Appellants final comments DC/25/1001 DATED 30TH March 2026

Introduction
These final comments are submitted by The Appellant Andrew James Goodman in response to Horsham District Council Appeal Letter dated 23rd March 2026 and Appendix 1-4, following an appeal made against the refusal of planning permission for the erection of '3 no dwellinghouses with associated landscaping and parking at Fairfield Stud, Guildford Road.'

The Appellant relies primarily on the arguments set out within the Statement of Case Sections A and B (our reference FS/AJG/1001 dated January 2026) and these final comments respond specifically to the Council Appeal Letter and now form part of the evidence in support of the appeal.

Responding to the Appeal Letter:

Description of development proposal
The Council maintains its position that the erection of '*three self/custom build dwellings (*sic) *at Fairfield Stud is fundamentally unacceptable*.'

The appellant thanks the Council for at last describing the proposal as '*self/custom build*' in line with the Application form and contrary to its previous removal of such a description and rewriting of the proposal to '*3 no dwellinghouses'*.

As such, the Appellant trusts that the Council are now accepting the original description as provided on the application form and that this is the basis of this adjudication at appeal.

It is disappointing they have not sought to clarify why this original change was deemed necessary.

For the record, the Appellant states again that the applicant never sought consent for anything other than Self/Custom Build compliant with the Regulations 2016.

Suitability of the Proposal site

Rural and Countryside definitions
The Council claim *'The appellant within its statement seeks to recharacterize the site as something other than countryside and to elevate the weight of certain material considerations; however, this approach does not withstand scrutiny when assessed against the evidence, policy framework, and site context.'*

The Appellant contends strongly that it has **NOT** sought to '*recharacterize the site as something other than countryside*' or '*elevate the weight of certain material considerations*' but has instead more accurately relied on the findings of the Planning Inspector at previous appeal APP/Z3825/A/06/2027642 which characterized this site in clear terms and undermines the Councils own 'rural' and 'countryside' characterisation of the proposal site and subsequent protections.

To reiterate the Council at this exact same site (Application number DC/06/1008) refused permission for a set of 2 metre gates and walls '*by reason of their urban form are considered unacceptable in this rural location and would cause significant harm to the visual amenities and character of this rural location contrary to the aims of countryside protection policies.*'

However, the Inspector rejected these reasons at appeal clearly setting a precedent at the site which the Council have sought to ignore.

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

It is the Inspector who chooses to emphasis the term '**suburban**' in inverted commas as to characterise the proposed development and then judges that such development is neither '***incongruous***' nor '***alien***' at Fairfield Stud given '***the context of the surroundings'***.

In the latest Decision Notice subject to this current appeal, Reason 1 for Refusal to DC/25/1001 the Council describe the development to be '*sited within an inappropriate location in the countryside*' and Reason 2 '*would formalise the rural character of the countryside location.*'

The Council countryside description and characterization within the Reasons for Refusal are therefore at odds with that of the previous Planning Inspectors Decision.

The Appellant has not recharacterised the site as claimed by the Council but has relied upon the definition at the earlier Planning Appeal which characterised the site as suitable for the introduction of suburban development without harming the context of the surroundings, vis-a-vis it is NOT a countryside location.

The Council have also already conceded the site is not in '*isolated countryside'* and thereby the conclusions of the 'Braintree' judgement do not restrict development.

Again, it is disappointing that the Council have not taken this opportunity to comment on why this appeal was not included as relevant planning history in their Officers Report or commented on the appeal decision in their appeal letter and instead continue to 'airbrush' out this key relevant planning history at the site.

BUAB
The council argues in respect of the site's location, the appeal site lies outside the defined Built-Up Area Boundary (BUAB) of Broadbridge Heath and is therefore within the countryside in policy terms.

The Appellant contends in planning case law there is flexibility for how the Council may interpret 'adjoining' the BUAB and should be prepared to apply a pragmatic assessment of the site considering its unique spatial, visual and human links with existing neighbouring built development balanced against site specific planning benefits from the proposal.

