Planning Inspectorate

Appeal Decision

Site visit made on 20 August 2025

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/Z3825/W/25/3361339
Land at Thornhill Stables, Billingshurst Road, Coolham RH13 8QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr V Sawyer against the decision of Horsham District Council.
- The application Ref is DC/24/1486.
- The development is described as Construction of detached barn style dwelling.

Decision

1. The appeal is allowed and planning permission is granted for construction of detached barn style dwelling at Land at Thornhill Stables, Billingshurst Road, Coolham, RH13 8QN in accordance with the terms of the application, Ref DC/24/1486, dated 26 September 2024, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:

   - whether the site is a suitable location for the proposal having regard to the spatial strategy for the district; and
   - the effect of the proposal on the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar site, with particular regard to water neutrality.

Reasons

Suitable location

3. The application site is located to the north of Billingshurst Road, and is accessed via a private track. The site currently comprises an agricultural field, with industrial and storage units situated to the rear, beyond the northern boundary. To the west of the site, on the opposite side of the track there are large detached dwellinghouses.

4. As the appeal site is set within a small cluster of buildings in residential and commercial use, it does not appear isolated within its immediate environment. Nor is it isolated in the context of paragraph 84 of the National Planning Policy Framework (2024) (the Framework). Nevertheless, it is located outside of a built-up area boundary and is therefore located in the countryside for planning purposes.

5. Policy 2 of the Horsham District Planning Framework (2015) (HDPF) outlines the Council's spatial strategy, which focusses significant development in Horsham. Further growth shall be distributed across a range of settlements outlined within a hierarchy in Policy 3.

6. Policy 4 of the HDPF supports the expansion of settlements beyond built-up area boundaries, provided that the site is allocated either in the Local Plan or a Neighbourhood Plan, and adjoins the existing settlement edge. In this case, the appellant confirms that the appeal site lies 0.6 miles from the village of Coolham. Therefore, it does not adjoin a settlement edge. Furthermore, policy HD1 of the Shipley Neighbourhood Plan (2020) (NP) outlines areas where housing development will be considered favourably. The proposal does not meet the criteria within Policy HD1, nor is it allocated within the NP and accordingly, the proposal would be in conflict with Policy 4 of the HDPF.

7. Policy 26 of the HDPF states that, outside built-up area boundaries, development must be essential to its countryside location and must also satisfy the criteria set out within the policy. To meet the policy requirements, proposals must be needed to support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use, or enable the sustainable development of rural areas. Given the residential nature of the proposal, it would not meet any of these stated criteria.

8. As the Council is currently unable to demonstrate a five-year housing land supply in accordance with existing development plan policies, it has produced the Facilitating Appropriate Development Document (2022) (FAD) to support the delivery of housing in the interim period, pending adoption of a new Local Plan. While the FAD is guidance rather than policy, it adopts a more positive approach to residential development outside settlement boundaries. Notably, it allows for the consideration of unallocated sites located outside but adjoining built-up area boundaries. However, the appeal site is not located in close proximity to any built-up area boundaries, and therefore the extent to which it would comply with the other criteria within the FAD is of limited relevance.

9. The appellant argues the site is sustainably located due to its proximity to Coolham which offers limited services such as a primary school, village hall, and public house. Within policy 3 of the HDPF Coolham falls under the 'Unclassified settlements' classification. The policy recognises such settlements as having few facilities and poor accessibility. While Coolham is about 0.6 miles from the site and reachable via pavement, its limited services are unlikely to meet day-to-day needs. Bus stops in the village also provide links to Billingshurst and Horsham.

10. The site is around 2 miles from Billingshurst, a 'Small Town/Larger Village' under Policy 3, offering a good range of services, employment, and public transport. Although buses connect Coolham to Billingshurst, I have not been provided with a timetable and so cannot be certain that the routes or timings would be viable for the typical daily needs of future occupiers. Overall, I find that future occupiers are more likely to rely on private vehicles rather than to undertake local journeys by other modes of transport.

11. As such, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy, having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment

opportunities. The proposal fails to accord with policies 1, 2, 3, 4, and 26 of the HDPF and policy HD1 of the NP. Amongst other things, these policies set out the settlement strategy, seek to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities.

Water neutrality

12. The appeal site is within the Sussex North Water Supply Zone defined by Natural England. Within that Zone, Natural England has advised that developments involving an increased level of water extraction could have a likely significant effect on qualifying features within the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Sites. These Habitats Sites include important wetland habitats supporting rare plants, birds and invertebrates.

13. The Council requires that applications within the Sussex North Water Supply Zone, for development involving increased water consumption, are accompanied by evidence of proposed measures for achieving water neutrality within the development. The application was accompanied by a Water Neutrality Report dated 6 June 2024. A subsequent report with updated appendices dated was submitted on 4 November 2024.

14. The updated Water Neutrality Report confirms that the proposed dwelling would be water neutral via the installation of water reducing appliances, installation of rainwater harvesting tanks and via the purchase of credits from Sussex Water Neutrality which would offset remaining water demand. A Water Credit Agreement with Sussex Water Neutrality has been provided.

15. Natural England responded to consultation on the planning appeal and raised no objection to the development, subject to the delivery, management and retention of measures identified in the Water Neutrality Report to achieve water neutrality.

16. Having taken account of the above evidence, including advice from Natural England, and subject to securing further details by planning condition I am satisfied that the development would be water neutral and that the measures required to achieve that status can be adequately secured. Consequently, there would be no adverse effect on the integrity of the Arun Valley Habitats Sites, and the proposal would meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy 31 of the HDPF and the requirements of the National Planning Policy Framework to protect the biodiversity of European sites.

Other Matters

17. Comments from the Parish Council raise concerns in relation to the proposal creating overdevelopment and because the proposal would not provide affordable housing. The barn style dwelling is appropriate to the rural character of the area and would generally integrate well with the form of nearby buildings. I have not been directed to any policy which indicates that the proposal is required to provide affordable housing.

18. Third party concerns relate to the potential noise impacts from the nearby industrial uses on the future residential occupiers. As the industrial estate is subject to planning conditions controlling noise levels, the proposal would not have

a harmful effect on the operations of the nearby industrial estate. An interested party raises concerns about an increase in traffic on the private access track. The appeal proposal provides a single new house within an access which is shared with dwellings and an industrial estate. It would result in a very limited increase in local traffic, and consequently would not harm highway safety.

19. The proposal would provide benefits associated such as making an efficient use of the site and contributing to local housing supply. The Framework seeks to significantly boost housing supply and emphasises the importance of small and medium sized sites. It also encourages the optimal use of underutilised land. The appellant indicates that there is an opportunity to improve on-site biodiversity through landscape planting. These matters weigh in favour of the development. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's future residents would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development.

20. The design would reflect the appellant's individual requirements, and some evidence has been provided to indicate an intention for the dwelling to be delivered as a self-build project. However, no legal mechanism is proposed to secure its delivery as self-build housing in accordance with the relevant statutory definition. Consequently, there is no certainty that the scheme would contribute towards meeting the Council's legal duty to grant sufficient permissions for self-build housing. For this reason, this matter attracts only limited positive weight.

21. I recognise that the proposal would be built to be energy efficient and would have an electric vehicle charging point. The proposed dwellings would also have good internal space, with a functional layout and future occupiers would have sufficient external amenity areas. These weigh neither for nor against the proposal and are therefore considered neutral in the planning balance.

22. The site is located within a red risk zone for great crested newts (GCN), a European protected species. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) therefore impose a duty to consider whether the GCN would be adequately protected. The appellant has provided a District Licencing Scheme Certificate received from NatureSpace Partnership. This confirms that the proposal can be authorised under District Licence WML-OR136 or a further licence, subject to two conditions.

23. The first condition requires the development is undertaken in accordance with the Council's Organisational Licence. The second condition requires the development only takes place in accordance with the GCN Mitigation Principles set out within District Licence WML-OR136. I consider that these conditions are necessary to ensure that any potential adverse impacts on GCN are suitably mitigated and the necessary compensation measures are undertaken. Subject to these conditions, I am satisfied that the proposal would safeguard GCN in line with the Regulations.

Planning Balance

24. The appellant and the Council are in agreement that the Council cannot demonstrate a 5-year housing land supply. The appellant indicates that the Council has a 2.9 year supply of housing land, and this is reflected in the Council's

most recent Authority Monitoring Report (AMR) 2022/23 (January 2024). This is a significant shortfall.

25. In these circumstances, footnote 8 of paragraph 11(d) of the Framework confirms that insufficient housing delivery dictates that planning permission should be granted unless, as per paragraph 11(d)(i); the application of policies in the 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 the Framework taken as a whole.

26. The development would fall within the zone of influence of European sites, but the mitigation measures identified within the Water Neutrality Report would ensure that it does not harm the qualifying features of those sites. As such, the scheme falls to be considered against the second limb of Paragraph 11 d).

27. The proposed dwelling would be in a location that is not considered suitable when assessed against the relevant HDPF and NP policies. The site lacks close proximity to a wide range of essential services and facilities. Although there are some opportunities for travel by means other than private car, reliance on car journeys is likely to be significant. In these respects, the proposal would conflict with key development plan policies.

28. Balanced against the harm are a number of benefits. The overall housing supply remains significantly deficient, and the provision of an additional dwelling would make a meaningful contribution to addressing this shortfall. The Framework recognises that small sites can make an important contribution to housing supply and are often built out quickly. There would also be modest economic benefits during construction and through local spending, as well as a small contribution to housing diversity. While the scale of these benefits is modest given that only one dwelling is proposed, in the context of current housing pressures, even a single additional home represents a valuable and positive contribution.

29. Taking all matters into account, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework.

Conditions

30. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.

31. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.

32. A condition requiring a contamination risk assessment is necessary to ensure that there are no unacceptable risks to humans, controlled waters or the wider environment. Similarly, a condition is required to ensure that suitable drainage measures are implemented at an early stage, to support the introduction of a residential use.

33. A condition related to water neutrality is necessary to ensure that the development does not affect the integrity of Habitats Sites. A condition requiring compliance with the Preliminary Ecological Appraisal is imposed in the interests of protected species.

34. Given the site's rural location and the associated accessibility constraints, a condition related to broadband infrastructure is reasonable to satisfy the requirements of Policy 37 in the HDP. I have imposed a condition requiring the layout and provision of on-site car parking in the interests of highway safety. A condition related to cycle parking spaces is imposed to promote sustainable travel modes.

35. The Framework outlines that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. As a result, and in the absence of any specific justification, I have not imposed the suggested condition which would restrict future permitted development rights.

Conclusion

36. The proposed development would conflict with the development plan. However, other material considerations, including the presumption in favour of sustainable development as defined in the Framework, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be carried out in accordance with the following approved drawings: DE1257/01/P1; DE1257/02/P1; DE1257/03/P1; DE1257/04/P1; DE1257/05/P1; and DE1257/06/P2.

2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

3) No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
(a) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.
The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details.

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

5) The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for the proposal has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, completion of the as built Part G water calculator or equivalent and water harvesting system installation. The installed measures shall be retained as such thereafter.

6) Prior to the first occupation of the dwelling hereby permitted, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

7) No part of the development hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

8) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The cycle parking spaces shall thereafter be retained.

9) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal as submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details

10) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land at Thornhill Stables: Impact plan for great crested newt District Licensing (Version 1)" dated 11th November 2024.

11) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence'), and works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

END OF SCHEDULE

Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Application Number: DC/24/1486

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr v Sawyer

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby **REFUSE** to permit the works specified hereunder, that is to say:

Construction of a two storey four bedroom barn style dwelling.

Land Parcel at Thornhill Stables Billingshurst Road Coolham West Sussex

as shown on Plan and Application Number DC/24/1486 submitted to the Council on 26/09/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 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. 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 (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) and Policy Ship HD1 of the Shipley Parish Neighbourhood Plan.

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	DE1257 / 01 REV P1	26.09.2024
Floor plan	Proposed Ground Floor Plan	DE1257 / 02 REV	26.09.2024

		P1	
Floor plan	Proposed First Floor Plan	DE1257 / 03 REV P1	26.09.2024
Roof plan	Proposed Roof Plan	DE1257 / 04 REV P1	26.09.2024
Elevation plan	Proposed Elevations	DE1257 / 05 REV P1	26.09.2024
Site plan	Site Block Plan	DE1257 / 06 REV P1	26.09.2024
Supporting Docs	Preliminary Ecological Appraisal by Arun Ecology dated September 2024	C-NJA-011-001-001 REV 001	26.09.2024
Supporting Docs	Reptile Survey Report by Arun Ecology dated September 2024	C-NJA-011-002-001 REV 1	26.09.2024
Supporting Docs	Water Neutrality Report by cgs civils dated 28 June 2024	C3236 REV P-	26.09.2024

Note to Applicant – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

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.

Emma Parkes
Head of Development and Building Control

Date: 21/11/2024

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.

n.j.a town planning Ltd

Applications & Appeals Services

PLANNING APPEAL

In respect of

Land Parcel at Thornhill Stables, Billingshurst Road, Coolham, West Sussex



Appellant: Mr V Sawyer

LPA Ref: DC/24/1486

February 2025

Nikolas J. Antoniou BSc (Hons) DipTP MRTPI

NIKOLAS JAMES ANTONIOU

I hold a Bachelor of Science with Honours Degree and Post Graduate Diploma from the University of Wales, College of Cardiff, in City and Regional Planning and have been a Member of the Royal Town Planning Institute since 1999.

I have over 25 years of experience in Town Planning and have held senior positions in Local Government the most notable being Head of Development Control at Arun District Council. I have worked for national planning consultancies and also held the position of Planning Manager for a house building firm.

For a number of years I have been the Director of NJA Town Planning Ltd and undertake the full range of planning work across a wide geographical area serving the needs of private individuals, private estates and commercial businesses.

I am familiar with the appeal site, the Local Planning Authority and its policies.

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APPENDICES

Appendix NJA/1 – Addendum to HDC Planning Committee South Agenda 17 December 2024

Appendix NJA/2 – Photographs of surrounding development

Appendix NJA/3– Thornhill Stables Pre-Application Advice (Commercial Proposal)

Appendix NJA/4 – Details of DC/22/0877 Thornhill Court

Appendix NJA/5 – Wappingthorn Lodge Appeal Decision

Appendix NJA/6 – Amended plans

1.0 INTRODUCTION

1.1 This appeal is against the refusal by Horsham District Council, as Local Planning Authority, of a planning application for the *"***Construction of a two storey four bedroom barn style dwelling***'* on a parcel of land referred to as Thornhill Stables, Billingshurst Road, Coolham, West Sussex. NJA Town Planning Limited has been instructed by Mr V Sawyer to appeal against the refusal by the Council.

