TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPULSORY PURCHASE ACT 2004)

SECTION 78 APPEAL.

STATEMENT OF CASE ON BEHALF
OF THE APPELLANT

APPELLANT : MR ANDREW GOODMAN

APPEAL SITE : FAIRFIELD STUD, GUILDFORD ROAD, BROADBRIDGE HEATH, WEST SUSSEX, RH12 3PG

LPA REF : DC/25/1001

OUR REF FS/AJG/26/01

DATE : January 2026

STATEMENT OF CASE SECTION A - DECISION NOTICE – APPELLANTS GROUNDS FOR APPEAL AGAINST REASONS FOR REFUSAL

STATEMENT OF CASE SECTION B – OFFICERS REPORT - APPELLANTS COMMENTRY AND RESPONSE

STATEMENT OF CASE

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SECTION A – STATEMENT OF CASE APPELLANTS GROUNDS FOR APPEAL AGAINST REASONS FOR REFUSAL

1.0 FORWARD

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1.0 FORWARD

INTRODUCTION TO APPELANTS STATEMENT OF CASE AND GROUNDS FOR APPEAL AGAINST THE COUNCIL DECISION NOTICE AND REASONS FOR REFUSAL OF PLANNING PERMISSION.

Background

This appeal statement responds to a planning application refused by Horsham District Council for the erection of 3 dwellinghouses with associated landscaping and parking at, Fairfield Stud, Guildford Road, Broadbridge Heath, West Sussex, RH12 3PG, planning reference DC/25/1001 for the following reason(s):

Reason 1 The proposed development would be sited within an inappropriate location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2024) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015))

Reason 2. The proposed development, due to the scale and spread of development across the site, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the informal and rustic characteristics of the immediate locality. The proposal would therefore fail to protect, conserve and enhance the landscape character of the area, and would result in unacceptable harm to the character and appearance of the area, contrary to Policies 25, 26 and 33 of the Horsham District Planning Framework (2015).

Methodology

The Appellants Statement of Case consists of two sections:

Section A - **A GROUNDS FOR APPEAL** from the appellant to the **DECISION NOTICE REASONS FOR REFUSAL**

To assist the Inspector an **EXECUTIVE SUMMARY** of arguments, case histories and conclusions is provided at start of the case pages 8-13 and recommended is read first.

Then follows a more **DETAILED** critique of the procedure, descriptions and analysis of the Reasons for Refusal concluded by the Council along with a supporting set of arguments tables, photos etc.

Finally in support of Section A Statement of Case and Grounds for Appeal, a fuller consideration of the Appellants **RELEVANT PLANNING CASE PRECEDENTS** are submitted and the appellants **CLOSING CONCLUSIONS AND RECOMMENDATIONS** ARE offered.

Section B – Is a supplementary **DETAILED RESPONSE** from the appellant to the **OFFICERS REPORT** consisting of a critique of the procedure, including site photos, plans, descriptions and analysis of the application conducted by the Council.

For clarity, the relevant paragraphs of The Officer's Report is repeated verbatim, and the appellants critique commentary follows underlined for the Inspectors consideration.

The appellant submits the comments from both Sections A and B to constitute the OVERALL **STATEMENT OF CASE FOR A GROUNDS OF APPEAL** respectfully for the Inspectors consideration and decision making.

2.0 EXECUTIVE SUMMARY OF CASE FOR THE INSPECTOR -

APPELLANTS STATEMENT OF CASE ARGUMENTS AGAINST THE DECISION NOTICE 'REASONS FOR REFUSAL 1 &2'

The Council refer to the following paragraphs in **The Decision Notice Reasons for Refusal**.

The appellant has summarised the Councils Reasons for Refusal arguments (in italics) and submit a summary of the Grounds of Appeal against them (underlined) for the Inspectors consideration.

Reason for Refusal 1

Location suitability

'The proposed development would be sited within an unsustainable location in the countryside outside of a defined built-up area boundary'

The Appellants case is that the proposal site is not as strictly defined in *'countryside'* as the Council claim.

Instead, the proposal site is enclosed within defensible boundaries being directly adjacent to the north by the large West Sussex Highways HGV Lay by with HDC licenced Burger Van business on the A281, some existing five neighbouring residential dwellings to the west/south and in very close proximity to the BUAB of Broadbridge Heath and Lawson Hunt Roundabout and Industrial Estate to the East.

The proposal site also has many 'existing' suburban features including the 5 neighbouring housing with gardens associated domestic paraphernalia, sections of full height close board wooden fencing and is accessed by a 2 metre set of metal electric gates with same height brick abutment walls which all taken together undermine the definition of a '*countryside location*'.

The latter being a fact confirmed at appeal reference Inspectors **Appeal approval Appeal Ref: APP/Z3825/A/06/2027642** whereby the Inspector concluded the current proposal site was suitable for the introduction of suburban built elements without being considered '*alien*' or '*incongruous*' due to the predominance of man made features and activities.

The proposed development site is *'sustainable'* with a dedicated pedestrian exit gate offering easy access via an existing street lit, wide pathway, purpose built block paved crossing point on the Lawson Hunt Roundabout onto the no through road 'Old Guildford Road' to Broadbridge Heath village with its range of local shops, post office, pub, Playground, church and bus routes to Horsham, Billingshurst, Dorking and Guildford. All within a ten minute walk.

Local Planning Policy
'On a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan'.

The HDPF guidance is derived from the HDC 2015 Local Plan which is over ten years old and out of date in policy terms.
The Slinfold Neighbourhood Plan 2018 is over seven years old and out of date in policy terms.

As such, The Apellant contends the proposal site not being '*allocated for housing development*' is of limited weight.

Countryside definition

'Furthermore, the proposed development is not essential to its countryside location.'

As previously detailed The Appellants case is that the proposal site is not strictly a *'countryside location'* as the Council claim.

Material Considerations and Benefits

Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2023) at paragraph 11(d), it is not considered that there are any ***material considerations*** *in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).*

As Horsham District Council admit they have a serious deficit in providing sites for housing development.

This development proposal would create three self-build dwellings with a short build construction phase (due to off site pre-build manufacture of housing structures) and would contribute nearly 3% of the demonstrable local housing deficit need for Self Build plots within the Council District.

NPPF paragraphs 83–84 actively supports housing in rural areas where it will maintain or enhance the vitality of rural communities.

The development proposal is a 'Sustainable' development in a semi rural environment with direct economic benefits from residents supporting financially the local settlement of Broadbridge Heath with its business and hospitality services and potentially being active participants in the local community.

Associated economic benefits during housing manufacture, which is being fulfilled within Horsham District Council at Scandi Haus Loxwood, West Sussex and employment opportunities during the construction phase and thereafter in the longer term servicing of the dwellings.

Re Policy 1
As previously described the appellant contends the development proposal fulfils this policy and thereby be subject to appositive presumption in favour Sustainable Development

Re Policy 2 and 3
The development proposal site is in very close proximity and pedestrian access to Broadbridge Heath which is a village/small town where the HDPF states permissions for new housing development may be allowed.

Re Policy 4
The development proposal meets this policy criteria regarding development proposals that would or may extend beyond the BUAB by ensuring it does not damage the character of the existing landscape of the site, does not need any new infrastructure, and that it meets local needs – in this case the demonstrable deficit in Self Build housing plots within the Council District.

Re Policy 26
The development site is not a countryside location as previously described.

The development proposal is appropriate to its existing mix of man made surroundings

The development site is in close proximity to the Broadbridge Heath BUAB and has easy pedestrian access to the village.

The development proposal meets a demonstrable deficit in self build plots within HDC and Slinfold Parish and therefore meets local housing needs

The development proposal of three dwellings is proportionate to the site location and does not unduly increase overall levels of activity in the countryside

Reason 2.

Countryside Location and Rural Character
'The proposed development, due to the scale and spread of development across the site, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the informal and rustic characteristics of the immediate locality'

The proposal site not a countryside location as previously described.

Reflecting concerns from the Council at Pre Application, the original intention to space widely four plots across all the available land is now much more restricted and in scale reduced in number by 25% with lower roof ridge heights and bulk.

Landscape Character

The proposal would therefore fail to protect, conserve and enhance the landscape character of the Area

The original proposal was amended substantially to take into account Council Pre Application Advice, and provides sympathetic vernacular design in keeping with the existing mix of residential development and by restricting development plots retains a dominant 'open landscape' character.

Two dilapidated field barns with incongruous metal roofs would be demolished improving the overall landscape character.

'would result in unacceptable harm to the character and appearance of the area, contrary to Policies 25, 26 and 33 of the Horsham District Planning Framework (2015).'

Specific Policies

Policy 25
The development proposal takes into account existing development patterns of neighbouring man-made development and settlement patterns surrounding the site thereby conserving its landscape character

Policy 26
The development site is not a countryside location as previously described.
The development proposal is appropriate to its existing mix of man made surroundings
The development site is in close proximity to the Broadbridge Heath BUAB and has easy pedestrian access to the village.

The development proposal meets a local demonstrable deficit in self build plots within HDC and Slinfold Parish and therefore meets housing needs.

The development proposal of three dwellings is proportionate to the site location and does not unduly increase overall levels of activity in the countryside.

Policy 33
The development proposal development is sympathetic and compliments the areas existing local Character

The Council agree the development proposal does not create harm to the amenity of occupiers/users of nearby property and land.

The development proposal as amended more than adequately meets Council considerations such as scale, density, massing and orientation.

Relevant Planning Case Precedents supporting the Appellants Grounds for Appeal
The appellant would highlight four specific Planning Case Precedents which are presented to support the Grounds for Appeal.

All three appeals and one committee decision are uploaded as new documents that support the appeal

Ref Planning Application DC/06/1008
Application Address : Fairfield Stud, Guildford Road RH12 3PG
And subsequent Inspectors Appeal approval Appeal
Ref: APP/Z3825/A/06/2027642.
Proposal: Erection of 2 metre high gates and walls.

Ref Planning Application and Committee Decision: DC/24/1887
Application Address : Potters Field Mill Lane Partridge Green West Sussex RH13 8JU
Proposal: Outline Application for the erection of 2 No. detached dwellings and garages with all matters reserved except access.

Appeal Reference: APP/Z3825/W/21/3283823
Land at Duckmoor, East of Billingshurst, RH14 9DZ
Four Self-Build Plots

Planning Reference: 22/02242/PIP
Land to the South of Roxton Road, Great Barford, Bedford
And subsequent Inspectors Appeal approval Appeal
Appeal Ref: APP/K0235/W/24/3349671
Proposal: Permission in Principle for the Residential Development of land for five Self and Custom Build Dwellings at land to the south of Roxton Road, Great Barford."

