Planning Inspectorate

Appeal Decision

Site visit made on 9 September 2026

by Claire Coles MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2026

Appeal Ref: 6011338
Land North of Eastlands Lane, Cowfold, Easting 521791 Northing 122261

- 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 Eastlands Farm Ltd and Hunter Developments Ltd against the decision of Horsham District Council.
- The application Ref is DC/26/0472.
- The development proposed is erection of 9no. dwellings with associated car parking spaces, detached carports, garages and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A new National Planning Policy Framework (the Framework) was issued on 17 August 2026, which replaces the previous Framework published in December 2024, and all other iterations. I have given the main parties the opportunity to comment and have taken their responses into consideration. The policies in the Framework are material considerations which must be taken into account in decision making from the day of its publication.

Main Issues

3. The main issues in this appeal are:

    - Whether the proposed development would be appropriately located in relation to the spatial strategy; and
    - The effect of the proposal on the character and appearance of the area.

Reasons

Location

4. Policy 1 of the Horsham District Planning Framework (excluding South Downs National Park) (adopted 2015) (the HDPF) requires a positive approach to be taken that reflects the presumption in favour of sustainable development contained in the Framework. Where there are no policies relevant to the application or relevant policies are out of date then the Council will grant permission, unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

5. Policies 2 and 3 of the HDPF outline the development strategy for the District, directing development primarily towards settlements with employment, services and facilities and leisure opportunities and access to public transport services. Cowfold is categorised as a medium sized village which provides some of the day-to-day needs for residents but relies on small market towns and larger settlements to meet a number of its requirements.

6. Policy 26 of the HDPF sets out that outside Built Up Area Boundaries (BUABs), the rural character and undeveloped nature of the countryside will be protected against inappropriate development, with any proposal required to be essential to its countryside location and 1. Support the needs of agriculture or forestry; 2. Enable the extraction of minerals or the disposal of waste; 3. Provide for quiet informal recreational use; or 4. Enable the sustainable development of rural areas. It has not been put to me that the proposal is essential to its countryside location or that it would accord with any of the criteria in Policy 26 of the HDPF.

7. Policy 9 of the Cowfold Neighbourhood Plan (NP) supports residential development in Cowfold in the BUAB, subject to certain criteria. Policy 10 of the NP supports windfall development within the BUAB.

8. Policy S5 of the Framework states only certain forms of development should be approved outside settlements. These should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.

9. Development that should be approved includes, among others, Policy S5 1(e) limited infilling within groups of houses; and S5 1(j) development which would address an evidenced unmet need (including where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test); and where the development would be physically well related to an existing settlement and of a scale that can be accommodated taking into account the existing or proposed availability of infrastructure.

10. Paragraph 2 of Policy S5 states that in applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

11. Paragraph 4 of Policy S5 outlines that development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including the character of the countryside and in promoting sustainable patterns of movement.

12. The appeal site comprises two parcels of land. The eastern parcel of land would accommodate seven dwellings and is located between groups of houses to the north and south and would in my opinion represent limited infilling. The western parcel of land would be physically separate from the dwellings to the north and east of the site and would not comprise infill between groups of houses. Taken as a whole, the proposed development would not represent limited infilling within

groups of houses and would conflict with Framework Policy S5 1(e). Despite this, I do not consider the site as a whole to be isolated as defined by the Framework.

13. The Council do not have a 5-year housing land supply. Policy S5 1(j) of the Framework supports development which would meet an evidenced unmet need, and where the development would be physically well related to an existing settlement and be of a scale that can be accommodated taking into account the availability of infrastructure.

14. The appeal site would not be physically well related to the settlement of Cowfold as it would be separated from the BUAB and settlement by woodland which acts as a strong physical barrier between the site and the settlement. I note the northwestern corner of the western site would extend close to the settlement boundary of Cowfold, however, there would be no substantive visual connection between the site and the BUAB with the site appearing visually disconnected from the settlement and not a natural extension.

15. I have been referred to decision DC/25/1922 which was approved by the Council for 101 dwellings. The site was outside and did not physically adjoin the BUAB, however, the site was only physically separated from the BUAB by a road. There was no visual disconnect or strong physical barrier between the site and the BUAB and the site was functionally and physically related to the settlement edge. The two schemes are not directly comparable and the decision on DC/25/1922 is not determinative in this appeal.

16. The scale of the development could be accommodated taking into account the availability of infrastructure. However, when taken as a whole, the proposal would not comply with Policy S5 1(j) of the Framework.

17. Horsham District Council Facilitating Appropriate Development (FAD) document predates the Framework but provides an indication as to how the Council were approaching applications on sites outside the BUAB that came forward where the Council do not have a 5-year housing land supply. The FAD document states it will consider positively applications that meet a set of criteria, one of which is that the site adjoins the settlement edge as defined by the BUAB.