1.2 The appeal application was determined by the Council on 21 November 2024 and it was refused for the following reasons:

1. **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. 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 (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) and Policy Ship HD1 of the Shipley Parish Neighbourhood Plan.**

2. **Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).**

1.3 A copy of the formal decision notice is included with the appeal documentation.

1.4 In line with best practice as set out in the Planning Inspectorate guidance notes, the Appellant will not repeat matters such as site

description, planning history, details of the proposal etc., which have already been set out in detail in planning documentation and the Planning, Design and Access Statement submitted with the original application.

1.5 This Statement of Case will consider the proposed development against the policies identified as relevant by the Council together with the National Planning Policy Framework (December 2024) and will analyse the Council's delegated report.

2.0 RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF), December 2024

2.1 Since the submission of the planning application to the Council in September 2024 and its determination in November 2024, the Government has published its new NPPF. The following paragraphs of the revised Framework are most relevant to this appeal when considered in respect of the Council's reasons for refusal and as a whole.

Sustainable Development

2.2 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework for the preparation of local plans for housing and other development. The NPPF should be read as a whole (NPPF paragraphs 1 and 3).

2.3 Paragraph 2 of the NPPF sets out that ***'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework 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'.***

2.4 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has the following three overarching objectives which are independent but need to be pursued in mutually supportive ways:

a) ***'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***
b) ***a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
c) ***an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy'.***

2.5 Paragraph 10 states ***'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*** For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

2.6 Where there are no relevant development plan policies or the relevant policies are out of date, the NPPF states that planning permission should be granted unless the application of policies of the Framework that protect areas or assets of particular importance provide 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 of the Framework taken as a whole. Particular regard should be given to key policies for directing development to sustainable locations, making efficient use of land, securing well-

designed places and providing affordable homes, individually or in combination (NPPF paragraph 11 d).

2.7 Paragraph 12 of the Framework states that ***'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'.***

Plan and Decision Making

2.8 Paragraph 34 requires policies in local plans and spatial strategies to be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. In respect of housing, ***'Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future'.***

2.9 In terms of decision-making, the Framework states at paragraph 39 that ***'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.***

Housing Provision

2.10 Paragraph 61 states ***'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much as an area's identified housing need as possible, including with an appropriate mix of housing types for the local community'.***

2.11 Paragraph 62 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. Within this context, paragraph 63 requires the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. These groups include (inter alia) people wishing to commission or build their own homes.

2.12 In terms of the provision of affordable housing, NPPF paragraph 65 states that this should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

2.13 Paragraph 72 requires strategic policy-making authorities to have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. Planning policies should identify a supply of specific, deliverable sites for five years following the intended date of adoption and specific deliverable sites or broad locations for growth for the subsequent years 6-10 and where possible, years 11-15 of the remaining plan period.

2.14 Paragraph 73 sets out that ***'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly'.***

2.15 Paragraph 78 requires local planning authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of deliverable sites should include a buffer as set out at paragraph 78 a) – c).

2.16 To maintain the supply of housing, NPPF paragraph 79 sets out that local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, certain policy consequences should be taken into account as set out at paragraph 79 a) – c).

Rural Housing

2.17 In rural aeras, NPPF paragraph 82 requires planning policies and decisions to be responsive to local circumstances and support housing developments that reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 83).

2.18 Paragraph 84 states that planning policies and decisions should avoid the development of isolated homes in the countryside, unless certain circumstances apply.

Highways and Car Parking

2.19 Paragraph 109 requires transport issues to be considered at the early stages of plan-making and development proposals.

2.20 NPPF paragraph 110 requires the planning system to actively manage patterns of growth. Whilst significant development should be focused on locations which are or can be made sustainable, it should also be recognised that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.*

2.21 Paragraph 112 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development, its type, mix and use, the availability of land and opportunities for public transport, local car ownership levels and the need to ensure that adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

2.22 Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising the density of development in city and town centres and other locations that are well served by public transport (paragraph 113).

2.23 Paragraph 116 makes it clear that ***'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.***

Effective Use of Land

2.24 Paragraph 124 requires planning policies and decision to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring healthy living conditions.

2.25 Paragraph 125 states that planning policies and decision should encourage multiple benefits from both urban and rural land. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. In addition, policies and decisions should promote and support the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained.

2.26 Paragraph 128 requires local planning authorities to take a proactive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in place where this would help to meet identified development needs.

2.27 In terms of the density of new development, NPPF paragraph 129 encourages the efficient use of land taking into account a number of issues including the needs for different types of housing and other forms of development, the desirability of maintaining an area's prevailing character and setting (including residential gardens) and securing well-designed, attractive and healthy places.

Design

2.28 In terms of design, Section 12 seeks to achieve well designed places sets out that the ***'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect***

of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' (paragraph 131).

2.29 Paragraph 135 further states that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development should also be sympathetic to local character and history and should be designed with a high standard of amenity for existing and future users.

2.30 Paragraph 139 states that ***'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:***

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes: and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'.

Climate Change

2.31 Paragraph 161 requires the planning system to support the transit to net zero by 2050 and take full account of all climate change impacts. New development should be planned in ways that avoid increased vulnerability to the range of impacts arising from climate change and to help reduce

greenhouse gas emissions, such as through its location, orientation and design.

2.32 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (paragraph 170). Local planning authorities should ensure that flood risk is not increased elsewhere as a result of new development (paragraph 181).

2.33 Applications which could affect drainage in or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff which are proportionate to the nature and scale of the proposal (paragraph 182).

Natural Environment

2.34 Paragraph 187 requires planning policies and decisions to contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside. Policies and decisions should also minimise impacts on and provide net gains for biodiversity.

Habitats and Biodiversity

2.35 Paragraph 193 states that when determining planning applications, local planning authorities should apply a set of principles and if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated against or, as a last resort, compensated for, then planning permission should be refused.

2.36 The presumption in favour of sustainable development does not apply where there would be a significant effect on a habitats site (either alone or in combination with other plans and projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site (paragraph 195).

Ground Conditions and Pollution

2.37 Paragraph 196 requires planning policies and decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (paragraph 197). Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment (paragraph 198).

Planning Practice Guidance (PPG)

2.38 The Government's PPG has been revised and updated since 2014 and it is to be read alongside the NPPF. In respect of the provision of rural housing, the PPG recognises that people living in rural areas can face particular challenges in terms of housing supply and affordability, while the location of new housing can also be important for the broader sustainability of rural communities (paragraph 009 Reference ID:67-009-20190722).

2.39 The PPG further states that ***'The nature of rural housing needs to be reflected in the spatial strategy set out in relevant policies, including the housing requirement figures for any designated rural areas. A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness. A neighbourhood plan can allocate additional sites to those identified in ad adopted plan so long at the neighbourhood plan meets the basis conditions'.***

2.40 The PPG notes that ***'Self-build and custom housebuilding covers a wide spectrum, from projects where individuals are involved in bringing or managing the construction of their homes from the beginning to the end, to projects where individuals commission their homes, making key design and layout decisions, but the home is built ready for occupation ('turnkey')'*** (Paragraph 016 Reference ID:57-016-20210208).

2.41 The PPG recognises that ***'Self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home, and can be innovative in both its design and construction'*** (Paragraph 16a Reference ID:57-016a-20210208).

2.42 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding confirming that both are where an individual, an association or individuals or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. The proposed development, to be built and lived in by the Appellant, falls within this definition.

Horsham District Planning Framework (2015)

2.43 The Council's decision notice refers to the following policies of the Horsham District Planning Framework (HDPF):

- Policy 1: Strategic Policy – Sustainable Development
- Policy 2: Strategic Policy – Strategic Development
- Policy 3: Strategic Policy – Settlement Hierarchy
- Policy 4: Strategic Policy – Settlement Expansion
- Policy 26: Strategic Policy – Countryside Protection
- Policy 31: Green Infrastructure and Biodiversity

2.44 Other relevant policies of the HDPF are set out at Section 4 of the Planning, Design and Access Statement are referred to where necessary within this Statement of Case.

Housing Land Supply

2.45 There is an under provision of housing within the Horsham District. The Council's HDPF is over five years old and the Council's most recent Authority Monitoring Report (AMR) 2022/23 (published 18 January 2024) demonstrates only **2.9 years' supply of housing.** This is significantly below the five year requirement of the NPPF (paragraphs 34, 72 and 78). In addition, the recently published NPPF introduces an updated standard method to further increase the provision of new homes in order to meet the Government's objective to deliver 1.5 million new homes over the present Parliament.

2.46 After the publishing of the revised NPPF on 12 December 2024, HDC issued an addendum to the Planning Committee (South) meeting held on 17 December 2024 relating to all items on the agenda. In respect of the delivery of a sufficient supply of new homes within the District, the addendum confirms the following:

'Paragraph 62 states that 'to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method in national planning practice guidance'. Reference to the standard method being the 'advisory starting point' has been removed from the NPPF.

Under the standard methodology, the housing target for Horsham District Council has risen from 917 homes to 1,357 homes per year.

Paragraph 78 revises the requirement for Local Authorities to maintain a five year housing land supply, requiring that the annual assessment of supply should be based on the standard methodology where current strategic policies are over five years old, with a buffer of 20% where there has been a significant under delivery of housing over the previous three years. The application of the 20% buffer is based on whether the latest Housing Delivery Test result shows that delivery has been below 85%.

The Housing Delivery Test results were also published on 12 December 2024, identifying that 62% of the required housing has been delivered within the district over the last three years. As this falls below the threshold of 85% set out in Paragraph 78, the Council is now required to apply an additional 20% buffer when calculating its five year housing land supply.

The significant increase in the housing target for Horsham district of 1,357 homes per year (excluding the 20% buffer) is as new material consideration. Whilst the emerging Horsham District Local Plan proposes a lower annual housing target, this plan remains at examination stage with examination hearings having recently been postponed. Consequently, the lower housing targets within the emerging HDLP are not adopted and therefore cannot be used when calculating future five year housing land supply and the Housing Delivery Test'.

2.47 A copy of the addendum is included at Appendix NJA/1 of this Statement of Case.

2.48 As the Council's HDPF is over five years old and because the Council cannot demonstrate the necessary level of housing land supply as required by the Framework, the provisions of NPPF paragraph 11 d) (and the *'tilted balance')* apply to the proposal which must in turn be considered

against the Framework's presumption in favour of sustainable development.

2.49 Having regard to paragraph 11 d) i, NPPF footnote 7, the site is not located within a 'protected area' and the Water Neutrality Report and associated information which accompanies this planning application confirms that the proposed development is water neutral thereby resulting in no adverse impact upon the protected sites of the Arun Valley SPA, SAC and RAMSAR.

2.50 As such, the policies of the NPPF (specifically paragraphs 193, 194 and 195) do not provide a clear reason for refusing the development and this does not prevent the consideration of the application under the presumption in favour of sustainable development and the provisions of NPPF paragraph 11 d).

2.51 For the reasons set out in this Statement, and having regard to 11 d) ii, there are no adverse impacts of granting planning permission that would significantly and demonstrable outweigh the benefits of the provision of a new home (of a high quality design, in a sustainable location which makes effective use of land) when assessed against the policies of this Framework taken as a whole.

2.52 A copy of the Council's latest AMR in respect of housing is included with this appeal.

Facilitating Appropriate Development (October 2022)

2.53 The Council has not been able to demonstrate a five year supply of housing for some time. Due to the under provision of housing combined with the delays in progressing the new Local Plan, the Council published a document named Facilitating Appropriate Development (FAD) in October 2022 to provide clarity and guidance in respect of new residential development.

2.54 The justifications for the FAD are described at paragraph 1.6 as follows:

'As described above, the Council has been disrupted in efforts to produce a Local plan and cannot currently demonstrate that it has a five-year housing land supply. Though the Council will seek to progress a revised Local Plan as quickly as possible, and regularly monitors its housing land supply, it recognises that it is unlikely to be able to report a five-year housing land supply until a new Local plan is adopted, and there is uncertainty as to when adoption will occur. Because of this situation, and notwithstanding issues relating to the current position on water neutrality, it expects to receive planning applications proposing housing development in locations not supported by the HDPF of in Neighbourhood Plans'.

2.55 As the Council's HDPF is over five years old and because the Council cannot demonstrate a five year supply of housing as required by the NPPF, the Council's policies that affect the supply and location of housing (HDPF polices 2, 3, 4, 15 and 26) are out of date (NPPF paragraph 11) and should be considered to hold less weight in the decision making process.

2.56 The FAD acknowledges that NPPF paragraph 11 d) is a key material consideration in applications for housing development and states that:

'This has the effect of reducing the weight that may be afforded to such policies and engages the 'presumption in favour of sustainable development' where there is an expectation that planning applications for housing should be approved. As such, the relevant policies of the HDPF are unlikely to be sufficient to justify refusals' (paragraph 2.4).

2.57 The FAD provides further guidance in respect of water neutrality (at Section 4) and the Position Statement of Natural England (September 2021) which states that it cannot be ruled out that the abstraction of water for drinking supplies is having a negative impact on the environmental sites in the Arun Valley. Natural England have therefore advised that any new development must not add to this impact and should not increase the amount of water abstracted. The Council has published advice to applicants on how to demonstrate water neutrality however, the FAD states that if an application cannot demonstrate water neutrality, it will not be approved.

2.58 As a result, the presumption in favour of sustainable development is engaged where water neutrality is demonstrated. Whilst paragraph 232 of the NPPF confirms that development plan policies should not be considered out of date simply because they were adopted before the latest NPPF, it is reiterated that the Council's current policies in respect of housing (including the amount and location) should be considered out of date. The FAD provides further guidance in respect of site allocations, locational suitability, scale, deliverability, meeting local housing needs, biodiversity, climate change, transport and design.

2.59 The FAD states that the Council acknowledges that it is likely to receive applications for residential development outside of the defined built-up area boundaries and on unallocated sites as it is unable to demonstrate a five-year housing land supply. Given this, paragraph 5.7 of the FAD states that the Council will consider such proposals positively where the following criteria is met:

- ***'The site adjoins the existing settlement edge as defined by the BUAB;***
- ***The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;***

- ***The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;***
- ***The impact of the development either individually or cumulatively does not prejudice comprehensive long-term development; and***
- ***The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced'.***

2.60 The above essentially follows the principles of HDPF policy 4 with the exception that it does not contain the same requirement for sites to be allocated for development in the Local or a Neighbourhood Plan. Consideration of the FAD and its implications in respect of the proposed development is addressed at Section 4 of this Statement of Case.

Shipley Parish Neighbourhood Plan 2019-2031

2.61 The Shipley Parish Neighbourhood Plan was formally made in June 2021. The Council's reasons for refusal refers to the following policy of the Neighbourhood Plan:

- Policy Ship HD1: New housing development

2.62 Other relevant policies of the Neighbourhood Plan are set out within the Planning, Design and Access Statement. A copy of the NDP is also submitted with this appeal.