It is the Appellants understanding that the High Court at Judicial Review challenges have given authoritative guidance on the planning definition of '*immediately adjoining*' finding it was *'too narrow and literal and had to be given a sensible meaning',* which embraced the concepts of *'next to'* and *'very near'.*

In another case at the Court of Appeal the judge found that the term *'immediately adjoining'* in a planning context *'should not be given an unduly prescriptive meaning and allows for both a degree of flexibility and the exercise of planning judgement'.*

Though the application site boundary is not physically conjoined, it is in very close physical proximity to the Broadbridge Heath BUAB of the Lawson Hunt Industrial Estate and this should be sensibly factored into the assessment.

The start of the roundabout is approximately ten meters away from the site boundary with just the Broomwick Stream and a small slice of scrub land between the two.

Due to the immediate proximity there is an inevitable environmental relationship between the two and visually the site and the buildings of the Industrial estate and roundabout street lighting are all clearly in view from the site, especially during winter months.

Defensible Boundaries
The Council state '*The Appellant asserts that the presence of nearby dwellings, a roadside layby, and incidental urban features negates the* ***designation****, is not supported by policy.'*

The appellant assumes the Council are referring to its own 'designation' of 'countryside' and if so argues the Council have failed to take these legitimate factors listed by the Appellant into reasonable account in the assessment of the site, not least as Council policy for development on or outside the BUAB expressly seeks containment by 'defensible boundaries'.

The Appellant contends the line of three existing residential houses to the West, the two residential houses to the south and with the Broomwick Stream and Lawson Hunt Industrial Estate on the eastern boundary all create such defensible boundaries required by the Council planning policies.

Similarly, the northern boundary of the site is dominated as previously noted by the Planning Inspector at Appeal, by the A281 with the large West Sussex maintained HGV layby, commercial fast food takeaway business registered with HDC. As previously highlighted these man-made features were found at Inspectors Planning Appeal to undermine any need for 'countryside' protections.

Landscape
The Council state '*The site comprises paddocks associated with an established rural holding, enclosed by mature vegetation, and forming part of a wider semi-rural landscape. As such, it retains a clear countryside character notwithstanding limited adjacent development.'*

The Appellant highlights that this proposal for residential selfbuild/custom build is for only a small proportion of the total equestrian site with the vast majority of the grazing land remaining open and unaffected with all the mature vegetation enclosing the site retained thereby maintaining a predominantly semi-rural landscape.

Sustainability of the proposal site
The Council state '*The appellant places significant reliance on the proximity of the site to Broadbridge Heath and the availability of pedestrian access. Whilst the site is geographically close to the settlement, this does not mean that it is sustainably located in planning terms.*'

The Council attempts to support this argument stating '*The HDPF distinguishes clearly between land within settlement boundaries, where development is directed, and land outside, where development is restricted* ***unless justified****. The proposal does not represent planned extension to the settlement and would instead constitute isolated residential development in the countryside*.'

The Council conclude '*In this regard, the appellant's assertions concerning pedestrian accessibility and street lighting are stretched.*'

The Appellant struggles to understand the logic of this chain of arguments which leads the Council to conclude in dismissing the significant weight of the presence from the site
of a very long-established pedestrian access to Broadbridge Heath Village via a street lit footpathway and purpose built crossing points.

The Appellant argues that this self-evident pedestrian access helps undermine the Council description of the proposal site being '*isolated development in the countryside*' and provides weight to the '***Unless Justified***' definition for allowing development as required by the HDPF.

The Council then criticises the standard of the existing pedestrian access, '*There is no continuous or formal pedestrian footway along this section of the A281….. The presence of any* ***intermittent street lighting*** *does not mitigate this issue, as lighting does not provide appropriate pedestrian infrastructure.'*

The Appellant contends this description is wholly misleading.