18. The red line boundary of the western site does not extend to the BUAB of Cowfold, although it is noted this land is shown as within the appellants' ownership. Regardless of this, I have found there is no substantive visual connection between the site and the BUAB with a strong physical barrier between the two. For these reasons the site would not accord fully with the FAD.

19. Policy S6 of the Framework states that for development proposals involving the provision of housing, the benefits of approving development are likely to be substantially outweighed by the adverse effects where a proposal would conflict with a neighbourhood plan, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and contains allocations to meet its identified housing requirement. The Cowfold NP was adopted in November 2025 and allocates sites for housing development. Policy S6 is therefore relevant to this appeal.

20. The validity of the housing requirement figure in the Cowfold NP cannot be relied upon as it does not accurately reflect up-to date housing need, being underpinned by housing needs considered in May 2019. Limited weight should be afforded to

the housing policies of the NP as a result of the date the housing needs were based upon and that Policy PM5 of the Framework states the content of a NP should not result in less development than specified in other parts of the development plan which cover the same area. The emerging local plan identifies Cowfold as a settlement that can accommodate more growth than set out in the NP, however, as this has not been adopted it carries limited weight.

21. The Cowfold NP is less than five years old and contains policies and allocations to meet its housing requirement. However, significant changes in national policy and the length of time that has passed since the housing need was determined suggest its identified housing requirement is no longer reliable. The Council have not advanced any information to the contrary. Furthermore, the shortfall in housing land supply across the District is unlikely to be remedied in the short term. Therefore I attach limited weight to the conflict with policies 9 and 10 of the NP.

22. The proposal would not comply with any of the forms of development outside settlements that should be approved and therefore the proposal should only be approved in exceptional circumstances, where the benefits would substantially outweigh the adverse effects, including to the character of the area. The proposal would therefore be contrary to Policies 1, 2, 3 and 26 of the HDPF and Policy S5 of the Framework. Limited weight is afforded to the conflict with Policies 9 and 10 of the NP.

Character and appearance

23. Policy 25 of the HDPF seeks to protect the natural environment from inappropriate development. Policy 32 of the HDPF requires all development to be of high quality and inclusive design. Policy 33 of the HDPF provides the development principles new development must meet in order to conserve and enhance the natural and built environment.

24. National decision-making Policy DP3 of the Framework states development proposals should respond to their context so they integrate with and enhance their surroundings. Paragraph 2 of Policy DP3 outlines a number of principles that should be followed to create well designed places, as appropriate to the location and nature of development. Paragraph 3 of Policy DP3 states proposals should be refused if, without clear justification, they conflict with Policy DP3 1 of the Framework or relevant aspects of the principles in paragraph 2.

25. The site lies within Landscape Character Assessment area J3 Cowfold and Shermanbury Farmlands and the overall condition of the landscape is considered to be declining. There is dispute between the parties as to how the site is experienced and the sensitivity of the landscape to change.

26. The proposed development on the eastern part of the site would comprise limited infill between the dwellings to the north and south, with an appropriate scale and form of development. However, the proposed development on the western part of the site would have no significant relationship with the existing built form on Eastlands Lane, appearing as detached development in a green field. The orientation of the proposed dwellings on the western site would not relate to existing development or to the proposed development on the eastern site. As a result of the detachment of the built form, the proposal would not respond to its context, notably the pattern of development and the character of the area.

27. The woodland to the west provides a strong landscape buffer to the settlement of Cowfold removing any substantive visual connection between the settlement and the site. The proposed development on the western site would create an uncharacteristic pocket of development which would not integrate with and enhance its surroundings. The boundary treatment to the east of the western site would afford sporadic views over the site towards the proposal. These views of the proposed development would harm the more rural character of the site which appears as a green field, separate from existing development.

28. Policy N2 of the Framework requires development to contribute positively to the natural environment and to conserve and enhance existing natural features. The appellant has provided a Unilateral Undertaking which would retain existing boundary vegetation and woodland and provide additional soft landscaping as well as management and replacement. However, the proposed landscaping and management securing retained and new planting would not offset the harm to the open and undeveloped character of the site from the proposal.

29. In conclusion, the proposed development as a whole would fail to respond to its context and would not integrate with and enhance its surroundings. I have not been provided with clear justification for the proposal and as a result, the proposal would conflict with policies 25, 32 and 33 of the HDPF, and Policy DP3 1 of the Framework. I place limited weight on the conflict with Policies 9 and 10 of the NP as they are restrictive housing policies based on an outdated housing needs assessment.

Other Matters

30. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of listed buildings. Policy HE4 of the Framework states that '*Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter*'.