Emerging Planning Policy

2.63 The Horsham District Local Plan 2023 – 2040 was formally submitted to the Planning Inspector on Friday 26 July 2024 for Examination. Hearings have commenced, however, after the Government's

publishing of the updated NPPF in December 2024, hearings in weeks 2-4 (December 2024 and January 2025) have been cancelled.

2.64 The relevant policies of the draft Local Plan (Regulation 19 version) are referred to in the Appellants' Planning, Design and Access Statement for information purposes. However, the Council has not relied upon any draft policies within its reasons for refusal and as the new Local Plan has not yet been fully through public examination, in accordance with NPPF paragraph 49, little weight can be given to its policies at this stage. Should this change during the course of the appeal (i.e. the examination re-commences and significantly progresses and/or the new Local Plan becomes adopted) then the Appellant respectfully ask for the opportunity to respond.

Relevant Legislation and Case Law

2.65 The relevant legislation and case law in respect of this appeal is set out at Section 4 of the Planning, Design and Access Statement.. In addition, it is noted that the Council's decision notice refers to the following in respect of its second reason for refusal (water neutrality):

- The Conservation of Habitats and Species Regulations 2017
- s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (Priority Habitats and Species)

3.0 APPELLANT'S COMMENTS

3.1 The Appellant respectfully asks the Planning Inspector to take into account his comments below in response to the Council's reasons for refusal:

'The site is a land parcel that was formerly owned by Thornhill Stables, but was acquired by myself in 2019 and is, upon a successful appeal, to be renamed Thornhill Barn.

This will be a self-build barn style house. I am capable of creating a self-build development of quality, because of my past experience in construction and as a roofing contractor. It is my genuine intention to build the house for myself and my family to live in.

The land is sited within the Thornhill Estate. The house is set well back from the access road, so as not to disturb the other residential neighbours in any way.

The land is approximately 1 acre and this will be split into four sections. The first will be the access and parking, the middle will be the barn style house (orientation being east to west), the third will be the garden, and the fourth will be the field. There will be a track, suitable only for light vehicles (not a fully paved road) to access all four parts, the track will end at the start of the field.

The land has not been in any use for decades but may once have been used for equestrian purposes. I became the registered title deed owner of this land in 2019 with the intention of eventually developing the land for a house and stables.

However my neighbour (who owns the industrial estate to the south) and I initially decided it was a better choice to join together and apply for commercial units. Pre-application advice from HDC was positive but

would only support approximately 2500 sqm of extra over units to the existing 600 sqm of units already on my neighbours land. We decided this reduced amount was not viable and so I reverted back to applying for a barn style house on my land.

The barn style chosen, was to be in the same style as the commercial barn, which HDC supported previously under the above mentioned pre—application submission.

The proposed barn house is within the Thornhill Estate, which is off the Billingshurst Road (A272) . The estate has large, detached houses and two industrial estates, one to the south and one to the north of the site.

Thornhill is close to Coolham and Billingshurst. The A272 Billingshurst road has many houses dotted along its route from Coolham (0.60 miles away from Thornhill) and on to Billingshurst which is 3 miles to the centre of town from Thornhill.

Apart from Thornhill Estate with its houses and industrial estates, there are several large company's business sites and a very large business park situated along this main A272 road towards Billingshurst. There is also a retirement park having many pre fab homes spread across several acres. The appeal is justified because the site and proposed new barn style house are completely compatible with the existing houses and commercial units surrounding the new barn.

Description of site and summary of case

The logic and the reasons for the HDC refusal notice and the delegated assessment made are unsound because they contain many errors. The effect of these errors has undermined the strength of the application's case. HDC's assessment, that decided the refusal, did not check sufficiently diligently to see that the application had complied completely

to planning requirements, and to water neutrality and to newt license protection requirements.

It did not take account of the residential neighbours or the commercial estates that change the classification of 'countryside' to 'brownfield'. They did however acknowledge that the setting of the proposed dwelling on the site, its size and the residential location was not harmful to the Thornhill Estate.

HDC only state two reasons for giving a refusal. Neither reason is correct and the refusal was decided without due diligence.

Thornhill is a Mixed Development Site not a countryside location by definition. ***The first reason for refusal*** *was that the site of the barn style house was in a countryside situation.*

The land is described in the refusal assessment inaccurately, as being in the "countryside" and therefore to be subject to that policy.

The site itself cannot accurately be described as "countryside", because it is in the middle of a private built up estate named Thornhill, which is comprised of the following mixed use purposes:

a) Detached very sizeable houses and an equestrian facility to the immediate west boundary.

b) To the immediate north is a large 4000 sqm commercial estate (with recent planning consent for a further 900 sqm). To the adjacent south is a sizeable, commercial estate. This comprises 2 x 330 sqm commercial units, machine workshop ,and storage and yard areas.

c) Adjacent to and bordering on my site's eastern boundary is Mill Lane, which also has many large, detached houses (photographs included at Appendix NJA/2).

Therefore the Thornhill Estate and my site have been incorrectly defined. The correct designation for the Thornhill Estate area can only be as residential or commercial or as a brownfield site. It certainly does not qualify as countryside .

In-between Thornhill and Coolham along the Billingshurst road, there are many houses some of which received planning permission in the recent past.

Thornhill is part of the Coolham Village and enjoys its facilities. There are several bus routes to and from Coolham which cover the major Sussex towns and beyond, and are frequent. The site is very close (0.6 miles) to Coolham centre and only 0.4 miles to the local village hall (a walk of about 10 minutes) with a bus stop, a Montessori school and a thriving community.

The proposed barn has the support of the Thornhill neighbours who would much prefer to have a beautiful architect design barn style house rather than more commercial units. The barn is same size, or as in two cases, smaller than the neighbouring houses on Thornhill and some of those in Mill Lane.

***The second refusal reason** was that our Water Neutrality scheme did not have sufficient information to ensure that the development would be compliant with water neutrality regulations. This is incorrect.*

A water neutrality report by CGS Civils (dated 28 June 2024) was sent to HDC on 26 September 2024 with the original planning application submission. A second water neutrality report (dated 04 October 2024) was sent to HDC on 18 October 2024 together with a Water Neutrality Offsetting report (dated 26 September 2024) and the Applicant's signed copy of the Water Credit Purchase Option Agreement with Sussex Water Neutrality (dated 13 September 2024). On 04 November 2024, a third Water Neutrality report (dated 04 November 2024) was sent to HDC.

Apart from the original Water Neutrality report, none of the later reports and information referred to above appear on the Council's online planning application portal. Natural England asked for evidence of the purchase of water credits in their response to the Case Officer dated 22 October 2024. This information had already been sent to the Case Officer on 18 October 2024, before the request was in fact made. However, it does not appear as if Natural England were consulted on the later information sent to the Case Officer and were not made aware that the proposed dwelling would be fully compliant and water neutral.

HDC are at fault for not giving Natural England the proof of water credit offset purchase contract that they had already received and for not properly reviewing the copies of water neutrality and water credit calculations also sent at the same time on 18 October 2024.

It was later discovered that there was an insignificant typo on one small print line of the CGS Water Neutrality report that attributed Nicholls as the water credit supplier, whereas the main body of the report and on all headings, Sussex Water Neutrality were correctly named. This minor error made no difference to the proof of purchase of water credits or to the legality of the original water neutrality scheme. The water credit offsets contract was purchased and made with Sussex Water Neutrality. There is no mention at all on this contract about boreholes or the company Nicholls so there was no confusion as to the validity of this contract or it's compliance to water neutrality.

This typo was corrected and an updated CGS Water Neutrality Report was sent to the Case Officer on 04 November 2024 but it was not taken into account, even though there was time to consider this along all of the information provided in October before the Council refused planning permission on 21 November 2024. It is understood that the Case Officer submitted the decision to refuse planning permission to a senior authorising Officer on 14 November, again demonstrating that there was

time to consider all of the water neutrality information provided including time to allow re-consultation with Natural England.

HDC stated that they did not need to look at it because it would not change the decision to refuse, but this is an insupportable argument, because HDC should look at all representations that are requested to be supplied before an application can be considered for approval. It is wrong to ask an Applicant to purchase drawings, ecology, reptile reports, water neutrality, water credits and newt protection licence etc, before an application can be decided upon, and then simply refuse to check any one of these very expensive reports (£21,000 in my case) and rule that the decision did not need to take account of any one of them. The Water Neutrality documents were presented to the Council in October 2024 in plenty of time to be assessed and approved. HDC did not consider these documents and yet cited as one of the reasons that our application failed was because of Water Neutrality non-compliance. The Council's second reason for refusal is therefore unreasonable, unjust and incorrect'.

4.0 REVIEW OF THE DELEGATED REPORT

4.1 The following section provides an appraisal of the 'Planning Assessment' section of the Case Officer's report (in bold) in reference to the planning policies most relevant to the appeal. However, before doing so, the Appellant respectfully asks the Planning Inspector to consider the following in response to the earlier parts of the Case Officer's report:

Relevant Planning History

4.2 Whilst there is no planning history relating to the appeal site itself, as referred to at Section 3, the site does benefit from in principle support from the Council via a pre-application submission (reference PE/22/0031) relating to the constriction of a commercial barn comprising approximately 800 sqm (the actual size was to be agreed). The Council at the time, set out that the area in which the commercial barn could be sited on the land by drawing a rectangular area coloured green on a plan. This was deemed to be acceptable development on the site. A copy of the Council's pre-application advice is included at Appendix NJA/3.

4.3 The Planning Inspector will note the relevant planning history set out at Section 3.0 of the Appellant's Planning, Design and Access Statement in respect of adjoining sites. In particular, on 24 November 2023, the Council granted planning permission at Thornhill Court (reference DC/22/0877) for the construction of a replacement industrial building for Class B8 (storage) and Class E (light industrial) use with associated parking. The permitted building will adjoin the north east boundary of the appeal site. The Council has therefore permitted additional built form in this particular countryside location and the proposed dwelling will be viewed in context of this and existing adjacent development, thereby not appearing out of keeping with the context of its surroundings.

4.4 Two appeal decisions are included within the Appellant's Planning, Design and Access Statement relating to appeals allowed for the construction of

dwellings within the Horsham District, outside of a built-up area boundary at Cowfold Lodge Cottage, Cowfold and Marlpost Meadows, near Southwater. In both cases, the Planning Inspectors did not find the sites to be located within 'isolated' countryside and gave weight to the provisions of NPPF paragraph 11 d) in light of the Council's under provision of housing, finding that there would be no adverse impacts of granting planning permission that would outweigh the benefits of an additional dwelling when assessed against the policies of the NPPF taken as a whole. Please see paragraphs 5.44 – 5.51 and Appendices NJA/1 and NJA/2 of the Planning, Design and Access Statement for more information.

4.5 More recently (10 December 2024), a further appeal has been allowed for the creation of a dwelling also outside of a built-up area boundary also within the Horsham District (via the conversion and extension of existing buildings) at Wappingthorn Lodge, near Steyning (DC/23/0627). In this case, the main issue, having regard to the Council's reasons for refusal, related to whether the proposed development would provide a suitable location for housing having regard to the Council's spatial strategy.

4.6 The Planning Inspector found the proposal to conflict with the Council's spatial strategy in terms of the site's location. However, whilst future occupiers would have to travel by car to reach local services and facilities, the distance would be short. When considering the proposal in the planning balance, the Planning Inspector found that the level of harm and the level benefit carry a comparable level of weight and therefore (having regard to NPPF paragraph 11d), ***'the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the proposal benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework and the similar provisions in Policy 1 of the HDPF'*** (paragraph 36).

4.7 A copy of the Wappingthorn Lodge appeal decision is included at Appendix NJA/5 of this Statement of Case.

Detailed Description of the Site and Surrounds

4.8 The Case Officer's report incorrectly describes the dimensions of the proposed dwelling, Specifically, the depth of the proposed dwelling is stated to be 11.3 metres. However, the proposed dwelling is of an 'L' shape and whilst one section measures 11.1 metres in depth, the other section measures 7.8 metres. As such, part of the proposed dwelling is narrower than that indicated in the Case Officer's report and is less imposing as a result.

4.9 The appeal site is 0.6 miles away from Coolham, not 0.68km as stated in the Case Officer's report.

4.10 The Case Officer's description of the access to the proposed dwelling is not clear. To confirm, access will be via the existing vehicle access from the A272 via an existing track which leads to an existing 4m wide gate at the appeal site. As noted in the Case Officer's report, to the west of the appeal site are large, detached dwellings which demonstrates that the creation of an additional dwelling as proposed, would not introduce a use that does not already exist in this particular location.

Consultations

4.11 Natural England: To confirm, the Appellant entered into a contract agreement with Sussex Water Neutrality (SWN) proving purchase of water credits. The contract agreement was signed on 09 September 2024 and was placed with HDC on 18 October 2023. This was more than four weeks before the Council issued its refusal decision notice but this is not referenced within the Case Officer's report. Natural England's comments have incorrectly been used to inform the Council's second reason for refusal.

4.12 NatureSpace: To confirm, the Appellant obtained a newt protection license and a certificate was sent to HDC on 12 November 2024, some nine days before the planning application was refused. The Case Officer's report does not refer to this certificate but it notes (below) that the comments from NatureSpace would not form a reason for refusal of the planning application and that this matter can be dealt with by a pe-commencement condition.

4.13 HDC Environmental Health: The HDC Environmental Health comments were not posted on the Council's website/planning application portal and so the Appellant was unaware of the request for a Noise Assessment. It is noted that these comments still have not been posted online at the time of writing. Nevertheless, the Case Officer's report (below) confirms that a Noise Assessment could be dealt with by a pre-commencement condition.

4.14 In response to the HDC Environmental Health comments, the Appellant points out that there are already existing dwellings close to the commercial development to the north of the appeal site which itself is bound by strict noise level rules. Furthermore, the closest industrial unit would be some 15 metres away from the proposed dwelling and the rest of the commercial units are even further away. Therefore, even if the existing noise restrictions were to be contravened, it is not a serious concern due to the degree of separation and intervening grass, hedges and trees. The Appellant advises that there are also limitations on the hours and days of operation of the industrial units and the relevant details are included at Appendix NJA/4 for the Planning Inspector's information.

4.15 Shipley Parish Council: The Parish Council refer to 'over development' as an objection however, this is not the case. The proposal comprises the construction of just one dwelling situated on a large area of land (comprising an acre). It is also confirmed that that there are no oak trees on the appeal site and that there will be no removal of any trees.

4.16 Representations: The reference to '1 letter of objection' was in fact meant to be a letter of support. It only asked for the existing entry access to be used rather than a new point of access. The Appellant sent an amended Site Plan to the Case Officer on 31 October 2024 however it is not noted in the Council's decision notice and does not appear on the Council's online planning application portal. This information is included at Appendix NJA/6 for the Planning Inspector's information.

