District Community Bus) and 52 (Compass Travel) bus services run to Horsham, Broadridge Heath, Rusper and Faygate train station.
- 3.15 It is also relevant to note that the emerging Local Plan (Regulation 19 version) proposes to introduce ‘Secondary Settlements’ (draft policy 2 – Development Hierarchy) which would include Colgate.
- 3.16 Whilst the application site would be located outside of the proposed Secondary Settlement boundary to Colgate, it would be only a short distance away. Furthermore, the proposed re-classification of Colgate in the Council’s emerging policies demonstrates a recognition of the amenities and community that exists within the village.
- 3.17 Occupiers of the proposed dwelling would therefore be able to form part of the established community at Colgate and will have close access to public transport options including the bus services within the village and the nearby train station at Faygate. In addition, Horsham is also nearby and as such, the application site is not located within ‘isolated’ countryside and the site is not in an unsustainable location

having regard to its proximity to public transport options and all of the amenities within Horsham including employment, education, retail, leisure and health care services etc.

Figure 1: Extract of HDC Local Plan Regulation 19 Portal



Proposed Secondary Settlement Boundary Appeal site

- 3.18 NPPF paragraph 110 requires the planning system to actively manage patterns of growth. Whilst significant development should be focused in 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’*.
- 3.19 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.

- 3.20 The proposed construction of one dwelling is not ‘significant’ development and it will not in itself result in unsustainable patterns of vehicle movements within the rural area or result in any harmful impact upon the local transport network. Furthermore, and as set out, the proposed dwelling will not be remote from a main settlement (Horsham) and public transport options are nearby at Colgate and Faygate train station.
- 3.21 In terms of the site’s surroundings, there is development along both sides Blackhouse Road leading in/out of Colgate including residential development. The site is also adjacent other residential development, The Coach House and Colgate Lodge and so the proposed dwelling would not be remote from other built form and neither will it appear out of keeping with the context of its surroundings.
- 3.22 Therefore 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.
- 3.23 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*'.

3.24 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).

3.25 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.

3.26 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*'.

3.27 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.

3.28 The appeal site does not adjoin a settlement edge, however, for the reasons described, the site is in a suitable position to accommodate a new dwelling without resulting in significant or harmful conflict with the Council's spatial strategy.

- 3.29 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 residential development.
- 3.30 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 criteria 3 and 4 of the SD PAN and HDPF policy 4.
- 3.31 In respect of criterion 5 of the SD PAN and HDPF policy 4, the application site is contained by an existing defensible boundary, important landscape features will be retained and the proposed dwelling will not harmfully encroach into open countryside.
- 3.32 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.
- 3.33 Given the small scale of development proposed, the sustainable location of the application site, the lack of any harm caused to the visual amenities of the High Weald countryside landscape (as further addressed within this Statement) and the high need for new homes within the District, it is reiterated that 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.
- 3.34 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).

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

The proposed dwelling, covering a footprint of 135m², would be located centrally within the site and would be oriented to face east. The proposal comprises a single-storey dwelling of a contemporary design, with a central front-facing gable projection with lower projecting wings to either side. The dwelling would incorporate extensive glazing to all elevations and would be finished in vertical timber cladding with a brick plinth, roof tiles and darkened framed windows and doors.

There is no set prevailing characteristics of the sporadic dwellings along this section of Blackhouse Road, with a range of ages, materials and build form. As such, whilst contemporary in nature, the proposal would be of a design that would respect the build characteristics and form of other dwellings within the locality, with the proposed materials considered to relate sympathetically to the built form within the wider surroundings.

Overall, the proposed development is considered to relate sympathetically to the built characteristics and character of the locality, and is considered to be of a scale, proportion, and finish that would sit comfortably within the context. The proposal is therefore considered to accord with the above policies.

- 3.35 Careful consideration has been given to the design of the proposed dwelling, including its single storey height, to ensure that it fits in appropriately within the site and its surroundings and no harm will be caused to the visual amenities of the countryside landscape. As noted above, there is no set prevailing character/design of built form along this section of Blackhouse Road but nevertheless, the proposed dwelling is of an appropriate design, height, overall scale, siting and use of materials to ensure that it will relate sympathetically to its surroundings.
- 3.36 Overall, the proposed dwelling is of a high-quality design and just one dwelling will not result in any harmful intensification of use or any significant increase in noise and disturbance. The proposal complies with the design requirements of the NPPF (including paragraphs 131, 135 and 139) and HDPF policies 25, 32 and 33 and the Council has raised no objections in this regard.

