



Appeal Decision

Site visit made on 21 July 2026

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2026

Appeal Ref: 6009593

Land East of Spring Gardens, Washington, Nr Pulborough RH20 3BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Ripley against the decision of Horsham District Council.
 - The application Ref is DC/26/0035.
 - The development proposed is single detached two storey dwelling & associated landscaping together with the relocation of the existing stable building.
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Decision

1. The appeal is allowed and planning permission is granted for single detached two storey dwelling & associated landscaping together with the relocation of the existing stable building at Land East of Spring Gardens, Washington, Nr Pulborough RH20 3BP in accordance with the terms of the application, Ref DC/26/0035, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 17 August 2026 and is a material consideration in this appeal. Both main parties have commented on its implications for their cases, and I have taken those additional representations into account.
3. I also sought the parties' comments regarding whether the provision of self-build housing, as specified on the application form, and the associated exemption from biodiversity net gain (BNG) would be adequately secured. In response, the appellant initially submitted a Unilateral Undertaking (UU) dated 31 July 2026, as a mechanism to secure the provision of self-build housing. However, that has been superseded by a bilateral legal agreement under s106 of the Town and Country Planning Act 1990, dated 2 September 2026 (the legal agreement). That includes additional planning obligations and revisions, addressing comments made by the Council on the effectiveness of the UU.
4. An emerging Local Plan is under preparation and the Examination in Public is ongoing at the time of making this decision. The Council's evidence for this appeal indicates that policies in the emerging Local Plan should be given limited weight at this point, taking account of the stage reached in the plan-making process and unresolved objections to many of the policies. I have no reason to take a different view and have considered the appeal on that basis.

Main Issue

5. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the development plan, the provisions of the Framework and access to services and facilities.

Reasons

6. The appeal concerns a long, narrow parcel of land accessed from Spring Gardens, just off the A24 dual carriageway. Currently, it includes a stable building and gravel hardstanding within a fenced area near the road, with a larger grass paddock beyond that. There is existing housing to either side of the site, including several dwellings along the length of Spring Gardens. There is also a nursery with farm shop and café just beyond those houses, as well as several large commercial premises including business park units, an auctioneers' premises and a caravan/motorhome outlet. All of those uses are accessed via the existing junction with the northbound A24 at Spring Gardens.
7. The village of Ashington is further to the north and the main village of Washington is further to the south. There are other groups of houses, a garden centre and other sporadic development strung out along the A24. However, the wider surroundings are rural, and the area is outside any built-up area boundary (BUAB), within an area defined as countryside in the Horsham District Planning Framework (HDPF) 2015.

Relevant policies

8. Policy 1 of the HDPF sets out a presumption in favour of sustainable development, reflecting the wording in an earlier version of the Framework. Policy 2 articulates the Council's spatial strategy, distributing growth in accordance with a settlement hierarchy. Policy 2 also includes some encouragement for reuse of previously developed land, but with no clear indication that should in principle override other locational considerations.
9. Policy 4 allows for some expansion of settlements outside BUABs but specifies that such development should adjoin the settlement edge. That approach is maintained in the Council's Shaping Development in Horsham District Planning Advice Note. Since the appeal site would be well outside any defined BUAB, it does not benefit from the slightly increased flexibility for development on unallocated sites in the Shaping Development document. Within the countryside, Policy 26 of the HDPF restricts development to proposals which are essential to their countryside location, with a focus on protecting the rural character and undeveloped nature of the countryside.
10. In the Storrington, Sullington and Washington Neighbourhood Plan (2019) (the NP), Policy 1 is supportive of development outside the Washington BUAB in certain circumstances, subject to compliance with other policies in the development plan. That includes support for proposals resulting in reuse of previously developed land (PDL).
11. National decision-making policies S3 to S5 of the Framework collectively define a revised presumption in favour of sustainable development. Policy S5 applies to development outside settlements and part 1 lists forms of development which should be approved, unless the benefits of doing so would be substantially

outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. As has been highlighted by both parties, that list includes redevelopment of previously developed land (PDL) and development which would address an evidenced unmet need.