Principle of Development:

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are 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. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

4.17 In addition to the HDPF policies noted in the Case Officer's report above (policies 2, 3 and 4), it should be noted that HDPF policy 1 sets out a presumption in favour of sustainable development and effectively follows the requirements of NPPF paragraph 11. This is important as this appeal should be considered against the provisions of NPPF paragraph 11 d) because the 'tilted balance' is engaged due to the lack of a five year

housing land supply within the District.

Emerging Strategic Policy 2 of the draft Horsham District Local Plan (HDLP) promotes a similar development hierarchy within the defined BUAB as in Policy 3 of the HDPF. Therefore, as the proposal is located outside the defined BUAB this proposal does not accord with Emerging Strategic Policy 2. Emerging Strategic Policy 3 of the HDLP supports the expansion of existing settlements to meet identified local housing needs where all the criteria detailed within the policy is met. This includes the site being either allocated in the Local Plan or in a Neighbourhood Plan and adjoining the existing settlement edge. It is noted that Coolham is within the emerging HDLP is a secondary settlement, however the application site is approximately 0.68km from this boundary. Given that the application site is entirely outside of the boundaries of the secondary settlement it would not be in accordance to policy 2 in this regard.

4.18 It is acknowledged that the appeal site is situated outside of a built-up area boundary as defined by the present HDPF and the emerging Local Plan. However, this does not mean to say that the appeal site is situated in an unsustainable or inappropriate location for the provision of just one dwelling. Furthermore, whilst the NPPF seeks to avoid the creation of new dwellings within 'isolated' countryside locations (unless certain criteria are met – paragraph 84), it does not necessarily preclude the development of rural housing. Such housing is in fact supported by NPPF paragraph 83 which promotes sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. In this respect, the Framework requires planning policies and decisions to identify opportunities for villages to grow and thrive, especially where this will support local services.

4.19 In this case, it is clear that the appeal site is not located within 'isolated countryside' (and therefore the provisions of NPPF paragraph 84 do not apply to the proposal). The site is sustainably located, just 0.6 miles from the village of Coolham which is a well-defined settlement with development extending in all directions from the crossroads within the centre of the village. There are a number of amenities including a primary school, a village hall and a public house. As such, there is an established rural community a short distance away from the appeal site which is

accessible via a footpath which runs from the access to the site on Billingshurst Road all the way into the village. This walk would take approximately 10-15 minutes.

4.20 There are also public transport options available nearby including bus stops within the village, close to the cross roads junction at the A272/Coolham Road, which serve buses into Billingshurst and Horsham (the number 64).

4.21 Billingshurst is just over 2 miles away to the north west which falls withing the category of 'Small Towns and Larger Villages' of HDPF policy 3 where there is a wide range of services and facilities including shops and a train station.

4.22 The appeal site is therefore in a highly accessible location and occupiers of the proposed dwelling will not necessarily be wholly reliant on the use of the private vehicle to meet day-to-day needs. The proposed dwelling therefore complies with the provisions of NPPF paragraph 83 with the occupiers also helping to support local village amenities.

4.23 Nevertheless, it is important to note the provisions of NPPF at paragraph 110 which requires the planning system to actively manage patterns of growth. Whilst significant development should be focused on locations which are or can be made sustainable, it should be acknowledged that ***'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.***

4.24 The proposed construction of just one dwelling is not 'significant' development and it will not in itself result in unsustainable patterns of vehicle movements within the rural area due to the site's sustainable location.

4.25 The construction of a single dwelling would create significantly less vehicle movements than a commercial proposal which the Council indicated support for in its pre-application advice. Furthermore, the proposed dwelling is situated in the location which the Council suggested would be acceptable for commercial development, but it would have less of a visual impact.

4.26 The Council's pre-application advice states that there is scope for commercial expansion provided that a need for it can be evidenced. Whilst the Appellant is not able to pursue a commercial development for the reasons previously described, there is a clear need for new residential development within the District. The proposal will make a small, but important contribution towards the supply of new homes in a sustainable location without causing any harm to the visual amenities of the countryside.

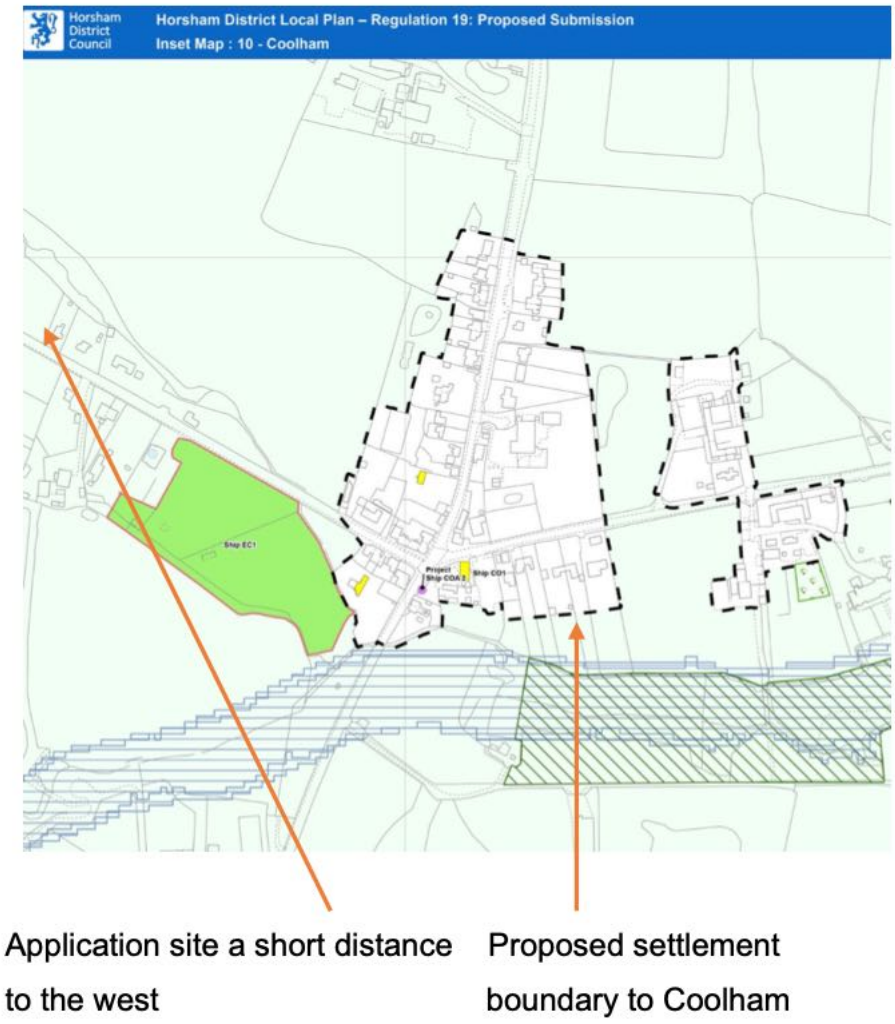
4.27 The residential development of small and medium sites such as the appeal site is noted by NPPF paragraph 73 as having the ability to ***'make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly'.***

4.28 In addition, the proposed dwelling is a self-build home. Such homes are supported by NPPF which not only requires the delivery of a sufficient supply of new homes in general but the need of the size, type and tenure of housing for different people needs to be established, including people wishing to commission or build their own homes. The provision of self-build (and custom build) homes helps to diversify the housing market offering more variety and choice.

4.29 HDPF policy 3 does not list Coolham as a 'Settlement Type' within the Council's Development Hierarchy however, as noted in the Case Officer's report above (and within the Appellant's Planning, Design and Access Statement), the emerging Local Plan proposes to define the village as a

'Secondary Settlement'. This recognises the established local community. Figure 1 below shows the proximity of the appeal site to the proposed settlement boundary at Coolham.

Figure 1: Extract of draft Inset Map 10 – Coolham (Local Plan Regulation 19)



4.30 Clearly (and having regard to the cases of Braintree District Council v Secretary of State for Communities and Local Government (2018) and Bramshill v Secretary of State for Housing), the appeal site is not physically remote or isolated from a settlement or other built form. This

includes proximity to other dwellings, larger than the dwelling the subject of this appeal. This includes the dwellings along the access track and the dwellings along Mill Lane to the east. Thornhill Court to the north comprises substantial built form along with Thornhill Works to the south (please see photographs included at Appendix NJA/2). The proposal would not create an unsustainable form of development and the dwelling would not appear out of keeping with the residential context of the site and other built form.

Policy Ship HD1 of the Shipley Neighbourhood Plan states that applications for housing development within Shipley and Coolham villages and Dragons Green and Brooks Green hamlets will be considered favourably where the proposals meet all of the following criteria: the proposed development is for an infill gap, or on previously developed land, within the continuity of existing buildings; the proposed development will not result in the outward extension of the villages or hamlets onto greenfield land; the proposed development delivers new affordable housing; the proposed development reflects the scale and density of existing development in the village or hamlet where it is located; the proposed development responds positively to Shipley Parish Design Guidance.

4.31 The Shipley Neighbourhood Plan must be read in conjunction with the HDPF and the NPPF. The Neighbourhood Plan was 'made' in June 2021 and therefore it does not reflect the significant and increased under provision of housing within the District, particularly having regard to the regard to the revised requirements of the recently updated NPPF. Nevertheless, the Neighbourhood Plan at paragraph 4.2 acknowledges that some new housing developments are likely to take place over the life of the Neighbourhood Plan.

4.32 In this case, taking into account the sustainable location of the appeal site, its proximity to other built-form (including other detached dwellings), the low density/small scale nature of the proposal (just one dwelling) and the high quality of design, it is not considered that the proposal results in any overriding conflict with the provisions of Neighbourhood Plan policy HD1 (New Housing Development) when considering the proposal in the planning balance.

Paragraph 70 of the NPPF outlines that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.

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. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

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 a 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 dwelling; or

e) the design is of exceptional quality, in that it:

f) is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

g) would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

4.33 The provisions of former NPPF paragraphs 73 (formerly paragraph 70), 83 and 84 have been previously addressed. It is reiterated that the proposal will positively contribute towards the supply of much needed new homes within the District (the cumulative provision of small sites in helping

to meet the demand for/supply of new homes should not be underestimated), that the dwelling and its occupiers will help to support the local rural community and that the appeal site is not situated within 'isolated' countryside.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge The pre-application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF, and is considered unacceptable in principle.

In this countryside location, the proposal is also considered against Policy 26 'Countryside Protection' which protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria 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 would not meet any of this criteria, nor is it considered to be essential to the countryside location.

The proposed development would not accord with the spatial strategy as set out in Policies 2, 3, 4 and 26 of the HDPF and would therefore be unacceptable in principle.

4.34 HDPF policy 26 seeks to protect the countryside from inappropriate development and states that any development must meet certain criteria. In addition, the policy requires proposals to be of a scale appropriate to the countryside character and location and that it should not lead individually, or cumulatively, to a significant increase in the overall level of activity in the countryside. New development should protect and/or conserve, and/or enhance the key features and characteristics of the landscape character in which it is located.

4.35 Policy 26 must also be read in the context of the text at HDPF paragraph 9.18 which sets out that **'*The Council is seeking to identify the most valued parts of the district for protection, as well as maintain and enhance this natural beauty and the amenity of the district's countryside'.***

4.36 The Council's reasons for refusal do not refer to any objection in respect of the design of the proposed dwelling or its visual impact upon its surroundings. Whilst the Case Officer's report (below) comments on certain design elements of the dwelling, the Council has not refused planning permission in respect of its visual impact. Furthermore, it is not considered that the appeal site provides any particularly valuable contribution towards the amenity of the District's countryside given its position in-between two commercial developments. The proposed dwelling will be viewed against the backdrop of the much larger commercial buildings in particular directly to the north and in conjunction with the adjacent dwellings to the west which are of a similar size.

4.37 The proposed dwelling is clustered close to other built form; it occupies a small parcel of land which does not provide any particular benefits to agriculture and importantly there will be no harmful encroachment into the countryside. The scale of the proposal is appropriate to the countryside character and location and it will not lead individually, or cumulatively, to any significant increase in the overall level of activity in the countryside or result in harm to key features and characteristics of the landscape.

4.38 As set out, the NPPF recognises the importance of allowing new residential development within the rural areas which can help to sustain local rural communities. As such, appropriate residential development on sustainably located sites, such as the appeal site is arguably 'essential' to rural areas and allows the sustainable development of rural areas (HDPF policy 26, criterion 4).

4.39 HDPF policy 3 has previously been noted and as explained, the Council's emerging Local Plan proposes to designate Coolham as a 'Secondary Settlement'. HDPF Policy 4 supports the growth of settlements across the District in order to meet identified local housing, employment and community needs. Therefore, outside built-up area boundaries, Policy 4 permits the expansion of settlements subject to the following:

1. ***'The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.***
2. ***The level of expansion is appropriate to the scale and function of the settlement type.***
3. ***The development is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services.***
4. ***The impact of the development individually or cumulatively does not prejudice comprehensive development, in order to not conflict with the development strategy; and***
5. ***The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced'.***

4.40 The supporting text for HDPF Policy 4 (and 3) sets out the following justification - ***'to ensure that development takes place in a manner that ensures the settlement pattern and the rural landscape character of the District is retained and enhanced, but still enables settlements to develop in order for them to continue to grow and thrive'*** (HDPF paragraph 4.6).

4.41 Given the fact that the Council cannot demonstrate an appropriate supply of housing, the Council's FAD acknowledges that the Council is likely to receive applications for residential development outside of the defined built-up area boundaries and on unallocated sites. Given this, paragraph

5.7 of the FAD sets out that the Council will consider such proposals positively where the following criteria is met:

- ***'The site adjoins the existing settlement edge as defined by the BUAB;***
- ***The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;***
- ***The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;***
- ***The impact of the development either individually or cumulatively does not prejudice comprehensive long-term development; and***
- ***The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced'.***

4.42 The above essentially follows the same principles of HDPF policy 4 with the exception that it does not contain the same requirement for sites to be allocated for development in the Local or Neighbourhood Plan.

4.43 The appeal site does not adjoin a settlement edge, however, for the reasons described, the site is considered to be sustainably located and in a suitable position to accommodate a new dwelling without conflicting with the Council's spatial strategy or the principles of the NPPF when considered as a whole.

4.44 In terms of criterion 2 of the FAD and policy 4, the level of expansion, just one dwelling is small. The low density of development is wholly appropriate to the settlement and location but close to other built form.

4.45 The proposed development meets local housing needs in respect of the clear need for new housing within the District and the impact of the proposal will neither individually nor cumulatively prejudice

comprehensive long term development. The proposal complies with criterions 3 and 4 of the FAD and policy 4.

