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Our Ref: P-004c
Appeal Ref: APP/Z3825/W/25/3360134
15 April 2025

PINS
Temple Quay House
2 The Square
Bristol
BS1 6PN

Appeal Final Comments

FOA: Safia Kausar

Dear Sir/Madam,

LPA Ref: **DC/24/1086, Decision Date – 09 September 2024**
Appellant: **Mr Danny McGee**
Site: **Butlers Tower Hill Horsham West Sussex RH13 0AQ**
Proposal: **Outline application for the erection of 3No single storey dwellings with all matters reserved.**

Please accept this letter as the Appellant's final comments in regard to the above appeal and in response to the LPA's appeal statement and third-party comments received. We would comment on the points raised as follows –

Reason For Refusal 1

The site is located approximately 350m away from the built-up area boundary of Horsham which is classed as the main town and at the top of the settlement hierarchy for the District and the site is considered to be within a reasonable distance of services. The site is also located in close proximity to bus stops, providing direct access into Horsham. Taking into account this context, the site is considered to be a sustainable location where occupants of the proposed dwellings would have reasonably good access to services and facilities in a higher order settlement.

It is reiterated that the site represents previously developed land. In addition, given the relatively close proximity of the site to the main town of Horsham, it is considered that the proposal would accord with Criterion 4 of Policy 26 of the HDPF, as it would enable the sustainable development of rural areas. This would be the case for this application site, with the application site being previously developed land and as future occupiers would have access to a range of facilities and services located in Horsham, similar to existing residents within the immediate vicinity in Tower Hill.

The appeal site is located significantly closer to a built-up area when compared to application references DC/23/2278 and DC/22/0495, as referenced in the appeal documents, and the Council in their appeal statement.

Indeed, it is contended that great weight should be placed on the sustainable location of the site, more so than that placed on the appeal decision for DC/22/0495 in particular. This appeal site, for 1no dwelling was located further away from a built-up area boundary with no direct access to public transport links. Comparing the current appeal site to this example, it is very clear that the site is in a more appropriate location

The Council has taken a blanket approach regarding the site's location outside the built-up area boundary and its conflict with Policy 26, which is contrary to the examples provided.

In the appeal decision related to application reference DC/22/0495, the Inspector stated:

"I have attached limited weight to the conflict with HDPF Policy 26 in respect of development outside of built-up area boundaries. The housing shortfall dictates that those boundaries are out of date. I consider that some weight can still be given to the strategy set out within HDPF Policy 2, in terms of the general locations of new development, but the fact that a site may lie outside of the built-up area boundary does not, in and of itself, constitute a reason to refuse planning permission."

It is contended that the same would apply with this current appeal at Butlers. In addition, additional weight should be given to this current appeal, given that it proposes more dwellings and would make more of a contribution to the Council's deficient housing supply.

Furthermore, the other appeal referenced within the appeal documents and the Council within their appeal statement, referenced DC/22/2250, allowed development on a site which was not classed as previously developed land. This example site was only located a few hundred metres closer to a lower-order settlement when compared to the current appeal at Butlers, however more weight was given to the provision of 1no dwelling, with any conflicts again being outweighed by the lack of a 5-year housing supply. It is contended, that the provision of 3no dwellings at Butlers, given its location close to Horsham and public transport links would outweigh any conflict, as purported by the Council.

Reason for Refusal 2

This reason relates to the character of the development and the plot sizes to be created. While it is reiterated that the development is in outline form, the submitted information with the appeal clearly shows a mixture of plot sizes within the immediate vicinity, with direct comparable examples highlighted. The Council do not have any policies which require larger plots to be retained. The Council's claim that the development would be 'out of place' is unsubstantiated, given the context.

Notwithstanding this, the indicative resulting character of the development is not considered to be harmful in that this would outweigh the provision of additional housing in this location, given the housing land supply position of the Council. Taking into account the examples of allowed appeals and applications set out within the appeal documents submitted, the appeal at Butlers would not result in harm. There is existing development located to the north, west and south of the site. As such, the proposals would essentially represent infill development within a defined residential curtilage, where the development would not be clearly visible or prominent from public vantage points. Again, any harm that may be identified in this regard, would not significantly and demonstrably outweigh the benefits of providing additional dwellings, and the presumption in favour of development should apply.

Reason for Refusal 3

The appellant would be happy with any conditions which the Inspector deems to be appropriate in relation to ecology and biodiversity.

In terms of BNG, it is again highlighted that the application was submitted on the basis that the proposed dwellings would be self-build properties, with the site being under 0.5ha, therefore benefiting from one of the BNG exemptions. The Council have referred to an appeal decision from February 2025, however it is highlighted, that since this decision, the Council have determined 3 separate applications, under reference numbers DC/24/1912, DC/24/1913 and DC/24/1933, which all sought outline planning permission for self-build dwellings, and the Council accepted that these applications would be exempt from mandatory 10% BNG requirement.

The Conditions set out in the Council's appeal statement are considered to be reasonable.

The Appellant remains of the view that the proposals would be policy compliant and respectfully requests that the Inspector allows the appeal.

Yours Faithfully

Mr Oguzhan Denizer BA (Hons), MSc, LMRTPI
MME Planning Services