

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: DC/26/0427
Your ref: 6013345
Email: Sam.Nye@horsham.gov.uk

Dear Sir/Madam,

6013345 – Land on Blackhouse Road, Blackhouse Road, Colgate, West Sussex, RH13 6HS, United Kingdom.

Following the submission of the appeal against the refusal of the full planning application for the erection of a single storey self-build dwellinghouse, the Local Planning Authority would refer the Inspector to the Delegated Report for the council's full assessment, and would like to further substantiate the reasons for refusal as follows:

Refusal Reason 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.

The Appellant's Statement of Case states that the proposed erection of a single storey self-build dwelling would be acceptable in this location, arguing that the site occupies a sustainable position, having regard to its proximity to Colgate and Horsham, and the range of services and facilities available within those settlements. The Appellant also places significant weight on the Council's current housing land supply position and the operation of the presumption in favour of sustainable development.

As set out within the Delegated Report, the appeal site lies outside any defined Built-Up Area Boundary and is not allocated for development within either the Development Plan or a Neighbourhood Plan. Therefore, the site is within the countryside for planning policy terms, where new residential development is more strictly controlled. Whilst there are existing dwellings within the locality, and the site is not considered to be isolated in the strict sense of the term, it nevertheless remains separated from any recognised settlement edge and fails to accord with the spatial strategy for directing new housing to the most sustainable locations. 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.

The Appellant further details that the site represents an efficient use of land and refers to the site's enclosed character and relationship to nearby residential development. However, the presence of development in the locality does not in itself establish that the site is suitable for residential development. In this case, the site does not form a suitable infill and remains outside a defined settlement boundary, such that redevelopment would conflict with the spatial strategy and development plan.

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.'

While the current housing shortfall is a material consideration of significant weight, and the delivery of one market dwelling would provide limited socio-economic benefits, the site is neither adjacent to, nor well related to an existing settlement edge, with the nearest settlement edge, Horsham, being approximately 3.5km to the west. As such, the proposal would not benefit from the provisions of the SDPAN and would not represent an appropriate location for new housing development.

It is noted that the Regulation 19 Horsham District Local Plan proposes the designation of Colgate as a Secondary Settlement under draft Policy 2. This reflects the settlement's established community, together with its range of services and facilities, including a primary school, village hall, public house and church. Colgate also benefits from limited public transport provision and a degree of local employment. The presence of residential development and community facilities along Forest Road and Blackhouse Road contributes to a distinct sense of place and a clearly identifiable settlement form. It is for these reasons that Colgate has been identified as an appropriate Secondary Settlement within the emerging Local Plan. The proposed Secondary Settlement boundary would include residential dwellings along Blackhouse Road, however, it does not extend as far east as the application site, approximately 0.5km away.

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 transport options for future residents, other than private vehicles, and is contrary to the Council's spatial strategy for housing

The Appellant's statement acknowledges that the site does not adjoin or fall within the proposed Secondary Settlement Boundary for Colgate, or an existing settlement. As such, the proposal fails to comply with a key requirement of the SDPAN and would not represent a suitable or sustainable location for new residential development. The conflict with the spatial strategy of the Development Plan attracts significant weight and, when considered in the overall planning balance, the adverse impacts arising from the proposal would outweigh the limited benefits associated with the provision of a single dwelling.

NPPF 2026 Revisions

The NPPF was recently revised (August 2026) and the titled balance has been replaced with a rules-based, location-specific, presumption in favour of sustainable development under Policies S3 to S6. The most relevant policy to this appeal would be Policy S5 for the principle of development outside settlements. Under this policy only certain forms of development outside defined settlement boundaries are permitted if they fall under one of the specific categories listed under Policy S5(1). Policy S5(1)(j) is the most relevant to this appeal, as the Council cannot demonstrate a 5-year housing supply, and the proposal would contribute to an evidenced unmet need. However, the policy caveats that if it addresses an unmet need, it must also, be '*physically well-related to an existing settlement*'. In the case of the appeal site and as detailed previously within this statement, the council is of the view that the proposed dwelling would not be well-related to an existing settlement, and so it is considered that the appeal site would not meet the requirements of NPPF Policy S5(1)(j)(i). As such, the Council remains of the view that the proposal conflicts with Policy S5 of the NPPF. The introduction of the revised Framework does not therefore alter the Council's position regarding the acceptability of the development.