4.46 In respect of criterion 5 of the FAD and policy 4, the appeal site is contained by an existing defensible boundary, separated from the adjacent field, and important landscape features will be retained and enhanced by new landscaping (to be agreed by condition) with no trees to be removed. The application site is a strip of land which as set out serves no agricultural purpose (it has not been used for agricultural purposes for many decades) and it is adjacent to other built form including a potential future commercial building permitted at Thornhill Court to the north. As set out, the proposed dwelling would be grouped with existing built form and it will not harmfully encroach into open countryside, outside of the confines of the Thornhill Estate. The proposed dwelling would effectively infill a very small part small of the existing gap between two commercial developments.

4.47 In summary of HDPF policies 1, 2, 3 and 4, these policies encourage sustainable development and allow for the expansion of settlements outside of built-up area boundaries where the level of expansion is appropriate to the scale and function of the settlement type.

4.48 It is reiterated that given the small scale of development proposed, the sustainable location of the appeal site, the lack of any harm caused to the visual amenities of the countryside landscape and the very high need for new homes within the District, the proposal does not conflict with the overarching principles of the Council's spatial strategy or the Council's FAD when considering the proposal in the planning balance and against the presumption in favour of sustainable development on the basis that the tilted balance of NPPF paragraph 11 d) is engaged.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take

into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy Ship HD3 of the Shipley Neighbourhood Plan states that all proposals for new development in Shipley Parish are expected to respond positively to local design characteristics and features as set out in the Shipley Parish Design Guidance. New development should be of a size and scale which respects and, where possible, enhances the character of the area or locality, using materials typical of the area.

The application site would be viewed in the context of an open agricultural field, along with commercial and agricultural development. The application site is located within the immediate context of the commercial development, and whilst the proposed dwelling would be located within a narrow plot of land, it is not considered that the proposal in itself would result in harm to the landscape character and visual amenity of the area.

There are however some concerns regarding the design of the proposal. It is understood that given the wider site context, the design appears to be intended to appear as a converted agricultural barn such that from wider views it would reflect the built form to the north and would not be visually incongruous with this context in wider views of the application site. Whilst this rationale is generally accepted, the design of the proposal does not reflect its intention, with the resultant dwellinghouse being overly domestic in appearance. The proposed dwelling would have a large number of windows of a uniform size and appearance that would be noticeably residential in nature. Had the development been considered acceptable in all other regards, amendments to the proposal to improve the design would have been encouraged.

4.49 The Case Officer's report determines that the proposed dwelling will not result in harm to the character and visual amenity of the area. The proposed dwelling has been designed by an eminent local Horsham/Sussex based Architect and it is of a high quality design which is aesthetically striking. The design has been deliberately tailored to be of a similar size to fit in with nearby buildings and to retain a rural feel to suit the style of the local Thornhill and Coolham community.

4.50 The proposed dwelling will be built using typical, local materials (timber boarding to the elevations above a brick plinth and plain clay roof tiles) and to a high architectural standard. The majority of the glazing will face away from the nearby dwellings and the windows have been chosen to be similar to the style to these dwellings in order to be more aesthetically pleasing than the smaller, irregular ones often seen in older barns.

4.51 Notwithstanding the Case Officer's comments in respect of design, this has not formed a reason for refusal of the proposal which complies with the design requirements of the NPPF, HDPF policies 25, 32 and 33 and Neighbourhood Plan policy HD3 (High Quality Design).

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The proposed dwelling would retain a considerable separation distance of approximately 15 metres such that the resulting relationship is considered sufficient to prevent any unacceptable impacts to the future occupiers in terms of lack of daylight/sunlight, obtrusive appearance or loss of privacy, subject to the addition of an appropriate site boundary treatment.

4.52 The Case Officer's report raises no objections to the proposal in respect of impact upon neighbouring residential amenities. The proposed house meets separation distances and is over 35m from the nearest neighbouring dwelling. The proposed dwelling has been carefully designed and sited to ensure that there would be no adverse impact upon the nearby dwellings and as such, the proposal complies with HDPF policies 32 and 33 in this respect.

Historically the application site to the north as agricultural in nature, but has since been converted to class B8 and Class E uses. Environmental Health have been consulted during the course of the application and object to the proposal on the basis of insufficient information in regards to noise, with the future occupiers being potentially impacted by the use of the immediate neighbouring site.

Additionally, they note that commercial and agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Due to the immediate proximity of the application site to the commercial uses, a preliminary risk assessment should be provided to ensure the application is properly determined. Information with respect to water neutrality is also required
Environmental Health concerns are noted, however given that there are other reasons for refusal it would not in this instance be considered advisable to request further information in light of the lack of information. Furthermore, it is considered that the information requested could be submitted as part of a pre-commencement condition and on balance therefore, there are no objections to the proposal in light of policy 33 of the HDPF.

4.53 It has previously been explained that the commercial development to the north is subject to conditions which seek to control noise levels and hours/days of use in order to protect the amenity of nearby houses. Similarly, these conditions will protect the amenity of the occupiers (the Appellant) of the proposed dwelling along with the existing dwellings (one of which is much closer to the commercial uses than the proposed dwelling).

4.54 Nevertheless, the Case Officer's report does not raise any objections in respect of the amenity of future occupiers (with no associated reason for refusal) and a Preliminary Noise Risk Assessment can be requested by condition if deemed to be necessary.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Highways have been consulted as part of the proposal and have no objections to the application subject to the inclusion of relevant conditions. The application includes provision for 2 vehicles. There are no objections to the proposal in light of policies 40 and 41 of the HDPF.

The concerns raised within the representations in respect of the ownership of the access are noted, however this would be a civil matter.

4.55 The Council has raised no objections in respect of vehicle access and car parking provision and the proposal complies with HDPF policies 40 and 41 in respect of these matters. The Appellant is in no doubt as to the ownership of the access track as per the title deed registration.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The Council's Ecological consultant has been consulted during the course of the application and have no objections to the proposal on the basis of the submitted reports.

The Naturespace consultant however has objected to the proposal on the basis of insufficient information, noting that the applicant should enter into the District Newt license scheme. It is considered however, that this license could be sought as part of a pre-commencement condition and therefore would not subject to the recommendations within the Preliminary Ecological Appraisal, not appear to conflict with policy 31 of the HDPF.

4.56 As previously explained, the NatureSpace objection was addressed by the Appellant by entering into a District license for newt protection and a certificate to prove this was sent to HDC on 12 November 2024, nine days before the decision notice was issued. However, the NatureSpace objection does not form a reason for refusal of the proposal which complies with the provisions of HDPF policy 31.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to

demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The application includes a dedicated Water Neutrality statement. Given that the application site consists of an open field, the baseline is considered zero. It has provided proposed figures from a Part G calculator prior to mitigation and post mitigation. Mitigation in the first instance is efficient fixtures and fittings. This brings the total of 314.6 litres per day to 176.2 litres per day, partly given that their non potable water would be supplied by rainwater harvesting. There is a sufficient information submitted in terms of the rainwater calculations with a roof of approximately 200sqm. The tank provided would be of a sufficient size to account for a 35 day drought period. This would leave 176.2 litres per day on site unaccounted for that they suggest they would account for from off-site mitigation of credit purchase from Nicholls boreholes.

There are multiple concerns from the first Water Neutrality statement submitted in regards to whether the offsetting could be secured with reasonable certainty. In this instance, at the time of submitting the appropriate assessment, no basic information was submitted in terms of whether an agreement had been achieved between the applicant and the credit supplier. Limited information had also been provided in respect of the viability and sustainability of the bore hole. This form of offsite mitigation would require a si 06 legal agreement and would require checks to ensure that these credits were being double counted by the credit supplier. It appeared at this point that no agreement was made and therefore a SI 06 legal agreement was not sought.

Although no amendments were requested, it is noted that the applicant has submitted two further Water Neutrality during the course of the application, with the most recent being on the 5th November, after the Natural England consultation was received objecting to the proposal. Accepting the further Water Neutrality statements would result in delays to the determination which would not result in the proposal overcoming the other material planning considerations which represent reasons for refusal, including the principle of the development. As such, it would be unreasonable to delay the determination by accepting the amendments and requesting further consultation requests from Natural England when the application would still be refused. The application is considered therefore on the basis of the original submission.

These measures are considered not sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects.

4.57 The CGS Civils Water Neutrality Report (Rev P2, 04 November 2024) confirms that the proposed dwelling will be water neutral via the installation of water reducing appliances, the re-using of water through rainwater harvesting tanks and via the purchase of credits from Sussex Water Neutrality (to offset remaining water demand).

4.58 The Council has been provided with a copy of the Appellant's Water Credit Agreement with Sussex Water Neutrality. As set out previously, all information in respect of water neutrality was provided to the Council in good time to allow the Case Officer to review and consult with Natural England. The Case Officer's report above is not a correct appraisal of the scheme in respect of water neutrality and the associated reason for refusal is therefore completely unjust.

4.59 The information provided demonstrates that as the proposed dwelling will be water neutral, there will be no adverse impact caused to the protected sites of the Arun Valley and the proposal complies with NPPF paragraphs 193 and 194 (previously paragraphs 185 and 186), HDPF policy 31 and the relevant requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and s40 of the NERC Act 2006 (Priority Habitats and Species).

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has not submitted a biodiversity net gain metric given that the application would form an exemption to the requirements as a self-build residential dwelling.

4.60 The proposal is for a single self-build dwelling on a site with an area of less than 0.5ha. Therefore in accordance with the Government's guidance, the proposed development is exempt from the mandatory BNG requirements.

Conclusions:

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).

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 clear 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.

4.61 The Council's Local Plan, the HDPF was adopted in 2015 and is therefore signficiantly over five years old. In addition, the Council cannot demonstrate a five year supply of housing with its latest AMR finding just 2.9 years supply. As a result, the Council's policies most important for determining the appeal are out-of-date and the proposal must be considered against the presumption in favour of sustainable development and the provisions of NPPF paragraph 11 d).

Footnote 7 to Paragraph 11(d) of the NPPF states that the policies referred to are those in the Framework relating to habitat sites. Insufficient information has however been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats &

Species). On this basis, the titled balance derived from paragraph 11(d) of the NPPF does not apply.

4.62 Having regard to NPPF footnote 7 and NPPF paragraph 195, as water neutrality is demonstrated, the application of policies within the Framework which protect areas or assets of particular importance (including the protected sites of the Arun Valley) do not provide a strong (or any) reason for refusing the development proposed. Therefore, the provisions of NPPF paragraph 11 d) and the tilted balance continue to apply to the proposal.

The provision of housing within the HDPF of any type would attract a *significant* weight. However, the Council considers that this benefit would be very *limited* given the small overall contribution to the supply. The degree of contribution that one market dwellinghouses would make is negligible such that the benefit arising from a singular dwelling in tackling the shortage is in questionable significance.

The proposal's ability to demonstrate no adverse amenity impact, safe access and suitable parking and the use of sustainable technologies and improved energy efficiency are not considered benefits to the scheme, but would rather be necessary to demonstrate compliance with local planning policies.

The development would be located beyond a defined built-up area on a site not allocated within the Development Plan and would not be essential to this countryside location. This would be contrary to the development plan in light of policy 26 and would be afforded moderate weight.

The limited benefits afforded to the provision of one market dwellinghouses in the context of a shortfall are acknowledged, however this would not be outweighed by the adverse impacts arising from the development, including the conflict with the development plan (moderate weight) and the site's unsustainable location (significant weight) or adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction. On balance therefore, the proposal is recommended for refusal.

Recommendation: Application Refused

4.63 Because the Council cannot demonstrate the necessary level of housing

land supply as required by the Framework, the Council's policies that affect the supply and location of housing (HDPF polices 2, 3, 4, 15 and 26) are out of date and now hold considerably less weight in the decision making process. Water neutrality is demonstrated and it is therefore reiterated that the tilted balance of NPPF paragraph 11 d) is engaged. Subsequently, the proposed development must be considered against the presumption in favour of sustainable development.

4.64 In this respect, the proposed development complies with the provisions of NPPF paragraph 8 for the following reasons:

a) an economic objective – the proposal will make a small contribution to the local building industry and associated trades in creating the new dwelling. Furthermore, occupiers of the new dwelling will help to support local services and facilities. The proposal complies with the economic objective of sustainable development.

b) a social objective – the proposal provides a suitable site for the creation of a new dwelling in close proximity to local services and facilities and public transport options are available locally. The proposal will also make a modest but important contribution to the supply of new homes within the District which will help to sustain the rural community. The proposal complies with the social objective of sustainable development.

c) an environmental objective – The proposal makes effective use of land and no harm will result to the visual amenities of the countryside landscape. The commercial and residential context of the appeal site is an important consideration and because of this, the proposed dwelling will not appear out of keeping with its surroundings and will be grouped with other built form, There will as such be no harmful encroachment into the countryside.

The proposal will have minimum environmental impacts overall and as just one small dwelling is proposed, there will not be a significant

or unsustainable increase of vehicle movements. Water neutrality is demonstrated and biodiversity enhancements may be achieved via the approval of a landscaping plan. The proposal complies with the environmental objective of sustainable development.

4.65 In summary of NPPF paragraph 11 d), it is demonstrated that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the positive benefit of the provision of a new home in an appropriate, sustainable location, which makes effective use of land and which is of a high quality design.

5.0 CONCLUSIONS

5.1 This appeal Statement of Case supports the proposal for the construction of an attractive, barn style dwelling at land referred to as Thornhill Stables, within the Thornhill Estate, just 0.6 miles away from Coolham.

5.2 As set out at within the Appellant's Planning, Design and Access Statement, case law confirms when considering whether a proposal complies with a development plan, it is not necessary to say that it must accord with every policy of the development plan and the question is whether it accords with the development plan overall. In addition, paragraph 3 of the NPPF confirms that the Framework should be read as a 'whole' and the Government's Planning Policy Guidance (PPG) states that any conflicts between the development plan should be considered in light of all material planning considerations including local priorities and needs, as guided by the NPPF. It is therefore necessary to consider the proposal in the planning balance:

- The Council's HDPF is over five years old and the Council is unable to demonstrate a five/four year supply of housing as required by the NPPF. As a result, the Council's policies in respect to the supply and location of new homes (policies 2, 3, 4 ,15 and 26) are out of date and the provisions of NPPF paragraph 11 d) and the tilted balance are engaged. This requires the proposal to be considered against the presumption in favour of sustainable development.

- The appeal site is not located within isolated countryside and given its close proximity to Coolham and Billingshurst (including bus stops), it will not result in unsustainable modes of travel, out of keeping with the character or the area or which would result in significant conflict with the spatial strategy of the HDPF - policies 2, 3, 4 and 26 and Neighbourhood Plan policy HD1, notwithstanding the fact that these policies should be given less weight in the decision making process.