SUMMARY OF APPELLANTS CONCLUSIONS ON GROUNDS FOR APPEAL

1. The Councils failure from the outset to consider the application correctly as a Self Build Custom Build proposal.

2. The Councils failure to consider relevant planning history at the application site

3. The Councils errors in describing both the site location and application

   Not mentioning that the proposal site is dominated by the A281 Trunk Road with a large lay-by maintained by West Sussex County Council Highways and frequented 24/7 by parked up HGV's and cars. In addition, a takeaway fast food establishment operates from the lay-by which is licensed by Horsham District Council as a commercial activity.

   Not sufficiently recognising the close proximity of the site to Broadbridge Heath and the Lawson Hunt Roundabout and Industrial Estate and considering corrrectly that these factors reduce the significant weight afforded to the definition 'adjoining' and 'outside' the BUAB in assessing the appropriateness of this proposal site.

   That when all these physical factors at the proposal site are properly considered they undermine the Council definition of 'countryside' in policy terms and their reasons to refuse permission on principle.

   Not mentioning that the site is 'sustainable' as there is an established pedestrian footpath and gated access from the site at its north eastern boundary point on to the A281 offering a short distance walk along a street lit wide verge to a dedicated foot crossing point on the Lawson Hunt roundabout providing access to Broadbridge village shops, bus routes etc via the 'no through road' Old Guildford Road.

4. The site is therefore 'appropriate' for the level of development proposed and is 'sustainable development' of a semi rural area offering easy, dedicated street lit pedestrian access to Broadbridge Heath.

5. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 1 year.

6. The 2018 Slinfold Neighbourhood Parish Plan and HDPF 2015 sites for housing development are out of date and have limited weight

7. The Council exclusion of any reference to Self-Build and Custom Build Housebuilding Act 2015 and Self-Build and Custom Build Housebuilding Regulation 2016 which the appellant considers material to this planning appeal.

8. The appellant contends the proposed development is appropriate to the scale and function of the existing settlement type and existing neighbouring residential dwellings

Taking into account all the above, it is considered that the proposals would not harm any interests of acknowledged importance as the proposal aligns with national and local policy objectives that support high-quality, contextually appropriate rural housing.

The proposed development would not harm the character and appearance of the countryside, or harm the wider landscape; and meets locally identified self-build demand, contributing to rural sustainability.

As such the proposed development is considered to be acceptable.

3.0 APPELLANTS DETAILED STATEMENT OF CASE SUPPORTING GROUNDS OF APPEAL AGAINST COUNCIL REASONS FOR REFUSAL

3.1 Introduction.

The appellant **IN SECTION B** later considers **The Officers Report**, as it provides the basis of the Councils arguments for the **Decision Notice and Reasons for Refusal**, as crucial in the Grounds for Appeal. Hence the critique of The Officers Report (Section B) should be considered an intrinsic part of this Statement of Case.

Therefore in arguing its case against the specific **DECISION NOTICE REASONS FOR REFUSAL**, the appellant highlights arguments from Section B, where appropriate, and more generally comments about the councils mishandling of the application itself and further detailed arguments to counter the Councils two Reasons to Refuse Planning permission.

4.0 PROCEDURAL PRELIMINARY ISSUES

4.1 Incorrect description and categorisation of the application.

The appellant contends that the planning application was not correctly categorised and thereby considered by the Council and that these errors and omissions have resulted in an unfair decision to refuse permission.

As specified on the original Application Form Planning Portal Reference: PP-13835645, the appellants agent applied for full planning permission for

'Erection of three self/custom build dwellings with associated landscaping and parking'

Note Application for Planning Permission form PP-1383564 has been uploaded to the Inspector

However, the Council subsequently changed the description of development to:

"Erection of 3 no dwellinghouses with associated landscaping and parking.'

We understand the Council then sent a letter acknowledging the submission of the application, which included the following paragraph, *"Please check the description of development and if you think it does not cover your proposal, please contact us within 7 days of this letter. This may result in your application being made invalid."*

The appellant acknowledges that they did not respond to the letter despite the change in the description of development from the Application Form.

Notwithstanding this, the appellant did not explicitly agree to amend the description of development. Furthermore, as part of this application they never sought consent for anything other than Self and Custom Build housing.

Additionally on the original application form Planning Portal Reference: PP-13835645 the applicant completed the Residential/Dwelling Units questionnaire answering specifically that this was an application for Self-build and Custom Build.

Moreover, although the Appeal Form duplicates the description of development from the Decision Notice, the appellant insists that the description has not changed from that stated on the original Application Form.

Appeal Ref: APP/K0235/W/24/3349671 is a relevant planning case where an identical description change was made by the Council and the 7 day notice was stated and not replied to by the applicant. In this case and after consideration of the process the Inspector concluded:

'*My assessment of the appeal proposal is based upon the description of development as originally sought by the appellant. As the Council and interested parties have assessed the proposal to be for Self and Custom Build dwellings they would not be prejudiced by this approach.'*

The appellant therefore respectfully seeks a similar consideration is applied in this appeal and evaluated against the original proposal description namely ''Erection of three self/custom build dwellings with associated landscaping and parking'.

Appeal Ref: APP/K0235/W/24/3349671 is uploaded as a new document that supports the appeal

The appellant contends the Council change in description fundamentally undermined the basis of the submitted application and its consequent assessment against Planning policies and is therefore invalid.

The appellant contends that should the Council have correctly considered the Application as originally submitted it would have materially affected their final decision to refuse permission.

This misrepresentation of the application without reference to 'self build custom build' thereby set in train a mindset by the Council on how the application was considered and the decision making process was flawed thereafter.

As evidence, the Council Officers Report only very briefly mentions the proposed development in the context of Self and Custom Build dwellings when determining the planning application and dismisses it within a single line of text.

Similarly, the Council fail to reference or consider National Legislative Planning Policy requirements for facilitating and approving Self build.

The Council fails to refer or consider the implications of the existing shortfall in the Council current registrations for Self Build within the District. The Councils own Register in November 2025 shows a shortfall of currently 102 between 172 individuals seeking Self Build plots and 70 plots granted with only 9 planning permissions granted.

See Table below from HDC Self Build Register November 2025

Horsham District Council Self and Custom Build Register of Interest Report November 2025

Base Period	Dates	Individuals	Cumulative Individuals	Non-Residents	Cumulative non-residents	Residents	Cumulative residents	No. of Planning Permissions	No of Plots granted	Application Reference Numbers
1	to 30 October 2016	4	4	0	0	4	4	0	0	0
2	31 Oct 16 to 30 Oct 17	7	11	4	4	3	7	0	0	0
3	31 Oct 17 to 30 Oct 18	11	22	1	5	10	17	1	30	DC/16/1677
4	31 Oct 18 to 30 Oct 19	32	54	10	15	22	39	0	0	0
5	31 Oct 19 to 30 Oct 20	30	84	9	24	21	60	0	0	0
6	31 Oct 20 to 30 Oct 21	45	129	14	38	31	91	1	4	DC/21/0057
7	31 Oct 21 to 30 Oct 22	20	149	6	44	14	105	2	5	DC/20/2607 DC/22/0287
8	31 Oct 22 to 30 Oct 23	8	157	0	44	8	113	0	0	0
9	31 Oct 23 to 30 Oct 24	9	166	4	48	5	118	1	1	DC/24/1114
10	31 Oct 24 to 30 Oct 25	6	172	2	50	4	122	4	30	DC/24/1715 DC/24/1787 DC/24/1300 DC/23/1178
	TOTAL	172		50		122		9	70	

NOTE: There are no groups of individuals on the Self Build Register of Interest

The Council fails to refer to the appellants own position on the Council Self build register (Individual Reference number 3590010 6th October 2023) and how approval of this application at appeal would meet that specific demand.

Overall, there is a total failure of the Council to consider Self build Custom build as a legitimate local housing need worthy of weight within the planning balance and decision.

This disinterest in Self Build housebuilding by Horsham District Council is consistent with the experience of the Appellant on the Council register. At no point has there been any proactive engagement, communication or facilitation with the applicant despite best efforts to raise the Self Build housebuilding prior to the submission of the planning application.

An email trail with Horsham District Council of the Appellants attempts to elicit engagement on Self Buildhousing is uploaded as a new document

4.2 Exclusion of Relevant Planning History at the application site.

The applicant recognises that it may not be a legal requirement upon the Council to list all planning history but considers the exclusion of a relevant historical appeal case at the site to be a serious error by the Council as the appeal conclusions have a significant weight in undermining the Councils *'in principle'* decision of the site appropriateness, countryside definition and suitability of the proposed land use.

In the submitted Planning Design and Access Statement July 2025 the agent for the appellant listed Ref DC/06/1008), dated 18 April 2006 and subsequent Inspectors **Appeal approval Appeal Ref: APP/Z3825/A/06/2027642** 31st January 2007 as relevant planning history.

However, remarkably no reference whatsoever is made by the Council of this highly relevant Planning case history at the proposal site.

It is the appellants contention that the Inspectors Appeal approval Appeal Ref: APP/Z3825/A/06/2027642 31st January 2007 is highly relevant to the current application.

Appeal Ref: APP/Z3825/A/06/2027642 is uploaded as a new document that supports the appeal.

The Appellant contends the Inspectors comments and conclusions should have 'significant weight' in determining the Council 'in principle' judgements of the site being a 'countryside location' and 'appropriate' for the proposed development.

The appellant contends omission of this case is either erroneous, constitutes a lack of due diligence or deliberate as it should have been considered within the Officers Report and its absence had a material effect undermining the applicants fair case for approval.

Therefore reference to the Inspectors comments and decision approving the historical development forms part of the appellants case for Grounds for Appeal and is summarised as follows:

Planning Reference No: DC/06/1008 was a planning application Proposal for the Erection of 2 metre high gates and walls dated 18 April 2006. The application was refused by the Council for the following reason:

*'The proposed works by reason of their **urban form** are considered unacceptable in this rural location and would cause significant harm to the visual amenities and character of the rural location contrary to the aims of countryside protection policies'*

However refusal of planning permission to install the new metal gates and brick walls was overturned by the Inspector at appeal **APP/Z3825/A/06/2027642** for the following reasons:

'The entrance to Fairfield Stud is situated just off a main roundabout providing access to an industrial estate and opposite a large lay-by where I saw a mobile catering unit and a predominance of parked vans and HGVs. The amount of hard surfacing, the industrial nature of the nearby built development and the degree of vehicular and commercial activity associated with this section of the A281 satisfies me the "suburban" appearance of the proposed metal gates and brick wall would not be incongruous or alien within the context of these surroundings.'

The appellant contends the Inspectors description of the site, reasons to approve and conclusions should have been included and considered in the application as they would have had direct parallel implications to this decision (namely to define the location and what constituted appropriate development at the site an thereby reasons for approval) and their exclusion renders the Council decision to Reuse invalid.

5.0 Inaccuracies in the Description of the application

The appellant considers the Council description of the site has several serious errors and fails to adequately take account of existing neighbouring man-made land uses and landscape features.

5.1 Current Land use

The appeal site Fairfield Stud is not open countryside but totals 2.8 hectares of land currently in mainly recreational equestrian use, with two field barns, six stables, yards, and a sand school.