12. The Council has not disputed that the appeal site is PDL, by virtue of the stable building and hardstanding. To that extent, its redevelopment is supported in principle by both Policy S5 (part 1d) and NP Policy 1. However, the plans confirm that the proposed development would also extend into the separate paddock area, which does not clearly fall within the definition of PDL.
13. There is no dispute that the Council currently has a significant shortfall in housing land supply, so Policy S5 part 1j is also relevant. However, that requires that the development would be physically well-related to an existing settlement. As defined in the Framework, relevant settlements exclude hamlets and scattered groups of houses located outside predominantly built-up areas, where they are not specifically defined as a settlement in the development plan. The nearest settlements which would clearly fall within the Framework's definition are all some distance away, and the site is not physically well-related to them.
14. However, Policy S5 also provides in part 1e for limited infilling within groups of houses outside settlements. While neither party has directed me specifically to that clause, they have both acknowledged that Policy S5 as a whole is applicable. Furthermore, Part 1e is clearly of some relevance, in light of the appellant's argument that the proposed dwelling would be viewed in the context of the surrounding built form, with adjacent residential development on either side.
15. The substantial cluster of built development around the appeal site includes a cohesive group of houses along Spring Gardens and next to the A24. The part of the site which would be developed is sandwiched between existing dwellings to either side. Like its neighbours, the proposed dwelling would front Spring Gardens, occupying a gap between 1 Spring Gardens and The Orchard and it would be on a plot of broadly comparable extent. It would be embedded within the established group of houses, in a position where a single additional dwelling could reasonably be classified as limited infilling, notwithstanding any encroachment beyond the existing extent of PDL.
16. Policy S5 does not require that proposals for redevelopment of PDL and/or limited infilling within groups of houses are physically well-related to a settlement, since that requirement only appears within parts 1h and 1j, with no indication that it is to be applied to the other forms of development listed. On that basis, the proposed development is consistent with the forms of development which Policy S5 states may in principle be approved outside settlements, subject to weighing up the benefits against any adverse effects.

Access to services and facilities

17. While I have concluded that the site is not physically well-related to an existing settlement, there are some modest services and facilities nearby. Occupiers of the dwelling could easily walk to the farm shop and café further along Spring Gardens and they could also use the existing footpath to walk to the garden centre. They would, therefore, have opportunities to buy fresh produce and other items, as well as socialising very locally, providing some modest support for the services which do exist within this small rural community. Some of those very local services were

acknowledged in positive terms when the Council permitted the nearby dwelling at Chanctonview.

18. It would, nevertheless, be necessary to travel further to meet the majority of daily needs. The village of Ashington is a relatively short distance away but it could not realistically be reached on foot or by cycling, given the nature of the intervening dual carriageway. It does, however, provide a range of essential services including education, medical and convenience shopping. There is also a much wider range of services in Storrington, which is further away but still a convenient distance by road. There are bus stops very close to the appeal site, at the Business Park, with what appears to be a useful service along the A24. Therefore, while there would be some harm arising from the need to travel by car, future occupiers would be able to access services and facilities without travelling significant distances and they would also have some sustainable transport options.
19. Framework Policy TR3 guides development towards sustainable locations, to limit the need to travel by private car. In this case, however, the development would not generate a significant amount of movement, given its small scale and the relatively short travel distances to a suitable range of services and facilities. A public transport service is also available. When assessed against the national decision-making policies in the Framework, while there would be some adverse effects arising from increased travel by car, in my judgement that should be given no more than moderate weight.
20. Limited details have been provided of the Lancasters Cottage and Clockhouse Cottage appeal decisions mentioned in the officer report. It is clear that both concluded that those sites were not suitably located, but less clear how the availability of any local services, or the distance to others, compared with this case. The appeal decisions provided by the appellant also encompass a range of site-specific circumstances, including conversion of existing buildings and larger scale developments, which are not directly comparable. I have considered all the other decisions mentioned, but none of them outweighs the conclusions I have reached in the particular circumstances of this site and location.

Planning balance and conclusion on main issue

21. Policy HO7 of the Framework makes clear that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community. That includes, but is not limited to, homes needed for different groups. While only a single dwelling is proposed, it would make a modest contribution towards addressing an acknowledged and sizable shortfall in housing land supply. Since a self-build dwelling is proposed, there would be a small contribution towards the supply of land for people wishing to build their own homes. The proposal would also offer some potential for modest benefit to the vitality of local rural services.
22. For the reasons previously given, Policy S5 of the Framework is supportive of the proposal in principle, notwithstanding its location outside a settlement. The adverse effects in terms of accessibility to services and facilities carry no more than moderate weight. When considered collectively, the benefits of the development would not be substantially outweighed by the adverse effects. In those circumstances, Policy S5 states that the development should be approved.

23. Having had regard to the development plan, the provisions of the Framework and access to services and facilities, I conclude that the proposed development provides a suitable location for housing. While there would be a conflict with Policies 2, 4 and 26 of the HDPF, due to its location outside the defined BUAB, any conflict with Policy 1 of the NP is limited by the fact that the proposal would include reuse of PDL. There is, nevertheless, conflict with the development plan as a whole. However, in the circumstances of this particular case, that is outweighed by other considerations, notably the presumption in favour of sustainable development as defined in national decision-making policies S3 and S5.