- It is demonstrated that the proposed development complies with the majority of the relevant provisions of the Council's FAD document. The proposed dwelling will not be remote from other built form and the day-to-day needs of the occupiers may be met locally without reliance upon the use of a private vehicle.

- NPPF paragraph 110 makes it clear that whilst the planning system should actively manage patterns of growth (and *significant* development should be focused on locations which are or can be made sustainable), opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This should be taken into account in both plan-making and decision-making. The proposal is not for significant development.

- The NPPF also recognises the importance of new dwellings within the rural area, helping to sustain the vitality and viability of local services and facilities (paragraph 83). The provision of new homes of an appropriate scale and location such as that offered by the proposal scheme is arguably 'essential' to the rural area, thereby complying with this particular requirement of HDPF policy 26.

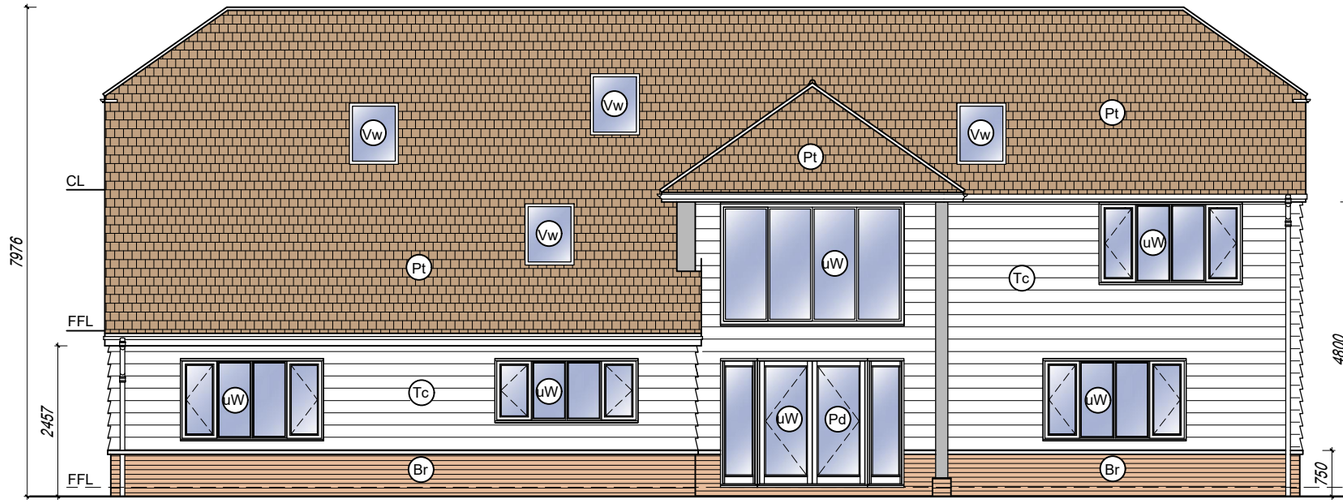
- The proposed dwelling will make a small but important contribution to the supply of new homes within the District. The cumulative provision of individual homes should not be under estimated as acknowledged by NPPF paragraph 73. In the meantime the lack of housing supply within the District must inevitably be growing and this undermines the Government's intentions to *'significantly boost'* the supply of new homes (NPPF paragraph 61).

- The proposed dwelling is of a high quality design and has been sensitively designed to respond to the rural area and the scale and form of adjacent dwellings. The proposed dwelling will appropriately integrate into the site and no harm will be caused to the visual amenities of the countryside landscape. The proposal therefore complies with the design policies of

the NPPF, HDPF policies 24, 25, 26, 32 and 33 and Neighbourhood Plan policy HD3.

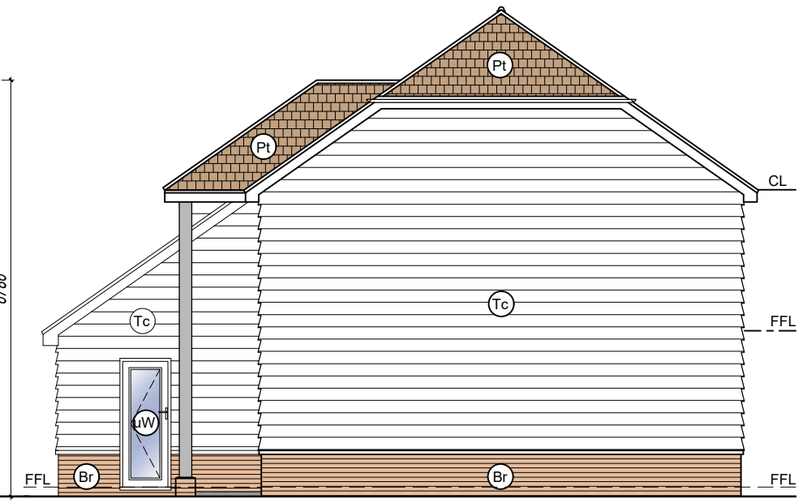
- The proposed dwelling is sensitive to its impact upon the natural environment including ecology and biodiversity.. The dwelling is of a sustainable design and construction with minimal impact upon natural resources and water neutrality is demonstrated. The proposal complies with HDPF policy 31, paragraphs 193 and 194 of the NPPF, the Conservation of Habitats and Species Regulations 2017 (as amended) and S40 of the NERC Act 2006 (Priority Habitats and Species).

5.3 The proposed development complies with the with the principles of sustainable development set out within the NPPF and in reference to HDPF policy 1. Paragraph 39 of Framework sets out that decision makers at every level should seek to approve applications for sustainable development wherever possible. Given that in this case the provisions of NPPF paragraph 11 d) apply coupled with the fact the proposal complies with the provisions of the development plan and the NPPF *when considered as a whole,* it is respectfully asked that this appeal is allowed.



PROPOSED FRONT ELEVATION

SCALE 1:100

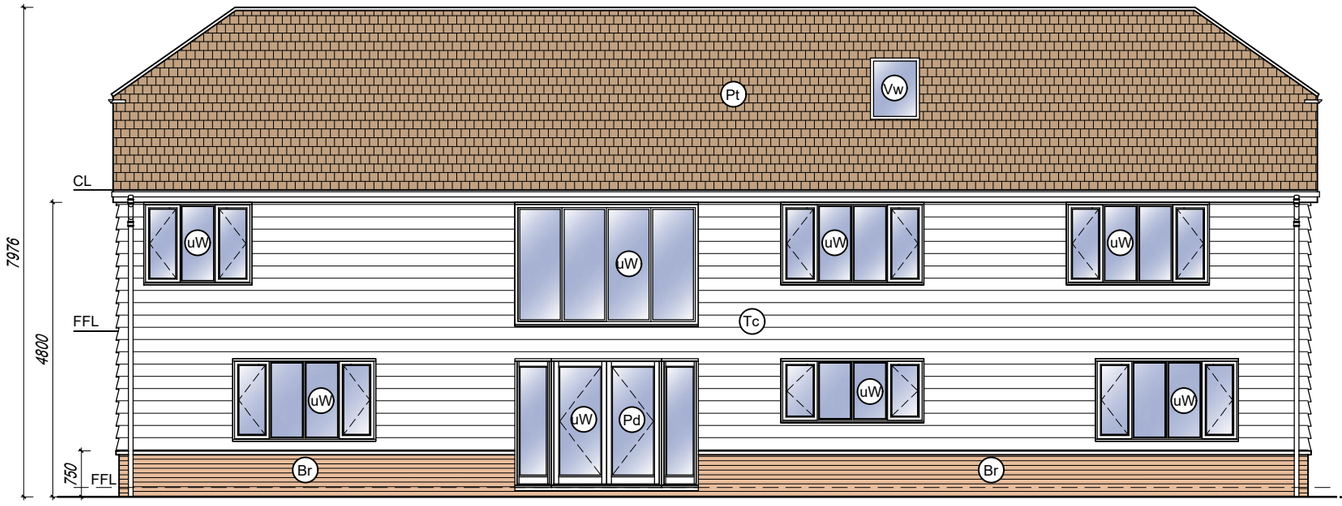


PROPOSED SIDE ELEVATION

SCALE 1:100

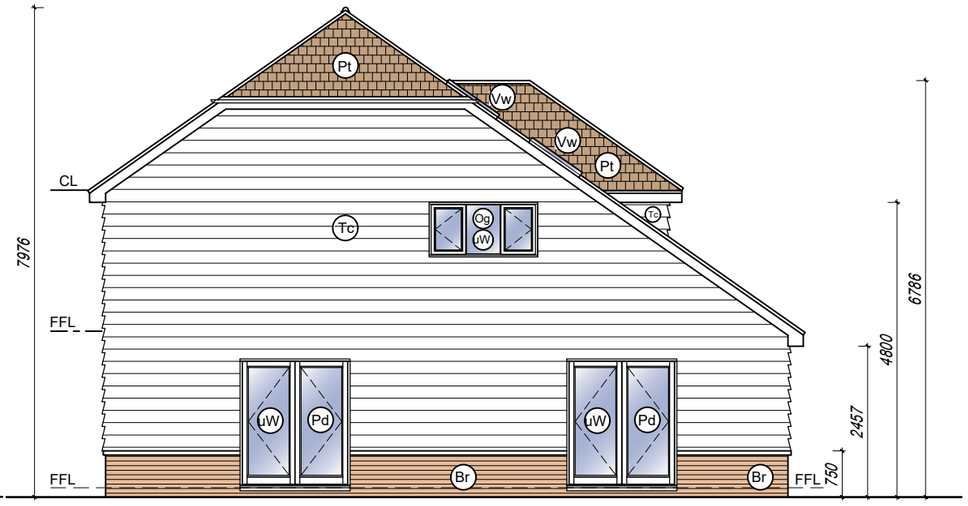
MATERIALS KEY:

- T Concrete interlocking tile roof.
- Pt Plain clay tile roof.
- Fr Flat Roof.
- Zr Zinc Seam Roof.
- Sr Shingle Roof.
- St Slate Tile Roof.
- Br Facing Brickwork.
- Th Tile hanging.
- Re Render Finish.
- Tc Timber Cladding.
- Pc PVC Cladding.
- Sn Stone Finish
- Pr Pebble Dash Render
- uW uPVC sealed double glazed casement units.
- Us Sealed double glazed sliding sash all bar.
- Og Obscure glazed.
- Bd Bi-Fold doors - PC Aluminium
- Pd Patio Doors
- Vw Velux window.



PROPOSED REAR ELEVATION

SCALE 1:100



PROPOSED SIDE ELEVATION

SCALE 1:100

0m 1 2 3 4 5

Scale Bar 1:100

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UNIT 4B, RUDGWICK BRICKWORKS, LYNWICK ST
RUDGWICK, HORSHAM, WEST SUSSEX, RH12 3DH.
TEL No 01403 822220 Mobile 07730 523447
Email - admin@dmabuildingdesigns.co.uk