Trees and Landscaping:

Policy 25 of the HDPF states that the natural environment and landscape character of the District, including landscape, landform and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance. Policy 26 continues that outside built-up area boundaries, development should protect, and/or conserve, and/or enhance the key features and characteristics of the landscape character area in which it is located, including the development pattern of the area, its historic and ecological qualities, tranquility and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees and other features; and the landform of the area. Policy 31 promotes development that protects and enhances green infrastructure and biodiversity. It supports projects that maintain ecological networks, create new habitats, and improve existing biodiversity. Loss of green infrastructure must be mitigated or compensated, and protected trees must be replaced if felled.

The application site lies within the High Weald Area of Outstanding Natural Beauty (AONB). Section 84(4) of the Countryside and Rights of Way Act 2000 states that "A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area". Section 85(1) continues that "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

The primary purpose of AONB designation is to conserve and enhance natural beauty, and account should be taken of the needs of agriculture, forestry, and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

Policy 30 of the HDPF states that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. 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. Proposals should have regard to any management plans for these areas and must demonstrate: how the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures; how the public enjoyment of these landscapes will be retained; and how the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live

and work in these areas.

The High Weald AONB Management Plan is focused on delivering the statutory purpose of conserving and enhancing the natural beauty, with considerations relating to wider environmental issues, the rural economy, and communities, dealt with in the context of delivering this purpose. The Plan takes a character-led approach with the main body of the plan setting out the long term policy objectives and short term targets for conserving and enhancing natural beauty. The Objectives, together with Indicators of Success and Five-Year Targets are effectively the plan's policies, and provide the strategic direction for AONB management. As a statutory document, Local Planning Authorities must take the AONB Management Plan into account when formulating their development plans, and in the assessment of planning applications.

The application building is considered to be of an appropriate scale and footprint which sits comfortably within the context of the site. The building's design is considered to relate sympathetically to the rural character of the countryside location and the characteristics of the High Weald AONB. Whilst mature trees, hedgerows and woodlands surround the site, given the building's central location within the plot, the dwelling will be sited outside the RPAs of the trees on the site. No trees would be removed as part of the development, ensuring that there is no harmful impact to the High Weald AONB and the site remains suitably screened and enclosed. The council's Arboricultural Team have confirmed they raise no objections, subject to the imposition of compliance conditions.

The development is therefore considered to relate sympathetically to the landscape character and visual amenity of the site and surroundings, in accordance with the above policies.

- 3.37 In respect of the High Weald AONB, a 'National Landscape' NPPF paragraphs 189 and 190 state:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife protection and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.....'

- 3.38 HDPF policy 30 aligns with this and which also seeks to ensure that protected landscapes, including the High Weald AONB, is conserved and enhanced.
- 3.39 The proposed development is not a 'major development' (NPPF footnote 67) however, it is acknowledged that the appeal site is located within a protected area and as such, a 'low impact' style dwelling has been specifically designed to ensure that it respects and reflects the surrounding landscape in this location.
- 3.40 The site is contained by well-defined boundaries and the limited single storey height of the proposed dwelling, with a shallow pitched roof, will ensure that it will not appear as an unduly prominent feature to views from outside of the site boundaries. As a result, the Case Officer's report above notes that the proposed dwelling is of an appropriate scale and footprint and that its design will relate sympathetically rural character of the countryside location and characteristics of the High Weald ANOB. No objections are therefore raised in respect of the relevant policies of the NPPF in this respect or HDPF policies 25 and 30.
- 3.41 In respect of trees, an Arboricultural Report with tree survey and tree protection plans was submitted to the Council and which accompany this appeal. The Arboricultural Report confirms at paragraph 3.13.1 the following:
- 'The proposed new dwelling is thoughtfully positioned at the heart of the site, comfortably beyond the root protection zones of the mature treescape, ensuring the long-term health and preservation of the surrounding trees. The existing tree cover provides a rich and attractive natural setting, offering natural enclosure, biodiversity value, and visual amenity without imposing any constraints on access, levels, or daylight to the development. This considered relationship between the proposed dwelling and the established treescape represents an admirable approach to the development of this site, that respects the natural environment while making excellent and efficient use of the land'.*
- 3.42 The Case Officer's report confirms that the Council's Arboricultural team have raised no objections to the proposal which complies with HDPF policy 31 in respect of the maintenance of green infrastructure and HDPF policy 33 (6).