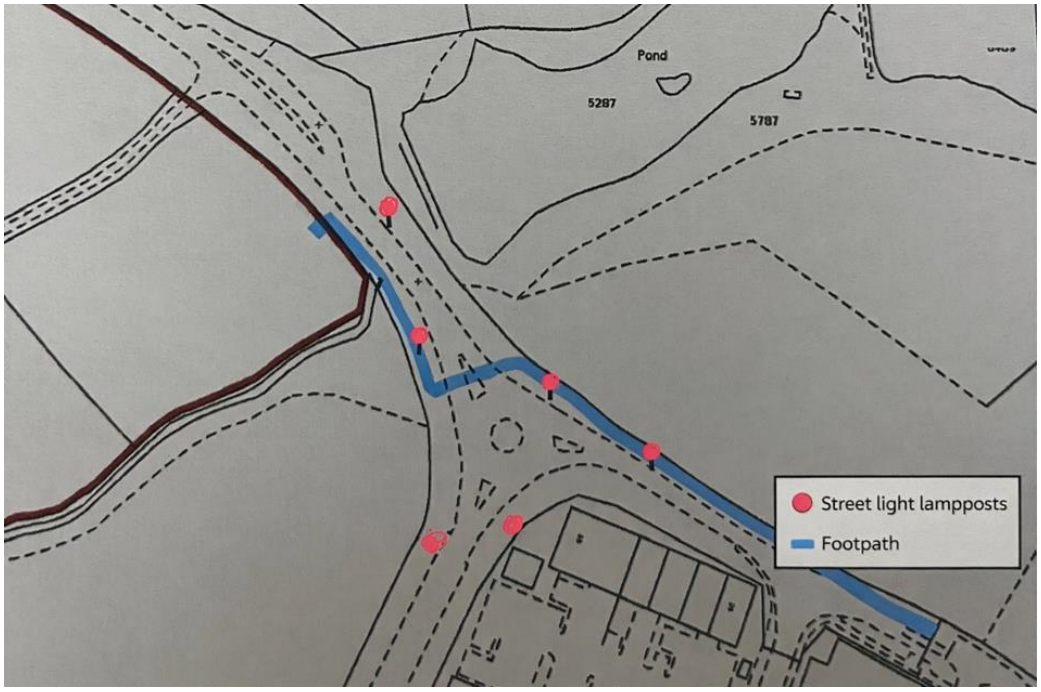
It is immediately situated to the southern side of the Guildford Road A281 Trunk classified road immediately to the west of Broadbridge Heath and the Lawson Hunt Industrial Estate.

5.2 Existing Access

Access to the site is gained via an established private tarmac entry dominated by a set of 2m high metal Electric gates, large 2m brick walls leading to a tarmac driveway that serves Fairfield Stud extends southwards from the A281.

The Council have failed to describe an established pedestrian footpath and gated access from the site at its north eastern boundary point on to the A281 offering a short distance walk along a street lit wide verge to a dedicated foot crossing point on the Lawson Hunt roundabout providing access to Broadbridge village shops, bus routes etc via the 'no through road' Old Guildford Road.

Map below shows pedestrian path in blue from the Appellants gate from the site, along the street lit A281 to a purpose built crossing across the Lawson Hunt Roundabout to the Old Guilford Road 'no through road' providing pavement access to Broadbridge Heath Post office and shops within ten minutes walk.



Pedestrian gate from Proposal site to street lit pathway on the A281 to Broadbridge Heath



Pathway verge from gate to roundabout



Street light pathway to Roundabout



Pedestrian crossing photo 1



Pedestrian crossing photo 2



5.3 Landscape and Neighbouring activities
The council recognise '*The site is well enclosed by mature trees and hedgerows along the northern, southern, and eastern boundaries.'*

However, the Council fail to mention the existing suburban style 2m high fencing immediately where Plots 2 and 3 would be built and which extend along a large proportion of the proposal site boundary with the A281.
The Officers Report correctly describes the site as '*abuts a cluster of residential dwellings including Coromandel, Fairfield Cottage, and Stable Cottage'.* But fails to mention Residential dwelling Fairfield Stud to the southern boundary.

These residential dwellings, their gardens and associated paraphernalia already impact upon the landscape and create a domestic influence to the site despite these residential boundaries being described by the Council as '*well enclosed by mature trees and hedgerows, providing a strong vegetated framework and a degree of visual containment from the wider landscape*.'.

Photo of sites existing suburban style gates, walls fencing, neighbouring housing and gardens with associated paraphernalia.

Neighbouring Properties Fairfields and Fairfield Cottage both with existing garden apparatus and paraphernalia.



Neighbouring Fairfields Garden from Proposal site





Existing close board boundary fencing between proposal site and the A281





Existing 2 metre Metal electric gates and walls at entrance to proposal site





The appellant contends the council is inaccurate in describing '*To the north and west the site adjoins open fields and paddocks'.*

More accurately the northern boundary of the site is dominated by the A281 Trunk Road with a large lay-by maintained by West Sussex County Council Highways and frequented 24/7 by parked up HGV's and cars. In addition a takeaway fast food establishment operates from the lay-by which is licensed by Horsham District Council as a commercial activity.

As the Planning Inspector concluded at appeal APP/Z3825/A/06/2027642 the effect of this large area of hard standing, commercial activities and vehicle parking and movements is to significantly dominate the application site and undermine a sense of rural countryside setting.

Dominant view of West Sussex Highways HGV Layby from proposal site entrance



Typical HGV traffic parked up anytime 24/7



Layby resident Commercial Fast food Burger bar 'Brunchers' Licensed by Horsham District Council



Appeal APP/Z3825/A/06/2027642 uploaded as new supporting document

The appellant would also contend the Council is misleading in describing '*The surrounding area is semi-rural in character, comprising sporadic residential development interspersed with agricultural and equestrian land*'

More accurate a description of the wider surrounding area would include reference to the West Sussex Highways lay-by and Horsham District Council licensed commercial activities, the A281, Lawson Hunt Industrial Estate and roundabout to the north east of the site.

The Council admit the appeal site is '*approximately 100 metres west of the roundabout at the entrance to the Lawson Hunt Industrial Park, which marks the western edge of the Built-Up Area Boundary (BUAB) of Broadbridge Heath'*. but *'lies within the countryside in policy terms'*.

It is the appellants contention given the proposed sites immediate proximity to the existing BUAB of the Lawson Hunt Industrial Estate and the hardstanding lay-by, HGV parking and licensed commercial activities immediately to the northern site boundary, these are factors that should reduce the significant weight afforded to the Council definition of *'countryside in policy terms'* and

that the sites proximity to the BUAB by the Council is undervalued in assessing the appropriateness of this proposal.

In summary, the appellant contends the Council description is misleading and fails to reflect the physical man-made features and dominant factors of the application site which undermine any weight associated 'countryside' definition in policy terms restricting development.

The man-made features neighbouring the site with established residential dwellings, substantial layby with associated commercial activities and the close proximity to the Lawson Hunt Roundabout and Industrial Estate, provide defensible boundaries meeting planning policy objectives.

The site is sustainable with existing pedestrian access and street lit pathways and crossings to local businesses and services.

6.0 PLANNING LAW

This section considers planning law relating to this appeal and demonstrates – with reference to relevant Development Plan policies and other material considerations - that permission should be granted.

6.1 Under the provisions of S.38 (6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine planning applications in accordance with the policies of the Development Plan, provided they are up to date and relevant, unless material considerations indicate otherwise.

The Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 The revised National Planning Policy Framework which came into force in 2024 must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Those of particular relevance to the determination of this planning application comprise:

- Location
- Appropriate and sustainable development
- Land Use
- Design,Scale and Appearance
- Amount of development
- Biodiversity & Green Infrastructure
- Self Build Legislation

7.0 POLICY CONSIDERATIONS

National planning Policy Framework (2024)

• Chapter 2: Achieving Sustainable Development
• Chapter 5: Delivering a sufficient supply of homes
• Chapter 11: Making effective use of land
• Chapter 12: Achieving well-designed place
Chapter 15: Conserving and enhancing the natural environment

• Chapter 16: Conserving and enhancing the historic environment

Horsham District Planning Framework (2015):

• Policy 1 - Strategic Policy: Sustainable Development
• Policy 2 - Strategic Policy: Strategic Development
• Policy 3 - Strategic Policy: Development Hierarchy
• Policy 4 - Strategic Policy: Settlement Expansion
• Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
• Policy 26 - Strategic Policy: Countryside Protection
• Policy 31 - Green Infrastructure and Biodiversity
• Policy 32 - Strategic Policy: The Quality of New Development
• Policy 33 - Development Principles
• Policy 34 - Cultural and Heritage Assets
• Policy 35 - Strategic Policy: Climate Change
• Policy 36 - Strategic Policy: Appropriate Energy Use
• Policy 37 - Sustainable Construction
• Policy 38 - Strategic Policy: Flooding
• Policy 39 - Strategic Policy: Infrastructure Provision
• Policy 40 - Sustainable Transport
• Policy 41 - Parking

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Self-Build and Custom Housebuilding Act 2015

As argued previously, there is a total failure in the Council to consider Self build Custom housebuilding Legislation and its obligations to facilitate such development and recognise self build as a legitimate local housing need worthy of weight within the planning balance and decision.

8.0 PRINCIPLE OF DEVELOPMENT
It is the view of this appeal that the 'principle of development' should be taken into consideration.

Horsham District Council continues to face ongoing pressures to deliver housing, including self-build and custom-build homes, which the Council has a statutory duty to provide for under the Self-build and Custom Housebuilding Act 2015 and NPPF paragraph 62.

The proposed development would deliver three high-quality self/custom-build dwellings, making a meaningful contribution towards meeting identified local demand.

This represents a material consideration of significant weight.

NPPF paragraphs 83–84 actively supports housing in rural areas where it will maintain or enhance the vitality of rural communities. The application site forms part of an established cluster of built form at Fairfield Stud and is not isolated in NPPF terms, a point acknowledged by the Council. The proposal therefore meets the NPPF's direction to accommodate small-scale growth in existing rural settlements and to support local services in nearby villages.

While the site lies outside the defined built-up area boundary in strict terms, the HDPF policies must be applied in a balanced and pragmatic manner. The proposal for two 1.5 storey and one 2 storey dwellings replaces two existing buildings in poor disrepair with sensitively designed dwellings contained within a well-defined and defensible envelope. This aligns with the objectives of Policies 3, 4 and 26 by maintaining settlement pattern respecting local character and ensuring development remains proportionate and well-related to existing built form.

The proposed development is accessed via an established private drive; adjoining the existing development; and would significantly enhance the site's appearance through the removal of deteriorating timber outbuildings.