Firstly, it is important to recognise that this **is not** the introduction of some new footpathway access route from the site to the village. The proposal site at Fairfield Stud has two existing access points: roughly in the middle via the main electric controlled access gates for pedestrians, vehicles, and horses, and from the secondary gate to the extreme east boundary of the site solely for pedestrians and horses.

Both are long standing established access points and though in use for an unknown exact period are at least some 40 years since the building of the A281 Guildford Road bypass, Lawson Hunt Industrial Estate and its self-named roundabout.

When built in the mid 1980's the 'new' roundabout infrastructure had purpose built crossing pathways in brick paving at all its western, southern and eastern junctions with the specific intention of providing safe access from the west and the nearest dwelling Fairfield Stud (and its existing residential neighbours) onto the newly created 'no through road' towards Broadbridge Heath shops, pub, post office, church, village hall, playground and various bus routes all within five minutes walk.

West Sussex Highways maintain the roundabout, the street lights and the footpathway which is cut periodically as they own the verge. In addition, it is cut regularly by the owner of Fairfield Stud and at no point is less than 2 meters in width and at its maximum 5 meters wide.

That is within The Government agency Active Travel England guidelines for footpathway widths in even well used locations.

The street lighting is not '*intermittent*' as the Council describe but totalling nine, is of high quality, are strategically spaced on both sides of the approach to the roundabouts established foot crossings and illuminates the entire footpathway from Fairfield Stud.

Photographs of the footpathway and crossings illuminated by street lighting at night are included as Appendix A.

A1 Street light immediately opposite and illuminating the gated exit point from the proposal site.
A2 Street lit footpathway to the Lawson Hunt Roundabout
A3 Western most pedestrian street lit crossing point on the Lawson Hunt Roundabout

A4 Southern most pedestrian street lit crossing point on the Lawson Hunt Roundabout towards the Old Guildford Road
A5 Looking back west from the Old Guildford Road towards the street lit footpathway to the proposal site and the street lit pedestrian crossing point on the Lawson Hunt Roundabout.
A6 Looking west from the entrance to the Lawson Hunt Industrial Estate on the Old Guildford Road showing the street lit Roundabout and crossing points.

All the above facts undermine the Council assertion '*future occupiers would be heavily reliant on a private car to access day-to-day services and facilities.'*

The Appellant contends future occupiers instead have the clear option to walk on an established, safe, street lit footpathways with dedicated crossing points over the A281 into Broadbridge Heath to utilise the wide range of recreational, social, commercial, and public transport available within the village and beyond in Horsham Town.

The appellant has lived at Fairfield Stud for nearly five years and throughout that time walks frequently and easily into both Broadbridge Heath and Horsham using either the western or southern brick paved crossing points in the Lawson Hunt Roundabout leading on to Old Guildford Road. It is similarly a route frequented by neighbours walking dogs and staff walking to the SilverLake Care Home and New Barn School at Rapkyns half a mile west of the proposal site on the A281.

So the Council assertion that this '*further reinforces the conclusion that the site does not represent a sustainable location for residential development*' is patent nonsense.

New relevant planning history
The Council introduces new evidence drawing the Inspector's attention to an appeal decision at Upper Swaynes Barn (Ref:APP/Z3825/W/23/3314333) (Appendix 3) and admits '*although the circumstances differ from the current proposal, the Council considers the Inspector's findings are important as they relate to Guildford Road (A281) and assess the* ***same*** *pedestrian and highway conditions. In that decision, the Inspector found that the A281 offers no direct or safe off-road pedestrian connections, requiring pedestrians to walk on a narrow grass verge immediately adjacent to a high-speed carriageway, where traffic includes frequent heavy vehicles.'*

As the Council state, the site is similarly located on the A281 trunk road, however the Appellant respectfully highlights to the Inspector this is some four miles west away from the appeal site of Fairfield Stud and as such has a very different set of circumstances, including being a much further distance from the appeal site to the nearest village of Rudgwick and it is hard to recognise any other similarities or valid comparisons.