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 dwelling would be sited to the west of the nearest residential property known as the Coach House, at a distance of approximately 45metres. The proposal has been designed to limit overlooking, with the separation distance considered sufficient to ensure there would be no loss of privacy or overlooking.

Taking into account the single storey nature of the proposed dwelling, the separation distance is considered acceptable to limit harm to the amenities of nearby residential properties. The proposal is therefore considered to accord with policy 33 of the HDPF.

- 3.43 The proposed dwelling is sited a sufficient distance away from other residential development and is appropriately orientated to ensure that no harm would be caused to nearby dwellings by way of any harmful loss of privacy, overbearing impact or over shadowing. The Case Officer's report confirms that the proposal is acceptable in respect of residential amenity and that it complies with HDPF policy 33.

Highways Impacts:

Policy 40 of the HDPF deals with sustainable transport and seeks new developments to provide safe and suitable access for all vehicles, pedestrians, cyclists, horses riders, public transport, and the delivery of goods. Policy 41 which relates to parking requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.

The proposed dwelling would utilise the existing access off Blackhouse Road, a D classified public highway, in which the access is sited in the southeastern corner of the site. Following consultation with the Local Highways Authority, an inspection of WSCC mapping confirms there is no evidence to suggest the access is operating unsafely, or that the proposed development would exacerbate an existing safety concern, with no recorded injury accidents recorded. It is considered that an increase of one dwelling utilising this access, would not result in severe material intensification of use over the existing arrangement.

WSCC consider there to be no issue with visibility in the eastern (trailing direction). However, in the western (leading) direction, visibility could be improved by trimming back vegetation in both publicly maintained highway and applicant owned land and thus the LHA advise that maximum achievable visibility splays be demonstrated along with extent of cutting back required. If the application was to receive consent, WSCC have requested a suitable visibility splays condition to be imposed.

Under WSCC Guidance on Parking at New Developments, a 3-bedroom dwelling in this area could require 2.2 parking spaces. The submitted site plan indicates sufficient parking to accommodate a minimum of two vehicles, with further hardstanding available for a further vehicle. There is sufficient space on site for cars to turn to exit in a forward gear.

It is therefore considered that the proposal would not result in any adverse impacts on highway safety or the operation of the local highway network, in accordance with Policy 40 and 41 of the HDPF.

- 3.44 In addition to the HDPF policies noted above, the NPPF sets out at paragraph 116 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.45 The proposed dwelling would be accessed via the existing vehicle access from Blackhouse Road. The Case Officer's report confirms that there are no objections in respect of highway safety (a condition may be imposed in respect of visibility) and that the proposed car parking provision (of at least two vehicles) is sufficient and no objections are raised against HDPF policies 40 and 41.

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.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

The application has been supported by a Preliminary Ecological Appraisal by Arun Ecology Ltd., dated February 2026. This appraisal concludes that no further bat surveys are required and identifies appropriate precautionary mitigation and biodiversity enhancement measures. The Council's Ecological Consultant has reviewed the report and raises no objection to the proposal, subject to conditions securing the recommended mitigation, enhancement and lighting measures.

- 3.46 As noted above, the planning application was submitted with a Preliminary Ecological Appraisal (PEA) and which is included with this appeal. The PEA sets out recommendations in respect of ecological enhancements and habitat mitigation, which may be secured by condition. The Council has raised no objections in respect of ecology and the proposal complies with the relevant provisions of the NPPF and HDPF policy 31.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

- 3.47 The Case Officer's report raises no objections in respect of water neutrality (and the impact upon the protected sites of the Arun Valley) having regard to the relevant provisions of the above stated legislation and policy.