Photo 1 - The proposal includes demolition dilapidated and deteriorating timber outbuilding



Photo 2 - The proposal includes demolition dilapidated and deteriorating timber outbuilding with metal roofs



In doing so, it reflects NPPF 84(c), which supports "*the re-use and enhancement of land containing existing structures."* Therefore, it is considered that the proposal does not represent encroachment into open countryside.

Furthermore, it should be noted that outline planning permission for the construction of two detached dwellings on a similar site within the Borough of Horsham was approved at committee, on Potters Field located to the north of Mill Lane, Littleworth. This precedent provides sufficient justification for the proposed development.

Ref Planning Application and Committee Decision: DC/24/1887 uploaded

The development will provide high-quality residential homes, support rural sustainability, and help meet statutory self-build obligations.

In this context, settlement boundary restrictions carry reduced weight, especially given the limited scale, sustainable siting, and clear alignment with national policy objectives encouraging rural housing provision.

Therefore, for the reasons stated above, the proposal is considered to represent a sustainable form of rural development and is fully consistent with both national guidance and the strategic aims of the HDPF.

Accordingly, the principle of development is acceptable in relation to the development on the proposed site for the following arguments:

Refusal Reason 1

8.1 Siting of Development

This section considers the planning issues relating to this planning application and demonstrates with reference to relevant Development Plan policies and other material considerations - that permission should be granted.

The Council's reason for refusal claim that, *"The proposed development would be sited within an unsustainable location in the countryside, OUTSIDE of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan."*

The Council's claim that the site is an "unsustainable" countryside location fails to take into consideration the site's functional and spatial relationship with its surroundings. While the site lies outside a defined built-up area boundary in policy terms, this does not equate to an 'unsustainable location'.

The site forms part of an established cluster of development at Fairfield Stud, comprising residential and commercial uses.

Paragraphs 83–84 of the NPPF support rural housing development in this type of location. Paragraph 83 states that,

"*planning should identify opportunities for villages to grow and thrive, including where development in one settlement supports services in another nearby*.

" Paragraph 84 further states that,

"*development should avoid isolated homes unless certain exceptions apply."*

Fairfield Stud sits within a pattern of small clusters and nearby villages. Further to this, the site is located in close proximity to Broadbridge Heath which provides a wide range of services accessible on foot and within short travel distances. Demonstrating that the site is not isolated is a point the Council itself accepts through reference to the Braintree judgment.

The site also benefits from an existing and established access serving the existing development.

The site offers pedestrian accessibility, which supports walking and enhances the overall connectivity to the site and sustainability credentials of the proposal. Therefore, no new infrastructure is required.

Accordingly, the site is established as a semi-rural edge-of-settlement location, not an isolated or remote countryside plot. National policy recognises that sites like this are capable of sustainable development and can appropriately accommodate modest housing development such as the proposed scheme for three new houses, consistent with rural sustainability expectations under the NPPF.

In this context, the site is appropriately characterised as a semi-rural, edge-of-settlement location, rather than an isolated or remote countryside site, and is therefore consistent with the principles of sustainable development set out in national planning policy

8.2 Housing Supply

The Council acknowledges the absence of a five-year housing land supply. The NPPF requires Local Planning Authorities (LPAs) to ensure that there is adequate provision of land to meet the housing need for their areas and are required to identify sites to meet five years worth of housing.

The NPPF also sets out a requirement for an additional buffer over the Plan's housing requirements which should be between 5% and 20% where there has been a significant under delivery of housing for the previous 3 years. Both the Council's HDPF and the Neighbourhood Plan are over 5 years old.

The Council's latest Annual Monitoring Report (AMR) for the period 1 April 2023 to 31 March 2024 was published on 30 April 2025. This stated that, following the publication of the revised NPPF in 2024, the housing delivery target for the District was now set at 1,357 dwellings per annum. It also states that in the 2023/24 monitoring year, a total of 452 net dwellings were completed.

The Housing Delivery Test for the period 2020/21-2022/23 showed that the District had delivered 62% of the housing target over the previous three years. As such, a presumption in favour of 5.40 development is engaged, and a 20% buffer must be applied to the five-year housing supply target, resulting in a figure of 9,030 dwellings over the period. Consequently, the Council can demonstrate a 1.0-year housing land supply.

In accordance with the NPPF, housing supply should be calculated based upon the Standard Method. The Council's Annual Monitoring Report 2022/23 (AMR) examines the period between 1 April 2022 – 31 March 2023. Published on 18 January 2024, the report concludes that the Council has a deliverable housing land supply of 2,667 dwellings equating to 2.9 years. This is a very significant shortfall.

The true scale of the shortfall is more significant following the amendment to the Standard Method in December 2024. The new figures show that local housing need for Horsham District increased from 917 to 1357 dwellings - a 47% increase to which the 5% buffer should be applied (paragraph 78 of the NPPF).

Based upon the figures in the AMR, the Council's housing land supply has dropped to a figure closer to 2 years or below. Given the recent events in the examination of the emerging Local Plan, attempts to manage this through strategic policies in the short to medium term are highly unlikely.

In such circumstances with regard to the Council's unmet housing supply and identified site allocations for housing development, the Council's decision should address housing need and its statutory duty under the Self-build and Custom House building Act 2015 to provide sufficient permissions to meet local demand for self/custom-build plots.

8.3 Self build Custom build housing

The NPPF paragraph 62 reinforces this obligation. Particularly relevant as given the demand for self-build plots exceeds supply in Horsham District, and that no allocations for self-build have been made in the Slinfold Neighbourhood Plan or alternative deliverable small sites are offered by the Council.

The proposals would contribute toward addressing unmet housing needs by delivering three self-build dwellings that support local demand. A material planning consideration capable of outweighing settlement boundary restrictions. Confirming that self-build need can justify departures from local policies where unmet need persists.

The Council's refusal fails to acknowledge this fundamental material consideration and the fact that the current self build register (see below) shows a shortfall of 102.

Horsham District Council Self and Custom Build Register of Interest Report November 2025

Base Period	Dates	Individuals	Cumulative Individuals	Non-Residents	Cumulative non-residents	Residents	Cumulative residents	No. of Planning Permissions	No of Plots granted	Application Reference Numbers
1	to 30 October 2016	4	4	0	0	4	4	0	0	0
2	31 Oct 16 to 30 Oct 17	7	11	4	4	3	7	0	0	0
3	31 Oct 17 to 30 Oct 18	11	22	1	5	10	17	1	30	DC/16/1677
4	31 Oct 18 to 30 Oct 19	32	54	10	15	22	39	0	0	0
5	31 Oct 19 to 30 Oct 20	30	84	9	24	21	60	0	0	0
6	31 Oct 20 to 30 Oct 21	45	129	14	38	31	91	1	4	DC/21/0057
7	31 Oct 21 to 30 Oct 22	20	149	6	44	14	105	2	5	DC/20/2607 DC/22/0287
8	31 Oct 22 to 30 Oct 23	8	157	0	44	8	113	0	0	0
9	31 Oct 23 to 30 Oct 24	9	166	4	48	5	118	1	1	DC/24/1114
10	31 Oct 24 to 30 Oct 25	6	172	2	50	4	122	4	30	DC/24/1715 DC/24/1787 DC/24/1300 DC/23/1178
	TOTAL	172		50		122		9	70	

NOTE: There are no groups of individuals on the Self Build Register of Interest

8.4 Summary

NPPF paragraph 11(d) states , "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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 in 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'

In assessing the proposed development against policy a balanced decision would require permission to be granted unless adverse impacts significantly and demonstrably outweigh benefits.

In this case benefits include:
• Delivery of three self/custom-build homes meeting statutory demand;
• Support for the vitality of nearby rural settlements;
• Modest-scale development well-contained by existing built form;
• No harm to landscape, highway safety, neighbouring amenity, or heritage.
• Environmental enhancement through the removal of deteriorating structures;

In conclusion, the Council has not demonstrated any adverse impacts that meet the "significant and demonstrable" threshold required to outweigh these benefits.

Refusal Reason 2

8.5 Impact on the rural character of the Countryside

The Council claims that, '*The proposed development, due to the scale and spread of development across the site, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the informal and rustic characteristics of the immediate locality.'* in conflict with Policies 25, 26 and 33 of the HDPF which promote development that protects, conserves and enhances the landscape character from inappropriate development.

Proposals should take into account landscape 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.

Policy 5 of the Neighbourhood Plan also reflects these principles. Policy 26 seeks "*to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale."*

However, it should be noted that this policy explicitly allows proposals that are appropriate in scale and character and help enable sustainable rural development.

8.6 Existing defensible boundaries and landscape character

The proposed development is contained within existing defensible boundaries and the landscape character features are maintained and enhanced.

Defensible Boundaries – Residential Housing to the West and South, A281 Lay by to the north and Lawson Hunt Roundabout and Industrial Estate to the east



Further to this the development proposed is proportionate, well-related to existing built form, and does not extend into open countryside. The proposal also replaces two existing timber outbuildings with three high-quality, landscape-sensitive dwellings, delivers modest-scale development that preserves and enhances the site's appearance.

8.7 Appellants Pre-application with the Council

The appellant engaged proactively with the Council through a formal pre-application, follow up discussions and received an Officers report to the earlier proposal.

Appellants Pre-application and site plan are uploaded as a new documents that support the appeal

During that process, the Council raised specific concerns regarding the bulk and massing of the dwellings and their potential prominence in views from the north. The current proposal has been comprehensively redesigned to address these concerns reducing the height of two of the three houses to 1.5 storeys. The height and overall volume of the dwellings have been reduced, the roof forms have been refined to soften the built profile and the buildings have been positioned to sit comfortably within the visual sightlines of the existing site boundaries.

These revisions directly respond to the points raised by the Council and significantly diminish the potential for the development to appear dominant or visually intrusive.

The layout and density of the proposal are entirely consistent with the established pattern of development in the immediate locality. The scheme comprises three dwellings set within generous, well-proportioned plots, ensuring ample separation between each dwelling and between the new development and neighbouring buildings.

This spacious arrangement reflects the typical character of the surrounding area, where detached properties sit within large plots and development is informally dispersed. The proposal therefore does not introduce an urbanising form /layout; rather, it maintains the organic pattern of development that characterises this semi-rural setting.

It is also to note that the proposal would replace two deteriorated timber outbuildings that currently detract from the character and appearance of the site. Their removal and replacement with high-quality, well-designed dwellings would enhance the visual quality of the site. This alone represents a tangible improvement to the rural landscape, giving rise to a net positive effect on local character.

8.8 Housing Design and Planting

The design of the dwellings has been carefully crafted to respect local vernacular traditions. While the three homes share a cohesive architectural language, each is individually designed to ensure visual interest and to avoid any impression of suburban uniformity. The chosen materials are entirely appropriate and integrate well into the rural context. The resulting design approach promotes a sense of rural character that is sympathetic to the area's existing built form. Any further refinement or material specification could be secured by condition if considered necessary by the Inspector.