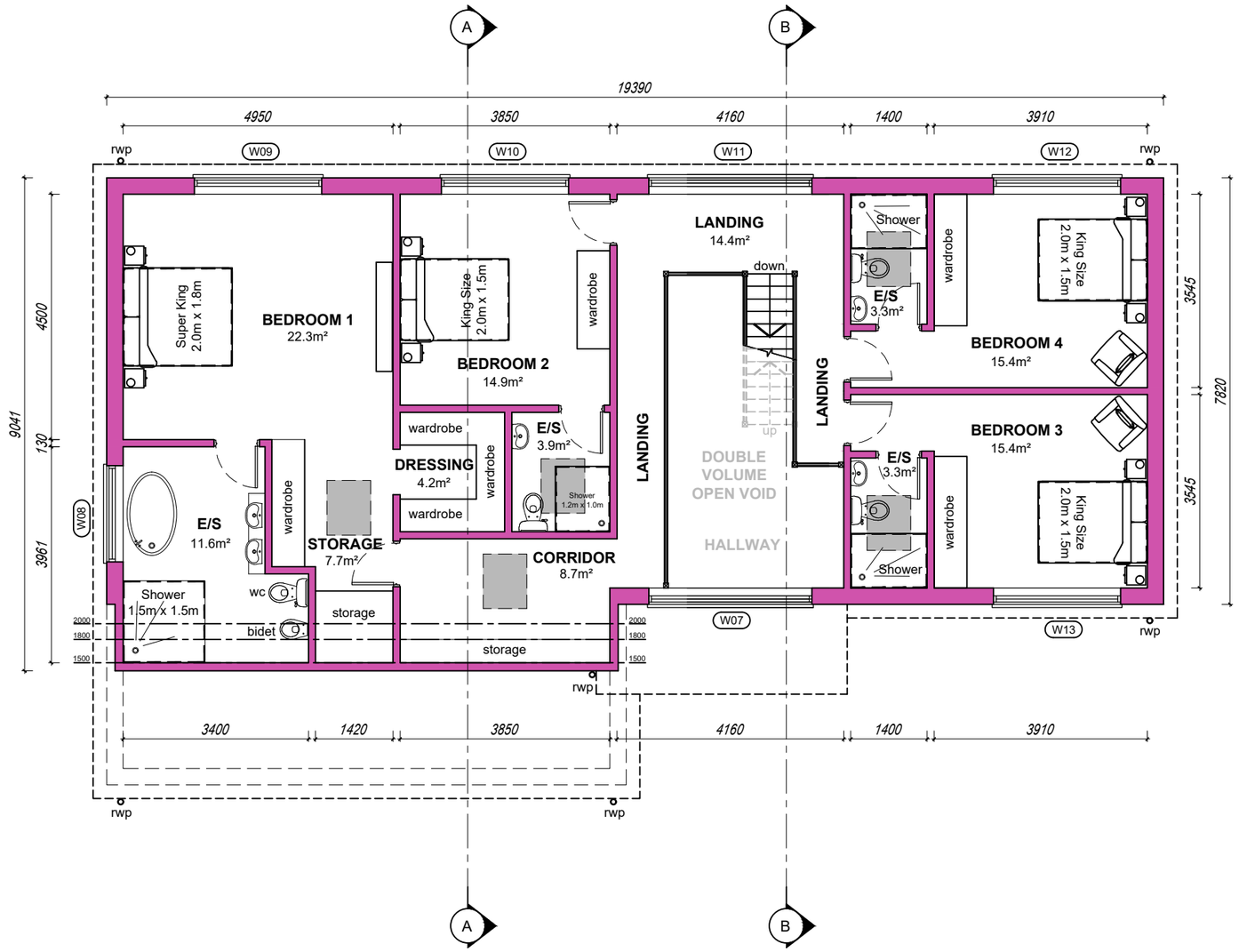
CLIENT: VIC SAWYER

PROJECT: NEW DOMESTIC DWELLING

REV	DESCRIPTION	DATE
P1	ISSUED FOR PLANNING APPROVAL	08.2024

DRAWING: PROPOSED ELEVATIONS
THORNHILL STABLES LAND, BILLINGSHURST ROAD, COOLHAM, RH13 8QN

SCALE @ A3	DATE	DRG No	REVISION
1:100	AUGUST 2024	DE1257 / 05	P1



PROPOSED FIRST FLOOR PLAN

SCALE 1:100

0m 1 2 3 4 5

Scale Bar 1:100

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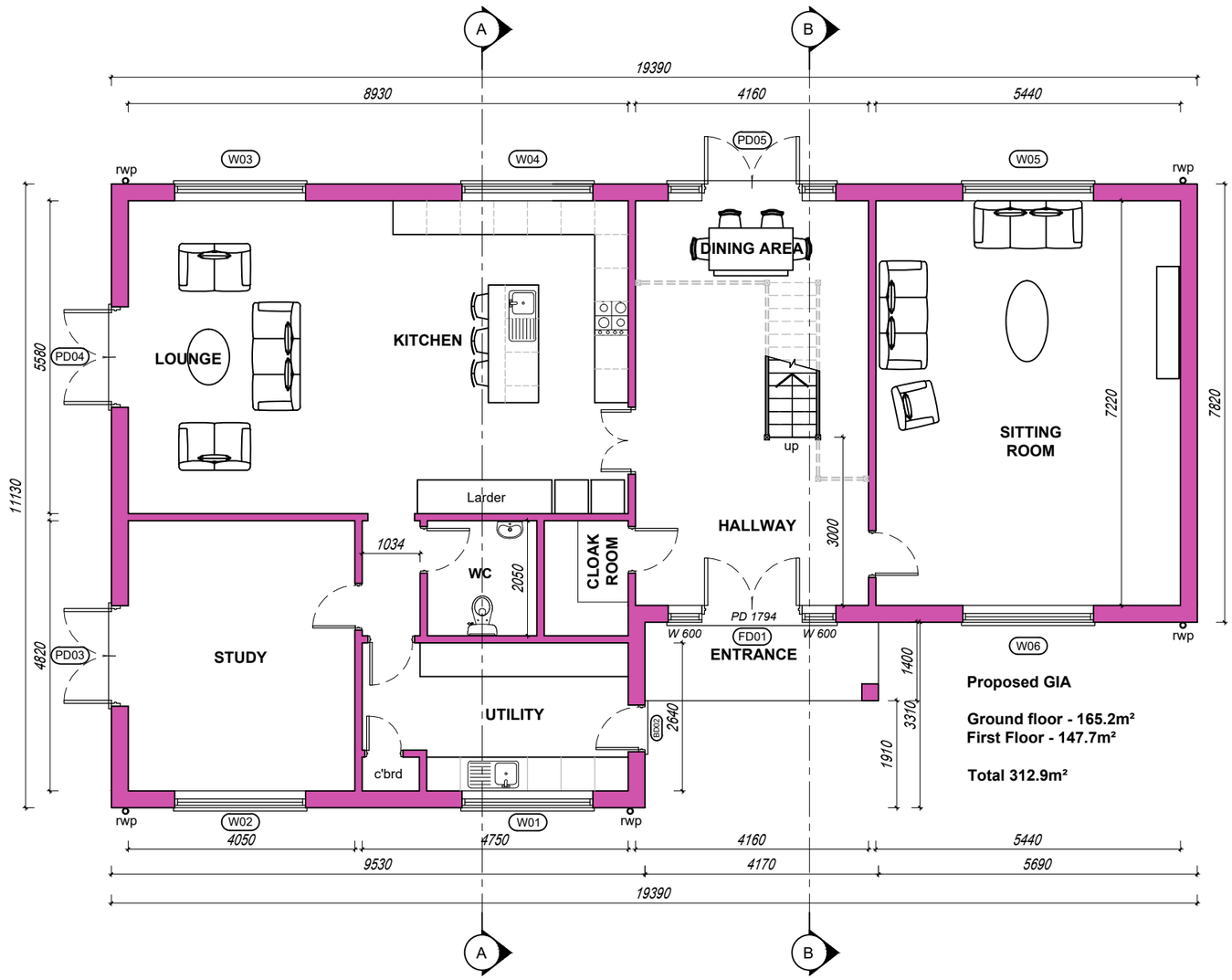
CLIENT: VIC SAWYER

PROJECT: NEW DOMESTIC DWELLING

REV	DESCRIPTION	DATE
P1	ISSUED FOR PLANNING APPROVAL	08.2024

DRAWING: PROPOSED FIRST FLOOR PLAN
THORNHILL STABLES LAND, BILLINGSHURST ROAD, COOLHAM, RH13 8QN

SCALE @ A3	DATE	DRG No	REVISION
1:100	AUGUST 2024	DE1257 / 03	P1



PROPOSED GROUND FLOOR PLAN

SCALE 1:100

0m 1 2 3 4 5

Scale Bar 1:100

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TEL No 01403 822220 Mobile 07730 523447
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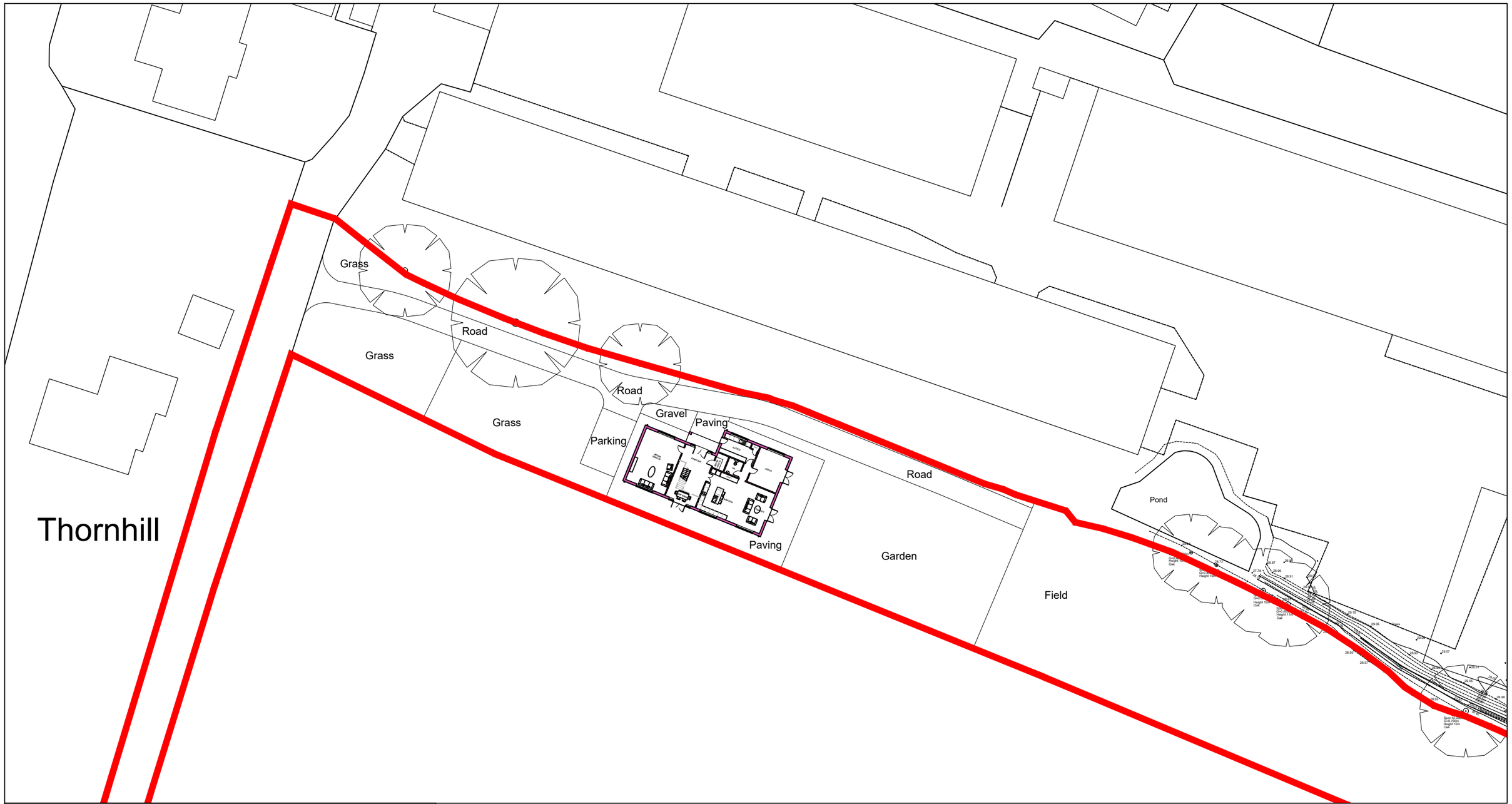
CLIENT: VIC SAWYER

PROJECT: NEW DOMESTIC DWELLING

REV	DESCRIPTION	DATE
P1	ISSUED FOR PLANNING APPROVAL	08.2024

DRAWING: PROPOSED GROUND FLOOR PLAN
THORNHILL STABLES LAND, BILLINGSHURST ROAD, COOLHAM, RH13 8QN

SCALE @ A3	DATE	DRG No	REVISION
1:100	AUGUST 2024	DE1257 / 02	P1



SITE BLOCK PLAN (1:500)

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UNIT 4B, RUDGWICK BRICKWORKS, LYNWICK ST
RUDGWICK, HORSHAM, WEST SUSSEX, RH12 3DH.
TEL No 01403 822220 Mobile 07730 523447
Email - admin@dmabuildingdesigns.co.uk

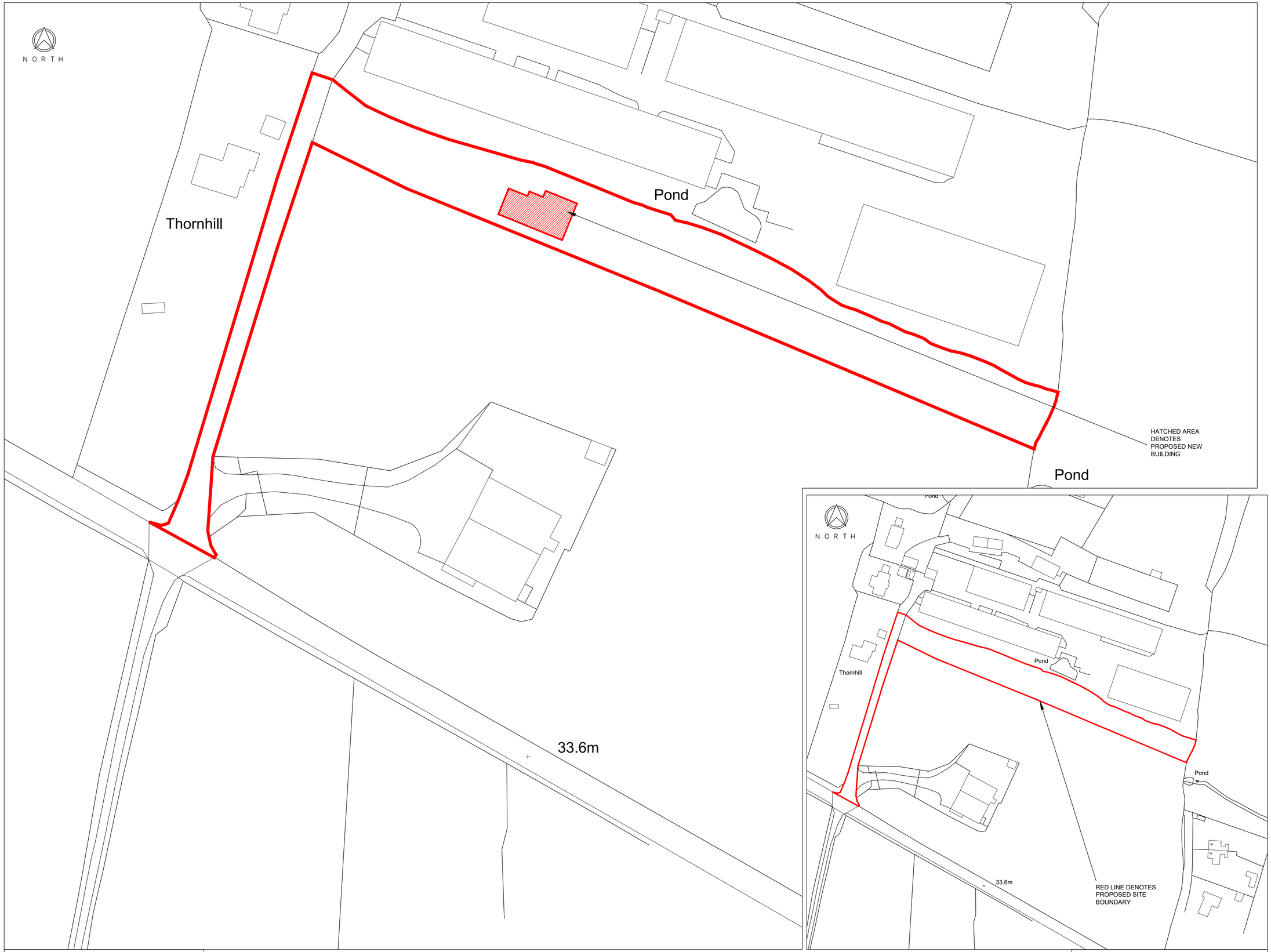
CLIENT: VIC SAWYER

PROJECT: NEW DOMESTIC DWELLING

REV	DESCRIPTION	DATE
P1	ISSUED FOR PLANNING APPROVAL	08.2024

DRAWING: PROPOSED ELEVATIONS
THORNHILL STABLES LAND, BILLINGSHURST ROAD, COOLHAM, RH13 8QN

SCALE @ A3	DATE	DRG No	REVISION
1:100	AUGUST 2024	DE1257 / 06	P1



SITE BLOCK PLAN (1:500)

SITE LOCATION PLAN (1:1250)

This drawing is to be read in conjunction with all other relevant drawings and specifications.
Do not scale from this drawing. Use figured dimensions only. All levels and dimensions to be checked on site. All dimensional discrepancies are to be brought to the immediate attention of DMA BUILDING DESIGNS.

Responsibility cannot be accepted for alteration and/or deviation from this design without prior knowledge of DMA BUILDING DESIGNS.

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Notes

STANDARD DOMESTIC B-REGS NOTES

A: STRUCTURE
For structural elements and connection details please refer to Structural Engineers Calculations and Design Details.

All foundations to be a minimum of 450mm wide and to a depth of 1000mm minimum below outside ground level, (unless otherwise specified) and to the satisfaction of the Local Authority Building Inspector.

B: FIRE SAFETY
Smoke alarms should be installed in all circulation spaces (where a house is extended) in accordance with BS 5839-6:2004. All smoke/heat alarms should mains supplied & have a standby power supply.

