Horsham District Council

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

Our ref: DC/25/1044
Your ref: 6008091
Contact: 01403 215 429
Email: Bethan.Tinning@horsham.gov.uk
Date: 26.05.2026

Dear Sir/Madam,

6008091- Land adjoining Nuthurst Street, Nuthurst, Horsham, West Sussex, RH13 6RG

Following the submission of the appeal against the refusal of the erection of 4no detached four-bedroom dwellings with double garages and on-site parking. This statement, together with the previously submitted questionnaire and accompanying documents, including the Officer's Delegated Report, forms the Local Planning Authority's statement of case. The purpose of this statement is to respond to the Appellant's appeal submission. The Local Planning Authority would like to reiterate the reasons for refusal as follows:

Refusal Reason 1: -

The development is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework. Consequently, this scheme would be contrary to the overarching strategy and hierarchical approach on concentrating development within the main settlements. It has not been demonstrated that there are any material considerations of significant weight to justify a departure from this overarching spatial strategy. The proposed development would therefore be contrary to Policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), the Nuthurst Parish Neighbourhood Plan (2015) and the National Planning Policy Framework.

The Appellant contends that the site does not represent an isolated countryside location, noting its relationship with surrounding residential development. This matter was considered in the Delegated Report, which acknowledged that the site is not isolated in the strictest sense. However, it remains the case that the site lies beyond any defined built-up area boundary (BUAB) and is therefore, in policy terms, located within the countryside. The presence of nearby dwellings does not alter this designation or indicate that the site forms part of a recognised settlement.

The local development plan is clear that BUABs are the mechanism by which the extent of settlements is defined, this forms part of Policies 3 and 4 of the Horsham District Planning Framework (2015). Land beyond these boundaries is treated as countryside, where development is more strictly controlled. The proposal would extend built form into an undeveloped field, resulting in the encroachment of residential development into the countryside and contributing to the gradual suburbanisation of the area. This is contrary to the objectives of Policy 26 of the HDPF (2015), which seeks to protect the rural character of the district and resist incremental erosion through inappropriate development. The Appellant relies on the concept of 'sustainable rural development' which does not override this policy position, and the provision of market housing in such a location is not, in itself, sufficient justification for development.

In addition, the site represents an unsustainable location for new residential development. As set out in the Delegated Report, there is a lack of appropriate pedestrian infrastructure, with no formal footways along Nuthurst Street for a considerable distance. Public transport provision is extremely limited, and day-to-day services and facilities are not readily accessible other than by private car. This would result in a pattern of development that is heavily reliant on car travel, contrary to the aims of the NPPF and the Council's spatial strategy, and Policies 3 and 4 of the HDPF which direct development to within designated settlements. The Appellant has not substantively addressed these concerns.

The Appellant also refers to the grant of planning permission for three dwellings to the south of the application site (ref: DC/15/2493), stating that this is a material consideration of significant weighting. While this is acknowledged, the development was allocated within policy 7 of the Nuthurst Neighbourhood Plan (2015-2031) and was therefore plan-led and policy-compliant. It does not establish a general precedent for residential development in this location, nor does it redefine the settlement boundary. As such, it is not directly comparable to the currently proposal.

As concluded within the Delegated Report, it is acknowledged that the Council is unable to demonstrate a 5-year deliverable supply of housing. However, the proposal would provide four market dwellings with the Council considering this benefit limited given the negligible overall contribution to the supply. The conflict with the development plan is given moderate weight, the site's unsustainable location is given significant weight, insufficient ecology information and adverse landscape harm are given significant weight, with these outweighing the benefits when assessed against the policies in the framework. As such, the proposal is considered to be contrary to Policies 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and National Planning Policy Framework (2024).

Refusal Reason 2: -

Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015) and paragraph 193 of the NPPF.

The Council maintains that, at the time of determination, insufficient ecological information was submitted to enable assessment of the impacts of the development on protected species. The submitted Preliminary Ecological Appraisal (PEA) identified that further survey work, including a Ground Level Tree Assessment (GLTA) would be required to assess potential for roosting bats within trees on the site. In the absence of this information, the Council could not be reasonably certain that the development would not result in harm to European Protected Species, or that appropriate mitigation could be secured.

Additionally, the application site lies within a red impact risk zone for Great Crested Newts, where there is a high likelihood of presence. The submitted information did not include the necessary surveys or a clear commitment to enter the relevant district licencing scheme at the time of determination. As such, the Council could not conclude that there would be no adverse impact on this protected species.

A GLTA has been submitted post-decision as part of the appeal. However, the Council has not had the opportunity to seek formal advice from its ecological consultee on this additional information. Furthermore, the matter relating to Great Crested Newts remains unresolved. Accordingly, there remains uncertainty as to whether the development would accord with Policy 31 of the HDPF and the requirements of the NPPF.