Climate Change:

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. If consent was to be granted, conditions requiring the following would be imposed:

- o Water consumption limited to 110litres per person per day**
- o Requirement to provide full fibre broadband site connectivity**
- o Refuse and recycling storage**
- o Cycle parking facilities**
- o An electric vehicle charging points**

Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

- 3.48 The planning application was submitted with an Energy Statement and which also accompanies this appeal. This sets out that the proposed dwelling will be of a highly sustainable design and construction. The above issues may be covered and secured by condition and the proposal complies with NPPF paragraph HDPF policies 35. 36 and 37 in respect of helping to mitigate against the effects of climate change.

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 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 must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

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 (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The development qualifies as 'self-build or custom housing' under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

- 3.49 As noted, the proposed dwelling is a self-build dwelling and it is therefore exempt from the requirement to demonstrate a 10% BNG.

Conclusion and Planning Balance:

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 contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework.

The Council cannot currently demonstrate a 5-year housing land supply and the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance. NPPF paragraph 11 (d)(ii) 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In circumstances where Paragraph 11(d) is engaged, NPPF Paragraph 225 (Annex 1) sets out that due weight can be given to the most important policies for determining an application according to their degree of consistency with policies in the Framework. However, the Framework does not prescribe the weight to be given to conflict with development plan policies. This is affected by the purpose of the policy and the circumstances of the case.

In this case the most important policies include those relating to the spatial development strategy as set out at HDPF Policies 1, 2, 3 and 4. Policy 1 reflects the Framework presumption in favour of sustainable development and is thus fully consistent with the NPPF. Policies 2, 3 and 4 set out how sustainable growth will be achieved, though as they seek to focus development within settlements and only allow expansion on allocated sites, they have a restrictive element. Nonetheless, they generally reflect the Framework preference for development to be well located in relation to services and facilities. Therefore, moderate weight is applied to these policies.

HDPF Policy 26 refers specifically to countryside protection outside built up area boundaries, requiring development to be essential to this location. Whilst again this reflects the Frameworks preference for development to be well located in relation to services and facilities, as the definition of built-up areas is based on out-of-date housing numbers, this policy is afforded moderate weight.

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. Whilst the proposal would not support the spatial strategy for the District, these policies are not fully framework compliant. Furthermore, the issues associated with the Council's current five-year housing land supply situation result in moderate weight being applied to these policies in the overall planning balance.

The proposal would provide a single market dwelling. In light of the Council being unable to demonstrate a five year housing land supply (with a 1.7 year supply only), the Council has approved the Shaping Development in Horsham District Planning Advice Note (SDPAN). The SDPAN provides guidance on how to positively assess residential development proposals coming forward outside of settlement boundaries, with Paragraph 5.12 of the SDPAN stating that the Council *'will consider positively applications that meet all of the criteria below:*

- 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.'

The current housing shortfall is a material consideration of significant weight. Whilst the site would be within a defensible boundary, and the contribution of a market dwelling would provide socio-economic benefits in the form of housing delivery, the site is not adjoining an existing settlement edge. The nearest settlement edge, Horsham, being approximately 3.5km to the west. The proposal in this regard does not comply with the SDPAN.

Housing Land Supply

- 3.50 The Council is unable to demonstrate a five year supply of housing as required by the NPPF and the latest AMR 2024/25 (published 19 December 2025) confirms that the Council can demonstrate just 1.7 years' supply. As a result, it is reiterated that the Council's policies in respect of the supply and location of new homes (HDPF policies 2, 3, 4, 15 and 26) are out of date and should be given less weight in the decision making process. The tilted balance of NPPF paragraph 11 d) is engaged and the

proposal should be considered against the presumption in favour of sustainable development.