Unlike the Fairfield Stud proposal site this specific case location as the Inspector found had '*no direct or safe off-road pedestrian connections, No safe crossing points, and lighting significantly limits accessibility and contributes to an unsafe walking environment*'

The Inspector further concluded that these conditions '*do not encourage walking, even for more able users, and identified that the absence of pavements, safe crossing points, and lighting significantly limits accessibility and contributes to an unsafe walking environment.'*

And

*'Importantly, the Inspector emphasised that users would have to cross or walk along the A281 without the benefit of safe pedestrian infrastructure, reinforcing that **this** part of Guildford Road is not conducive to safe or sustainable pedestrian movement.'*

This is clearly quite different from the established pedestrian access, street lighting footpathways and safe crossing points provided at Fairfield Stud.

As such the Councils claim '*These documented site-specific findings support the Council's position that pedestrian access from the current appeal site would be **similarly** unsafe and unsuitable, and that the Appellant's assertions regarding walkability along this route are inconsistent with the Planning Inspectorate's own evidenced assessment of the same road.'* Is tenuous, spurious, and discredited as the case at Upper Swaynes Barn does not have any of the same pedestrian infrastructure and highway conditions.

Planning Balance

The Council accepts the shortcomings in its development plan based on its age and acknowledges that the Council's current housing land supply cannot presently demonstrate a five-year housing land supply and that the **presumption in favour of sustainable development is engaged**.

The Appellant accepts this does not render policies irrelevant, nor does it create an automatic presumption in favour of development irrespective of harm.

However, the Appellant has provided a comprehensive set of counter arguments how the proposal is supported by previous Planning Inspectorate decisions, not contrary to Council policies on countryside protection, development quality and landscape harm and instead provides benefits of significant weight.

In relation to landscape character, the Council argue the proposal would '*erode the rural qualities of the site by introducing suburban built form*'

As the previous Council decision to refuse Planning permission at the site and subsequent Inspectorate reasons to overturn that decision and uphold the appeal reveal, the adverse harm identified by the Council of introducing suburban built form were then considered misplaced and overstated. This is surely still, the case today and have **significant weight** in supporting the Appellants case.

The Council accepts the site is already influenced by surrounding development, domestic paraphernalia, and associated infrastructure though describing it as '*limited*'. It doesn't refer to the sites close proximity to the Broadbridge Heath BUAB and this has **significant weight** in supporting the Appellants case.

The Sustainable location of the development proposal given the close proximity to Broadbridge Heath and the established street lit pedestrian footpathways, purpose built crossing points all has **significant weight** in supporting the Appellants case.

The vast majority of the open paddock setting at the proposal site will remain unaffected by the limited scale and form of development proposed thereby the Council's assessment '*that the site contributes to the semi-rural transition between Broadbridge Heath and the wider countryside, and its development would undermine this function'* is overstated and thereby of limited weight.

In contrast the benefits of the proposed scheme are insufficiently recognised in the planning balance by the Council stating. '*This harm is not outweighed by the modest provision of three dwellings.'* Such little consideration to the provision of 3 Self/Custom build houses given the demonstrable shortfall in this local housing need within HDC and the Council legal obligation under Section 2A of the 2015 Act to provide sufficient plots, has **significant weight** in supporting the Appellants case.

Self/custom build

Throughout this Planning application and appeal process the Council approach has blatantly overlooked the benefits of self/custom build housing claiming '*though the benefits are acknowledged, they are limited in scale and do not outweigh the identified harm*. *The contribution of three dwellings to housing supply, including self-build provision, carries only modest weight in the planning balance.'*

This statement is proof how Horsham District Council treat with disregard their responsibility to provide self/custom plots.

The Appellant contends it is a key responsibility of an LPA to provide an adequate supply of permissions offering a mix of all housing types.

An acknowledged overlooked category of housing type is the provision of self/custom build plots. Hence in response Government legislation was introduced in 2015 to ensure all Councils made provision for Self build.