Elements of structure which are load-bearing should have a minimum Fire Resistance of 30mins. Separating (or party) walls/floors should be constructed to have a minimum Fire Resistance of 60mins.

F: VENTILATION
All ventilation should be designed in accordance with the Systems suggested within Approved Document F.

Background Ventilation;
- Minimum intermittent extract ventilation rates should be provided as follows - Kitchens > 30l/s (adjacent to a hob) or 60l/s (elsewhere). Utility room > 30l/s. Bathroom > 15l/s. Sanitary Accomodation (WC) > 6l/s.
- Trickle vents to be provided to all new windows at the following rates - Habitable Rooms > 5000mm². Non-Habitable Rooms > 2500mm².

H-DRAINAGE & WASTE DISPOSAL
Where pipes are laid less than 1000mm below formation level, or less than 900mm in fields & gardens, protection should be provided.
Rigid pipes of 100mm dia. with less than 300mm cover, or 150mm dia. pipes or greater with less than 600mm cover should be surrounded in 150mm of concrete with joints at max 500mm crs.
Flexible pipes with less than 600mm cover, NOT under a road, should be protected with a layer of concrete paving slabs with a 75mm layer of granular material between pipe and slab OR be surrounded in 150mm of concrete.

All sanitary pipework above ground level should comply with BS 5572.
Waste pipes and unplasticised PVC to BS 2871 Part 1. WC 100mm dia salt-glazed clayware, soil connection to manhole or SVP.
No connections to be within 200mm of WC connection to SVP. Cleaning access to be provided at all waste pipe angles and at all angles/bends at bases of SVPs.
SVPs to be encased with timber studwork frame and 12.5mm plasterboard, and, where passing through a habitable room, should be wrapped in sound-reducing quilt.

Gutters should be laid to falls, towards the nearest rainwater downpipe outlet. Such an outlet should discharge into a drain or gully, but may also discharge onto another surface if it is suitably drained thereafter. If surface water is to be discharged into a soakaway, this should be situated a minimum of 5m away from any building.

Prior to commencement of any works on site, the line and level of existing drainage systems is to be established and checks carried out to ensure, i) the proposed extension works are not in conflict with existing runs; and ii) proposed connections to the existing system are achievable.

K: PROTECTION FROM FALLING
Private, domestic staircases should be designed as follows - maximum rise and minimum going of 220mm as long as the pitch of the stair does not exceed 42°. A minimum of 2m headroom should be provided from the pitch line of the stair.

Handrails on flights should be between 900-1000mm when measured from the pitch line of the stair to the top of the handrail. Guarding on any flights and landings should be constructed so that a 100mm sphere cannot pass through any openings in it.

L1-CONSERVATION OF FUEL & POWER
New light fittings within the dwelling should be provided with a minimum of 3 dedicated low energy light fitting out of every 4 new (75%).
Low energy light fittings should have lamps with a luminous efficacy greater than 45 lamp lumens per circuit-watt and a total output greater than 400 lamp lumens.

All new thermal elements on existing dwellings should be designed to the following minimum U-Values;
Walls 0.28 w/m²K
Pitched Roof (insulation at ceiling level) 0.16 w/m²K.
Pitched Roof (insulation at rafter level) 0.18 w/m²K.
Flat roof (or roof with integral insulation) 0.18 w/m²K.
Floors 0.22 w/m²K.

All new glazing in windows/doors etc should be sealed double glazed units with a min 6mm air gap, to give a minimum U-Value of 1.6 w/m²K or better.

N: GLAZING - SAFETY IN RELATION TO IMPACT
All glazing below 800mm from FFL, any glazing to doors, and any glazing within 300mm adjacent to doors (eg. side panels) MUST be safety glass. All first and second floor windows with any part opening within 800mm above FFL must be fitted with opening restrictors to limit opening toa maximum of 100mm (unless the window is to be used for egress - in accordance with Approved Document B of the Building Regulations).

P: ELECTRICAL SAFETY IN DWELLINGS
All new electrical work is to be designed, installed, inspected and tested in accordance with BS 7671. On completion of the works, the installers Electrical Installation Certificate should be forwarded to the Local Authority.

REGULATION 7: MATERIALS & WORKMANSHIP
Any building work which is subject to the requirements imposed by Schedule 1 of the Building Regulations should, in accordance with Regulation 7, be carried out with proper materials and in a workmanlike manner.

REV	DESCRIPTION	DATE
P1	ISSUED FOR PLANNING APPROVAL	08.2024

DMA BUILDING DESIGNS
KILN HOUSE, RUDGWICK BRICKWORKS, LYNWICK ST
RUDGWICK, HORSHAM, WEST SUSSEX, RH12 3DH.
TEL No 01403 822220 Mobile 07730 523447
Email - info@dmabuildingdesigns.co.uk

CLIENT
VIC SAWYER

PROJECT
NEW DOMESTIC DWELLING

DRAWING
LOCATION AND BLOCK PLAN
THORNHILL STABLES LAND, BILLINGSHURST ROAD,
COOLHAM, RH13 8QN

STATUS
PLANNING

SCALE @ A1	DATE	DRG No	REVISION
1:1250, 1:500	AUGUST 2024	DE1257 / 01	P1

Horsham District Council

Application for Planning Permission

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Land at Thornhill Stables

Address Line 1

Billingshurst Road

Address Line 2

Address Line 3

Town/city

Coolham

Postcode

RH13 8QN

Description of site location must be completed if postcode is not known:

Easting (x)

511424

Northing (y)

123241

Description

Applicant Details

Name/Company

Title

Mr

First name

v

Surname

Sawyer

Company Name

Address

Address line 1

c/o agent

Address line 2

c/o agent

Address line 3

c/o agent

Town/City

c/o agent

County

c/o agent

Country

c/o agent

Postcode

Are you an agent acting on behalf of the applicant?

- ☑ Yes
- ○ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

Mr

First name

Nikolas

Surname

Antoniou

Company Name

NJA Town Planning Ltd

Address

Address line 1

The Beehive

Address line 2

City Place

Address line 3

Town/City

Gatwick

County

Country

Postcode

RH6 0PA

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Site Area

What is the measurement of the site area? (numeric characters only).

0.49

Unit

Hectares

Description of the Proposal

Please note in regard to:

- **Fire Statements** - From 1 August 2021, planning applications for buildings of over 18 metres (or 7 stories) tall containing more than one dwelling will require a 'Fire Statement' for the application to be considered valid. There are some exemptions. View government planning guidance on fire statements or access the fire statement template and guidance.
- **Permission In Principle** - If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.
- **Public Service Infrastructure** - From 1 August 2021, applications for certain public service infrastructure developments will be eligible for faster determination timeframes. See help for further details or view government planning guidance on determination periods.

Description

Please describe details of the proposed development or works including any change of use

Construction of detached barn style dwelling

Has the work or change of use already started?

◯ Yes
⊘ No

Existing Use

Please describe the current use of the site

Land

Is the site currently vacant?

◯ Yes
⊘ No

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated

◯ Yes
⊘ No

Land where contamination is suspected for all or part of the site

◯ Yes
⊘ No

A proposed use that would be particularly vulnerable to the presence of contamination

◯ Yes
⊘ No

Materials

Does the proposed development require any materials to be used externally?

⊘ Yes
◯ No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material)

Type:
Walls

Existing materials and finishes:
n/a

Proposed materials and finishes:
Timber cladding above a brick plinth.

Type:
Roof

Existing materials and finishes:
n/a

Proposed materials and finishes:
Plain clay tiles.

Are you supplying additional information on submitted plans, drawings or a design and access statement?

⊘ Yes
◯ No

If Yes, please state references for the plans, drawings and/or design and access statement

Please see covering letter and Planning, Design and Access Statement.

Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway?

◯ Yes
⊘ No

Is a new or altered pedestrian access proposed to or from the public highway?

◯ Yes
⊘ No

Are there any new public roads to be provided within the site?

◯ Yes
⊘ No

Are there any new public rights of way to be provided within or adjacent to the site?

◯ Yes
⊘ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

◯ Yes
⊘ No

Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

⊘ Yes
◯ No

Please provide information on the existing and proposed number of on-site parking spaces

Vehicle Type:
Cars

Existing number of spaces:
0

Total proposed (including spaces retained):
2

Difference in spaces:
2

Trees and Hedges

Are there trees or hedges on the proposed development site?

⊘ Yes
◯ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

◯ Yes
⊘ No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of the local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside the application. The local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's Flood map for planning. You should also refer to national standing advice and your local planning authority requirements for information as necessary.)

◯ Yes
⊘ No

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

◯ Yes
⊘ No

Will the proposal increase the flood risk elsewhere?

◯ Yes
⊘ No

How will surface water be disposed of?

☐ Sustainable drainage system

☐ Existing water course

☐ Soakaway

☐ Main sewer

☐ Pond/lake

Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species

⊘ Yes, on the development site
◯ Yes, on land adjacent to or near the proposed development
◯ No

b) Designated sites, important habitats or other biodiversity features

◯ Yes, on the development site
◯ Yes, on land adjacent to or near the proposed development
⊘ No

c) Features of geological conservation importance

◯ Yes, on the development site
◯ Yes, on land adjacent to or near the proposed development
⊘ No

Supporting information requirements

Where a development proposal is likely to affect features of biodiversity or geological conservation interest, you will need to submit, with the application, sufficient information and assessments to allow the local planning authority to determine the proposal.

Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the local planning authority has been submitted.

Your local planning authority will be able to advise on the content of any assessments that may be required.

Biodiversity net gain

Biodiversity net gain is a legal requirement for planning permission introduced on 12 February 2024. All applications are required to either provide detailed information proving there will be a biodiversity increase; or explain why they are exempt from doing so.

Find out more about biodiversity net gain, and access digital tools from our partners that can help determine if you are exempt, or produce the biodiversity metric information required.

Do you believe that, if the development is granted permission, the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)) would apply?

◯ Yes
⊘ No

Please add all the exemptions or transitional arrangements that apply and provide a reason why

Exemption:
Self-build and custom build development

Reason for selecting exemption:
Proposed dwelling is a self-build/custom-build

Note: Please read the help text for further information on the exemptions available and when they apply

Foul Sewage

Please state how foul sewage is to be disposed of:

☐ Mains sewer
☐ Septic tank
☐ Package treatment plant
☐ Cess pit
☐ Other
☑ Unknown

Are you proposing to connect to the existing drainage system?

◯ Yes
◯ No
⊘ Unknown

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

⊘ Yes
◯ No

If Yes, please provide details:

There is space within the curtilage of the proposed dwelling for the appropriate storage of waste and recycling.

Have arrangements been made for the separate storage and collection of recyclable waste?

- [x] Yes
- [ ] No

If Yes, please provide details:

As above.

Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

- [ ] Yes
- [x] No

Residential/Dwelling Units

Does your proposal include the gain, loss or change of use of residential units?

- [x] Yes
- [ ] No

Please note: This question is based on the current housing categories and types specified by government.

If your application was started before 23 May 2020, the categories and types shown in this question will now have changed. We recommend that you review any information provided to ensure it is correct before the application is submitted.

Proposed

Please select the housing categories that are relevant to the proposed units

- [ ] Market Housing
- [ ] Social, Affordable or Intermediate Rent
- [ ] Affordable Home Ownership
- [ ] Starter Homes
- [x] Self-build and Custom Build

Self-build and Custom Build

Please specify each type of housing and number of units proposed

Housing Type:
Houses

1 Bedroom:
0

2 Bedroom:
0

3 Bedroom:
0

4+ Bedroom:
1

Unknown Bedroom:
0

Total:
1

Proposed Self-build and Custom Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	0	0	0	1	0	1

Existing

Please select the housing categories for any existing units on the site

- ☐ Market Housing
- ☐ Social, Affordable or Intermediate Rent
- ☐ Affordable Home Ownership
- ☐ Starter Homes
- ☐ Self-build and Custom Build

Totals

Total proposed residential units	1
Total existing residential units	0
Total net gain or loss of residential units	1

All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?
Note that 'non-residential' in this context covers all uses except Use Class C3 Dwellinghouses.

- ○ Yes
- ⊘ No

Employment

Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees?

◯ Yes
⊘ No

Hours of Opening

Are Hours of Opening relevant to this proposal?

◯ Yes
⊘ No

Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes?

◯ Yes
⊘ No

Is the proposal for a waste management development?

◯ Yes
⊘ No

Hazardous Substances

Does the proposal involve the use or storage of Hazardous Substances?

◯ Yes
⊘ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

◯ Yes
⊘ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

⊘ The agent
◯ The applicant
◯ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

◯ Yes
⊘ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

◯ Yes
⊘ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

◯ Yes
⊘ No

Can you give appropriate notice to all the other owners/agricultural tenants? (Select 'Yes' if there are no other owners/agricultural tenants)

⊘ Yes
◯ No

Certificate Of Ownership - Certificate B

I certify/ The applicant certifies that:

⊘ **I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or**
◯ **The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.**

*** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990**

Owner/Agricultural Tenant

Name of Owner/Agricultural Tenant:
***** REDACTED ******

House name:
Thornhill

Number:

Suffix:

Address line 1:
Billingshurst Road

Address Line 2:

Town/City:
Coolham

Postcode:
RH13 8QN

Date notice served (DD/MM/YYYY):
26/09/2024

Person Family Name:

Name of Owner/Agricultural Tenant:
***** REDACTED ******

House name:
Thornhill Stables

Number:

Suffix:

Address line 1:
Billingshurst Road

Address Line 2:

Town/City:
Coolham

Postcode:
RH13 8QN

Date notice served (DD/MM/YYYY):
26/09/2024

Person Family Name:

Name of Owner/Agricultural Tenant:
***** REDACTED ******

House name:
Thornhill Farm

Number:

Suffix:

Address line 1:
Billingshurst Road

Address Line 2:

Town/City:
Coolham

Postcode:
RH13 8QN

Date notice served (DD/MM/YYYY):
26/09/2024

Person Family Name:

Name of Owner/Agricultural Tenant:
***** REDACTED ******

House name:
Thornhill Court

Number:

Suffix:

Address line 1:
Billingshurst Road

Address Line 2:

Town/City:
Coolham

Postcode:
RH13 8QN

Date notice served (DD/MM/YYYY):
26/09/2024

Person Family Name:

Name of Owner/Agricultural Tenant:
***** REDACTED ******

House name:
Thornhill Works

Number:

Suffix:

Address line 1:
Billingshurst Road

Address Line 2:

Town/City:
Coolham

Postcode:
RH13 8QN

Date notice served (DD/MM/YYYY):
26/09/2024

Person Family Name:

Person Role

◯ The Applicant
⊘ The Agent

Title

Mr

First Name

Nikolas

Surname

Antoniou

Declaration Date

26/09/2024

☑ Declaration made

Declaration

I/We hereby apply for Full planning permission as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Nikolas Antoniou

Date

26/09/2024