The site benefits from established mature boundary trees and planting, all of which are to be retained and supplemented as part of the landscaping strategy. These natural buffers ensure that views of the dwellings from public vantage points would be restricted, filtered, or in many cases, entirely obscured. Even in winter months, the combination of siting, massing, and existing vegetation would ensure that the dwellings appear discreetly nestled within the landscape rather than projecting above it or intruding upon wider views.

8.9 Summary

When considered in its entirety, the proposal would not cause the adverse visual or landscape effects claimed in the refusal. Instead, it would deliver a sensitively designed and appropriately scaled development that sits comfortably within its rural setting, reflects existing development

patterns, and enhances the character of the site by replacing poor-quality structures with high-quality rural dwellings.

9.0 Relevant Planning Case Precedents supporting the Appellants Grounds for Appeal

The appellant would highlight four specific Planning Case Precedents which are presented to support the Grounds for Appeal.

The four cases reflect planning decisions at different levels:

a. Historically Planning approval at Appeal at the immediate site itself
b. Two Horsham Local Planning Authority Approvals one at Committee and one at Appeal
c. National Policy - From another Planning Authority at Appeal

All three appeals and one committee decision are uploaded as a new documents that support the appeal

9.1 Ref Planning Application DC/06/1008
Application Address : Fairfield Stud, Guildford Road RH12 3PG
And subsequent Inspectors Appeal approval Appeal
Ref: APP/Z3825/A/06/2027642.
Proposal: Erection of 2 metre high gates and walls.

The Inspector in this case history reviewed the Council decision that the proposed works '*urban form*' would cause significant harm in this location.

The Inspector overturned this reason for refusal concluding the influence of existing man made surroundings were such that the introduction of new '*suburban*' built elements which the Council had contested were not *'incongruous'* or '*alien*' in this location and therefore should be approved.

The appellant contends this decision thereby defines the location of Fairfield Stud in Planning terms and has a direct relevance to the current proposal subject to this appeal and should be afforded significant weight in a decision to approve development.

9.2 Ref Planning Application: DC/24/1887
Application Address : Potters Field Mill Lane Partridge Green West Sussex RH13 8JU
Proposal: Outline Application for the erection of 2 No. detached dwellings and garages with all matters reserved except access.

This planning application is markedly similar to that at Fairfield Stud being for two dwellings on a site. It was approved by Horsham District Council after it considered the principles of appropriateness of development in both a countryside setting and not adjoining a BUAB.

The appellant argues should apply equally to this Grounds for Appeal regarding the development proposal at Fairfield Stud.

The Inspectors Appeal Decision stated the following:

'Conclusions on Principle

The site is located outside any defined BUAB and is not allocated for development in the adopted development plan (the HDPF or the West Grinstead Neighbourhood Plan). The principle of the development is therefore contrary to Policies 2, 3, 4 and 26 of the HDPF.

Notwithstanding this, it is recognised by Officers that in the context of the Council's 5-year housing supply position, the benefits that would arise from the delivery of extra housing carry positive weight in the determination of the proposal. In order to come to a considered conclusion, it is necessary to therefore balance the benefits of the proposed development against the conflict with the above adopted development plan policies and any other policy compliance, conflict and harm.'

In concluding that permission should be granted despite being a departure from the Development Plan and Neighbourhood Plan, the committee summarised its policy position as follows.

'Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

The proposed development would be in conflict with the spatial strategy for housing within the development plan as set out in Policies 2, 3 and 4 of the HDPF. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF.

The proposal would not therefore provide a suitable location for housing with regard to the spatial strategy within the Development Plan. It is however recognised that the Council are currently unable to demonstrate a 5-year housing land supply, with the Housing Delivery Test of April 2025 confirming that the Council can demonstrate a 1-year housing land supply.

Therefore, for the purposes of decision making the presumption in favour of sustainable development within Paragraph 11(d) of the NPPF applies.

Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in 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.

In this instance policies 2, 4 and 26 are considered out of date and as determined by recent appeal inspectors now carry only moderate weight in decision-making. The West Grinstead Neighbourhood Plan, although recently adopted, does not contain policies and allocations to meet its identified housing requirement, instead relying on the new local plan to address housing need in the plan area. The protections of Paragraph 14 of the NPPF do not therefore apply to decision making in this case.

It is acknowledged that the development would be located outside the built-up area boundary and would be in conflict with Policy 26 of the HDPF. However, as outlined above, Littleworth has been recognised as being sustainably located with access to the larger settlement of Partridge

Green. The proposal would be experienced as a form of infill development along Mill Lane, with existing development present to either side and immediately opposite. The proposal would be seen in this immediate context and would not represent encroachment outside of what would be perceived as the pattern of development in this section of Littleworth, with the transition to open countryside considered to take place further to the west of this application site.

There are no reasons to consider that at this outline stage a development of two new dwellings would not preserve the setting of neighbouring listed buildings, with no adverse harm identified.

Considering the outline application, it is considered that the harm afforded by the conflict with Policies 2, 3, 4 and 26 of the HDPF would not significantly and demonstrably outweigh the benefit of a new dwellings in this sustainable location.

The application is recommended for approval accordingly, subject to the conditions as set out below and S106 legal agreement to secure the water neutrality credits and the biodiversity net gain.'

Being outside the BUAB and having otherwise similar landscape and spatial characteristics to Fairfield Stud being close to existing settlements and despite conflicting with a much more recent Neighbourhood Plan, Horsham District Council granted permission.

The appellant contends this is a compelling relevant planning case history that supports the Grounds for Appeal for the development proposal at Fairfield Stud.

9.3 Appeal Reference: APP/Z3825/W/21/3283823
Land at Duckmoor, East of Billingshurst, RH14 9DZ
Four Self-Build Plots

At this appeal decision in Horsham District Council the Inspector considering the **Planning Balance** concluded the merits of self-build plots should be given '***substantial weight*'** alongside planning benefits (paras 58, 62).

58. Additionally, 'four units of residential accommodation would be provided as custom/self build plots. The Council recognise that there is a significant shortfall of such plots/permissions to meet the identified need. These units would contribute to meeting part of a different housing need in the area and should also be attributed substantial weight'.

62. Drawing these main benefits of the scheme together, collectively they are fairly considerable, wide-ranging and merit substantial weight in favour of approval.

70. For the reasons given above, material planning considerations, including that the scheme would constitute sustainable development, clearly indicate that a decision should be made otherwise than in accordance with the development plan'

The appellant contends the development proposal being a Self build Custom Housebuilding should be afforded similar 'significant weight' in the Planning Balance and Permission approved.

9.4 Planning Reference: 22/02242/PIP
Land to the South of Roxton Road, Great Barford, Bedford

And subsequent Inspectors Appeal approval Appeal
Appeal Ref: APP/K0235/W/24/3349671
Proposal: Permission in Principle for the Residential Development of land for five Self and Custom Build Dwellings at land to the south of Roxton Road, Great Barford."

The appellant acknowledges that as this appeal considers a proposal outside Horsham District Council there will be inevitable differences in local planning policies and therefore limits to its direct relevance.

However, in this appeal paragraphs 4-6 (and as argued previously in this Statement of Case), The Inspector provides a precedent on how a change in description from that as originally specified on the Application Form should be considered at Appeal. In this case the appellant sought "*Permission in Principle for the Residential Development of land for five Self and Custom Build'* and which the Council subsequently removed reference to 'self build' changing the description of development to *"Permission in Principle for the development of up to 5 dwellings"*.

The Inspectors decision and precedent is that the description as specified on the original Application Form should apply in the subsequent Appeal.

The Inspector also states that '*Given the applicant sought explicit permission for "Self and Custom Build Dwellings" …. Therefore, I am satisfied that in this instance a grant of permission in principle would not allow the construction of any other housing types.'*

The appellant considers this is pertinent to the application made and the Grounds for Appeal at Fairfield Stud.

In addition, the Inspectors decision at Appeal in Barford provides Relevant Case History on how an LPA should apply National Planning Policy on proposals for Self and Custom Build Dwellings.

The Appellant highlights the Inspectors paragraphs numbered 22-27 relating to Self and Custom Build Housing.

Firstly, the Inspector recognises the requirements of Section 2A of the 2015 Self Build Custom Build Act, *'an authority must give permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet demand in the authority's area'* and decide there is *'a deficit of self-build plots when considering demand.'*

A similar situation to Horsham District Council where there is currently a deficit of 101 self build plots.

In paragraph 37 the Inspector states:

'spatial strategy is not leading to the granting of enough suitable permissions to meet demand for self-build and custom housebuilding, or to maintain a five-year supply of deliverable housing land.

The proposal would assist the Council with meeting its statutory duty with regard to self-build and custom housebuilding and would help boost the wider supply of homes in the area. As such, the benefits associated with the proposal would be significant. Consequently, the adverse impacts on the spatial strategy including the NP would not significantly and demonstrably outweigh the benefits.'

The appellant contends this shortage is identical within Horsham District Council and a similar conclusion should apply in the Appeal for Self build Custom Build proposals at Fairfield Stud.

The Inspector concludes:

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

The appellant respectfully requests that the Inspector applies a similar consideration to this appeal and concludes an outcome to allow this appeal

10.0 CLOSING CONCLUSIONS AND RECOMMENDATIONS

The appellant would summarise their Statement of Case of Grounds for Appeal as follows.

10.1 The Councils failure from the outset to consider the application correctly as a Self Build Custom Build proposal.

10.2 The Councils failure to consider relevant planning history at the application site

10.3 The Councils errors in describing both the site location and application as follows:

10.31 Not mentioning that the proposal site is dominated by the A281 Trunk Road with a large lay-by maintained by West Sussex County Council Highways and frequented 24/7 by parked up HGV's and cars. In addition, a takeaway fast food establishment operates from the lay-by which is licensed by Horsham District Council as a commercial activity.

10.32 Not sufficiently recognising the close proximity of the site to Broadbridge Heath and the Lawson Hunt Roundabout and Industrial Estate and considering that these factors reduce the significant weight afforded to the definition 'adjoining' and 'outside' the BUAB in assessing the appropriateness of this proposal site.

10.34 That when all these physical factors at the proposal site are properly considered they undermine the Council definition of 'countryside' in policy terms and their reasons to refuse permission on principle.

10.33 Not mentioning that the site is 'sustainable' as there is an established pedestrian footpath and gated access from the site at its north eastern boundary point on to the A281 offering a short distance walk along a street lit wide verge to a dedicated foot crossing point on the Lawson Hunt roundabout providing access to Broadbridge village shops, bus routes etc via the 'no through road' Old Guildford Road.

10.34 The site is therefore 'appropriate' for the level of development proposed and is 'sustainable development' of a semi rural area offering easy, dedicated street lit pedestrian access to Broadbridge Heath.

10.4 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 1 year.

10.5 The 2018 Slinfold Neighbourhood Parish plan is out of date and has limited weight

10.6 The Council exclusion of any reference to Self-Build and Custom Build Housebuilding Act 2015 and Self-Build and Custom Build Housebuilding Regulation 2016 which the appellant considers material to this planning appeal.