- 3.51 In terms of the site's location within the High Weald Area of Outstanding Natural Beauty – a National Landscape, this Statement demonstrates that the proposed dwelling is of a high quality design and of an appropriate, low impact height and overall scale, which will not cause any harm to the special qualities of the High Weald landscape. The Council has raised no objections to the design and appearance of the proposed dwelling including in respect of any impact upon the High Weald and as such, the policies which seek to protect this area do not provide a strong reason for refusing planning permission.
- 3.52 Furthermore, the Council is no longer requiring Applicants to demonstrate that new development will be water neutral at planning application stage via water neutrality statements. As such, there is no conflict with NPPF paragraph 11 d) (i).
- 3.53 This Statement further confirms that there are other reasons or adverse impacts of granting planning permission for the proposal that would significantly and demonstrably outweigh the benefits of the provision of a new home of a high quality design, in a sustainable location and which makes effective use of land (11 d) ii).
- 3.54 The Government has set out a target of 1.5 million new homes to be built over the present Parliament. There is as such a significant need to build new homes and proposal will positively contribute towards the supply of windfall homes within the District. This is an important source of supply as noted at NPPF paragraph 73 which states that *'Small and medium sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly'*.

Shaping Development in Horsham

- 3.55 The Council's 'SDPAN' has already been addressed within this Statement. It is reiterated that whilst the site does not adjoin a settlement boundary, this should not preclude the proposal from complying with the principles of sustainable development when considering the proposal against the relevant policies of the NPPF as a whole and under the specific provisions of NPPF paragraph 11 d).

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. Colgate has been reviewed as part of this process, where it is recognised that Colgate provides some limited local employment and provision of sustainable transport with a restricted bus service. There is a good level of services and facilities including a primary school, village hall, public house and a church which clearly indicates the presence of an established community. With a number of residential properties and community facilities fronting the highway on both Forest Road and Blackhouse Road, these contribute to a sense of place, there is a clear sense of arriving and leaving the settlement creating a sense of place. For this reason, it has been recommended that Colgate be designated as a secondary settlement.

The proposed Secondary Settlement boundary would include residential dwellings along Blackhouse Road, however, does not extend as far east as the application site, approximately 0.5km away. This boundary would exclude the application site, which would similarly not adjoin any proposed (secondary settlement) boundary to the south and east of the site.

Whilst compliance with the SDPAN is not determinative, given it is guidance only, the document does seek to identify sustainable development. In this case the application site is on Blackhouse Road, which is an unlit rural lane and does not benefit from a dedicated pedestrian footway. The lane itself is subject to a 60mph speed limit and even if traffic levels are low, it is unlikely that this would be an attractive walking or cycling option for future occupiers, particularly in the dark or in poor weather. There are no interconnecting Public Right of Ways and as a result, future occupiers would be reliant on private vehicles to access everyday services, amenities and facilities. The location of this site is not therefore considered sustainably located to be able to offer non-car transport options for future residents and is contrary to the Councils spatial strategy for housing.

Secondary Settlement

- 3.56 Whilst it is acknowledged that the appeal site does not fall within or adjoin the proposed Secondary Settlement boundary to Colgate, it is only a short distance away and it remains material to take into account the fact that the proposed designation of Colgate as such a settlement, recognises the facilities do exist exist within the settlement, including a well-established local community. The proposed dwelling would be sited in a position where occupiers would benefit from the local community facilities including the village hall and the public house as well as positively contributing to their viability and vitality (NPPF paragraph 83) which is important in sustaining rural communities.

The cumulative benefits from the provision of a single dwellings and the socio-economic benefits are considered to be outweighed from the identified adverse impacts of the development, namely the conflict with the development plan and the site's unsustainable location. This harm would demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal is recommended for refusal.

- 3.57 In addition to the positive contribution that the proposed development will make to the supply of new homes within the District, the proposal will also contribute towards the supply of self-build homes together with making effective use of land:

Self-Build Home

- 3.58 The proposed dwelling is a self-build dwelling. HDPF policy 16 requires development to provide for a mix of housing sizes, types and tenures to meet the needs of the District's communities. As of 24 April 2026, there are 180 entries on Horsham District Council's Self and Custom Build Register of Interest of which 128 are Horsham district residents.
- 3.59 In addition to ensuring that the supply of a sufficient number of new homes, the NPPF at paragraph 63 also requires the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policy. This includes *'people wishing to commission or build their own homes'*.
- 3.60 The Government's PPG acknowledges that self-build or custom build homes help to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design of their own home, and can be innovative in its design and construction. The provision of such homes is clearly supported by the Framework and which play an important role in helping to tackle the housing crisis, with projects cumulatively making an important contribution to meeting housing need (helping to speed up delivery) and increased choice and variety in the type of new homes.