31. A listed building, Eastlands Farm, lies to the southeast of the proposed development, separated from the eastern site by existing residential development and from the western site by Eastlands Lane and boundary screening to the site. The proposed development would be set approximately 120 metres to the north of the listed building. The Council Conservation Officer (CO) recognises the proposal would not directly impact the listed building, but would impact its wider setting, resulting in the listed building having a closer relationship with Cowfold, rather than reinforcing its separateness as a historic farmstead beyond the village. The harm would amount to less than substantial at the lowest end of the range. This harm should be weighed against the public benefit arising from the proposal.

32. Whilst I note the CO comments, the proposal would not form part of the immediate setting of the listed building and would be sufficiently distanced from the listed building to make no meaningful contribution towards the setting of the listed building. The proposal would therefore have a neutral effect on the significance of the heritage asset and I do not need to weigh public benefits of the proposal against harm to the heritage asset.

33. The appellant has shown that the Public Right of Way 1779 falls outside the red line application boundary and that the site does not encompass Local Green Space

(LGS)12 as set out in Policy 3 of the NP. LGS13 relates to HDC TPO 1519 which appear to lie to the north of Eastlands Lane. I have not been provided with substantive evidence that works affecting Eastlands Lane such as access alterations, visibility splays, widening, resurfacing would harm LGS13, sufficient to warrant a refusal on those grounds.

34. I acknowledge the appellants' concerns over the Councils handling of the application in relation to the landscape comments from the landscape officer. This is not a matter that I can consider under a Section 78 planning appeal and I note the appellant has had the opportunity to respond to the landscape officer comments in the appeal process and I have taken these comments into account in making my decision.

35. I have had regard to the commentary on the appeal decisions presented to the appellant by the Council and note the appellants comments that none of the sites referred to are genuinely comparable to the appeal scheme and have been determined on their own merits, as should the current appeal.

36. I note the contents of the planning obligation, draft planning conditions and the issuance of Certificate for entry into the NatureSpace Great Crested Newt Licensing Scheme. However, as the appeal has not been found acceptable in respect of location and character and appearance, I have not considered these matters further in my decision.

Planning Balance

37. The site is not suitable for residential development in terms of its location and the effect of the proposal on the character and appearance of the area. As such, the proposal would conflict with the development plan as a whole.

38. I acknowledge that the HDPF dates from 2015, prior to the publication of the current Framework. However, the Framework makes clear in Annex A that policies should not be given reduced weight simply because they were adopted prior to the publication of the Framework. Policies relating to the location of development and to character and appearance are consistent with the Framework's emphasis on prioritising development within settlements through Policy S4 of the Framework and ensuring development responds to its context and enhances its surroundings. As such, I afford them due weight.

39. Notwithstanding this, Policy S3 of the Framework establishes that decisions on development proposals should apply a presumption in favour of sustainable development. Policy S5 of the Framework states that only certain forms of development should be approved outside settlements, as specified in the policy.

40. The entirety of the site would not comply with Policy S5 1(e) and I have found the location of the western site would not be physically well related to an existing settlement, therefore Policy S5 1 (j) would not apply. It has not been put to me that the proposal would accord with any of the other criteria set out in part 1 of Policy S5 of the Framework.

41. I have also identified harm to the character and appearance of the area as the development as a whole would fail to respond to its context and would not integrate with and enhance its surroundings. The proposal would conflict with policies 25, 32 and 33 of the HDPF and Policy DP3 1 of the Framework.

42. Part 4 of Policy S5 states that development proposals which do not fall within one of categories set out in the policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside.

43. Policy HO7 of the Framework requires that substantial weight should be given to the benefits of providing homes which contribute towards evidenced accommodation needs.

44. There would be a variety of benefits to the scheme, including the provision of new diverse and deliverable housing that is capable of implementation, close to a sustainable settlement. This benefit attracts substantial weight in favour of the development. However, given the scale of the proposed development against the housing shortfall, the benefits would be small. Consequently, I attach moderate weight to them. There would also be economic benefits during construction and following occupation, to which I attach moderate weight in favour of the proposed development. BNG and landscape enhancements as well as climate adaptations to the dwellings, energy and drainage are neutral in my consideration of the scheme as without the proposal, they would not be necessary.

45. Whilst these benefits weigh in favour of the scheme, they would not substantially outweigh the harm I have identified above in respect of the location of the proposal and its effect on the character and appearance of the area. This is even if limited weight is attributed to the NP as a result of the age of the housing need assessment the NP was based on.

46. Accordingly, the application of the presumption in favour of sustainable development does not indicate that permission should be granted.

Conclusion

47. In conclusion, therefore, for the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

Claire Coles

INSPECTOR