10.7 The appellant contends the proposed development is appropriate to the scale and function of the existing settlement type and existing neighbouring residential dwellings

10.8 Taking into account all the above, it is considered that the proposals would not harm any interests of acknowledged importance as the proposal aligns with national and local policy objectives that support high-quality, contextually appropriate rural housing.

10.9 The proposed development would not harm the character and appearance of the countryside, or harm the wider landscape; and meets locally identified self-build demand, contributing to rural sustainability. As such the proposed development is considered to be acceptable.

11.0 RECOMMENDATIONS

11.1 This appeal is unchanged from the description originally submitted seeking full planning permission for the ***'Erection of three self/custom build dwellings with associated landscaping and parking'*** as specified on the original Application Form Planning Portal Reference: **PP-13835645,** The application is explicitly for Self Build Custom Build housing and the appellant is content for this to be a condition on permission.

11.2 For the avoidance of Doubt the appellant wishes to stress this is explicitly a Self Build Custom build proposal and should permissions be granted plot purchasers are not compelled in any way to a commitment for the construction of the dwelling. Instead, As Self builders they will have the option to adopt the agreed design and arrange independent means of construction or alternatively apply to the LPA for permission to build their own revised self build design on the plots which would be subject to further planning permission.

11.3 All three plots will be offered by the appellant to Horsham District Council to include on the authorities Self Build Register.

11.4 In line with the recommendations on the Planning Inspectorate Web site to enter into 'discussions' with the LPA before submitting an appeal, the appellant raised questions with the Horsham District Council Head of Planning Emma Parkes about potential Procedural errors re not considering Relevant Planning History at the site and not considering the application as a proposal for Self Build Custom Build. These emails are attached for the Inspectors consideration.

The email trail of these discussions is attached as a new document to support the Case.

11.5 Finally we draw your attention to Horsham District Council note to Applicant:

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

'The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.'

The Appellants **Statement of Case** and **Grounds for Appeal** dispute that Horsham District Council have complied adequately with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and that their Decision to Refuse Planning Permission is invalid, should be overturned and respectfully the proposed development Approved by the Inspector.

END OF SECTION A

SECTION B

1.0 OFFICERS REPORT (AND APPELLANTS COMMENTS (underlined).)

The Officer's Report is hereby repeated verbatim where necessary with the appellants critique commentary (underlined) for the Inspectors consideration.

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1001
Fairfield Stud, Guildford Road, Broadbridge Heath, West Sussex, RH12 3PG

2.0 DESCRIPTION:
Erection of 3 no dwellinghouses with associated landscaping and parking.

2.1 As specified on the original Application Form Planning Portal Reference: PP-13835645, the appellants agent applied for full planning permission for

'Erection of three self/custom build dwellings with associated landscaping and parking'

The Council subsequently changed the description of development to "Erection of 3 no dwellinghouses with associated landscaping and parking.'

See enclosure 1 PP-13835645

The appellant contends the Council change in description undermined the basis of the application and its consequent assessment against Planning policies and therefore is invalid.

The appellant contends that should the Council have considered the Application as originally submitted it would have materially affected the final decison to refuse permission.

We understand the Council then sent a letter acknowledging the submission of the application, which included the following paragraph, "Please check the description of development and if you think it does not cover your proposal, please contact us within 7 days of this letter. This may result in your application being made invalid."

The appellant acknowledges that they did not respond to the letter despite the change in the description of development from the Application Form.

Notwithstanding this, the appellant did not explicitly agree to amend the description of development. Furthermore, as part of this application they never sought consent for anything other than Self and Custom Build housing.

Additionally on the original application form Planning Portal Reference: PP-13835645 the applicant completed the Residential/Dwelling Units questionnaire answering specifically that this was an application for Self-build and Custom Build.

Moreover, although the Appeal Form duplicates the description of development from the Decision Notice, the appellant insists that the description has not changed from that stated on the original Application Form.

The Council Officers Report also considered, if only very briefly, the proposed development in the context of Self and Custom Build dwellings when determining the planning application.

Appeal Ref: APP/K0235/W/24/3349671 is a relevant planning case where an identical description change was made by a Council. After consideration of the process the Inspector concluded:

'*My assessment of the appeal proposal is based upon the description of development as originally sought by the appellant. As the Council and interested parties have assessed the proposal to be for Self and Custom Build dwellings they would not be prejudiced by this approach.'*

Uploaded document APP/K0235/W/24/3349671

The appellant therefore respectfully seeks a similar consideration is applied in this appeal and evaluated against the original proposal description namely ''Erection of three self/custom build dwellings with associated landscaping and parking'

3.0 RELEVANT PLANNING HISTORY:
No relevant planning history

3.1 In the submitted Planning Design and Access Statement July 2025 the agent for the appellant listed Ref DC/06/1008), dated 18 April 2006 and subsequent Inspectors Appeal approval Appeal Ref: APP/Z3825/A/06/2027642 31st January 2007 as relevant planning history.

However, no reference whatsoever is made of this case and the appellant contends the Inspectors reasons and conclusions would have had direct parallel implications to this decision and its exclusion renders the Council decision invalid.

The applicant recognises that it may not be a legal requirement upon the Council to list all planning history specific to the proposal site but considers the exclusion of this relevant historical appeal case at the site to be a serious error by the Council as the appeal conclusions have a significant weight in undermining the 'in principle' decision of the site appropriateness, countryside definition and suitability of the proposed land use.

The appellant contends omission of this case is either erroneous, deliberate or constitutes a lack of due diligence as it should have been considered within the Officers Report and its absence had a material effect undermining the applicant's fair case for approval.

Therefore, reference to the Inspectors comments and decision approving the historical development will now be included in the appellants case.

Uploaded document Appeal Ref: APP/Z3825/A/06/2027642

3.2 The application site is located within the Parish of Slinfold which benefits from a 'made' Neighbourhood Plan adopted in 2018 and with no new revised or replacement plan made must now be considered out of date.

This allocated a total of 5 sites to deliver housing within the Parish none of which were self build Custom Build.

Also in December 2018 Slinfold Parish Council on behalf of Horsham District council conducted the SHELAA Housing Land Assessment for the Parish.

The assessment identified sites and assessed their suitability for development within two time frames years 1-5 and 6-10. Assessed results were listed as 'Developable' or 'Not Currently Developable'.

The application site Fairfield Stud was submitted reference SA009 and assessed at that time as 'Not Currently Developable' and thereby default within the 1-5 year timeframe.

This assessment from 2018 has not been updated since and therefore is out of date with the report timeframe of 1-5 years elapsing in 2023. It is therefore not unreasonable to consider the sites assessment is out of date too and any updated reassessment of the site in 2025 would now be within the original reports 6-10 years timeframe of 'Developable'.

The appellant contends the 2018 SHEELA conducted by Slinfold Parish Council constitutes relevant planning history to the site and in 2025 should now be reassessed within the 6-10 years 'Developable' assessment.

See upload Slinfold Parish Council SHELAA Housing Land Assessment 2018 – and specifically site assessment SA009 Fairfield Stud

4.0 DESCRIPTION OF THE SITE

The application site comprises land to the east of Fairfield Stud, a residential property with associated stables, yard, and sand school, located on the southern side of Guildford Road (A281) to the west of Broadbridge Heath. The site is accessed via an existing private driveway serving Fairfield Stud, which extends southwards from the A281.

The land is formed of two grassed paddocks separated by the access drive, with two small timber outbuildings positioned within the northern and southern paddocks respectively. The site slopes gently to the south-east toward the Broomwick Stream, which forms the southern boundary. The southernmost portion of the site adjacent to the stream falls within Flood Zone 2, while the remainder lies within Flood Zone 1.

The site is well enclosed by mature trees and hedgerows along the northern, southern, and eastern boundaries. To the north and west the site adjoins open fields and paddocks; to the east, it abuts a cluster of residential dwellings including Coromandel, Fairfield Cottage, and Stable Cottage.

The surrounding area is semi-rural in character, comprising sporadic residential development interspersed with agricultural and equestrian land. The site lies approximately 100 metres north-west of the roundabout at the junction of Guildford Road and the entrance to the Lawson Hunt Industrial Park, which marks the western edge of the Built-Up Area Boundary (BUAB) of Broadbridge Heath. The site, however, falls outside of the BUAB and therefore lies within the countryside in policy terms.

4.1 The appellant generally concurs with the Officers description of the site with the included clarifications and exemptions.

The appeal site is situated to the north/north east of Fairfield Stud, a residential property (owned by the applicant) and accompanied by six stables, yards, two field barns and a sand school. Currently in mainly recreational equestrian use, Fairfield Stud lies on the southern side of the Guildford Road A281 Trunk classified road immediately to the west of Broadbridge Heath and the Lawson Hunt Industrial Estate. Access to the site is gained via an established private tarmac and gated driveway that serves Fairfield Stud and extends southwards from the A281. In total Fairfield Stud is approximately 2.8 hectares.

The Officers report fails to mention an established pedestrian footpath and gated access from the site at its north eastern boundary point on to the A281 offering a short distance walk along a wide verge to a dedicated foot crossing point on the Lawson Hunt roundabout providing access to Broadbridge village shops, bus routes etc via the 'no through road' Old Guildford Road.

See photos in Section A – Pedestrian gate and street lit pathway and crossing to Broadbridge Heath

As the Officers Report correctly describes 'The site is well enclosed by mature trees and hedgerows along the northern, southern, and eastern boundaries.'

However the appellant contends the Officers Report is inaccurate in describing 'To the north and west the site adjoins open fields and paddocks'.

More accurately the northern boundary of the site is accessed through a set of high metal electric gates with two metre brick walls either side and is dominated by the A281 Trunk Road with a large lay-by maintained by West Sussex County Council Highways and frequented 24/7 by parked up HGV's and cars. In addition a takeaway fast food establishment operates from the lay-by which is licensed by Horsham District Council as a commercial activity.

The effect of this large area of hard standing, commercial activities and vehicle parking and movements is to significantly dominate the application site, undermine its any element of a countryside setting having isolated it strategically from the northern side of the A281 which does indeed constitute open parkland associated with the distant Field Place.

See Photos in Section A– Photos of this large area of hard standing, commercial activities and vehicle parking

Again, the Officers Report correctly describes the site as '*abuts a cluster of residential dwellings including Coromandel, Fairfield Cottage, and Stable Cottage. The boundaries of the site are well enclosed by mature trees and hedgerows, providing a strong vegetated framework and a degree of visual containment from the wider landscape*.' though these properties and gardens lie to the west of the site and not east as detailed in the Officers Report.

Consequently the appellant would contend the Officers Report is misleading in describing '*The surrounding area is semi-rural in character, comprising sporadic residential development interspersed with agricultural and equestrian land*'

More accurate a description of the wider surrounding areas well as highlighting residential development would also include reference to the West Sussex Highways lay-by and Horsham District Council licensed commercial activities opposite the site on the A281.