Efficient Use of Land

- 3.61 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.

- 3.62 NPPF paragraph 129 reiterates that planning policies and decisions should support development that makes efficient use of land, taking into account (inter alia) the identified need for different types of housing and other development and the availability of land suitable for accommodating it, the desirability of maintaining an area's character and the importance of securing well-designed and healthy places.
- 3.63 In addition 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'*.
- 3.64 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. In addition, the density of development is low and one dwelling, situated in a spacious plot, maintains the area's character.

Sustainable Development

- 3.65 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. 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 constructing the new dwelling. Furthermore, occupiers of the new dwelling (the Appellants) 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 work opportunities. The proposal will also make a modest but

important 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 and no harm will result to the visual amenities of the High Weald countryside landscape. The proposed dwelling is sustainably located; it is of a sustainable design and matters of ecology and trees are appropriately considered. The proposal is considered to comply with the environmental objective of sustainable development.

Case Studies

- 3.66 A number of case studies where planning permission has been granted at appeal for the creation of single dwellings within the Horsham countryside are appended to the Appellants' Planning, Design and Access Statement (and referred to at paragraphs 6.50 – 6.63 of the document). In these cases, weight was given to the insufficient supply of housing land within the District and the provisions of NPPF paragraph 11 d).

- 3.67 In addition, the Planning Inspector is respectfully asked to also consider the following two examples (please also see Appendices NJA/1 and NJA/2 of this Statement):

1. DC/24/1966 – Land North of Cowfold Road, Coolham

- 3.68 Planning permission was granted at appeal in March 2026 for the construction of 9 x dwellings on land to the east of Coolham. The main issues of the appeal were:

1. Whether the appeal site would be in a suitable location for the proposed development having regard to planning policy; and
2. The effect of the proposal on the character and appearance of the area.

- 3.69 In terms of the accessibility of the site, the Planning Inspector noted that *'Within walking distance of the appeal site there is a primary school, a village hall and a public house. Access to them is via the A272 which, whilst unlit, possessed a pavement. Although residents would be required to cross the A272 to reach the facilities, they would be aided by the fact that the road has a 20mph speed limit. Dropped kerbs and tactile paving are proposed along the route to aid pedestrians. There are bus stops within walking distance of the site, with an early morning and afternoon bus on*

weekdays to higher order facilities in Horsham and Storrington, and an irregular service during the day' (paragraph 12).

3.70 Notwithstanding the above, when considering local planning policy, the Planning Inspector found the location of the appeal site to conflict with HDPF policies 1, 2, 3 4 and 26, policy SHIP HD1 of the Neighbourhood Plan and the Council's Shaping Development in the Horsham District guidance. However, when considering the proposal in the planning balance, the Planning Inspector found it to be acceptable against the presumption in favour of sustainable development having regard to the shortfall in housing within the District, the provisions of NPPF paragraph 11 d) and the site's location adjoining the edge of the settlement of Coolham.

3.71 The Planning Inspector also found that the proposed development would not result in harm to the character and appearance of the area, noting the site's proximity to Coolham. Specifically the Planning Inspector comments at paragraph 17 that:

'The appeal site is however located close to Coolham, and its character is significantly influence by its proximity to the settlement. Whilst the appeal site forms a gap between the school and home farm, such that Home Farm is nominally outside the settlement, the compact form and domestic character of the converted farm buildings reflect the built-up area. The development of the site would not therefore be perceived as an encroachment into the countryside but rather as a consolidation of the settlement itself. Moreover, the strong existing boundary treatment around the site would limit the visual impact of the proposal when viewed from the countryside'.

2. DC/23/1178 - Horsham Golf Club, Denne Park, Horsham

3.72 Planning permission was granted at appeal in July 2025 for the construction of a sports and leisure hub, a golfing education facility, a local centre and sports facilities and up to 800 dwellings at Horsham Golf Club. Horsham Golf Club is situated in-between Horsham and Southwater, outside of a built-up area boundary.