Below are the links to the GOV.UK Guidance and Self-build and custom housebuilding Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and Self-build and Custom Housebuilding Regulations 2016

https://www.gov.uk/guidance/self-build-and-custom-housebuilding
http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted

Section 2A of the 2015 Act indicates that an authority must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet demand in the authority's area.

The Council is also legally obliged to keep a register of people interested in self build and custom build projects in the district and despite the Councils own website stating that through the register: '*We can then build this into future planning policies to meet the needs of our residents going forward*.' the applicant has been on the register since October 2023 and HDC, other than taking a fee to be placed on the register, have provided no facilitation whatsoever and offered no communication despite attempts to promote these three dwellings onto the register.

If this is typical, then it's not surprising that there remains a significant shortfall in supply in relation to demand for selfbuild plots.

The proposed scheme for three self/custom build dwellings if approved would meet around 3% of current shortfall in self build plots across HDC. The GOV.UK guidance lists the benefits of self-build and custom to be it '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.'*

Accordingly the Appellant contends the appeal proposal meets such housing need and has **significant weight** in the planning balance.

The Appellant considers the Council assessment that '*the economic benefits during construction are temporary and typical of most developments and therefore attract limited weight.'* is disingenuous given the house buildings prefabrication and manufacture will be carried out wholly by Scandi Hus at its Loxwood factory within HDC.

Appeal Decisions
The Appellant agrees with the Council that each appeal case is '*based on its own site-specific circumstances and merits'* (as is the Swaynes appeal now listed by the Council) but maintains all four of the historical Appeal decisions cited in the Statement of Case have relevance to this appeal.

The Appellant will highlight again just two of the four cases previously listed.

Of strongest relevance to this case is the previous successful appeal **APP/Z3825/A/06/2027642** at exactly the same site at Fairfield Stud.

This is detailed earlier in these Appellants Final comments, where the Inspector rejected Council Reasons for Refusal clearly setting a precedent at the site which the Council have sought to ignore.

The Inspectors assessment is surely conclusive and has Significant Weight in assessing the current proposal.

The Appeal case **APP/K0235/W/24/3349671** at Great Barford is also considered important in deciding how the Inspector might deal with the procedural issue of a difference between the description of the proposal on the original Application Form then amended by the Council.

It also provides Appeal case guidance on the positive significant weight attributable to Self/custom build proposals within the planning balance.

As the Inspector concluded in this appeal *'Even if the deficit of self-build plots is much smaller than claimed by the appellant, it is agreed that the Council is not meeting its statutory duty. There is no compelling evidence to suggest this will change in the future. I therefore ascribe **significant weight** to the benefit of providing 5 self and custom build dwellings.'*

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

Slinfold SHEELA 2018
The Council correctly notes that the site was previously assessed through the Slinfold Parish SHELAA process 2018 as "*not **currently** developable*," reinforcing its own conclusion that *'it is not a suitable or deliverable location for housing.'*

The Council now citing this out of date SHELAA assessment report to support its own case against the development proposal is ironic - at best!

The original shoddy consideration of relevant planning history at Fairfield Stud by the Case Officer overlooked this report entirely as well as failing to refer to the previous appeal history at the site.

It was only the Appellant who highlighted the SHEELA report in the Statement of Case.

The Appellant argued that the assessment sought to categorise possible development sites into 1-5 year and 6-10 timescales. At that stage, using current planning policies of the time, Fairfield Stud was considered '*Not **currently** developable'* within the time frame 1-5 years.

Being published in 2018 and based on projecting forward five years, the assessment was out of date by 2023. No new assessment has been carried out and therefore the original is no longer valid.

However, it is now eight years since the report was first published and the Appellants argument was that should the assessment have been carried out again in 2023 as intended when the 1-5 timeframe had expired, Fairfield Stud would have been reconsidered and potentially 'Deliverable' - especially given the subsequent worsening shortfall of housing land supply in the district and a realignment in planning balance judgements in favour of sustainable development.

Slinfold Parish Council have an out of date Neighbourhood Parish Plan and accept it must be updated. There has been no planned provision for self custom/build within the Parish and approving this proposal would be an important step forward in meeting this local housing need.