Instead, the Officers Report describes the appeal site is *'approximately 100 metres west of the roundabout at the entrance to the Lawson Hunt Industrial Park, which marks the western edge of the Built-Up Area Boundary (BUAB) of Broadbridge Heath. The site, however, falls outside of the BUAB and therefore lies within the countryside in policy terms*'.

In reality the distance from the sites northeastern boundary and the BUAB is around 50 metres with a thin triangle of land between the two.

It is the appellants contention given the proposed sites immediate proximity to the existing BUAB of the Lawson Hunt Industrial Estate and the hardstanding lay-by, HGV parking and licensed commercial activities immediately to the northern site boundary, these are factors that should reduce the significant weight afforded by the Council to the definition 'adjoining' and 'outside' the BUAB in assessing the appropriateness of this proposal.

In addition these physical factors undermine the Council definition of 'countryside' in policy terms.

5.0 Description of the application

The application seeks full planning permission for the erection of three detached self/custom-build dwellings with associated access, garages, parking, and landscaping, following the demolition of two existing timber outbuildings on the site.

Access to the development would be via the existing private driveway from Guildford Road, which currently serves Fairfield Stud. The driveway would be widened to 5 metres to facilitate two-way vehicle movement and resurfaced to provide a shared access for the new dwellings.

The proposal comprises three individually designed dwellings as follows:
• Plot 1 – a 1.5-storey, four-bedroom chalet-style dwelling located in the southern portion of the site, east of the existing sand school. The dwelling would feature accommodation within the roof space and a detached triple garage to the east. External materials would include timber cladding over a brick plinth with a clay-tiled roof. The private garden would extend southward.

• Plot 2 – a two-storey, five-bedroom dwelling positioned within the northern portion of the site. The property would have an offset H-shaped plan form with projecting front and rear wings, and a single-storey side element. The dwelling would incorporate a double garage and off-street parking, with private garden space to the south-east.

• Plot 3 – a 1.5-storey, four-bedroom dwelling located adjacent to Plot 2, featuring forward and rear projecting gables, a single-storey side wing, and a detached double garage opposite the dwelling. Materials would comprise brick and timber boarding under a pitched clay-tiled roof.
The garden would extend to the south.

The proposal includes new soft landscaping, with the retention of mature trees along the northern and southern boundaries and additional native hedge and tree planting to strengthen the site's enclosure.

Private rear gardens would be defined by post-and-rail fencing.

5.1 The appellants concur generally with the Officers description of the application with the following clarifications and exemptions.

Vehicular access to the development would be via a new set of 2m high Electric Gates and matching height brick walls to both sides as similar replacements to those currently in use but with the existing private driveway widened to 5 metres from the A281 Guildford Road, which currently serves Fairfield Stud.

Importantly,as previously mentioned for judging the 'sustainability' of the proposal, an existing pedestrian gate from the site at its extreme north eastern boundary opens to a wide grass verge along the road accessing a paved crossing point on the Lawson Hunt Roundabout and thereby via the Old Guildford Road 'no through road' to the village of Broadbridge Heath with its immediate access to public footpaths, various bus routes, shops, church, pub, playground and village hall all with five minutes walk.

Materials for plots 2 and 3 would comprise brick and timber boarding under a pitched clay-tiled roof.

All three dwellings specified in the application are bespoke designs offered as self-build packages by specialist company Scandi Haus providing an industry recognised ecologically sound, sustainable, and highly energy efficient construction footprint. The main structures are produced within Horsham District at the company's manufacturing facility at Loxwood offering both a low carbon solution but also supporting local employment and business.

The uploaded original planning application provide copies of the proposed designs

Importantly the appellant wishes to stress this is a self-build Custom build proposal and should permissions be granted plot purchasers are not compelled in any way to contract with Scandi Haus for the construction. Instead, they will have the option to either adopt the agreed design but arrange independent means of construction or alternatively apply to the LPA for permission to build their own design of self-build on the plots.

6.0 Relevant Planning Policies

The National Planning Policy Framework (NPPF)
Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Slinfold Neighbourhood Plan:

Slinfold Neighbourhood Plan has been made.
Aim 1: Preventing Coalescence between Slinfold and Broadbridge Heath.
Policy 5: Development Principles
Policy 4: Conserve and Enhance Biodiversity
Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

This includes, for applications involving the provision of housing, whether the Council can demonstrate a five-year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 1 year. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

6.1 The appellants concur generally with the Officers listing of Relevant Planning Policies with the following comments, additions, clarifications, and exemptions.

6.2 The appellant notes the Officers comment:

'*The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 1 year. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making*.'

The appellant notes this failure to demonstrate a five-year supply of deliverable housing sites and that therefore Policies 2, 4, 15 and 26 now carry only moderate weight in decision making and argue this has significant weight in judging this appeal.

6.3 The Appellant notes that the Officer has omitted any reference to Self-Build and Custom Build Housebuilding Act 2015 and Self-Build and Custom Build Housebuilding Regulation 2016 which the appellant considers material to this planning appeal.

6.5 The appellant also notes that Horsham District Framework Plan 2015 and Slinfold Parish Plan 2018 are both out of date and neither have any allocations for Self-Build and Custom Build Housebuilding.

7.0 INTERNAL CONSULTATIONS

7.1 The appellant notes that after considerable work by a team of specialist consultants both prior to the application submission and subsequent requests for further information from the Council, all matters are sufficiently advanced to not be noted in the decision notice. The appellant accepts that any further points of clarification can be addressed by way of conditions.

8.0 PUBLIC CONSULTATIONS

8.1 The appellant notes that local representations were limited to three and no points raised were explicitly supported by the Officer.

9.0 PARISH COMMENTS

9.1 The appellant notes the objection of Slinfold Parish Council as it is not an allocated site within the Slinfold Neighbourhood Plan but comments that the Plan is now seven years old and out of date and therefore has limited weight.

10.0 MEMBER COMMENTS

10.1 The appellant notes that none were received.

11.0 PLANNING ASSESSMENT

Principle of Development:
The application site is located outside of the defined built-up area, and is outside of a defined settlement and therefore within a countryside location in policy terms.

11.1 The appellant accepts that the application site is not technically 'physically' connected to the existing BUAB of Broadbridge Heath but highlights that the proximity between the two is less than 100m and as such is a marginal argument and limits the 'significant weight' afforded to this definition. The appellant also contends the West Sussex highways lay-by facility and Horsham District Council licensed commercial uses immediately to the north of the site have weight in undermining the sites 'countryside location' definition.

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.

11.2 The appellant reiterates the Neighbourhood Parish plan is out of date and has limited weight and that the HDPF 2015 Development Hierarchy lists the neighbouring BUAB Broadbridge Heath as a small town/larger village settlement suitable for additional housing proposals.

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.

11.3 The appellant contends the site meets the definition of Policy 3 being a sustainable site offering pedestrian access to the neighbouring village facilities, bus services shops etc of Broadbridge Heath village.

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.

11.4 The appellant contends the site meets the definition of Policy 4 as follows:

11.41 The appellant reiterates the proposal site is very proximate to the BUAB to be virtually 'adjoining'.

11.42 The appellant contends the proposed development is appropriate to the scale and function of the existing settlement type and existing neighbouring residential dwellings.

11.43 The appellant contends the application meets local housing needs providing three self-build custom build houses towards a demonstrable shortfall of such provision within both the Parish and District.

11.44 The proposal does not prejudice comprehensive long-term development.

11.45 The appellant contends the proposed development is contained within existing defensible boundaries to the west in the form of four residential dwellings and their access road, to the north by the A281 and the West Sussex Highways Lay-by, to the east by the Lawson Hunt Industrial Estate roundabout and whereby the landscape character features are maintained and enhanced with the removal of two dilapidated field structures featuring incongruous metal roofing.

The application site is located within the Parish of Slinfold which benefits from a 'made' Neighbourhood Plan. This has allocated a total of 5 sites to deliver housing within the Parish, where the application site is not identified as an allocated site for development.

11.46 The appellant reiterates the Neighbourhood Parish plan is out of date and has no provision for self-build and custom build opportunities. The Parish SHEELA housing assessment is also out of date and the proposal site should now be evaluated in the 6-10 year timeframe 'Developable' classification.

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.

11.47 The appellant reiterates that the weight afforded to Policies 3 and 4 should be balanced against the sites very close proximity to the BUAB and light industry land use to the east, existing residential development to the south and west, and large highways hard standing with commercial activities to the north.

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.

11.48 The appellant reiterates Broadbridge Heath has a BUAB and the proposal site is very close to the boundary and that the Slinfold Neighbourhood Parish plan is out of date

Paragraph 83 of the NPPF states that "to promote 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.

11.49 The appellant contends the proposal fulfils Paragraph 83 providing a sustainable site having sufficient pedestrian connectivity to offer support to local commercial businesses and additionally within its manufacture phase can provide economic benefits locally as well as during the construction phase.

Paragraph 84 of the NPPF continues that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
a) there is an essential need for a rural worker, including those taking majority control of farm business, to live permanently at or near their place of work in the countryside;

b) 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;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential e) dwelling; or
e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and 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. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial context is not considered to be "isolated" in its truest sense and does not therefore engage the considerations of paragraph 84.

11.410 The appellant agrees with the Officers assessment that the proposal is not isolated and therefore Paragrph 84 does not apply.

In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criterion includes;

- supporting the needs of agriculture or forestry;
- enabling the extraction of minerals or the disposal of waste;
- providing for quiet informal recreational use;
- or enabling the sustainable development of rural areas.

The proposed development does not meet any of this criterion, nor is it considered to be essential to the countryside location and does not therefore comply with Policy 26 of the HDPF.

11.411 The appellant contends the proposal meets the Policy 26 criteria *'enabling the sustainable development of rural areas'* with its pedestrian access and environmentally sound construction techniques enabling the 'sustainable development' of a semi-rural area. Also, it is argued that the Councils strictest definition of 'countryside location' is subjective in this case due to neighbouring residential development and commercial land uses and is therefore arguably more accurately defined as an 'infill' site.

The site is located outside of the built-up area and does not form part of Horsham's adopted development plan (comprising the HDPF or a 'Made' Neighbourhood Development Plan). As a result, residential development in this location would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 (Settlement Expansion) and is therefore not considered to be acceptable in principle.

11.412 The appellant reiterates neighbouring Broadbridge Heath has an BUAB and the proposal site is very close to this boundary and that the Slinfold Neighbourhood Parish plan is out of date.

In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the built-up area boundary and as the proposed residential development is not considered to be essential to this countryside location.

11.413 The appellant reiterates the very close proximity of the site to the existing BUAB undermines the 'unacceptable in principle' argument of the Council.

12.0 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. Proposal 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.

Policy 5 of the Slinfold Neighbourhood Plan states that development proposals which seek to respect the design, density, and layout of the surrounding area, as detailed in the Slinfold Parish Design Statement, will be supported.