- 3.73 In terms of housing land supply, the appeal decision notes that the Council is unable to demonstrate a 5 year supply of housing *'or anything close to it'* and that given the fact that the adoption of the new Local Plan at the time was some time away, there is no *'realistic or imminent prospect of that the current shortfall will be remedied through the development plan process'* (paragraph 58 point 1). This means that the relevant policies, particularly the settlement boundaries, are considered to be out-of-date and the tilted balance in HDPF policy 1 and NPPF paragraph 11 d) is engaged. The Planning Inspector further noted that *'...it follows that the same boundaries within the Southwater Neighbourhood Plan must also be out-of-date'*.
- 3.74 The Planning Inspector found that *'....in seeking to protect the countryside for its own sake and restricting development outside settlement boundaries, Policy 26 and SNP1 are inconsistent with the balanced cost/benefit approach set out in the NPPF. The balancing of harm against benefit is a defining characteristic of the NPPF's overall approach embodied in the presumption in favour of sustainable development. Because of this, where Policy 26 is used to restrict housing outside settlement boundaries, it cannot be seen to be consistent with the language of the NPPF'* (paragraph 58 point 2).
- 3.75 The Planning Inspector set out that greenfield sites on the edge of Horsham and other top tier settlements will need to come forward if the housing needs of the District are going to be met. A realistic approach is advocated by the Planning Inspector, stating at paragraph 41 of the decision notice:
- 'Those principles apply with equal or greater force here because greenfield sites on the edge of Horsham and other top tier settlements will need to come forward if housing needs are going to be met. By virtue of their peripheral location, very few, if any, of these sites will score highly across all aspects of sustainable travel. Some, may be better located for walking and others, as in the case here, for public transport and cycling. If one were to take the Council's approach in this case, which was to rigidly apply 'recommended' walk distances to some destinations and failing to balance that against the availability of other sustainable travel modes, there is very little prospect of the county meeting its ambitious housing targets'.*

4.0 CONCLUSIONS

- 4.1 This Statement of Case supports the proposal for the construction of a single storey, self-build dwelling on land to the north west of the Coach House on Blackhouse Road, Colgate. Planning permission was refused by the Council on 01 July 2026 (DC/26/0427) for only one reason relating to the site's location outside of a built-up area boundary.
- 4.2 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 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.
- 4.3 Therefore whilst the site is located outside of a built-up area boundary, it is necessary to consider the following aspects of the proposal in the planning balance:
- The Council's HDPF is over five years old and the Council is unable to demonstrate a five year supply of housing as required by the NPPF. As a result, the Council's policies in respect to the supply and location of new homes are out-of-date (including HDPF policies 2, 3, 4, 15 and 26) and the provisions of NPPF paragraph 11 d) is engaged. This requires the proposal to be considered against the presumption in favour of the proposed development.
 - The proposal will make a small but important contribution towards windfall housing provision within the District. The cumulative provision of individual homes should not be under estimated as acknowledged by NPPF paragraph 73. The long term, continued lack of housing supply within the district undermines the Government's intentions to 'significantly boost' the supply of new homes (NPPF paragraph 61).

- 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. Occupiers of the proposed dwelling will help to support local services and facilities within the rural community.
- 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 neither will it generate significant levels of vehicle movements.
- In addition, the appeal site is not located within isolated countryside 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 proposed dwelling has been carefully designed to ensure it is of a high quality construction and appearance and of an appropriate (low) height, scale and mass. As a result, and having regard to the well-defined and screened site boundaries, coupled with the siting of the proposed dwelling and spacious plot, there will be no significant or harmful impact upon the surrounding landscape and countryside setting. The Council has raised no objections to the impact of the proposed dwelling upon the visual amenities of the countryside landscape, including the special landscape qualities of the High Weald AONB (National Landscape).

4.4 Overall, this Statement of Case demonstrates that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits of a new home in a sustainable location which will make a small but important contribution towards the supply of much needed homes within the District. Therefore, in accordance with paragraphs 11 and 39 of the NPPF and HDPF policy 1, it is respectfully asked that this appeal is allowed.