Conclusions
Much of this appeal hinges on the proposal sites physical context, suitability, and sustainability which hopefully the Inspectors site visit will be instructive.

The applicant has sought every professional consultative avenue to try and achieve an acceptable outcome to the Councils satisfaction.

At the outset the applicant engaged with the Council paying for a pre planning advice service to ensure their initial thoughts were incorporated into the proposal.

Once received from the Case Officer (and being found to include a large 'cut and paste' section from a previous planning refusal at somewhere else in the district called Pucks Croft!) the applicant, with the help of a team of professional consultants sensitively adapted the scheme to reflect all the Council comments reducing the number of dwellings by 25%, the area of development footprint on the available land by 33% and changing house designs, spread, mass and ridge heights.

These wide-ranging changes to meet the same Case Officers comments did not even merit a reference in her subsequent Officers Report.

The significant weight afforded to providing self/custom build housing has been consistently overlooked by HDC. This final letter from the Council illustrates exactly how they are simply not taking self/custom build seriously and failing the whole reason the 2015 legislation was introduced.

With this application HDC have an ideal opportunity to help meet its own legal obligations to supply self/custom build plots on a well suited sustainable site very close to the Broadridge Heath BUAB with little or no harmful impacts.

As such an old planning adage springs to mind – 'if not here then where?'

Finally, It is revealing what the Council in its Final Letter have chosen NOT to answer from the Appellants Statement of Case.

Why was the original proposal description altered from specifically '3 Self/custom Build dwellings' to the more generic '3 no dwellinghouses'?

Why was the previous successful Planning Appeal APP/Z3825/A/06/2027642 at the site not considered as Relevant Planning History?

Why did the Council not refer at all to the West Sussex Highways Layby, HDC registered Fast food commercial business both immediately on the northern boundary to the proposal site and instead describe it as open fields?

The Appellant states on record in these Final comments a reiteration of the assertion made in the Statement of Case and Grounds for Appeal that it appears, on balance of probability, the Council have failed to act in accordance with Article 35 0f the Town and Country Planning Development Management Procedure) (England) Order 2015, having effectively 'prejudged' the Planning application from the outset and failed to act '*positively*' in order to be able to' *where possible grant permission*.'

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Costs and conditions

Regarding conditions, the applicant respectfully reminds the Council that over £50,000 of consultancy reports on Highways, Ecology, Drainage, Water Neutrality, Heritage and Landscape have been incurred and despite suggesting the contrary no objections or issues from any of the consultees are now outstanding.

Interested Party Comments

The Appellant notes that the Council have not sought to support any of the comments offered by the three interested parties and therefore assume they are not considered material in this appeal.

Therefore no detailed reply is provided but to clarify for the record on comments regarding the use of heating oil, all three self build dwellings will be built with Heat Source Pumps and Solar Panels so will be solely electric powered.

This switch from oil to HSP with Solar has already been carried out successfully at the applicants own house at Fairfield Stud.

In addition the new self build housing will all have rainwater harvesting, permeable hard surfaces and ecological waste water treatment systems making them essentially 'off grid' as much as possible.

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Appendix A – Photographs of the Footpathway and Crossings illuminated by street lighting at night

Appendix 1 – Street Light immediately opposite and illuminating the gated exit point from the proposal site



Appendix 2 – Street lit footpathway to the Lawson Hunt Roundabout



Appendix 3 – Western most pedestrian street lit crossing point on the Lawson Hunt Roundabout



Appendix 4- Southern most pedestrian street lit crossing point on the Lawson Hunt Roundabout toward the Old Guildford Road



Appendix 5 – Looking back west from the Old Guildford Road towards the street lit footpathway to the proposal site and the street lit pedestrian crossing point on the Lawson Hunt Roundabout



Appendix 6 – Looking west from the entrance to the Lawson Hunt Industrial Estate on the Old Guildford Road showing the street lit roundabout and crossing points