Legal Agreement

24. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (TCPA). However, certain planning permissions including for self-build and custom build development are exempt. The application form specifies that the proposed dwelling would be self-build and exemption from BNG was claimed and accepted as valid by the Council. However, in order to ensure the delivery of a dwelling meeting the definition of self-build or custom housebuilding in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (SBCHA), a suitable legal mechanism is required.
25. The UU dated 31 July 2026 purported to secure the provision of self-build housing qualifying for the BNG exemption. However, it did not include a mechanism to secure BNG in the event that the dwelling is occupied in a manner which falls outside the definition of self-build housing. That could arise if there was evidence the initial occupier of the dwelling had not had primary input into its final design and layout, as required in Planning Practice Guidance.
26. The legal agreement completed on 2 September 2026 does include a mechanism for BNG to be delivered in those circumstances, along with provisions for monitoring and dispute resolution. It would therefore be effective in ensuring that the development is acceptable in planning terms, having regard to the statutory BNG requirements. I have therefore taken the 2 September legal agreement into account for purposes of this appeal and have not given the earlier UU any weight.
27. The planning obligations in the legal agreement are necessary to make the development acceptable in planning terms. They are directly related to the proposed development of a single self-build dwelling and fairly and reasonably related to it in scale and kind, since they simply ensure its delivery as proposed in the application and in accordance with relevant statutory requirements. I therefore conclude that the legal agreement would be consistent with the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and that it would be effective in ensuring that statutory BNG requirements are addressed.

Other Matters

28. Access would be via the existing junction with the A24, which already serves several dwellings and some large commercial premises. Whether or not the site access has been relocated, its position is clearly detailed on the plans, and the Highways Authority raised no concern about its proposed use for this development. There would be off-street parking to the Council's standards, reducing the risk of any spillover parking near the junction. Since buses and other large vehicles already use the junction, there is no clear reason to assume that the movement of construction traffic would present any specific highway risks and

there would be space within the site for them to enter and park. As such, there is no substantive evidence that one additional dwelling in this location would have any unacceptable impact on highway safety.

29. Based on the ecological evidence provided with the application, the site is of limited ecological value at present, with no requirement for any further surveys or ecological mitigation measures. A soft landscaping scheme is proposed, which can be secured by condition, along with tree protection measures to ensure that the existing boundary vegetation is retained. There is no evidence before me to suggest that any earlier removal of trees or hedges was contrary to any relevant protection orders or otherwise unauthorised.
30. The proposed design adopts building materials and features which are generally typical of existing housing in the environs, including the sporadic housing within the rural areas. While the appeal site currently has an open and rural character, for the reasons previously given it also relates closely to the surrounding built development, and the Council did not allege that there would be any harm to the character and appearance of the area. Taking into account the proposed design approach and additional soft landscaping, the proposal could be accommodated without harm to the wider countryside or the character and appearance of its more immediate surroundings.
31. The dwelling would be sufficiently separated from its neighbours to avoid any unacceptable impact on sunlight or daylight. Window openings would be predominantly to the front and rear, with no first-floor windows on the side elevation facing Spring Gardens. While the dwelling would no doubt be visible from neighbouring properties, it would not unacceptably affect living condition for the occupiers.
32. Any unauthorised use or unsociable activities on the site would be less likely to persist after the site has been developed and occupied. If they did, that would remain subject to control by the relevant planning or statutory nuisance regimes. Disruption during construction would be temporary in nature and is not a reason to prevent development taking place.
33. Some specific concerns have been raised by interested parties about drainage of surface water, following implementation of the stable development. Other specific concerns have been raised by Southern Water regarding protection of the foul sewer from the effect of new tree planting. In light of those concerns, the arrangements for foul and surface water drainage should be subject to further review, but that would be addressed by the planning conditions set out below.
34. Given the modest size of the development, there is no clear evidence that there would be unacceptable pressure on existing infrastructure. The current Neighbourhood Plan does not define this particular site or its surroundings as undevelopable, in light of the partial support provided by Policy 1.
35. Based on the details in the Officer Report, and Natural England standing advice referred to therein, there is no evidence before me to suggest that the development would have a likely significant effect on relevant Arun Valley Habitats Sites, either alone or in combination with other development.