Case Studies

The Appellant's Appeal Statement refers to two case studies, demonstrating proposals within the Horsham District where planning permission was granted for the creation of new dwellings in the countryside. It is well established that appeal decisions are highly fact-specific, and the weight afforded to them depends on the degree of similarity in site context and planning circumstances. The following discussion addresses the applications and appeal decisions referred to by the Appellant in their Appeal Statement.

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

In respect of the Coolham appeal (DC/24/1966), the Inspector acknowledged that the proposal conflicted with Policies 1, 2, 3, 4 and 26 of the HDPF and found that the site was not a suitable location for development when assessed against the development plan. However, significant weight was afforded to the delivery of nine new dwellings. The Inspector also noted that whilst the site did not abut a BUAB, the site adjoins the edge of the settlement of Coolham, abutted the proposed settlement boundary on two sides, and would be perceived as a consolidation of the settlement rather than an encroachment into the countryside.

The Inspector found that future occupiers would not be wholly reliant on the use of private vehicles. The site is within walking distance of a primary school, village hall and public house, with access being via the A272 which whilst unlit, possesses 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.

As detailed previously, in the example of this appeal, access to the facilities that Colgate offers are not accessible by means of walking, as Blackhouse Road is an unlit rural lane, with no dedicated pavement, in which the road is subject to a 60mph speed limit. Therefore, walking or cycling is not an attractive option, and future occupants would be solely reliant on the use of private vehicles.

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

In the case of the Horsham Golf Club appeal (DC/23/1178) the Inspector gave the delivery of 800 new homes very substantial weight and the identified policy conflict very limited weight. The Inspector acknowledged the conflict with the policy, but the benefit of the delivery of 800 homes (very substantial weight) and the provision of sports facilities (significant weight) as well as other material benefits, outweighed the identified policy conflict. This appeal decision is not comparable to the current appeal site, as it would deliver one market dwellinghouse and would have no other wider benefits, unlike the Horsham Golf Club appeal. It is the case in the Horsham Golf Club appeal that the benefits of the delivery of a significant number of dwellings would significantly outweigh the identified policy conflict. It is considered that the appeal site would only deliver 1 market dwellinghouse and this would not deliver the same level of benefits as these appeal schemes.

As concluded within the Delegated Report, it is acknowledged that the Council is unable to demonstrate a 5-year deliverable supply of housing. However, the proposal would provide one market dwelling, with the Council considering this benefit limited given the negligible overall contribution to the supply. The benefits of the proposed single dwelling are acknowledged. However, the conflict with the development plan is given moderate weight and the site's unsustainable location is given significant weight, with these outweighing the benefits when assessed against the policies in the Framework. As such, the proposal is considered to be contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and National Planning Policy Framework (2026).

Conclusion

The Council therefore remain of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and the NPPF 2026. The Inspector is therefore respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, a List of Suggested Conditions is attached to this letter.

Yours sincerely,

Sam Nye
Planning Officer

List of Suggested Conditions

1 Approved Plans

- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

- 4 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

(a) All trees on the site shown for retention on approved 'Tree Protection Plan, reference Sht-2' as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).

(b) Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.

(c) Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition (Slab Level):** A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (Arun Ecology Ltd., February 2026) shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.
Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

- 6 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan 'Proposed Site Plan SP02 Rev E', and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until visibility splays of 2 metres by maximum achievable have been provided at the existing site vehicular access onto Blackhouse Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 Pre-Occupation Condition:** Prior to the first occupation of each dwelling, 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.

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

- 10 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 11 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied, until a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside 5 Place Services is a traded service of Essex County Council

Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

- 12 Regulatory Condition:** 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.

Reason: To limit water use in order to improve the sustainability of the development and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policies 31 and 37 of the Horsham District Planning Framework (2015), Policy N6 of the NPPF (2026), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 13 Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) the dwelling hereby permitted shall not be enlarged under Class A, AA or B of Part 1 within Schedule 2 of the Order without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 15 Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement [Titled - Arboricultural Report composed of Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan, Received 05/06/2026].

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 16 Regulatory Condition:** 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

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 17 Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arun Ecology Ltd., February 2026), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the non-licensed Precautionary Method Statement for Hazel Dormouse in Table 10 Section 5.1.1 and Section 6.4.7 and Precautionary Method Statement for reptiles and mobile protected and Priority species in Sections 6.4.1, 6.4.2, 6.4.8 and 6.4.9 of the Preliminary Ecological Appraisal (Arun Ecology Ltd., February 2026). This avoids impacts on European Protected Species and protected species.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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