The proposal seeks the introduction of three detached dwellings of varying size and design within an undeveloped parcel of rural land outside the defined Built-Up Area Boundary (BUAB). While the dwellings are individually designed and of traditional materials, the development as a whole would result in the urbanisation of a currently open and rural site.

12.1 The appellant contends the proposal is not in contravention of Policy 25, 32, and 33 of the HDPF as it is not 'inappropriate' for the following reasons:

12.2 The Planning Inspectors comments at Appeal approval Ref:APP/Z3825/2027642 31st January 2007 regarding any issue of *'urbanisation'* at the same site provide significant weight to determining appropriateness of the current application.

12.3 The Inspector concluded '*The amount of hard surfacing, the industrial nature of the nearby built development and the degree of vehicular and commercial activity associated with this section of the A281 satisfies me the "suburban" appearance of the proposed metal gates and brick wall would not be incongruous or alien within the context of these surroundings.'*

12.4 The appellant also contends that the current application now at appeal includes significant changes made to the original proposal submitted at Pre-Application to constructively reflect the Council comments. The original proposal was for four self build dwelling plots spaced out evenly across the entire appellants site. Following Council concerns, the number of proposed dwellings was reduced by 25% to three , significant changes to the plot positioning and grouping to retain more undeveloped open areas and reducing ridge heights and building design all to address any possible 'urbanisation' of the site.

Uploded document – applicants Pre Application Submission March 2024

The existing paddocks and associated outbuildings form part of a wider stretch of open countryside to the west of Broadbridge Heath that contributes to the area's rural transition between settlement and open landscape.

The introduction of three large-detached dwellings, associated domestic paraphernalia, hard surfacing, and suburban-style boundary treatments would erode this rural character and fail to reflect the established pattern of scattered equestrian and agricultural development.

The proposal would not read as a natural continuation of the settlement edge but rather as a dispersed development, extending built form into the open countryside and visually linking with isolated dwellings further west. This would contribute to the formalisation of the countryside setting and the erosion of the informal character of the rural location.

12.5 The appellant would highlight the Officers own description that '*The site is well enclosed by mature trees and hedgerows along the northern, southern, and eastern boundaries'……'to the east, it abuts a cluster of residential dwellings including Coromandel, Fairfield Cottage, and Stable Cottage*'. Indeed the site is heavily screened from the outside and that this provides a high degree of seclusion and renders it virtually unseen from the public view. The appellant contends that within the site existing neighbouring residential properties dominate the landscape and already have associated domestic paraphernalia, hard surfacing, and suburban-style boundary treatments in direct view. The proposed development is therefore generally not out of keeping.

While the architectural detailing and material palette (timber cladding, brick plinths, tiled roofs) draw upon local vernacular cues, the layout and quantum of built form would appear intrusive in the rural setting. The proposal therefore fails to conserve or enhance the intrinsic character and beauty of the countryside and conflicts with Policies 25, 26, 32 and 33 of the HDPF, which require development to respect local character, landscape setting, and maintain a clear distinction between settlement and countryside.

12.6 The appellant contends the proposal reflects the local character of the existing residential development and retains any semi rural elements of the site and its landscape setting.

13.0 Residential Amenity:

13.1 The appellant notes that the proposal meets the Council policy.

14.0 Highways Impacts:

14.1 The appellant notes that the proposal meets the Council policy.

15.0 Trees and Ecology:

15.1 The appellant notes that the proposal generally meets the Council policy and can be managed via conditions is deemed necessary.

16.0 Water Neutrality

16.1 The appellant notes that the proposal meets the Council Water Neutrality policies and any outstanding drainage issues may be addressed by condition if the development is considered acceptable.

17.0 Biodiversity Net Gain (BNG):

17.1 The appellant notes that the proposal as a self build Custom Build proposal meets the Council policy.

17.2 The appellant highlights the Councils acceptance that the proposal fulfils self build/Custom Build definitions in terms of BNG policy and argues again that such status under self build regs 2016 should also apply to the planning decision.

18.0 Planning Balance and Conclusions:
The site is not allocated for development in either the HDPF or the Slinfold Neighbourhood Plan. Consequently, the proposal represents new housing outside a defined settlement boundary, where development is strictly controlled and only supported in limited circumstances — for example, where it adjoins a settlement edge and meets identified local housing needs, or where it is essential to a countryside location.

18.1 The site to the east is in extremely close proximity to the existing BUAB of Broadbridge Heath and the Lawson Hunt Roundabout and Industrial Estate and immediately adjoining to the north is the West Sussex Highways maintained Lay-by with Horsham District Council licensed commercial activities. It also directly adjoins to the west existing residential development As such the appellant contends any weight restricting development at the site should therefore be limited and that the proposed development meets a shortfall in Self build and Custom build plots meeting identified local housing need.

See Section A Photos of the West Sussex Highways Lay by and HDC Licenced take away 'BRUNCHERS' business.

18.2 The appellant reiterates that the Neighbourhood Plan is out of date and has no allocations for self build/Custom build housing which is both an identified local need and national legislative planning requirement.

While the site lies adjacent to existing dwellings to the east, it is visually and physically separate from the built-up area boundary and remains part of a wider open landscape parcel. The proposal does not meet the policy criteria for settlement expansion, as it is neither allocated nor contained within a defensible boundary and would contribute to incremental encroachment into the countryside.

18.3 The appellant contends the site is not visually separate from existing built up residential properties. The site has strong defensible boundaries to the southern and western residential development, to the northern A281 trunk road and large lay-by and to the eastern Lawson Hunt Roundabout, Industrial Estate and Broadbridge Heath BUAB. The site does therefore not encroach into the countryside but is more accurately infill between existing man made land uses.

See Photos of neighbouring properties from the proposal site

The scheme does not meet any of the exceptions in Policy 26, which seeks to protect the rural character of the countryside and permit only development that is essential to its function, such as agricultural, forestry, or rural enterprise uses. The provision of three self/custom-build dwellings does not satisfy these requirements.

18.4 The appellant contends the Council have inappropriately applied Policy 26 to dismiss the specifics of the development proposal – namely provision of self/custom build 'dwellings'. Such self/custom build housing demonstrably meets essential local need as there is currently a deficit of 102 plots on the HDC Self Build register and meets the Policy 26 criteria to '*enabling the sustainable*

development of rural areas'. Also, it is argued that the Councils strictest definition of 'countryside location' is subjective in this case due to neighbouring residential development and commercial land uses and is therefore arguably more accurately defined as an 'infill' site.

Thereafter the Council fails totally in the report to give any due consideration to the legislative requirement and importance of meeting such of Self Build Custom build local housing need.

It is however recognised that the Council cannot currently demonstrate a five-year housing land supply (1 year at the time of writing), Paragraph 11(d) of the NPPF would thus be engaged in the overall planning balance and considerations of any future application.

In order to support decision-making within this context, the Council have published a Planning Advice Note titled "Shaping Development in Horsham District" (SDHD) which recognises that given the 5-year housing land position and the principles behind Policy 4 of the HDPF, applications that meet all of the following criteria will be supported:
- The site adjoins the existing settlement edge as defined by the built-up area boundary;

18.5 The appellant contends the proposed development is in extremely close proximity to the BUAB and should be considered pragmatically as such.

- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to

18.6 The appellant contends the proposed development is appropriate to the mix of the existing environment of residential, commercial and man-made land uses.

- The proposal demonstrates that it meets local housing needs or will assist with the retention and enhancement of community facilities and services;

18.7 The development proposal meets local housing needs in terms of provision of self build/ custom build housing.

- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development;

18.8 The appellant contends it does not

- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

18.9 The appellant contends the proposed development is contained within existing defensible boundaries to the west in the form of four residential dwellings and their access road, to the north by the A281 and the West Sussex Highways Lay-by, to the east by the Lawson Hunt Industrial Estate roundabout

See Map in Section A showing defensible boundaries

The proposed development would not meet all of the above criteria, where in particular the proposal would not adjoin an existing settlement edge.

18.10 The appellant contends the proposed development meets all the criteria of Policy 4 of the HDPF and reitterates the proposed development is in such extremely close proximity to the BUAB and should be considered pragmatically as such.

The site would not benefit from appropriate pedestrian access, where occupiers of the development would be heavily reliant on private vehicles. It is therefore considered that the application site represents an unsustainable and inappropriate location that would not support sustainable development.

18.11 The Council assertion that the site has no pedestrian access is factually incorrect as there is a dedicated gate at the north eastern boundary offering easy on foot access via a street lit and dedicated purpose built block paved foot crossing to a signposted no through road providing direct access to Broadbridge Heath shops, pubs, playgrounds, school, pub, public footpaths, supporting retention and enhancement of community facilities and including direct bus services to Horsham, Guildford Dorking and Billingshurst.

See Photos of existing Pedestrian access to Broadbridge Heath village

As such the appellant contends the site represents an appropriate location which would support sustainable development.

While the Council acknowledges the current shortfall in its five-year housing land supply and the flexibility provided by the SDHD document, proposals must still adjoin the settlement boundary, maintain landscape character, and avoid coalescence between settlements.

The application site does not comply with these criteria. Accordingly, the proposal would conflict with the Council's spatial strategy for sustainable development, representing an unsustainable form of encroachment into the countryside.

The principle of the development is therefore unacceptable, being contrary to Policies 1, 2, 3, 4, and 26 of the HDPF, the Slinfold Neighbourhood Plan, and the NPPF (2024).

The proposed development represents an inappropriate form of residential encroachment into the countryside, outside any defined Built-Up Area Boundary and on land not allocated for housing within the Horsham District Planning Framework or the Slinfold Neighbourhood Plan.

The scheme would conflict with the Council's spatial strategy for sustainable growth, eroding rural character and resulting in unjustified expansion beyond a defensible settlement edge.

18.12 The appellant contends for all the arguments referenced **18.1 -18-10** the proposed development is consistent with the councils' policies being sustainable, appropriate in its location character and within its own borders and defensible boundaries.

Given the modest scale of the proposed development, and the harm identified, the adverse impacts as identified would not be significantly and demonstrably outweighed by the benefits of the proposed development. The proposed development fails to comply with Policies 1, 2, 3, 4, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015) and the NPPF (2024). The application is therefore recommended for refusal.

19.0 Recommendation: Application Refused

19.1 NOTE The appellant notes that the Officers Report in 'Conclusions' describes its decision to be based on the proposed site being 'inappropriate' where as this changes to an 'unsustainable' location in the Decision Notice. The Council makes no reference to the term 'inappropriate' in either Reasons for Refusal 1 or 2.

The Inspector is therefore invited to decide if the 'inappropriate' description the Council relies upon has any weight in relation to this appeal.

For the avoidance of doubt, it is the Appellants Grounds for Appeal that the proposal site is both 'sustainable' and appropriate' in planning terms.

END OF SECTION B