Conditions

36. The Council suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have made some amendments for precision and clarity and have imposed one additional condition, having first invited comments from the parties. The appellant's agreement to the imposition of pre-commencement conditions has been obtained, where relevant.
37. I have imposed a condition to secure compliance with the approved plans, in the interests of certainty.
38. A condition is required to secure further details of the arrangements for surface and foul water drainage, to avoid increased risk of surface water flooding and ensure protection of the public sewers from any adverse effects of new tree planting. Conditions are also necessary to secure a programme of archaeological monitoring and tree protection measures. In all three cases, the required details and measures need to be properly secured prior to any ground disturbance, so pre-commencement conditions are necessary.
39. Mitigation measures are necessary to protect future occupiers from road noise and vibration. Recommendations are made in the Anderson Acoustics Noise Impact Assessment, and I have imposed a condition to secure consideration and approval of a detailed scheme in line with those recommendations, together with its implementation, retention and maintenance.
40. Notwithstanding the exemption from BNG, a requirement for measures to improve biodiversity on the site would accord with Policy N2 of the Framework, which includes that development proposals should contribute positively to the natural environment, taking opportunities to conserve and enhance existing habitats and natural features of nature conservation value. I have therefore imposed a condition to that effect. There is no clear need for a condition to secure ecological mitigation measures during construction, since none are identified as being necessary in the Preliminary Ecological Appraisal. Nevertheless, construction activities would remain subject to relevant legislation to safeguard protected species, should any unexpected impacts arise.
41. Notwithstanding the details on the plans, I have imposed a condition to secure the soft landscaping details, in the interests of the appearance of the area and so that the position of new tree planting can be confirmed in line with the requirements outlined in Southern Water's advice on the application.
42. A condition to ensure that access, parking and turning facilities are available prior to occupation is also necessary in the interests of highway safety. Conditions to secure broadband infrastructure and water efficiency measures are also reasonable and necessary given the specific requirements in Policy 37 of the HDPF. However, there is no clear need to secure further details of the refuse and recycling arrangements, which are already shown on the plans. Nor is it necessary to secure EV charging by condition, as that is now incorporated in the Building Regulations.
43. The external materials are specified on the plans, and I have imposed a condition to secure those details, in the interests of the character and appearance of the area. I have also imposed the Council's recommended condition limiting hours of work, in light of the close relationship between the appeal site and neighbouring

dwellings. However, the proposed dwelling would be on a generous plot, and the Council did not raise any specific concerns about its scale or design, so there is no clear justification for a condition restricting permitted development rights.

Conclusion

44. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) With the exception of any alternative details approved pursuant to the conditions which follow, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - 684-01 Rev A: Location Plan
 - 684-02 Rev A: Site Plan
 - 684-03 Rev A: Plan as Existing
 - 684-04 Rev B: G.F. Plan as Proposed
 - 684-05 Rev C: F.F. / Roof Plan as Proposed
 - 6784-06 Rev A (sic): Proposed Dwelling Relocation of Existing Stable
 - 684-07 Rev A: Entrance to Site Visibility Splays
 - 684-08 Rev C: Landscape Plan as Proposed
 - 684-09 Rev A: Arboriculture/Root Protection Plan
 - 684-10 Rev B: Proposed Dwelling
 - 684-11: Plans as Proposed Entrance to Site
 - 684-12: Acoustic Plan
- 3) No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal, incorporating any measures required by Southern Water for protection of the public sewers, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 4) No development shall commence until a programme of archaeological monitoring during construction has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in full accordance with the approved Written Scheme of Investigation.
- 5) All the trees and hedges shown on drawing no. 684-09 A as to be retained shall be protected by strong fencing, in accordance with the tree protection fencing alignment and specification detailed on that drawing. The fencing shall be erected

in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

- 6) No development shall take place above ground level until a scheme of noise and vibration attenuation and ventilation sufficient to prevent overheating and maintain thermal comfort has been submitted to and approved in writing by the local planning authority. The scheme shall include acoustic performance details of the building facades and glazing and shall incorporate the recommendations detailed in the Anderson Acoustics Noise Impact Assessment dated 17 March 2026.

All works to implement the scheme, once approved, shall be carried out by suitably qualified persons. Prior to occupation of the dwelling, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved noise, vibration attenuation and ventilation measures. The approved measures shall thereafter be retained and maintained for the duration of the use in accordance with the approved details.

- 7) Prior to any works above slab level, a Biodiversity Enhancement Strategy prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- (a) purpose and conservation objectives for the proposed enhancement measures;
- (b) detailed designs or product descriptions to achieve stated objectives;
- (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- (d) persons responsible for implementing the enhancement measures; and
- (e) details of initial aftercare and long-term maintenance (where relevant).

The Biodiversity Enhancement Strategy shall be implemented prior to occupation of the dwelling, in accordance with the approved details, and shall be retained in that manner thereafter.

- 8) Notwithstanding the landscaping details included on the application drawings, the development hereby permitted shall not be occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all proposed tree and hedge planting, incorporating any measures required by Southern Water for protection of the public sewers from the effects of such planting. The landscaping scheme shall thereafter be carried out in accordance with the approved details before any part of the development is first occupied.
- 9) No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve the dwelling have been implemented in accordance with the approved details as shown on drawing 684-08, REV C and shall be thereafter retained as such.

- 10) Prior to the first occupation of the dwelling hereby permitted, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.
- 11) The dwelling hereby permitted shall meet the optional requirement of Building Regulation G2 to limit the water usage of the dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.
- 12) The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.
- 13) No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

END of conditions