Refusal Reason 3: -

The development, by reason of its overall scale, suburbanising effect and the loss of existing planting and hedgerows, would result in significant adverse landscape harm. The scheme would erode the established landscape character and the transition from the semi-rural setting to the wider countryside and result in harm to the setting of neighbouring listed buildings. The proposal is therefore contrary to Policy 25, 32, 33 and 34 of the Horsham District Planning Framework (2015).

The Appellant contends that the Council's assessment of landscape harm is incorrect, in particular asserting that no significant hedgerows or trees are proposed to be removed. While the retention of boundary treatment is acknowledged, the Council's concern is not limited solely to vegetation loss. As identified within the Delegated Report and the Landscape Architect's consultation response, some removal of hedgerow would be required to facilitate access, and more significantly, the introduction of built form into this undeveloped field would fundamentally alter the character of the site.

The Appellant further argues that the site does not form part of open countryside, describing it as an enclosed field bounded by existing development. However, as set out in Delegated Report, the site forms part of the Crabtree and Nuthurst Ridge and Ghyll Farmlands Landscape Character Area, which is noted as having a strong rural character and high sensitivity to change, particularly in relation to suburbanisation. Despite the presence of surrounding development, the site remains an undeveloped field which contributes to the transition between the built form along Nuthurst Street and the wider countryside. The introduction of development on this land would therefore erode this transitional character and extend built form into a currently open parcel.

In respect of the alleged absence of suburbanising effect, the Appellant states that the proposed dwellings are of a traditional design and reflect the pattern of surrounding development. However, the Council maintains that the cumulative impact of four two-storey dwellings, together with associated domestic paraphernalia, formalised access and residential curtilage, would introduce a distinctly domestic character into the site. As identified by the Landscape Architect, this would result in a suburbanising effect, eroding both the character of Nuthurst Street and the access to Micklepage Farm, and diminishing the rural qualities of the area.

The Appellant also asserts that the retention of boundary vegetation would mitigate any landscape harm. Whilst this is noted, the principal issue is the change in character arising from the domestication of the site, rather than vegetation loss alone. Even with boundary planting retained, the introduction of built development would remain visually and characteristically evident, and the role of the site as part of the rural landscape would be diminished. Similarly, the presence of development on adjoining land does not negate the impact of extending built form into an undeveloped field.

For these reasons and having regard to the findings of the Landscape Architect as set out in Delegated Report, the Council maintain that the proposal would result in significant adverse landscape harm through the erosion of the existing landscape character and the introduction of a suburbanising form of development within a sensitive rural setting. The proposal is therefore contrary to Policies 25, 32, 33 and 34 of the Horsham District Planning Framework (2015).

Other Matters

The Appellant has raised concerns regarding the Council's handling of the application. The Council does not agree that any procedural failings occurred. Consultation responses were

made publicly available on the Council's website as they were received, and the application was determined based on the information submitted. Furthermore, pre-application advice is advisory and does not bind the Council in the determination of a subsequent application, which must be assessed on its own merits. The request for an extension of time for the submission of additional information was considered in the context of the overall proposal, which was found to be unacceptable in principle. The Council is therefore satisfied that the application was determined lawfully and in accordance with relevant policy and guidance.

Conclusion

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

Yours sincerely,

Bethan Tinning
Planning Officer

List of Suggested Conditions

1. **Approved Plans**

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

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

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

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

4. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

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

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

5. **Pre-Commencement Condition**: No development shall commence until a Presence/Absence Survey and Assessment for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to, a presence/absence survey and assessment, mitigation measures, and enhancement measures where necessary.

   Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

6. **Pre-Commencement (Slab Level) Condition**: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

   The content of the Biodiversity Enhancement Strategy shall include the following:

(a) Purpose and conservation objectives for the proposed enhancement measures;
(b) detailed designs or product descriptions to achieve stated objectives;
(c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
(d) persons responsible for implementing the enhancement measures; and
(e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

7. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

a) Details of all existing trees and planting to be removed and retained
b) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
c) Details of all hard surfacing materials and finishes
d) Details of all boundary treatments
e) Details of all external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site (other than those within private gardens) shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 30 years after completion of the development. Any proposed or retained planting outside of private gardens, which dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on the approved block plan [623.SP01, REV A dated 03.07.2025] and shall be thereafter retained as such.

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

9. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

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

10. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 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 has been provided to the premises.

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

11. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

    Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

12. **Regulatory Condition:** The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of the dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

    Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority 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).

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

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

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

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

15. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank, or public Holidays.

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

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link:
Submit a biodiversity gain plan - GOV.UK (www.gov.uk).

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.