

CPRH Objection to Planning Application DC/26/0638

Permission in Principle for demolition of existing polytunnel and removal of hardstanding, and the erection of up to 9 dwellings, New Orchard, New Hall Lane, Small Dole, Henfield, West Sussex, BN5 9YH

Introduction

The Campaign to Protect Rural Henfield (CPRH) was formed in 2018. We strive to protect and enhance the rural environment of our village. We support housing development that meets local needs and aligns with the neighbourhood and district planning strategies.

CPRH objects to this Permission in Principle (PiP) application. The application seeks to establish the principle of residential development on a site that has been formally assessed by the Council's own evidence base and found unsuitable for allocation, that lies outside the Small Dole Built-Up Area Boundary (BUAB), that is not allocated in either the Horsham District Planning Framework (HDPF), the Reg 19 emerging Local Plan, or the Henfield Neighbourhood Plan (HNP), and where the settlement of Small Dole has already absorbed development that exceeds the level its infrastructure, landscape, and services can sustain.

The three matters within scope at PiP stage are location, land use, and amount of development. CPRH submits that the proposal fails on all three grounds. The applicant's case relies critically on the "tilted balance" arising from Horsham District Council's inability to demonstrate a five-year housing land supply. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The applicant's case relies critically on the "tilted balance" arising from Horsham District Council's inability to demonstrate a five-year housing land supply. However, as set out below, the operation of that tilted balance is materially affected by the protections afforded to recently made neighbourhood plans under NPPF paragraph 14. The weight to be given to speculative development outside the settlement boundary is further reduced by the Council's own evidence base, which expressly concluded that further development at Small Dole beyond the single allocated site (SMD1) would be unsustainable.

1. The Henfield Neighbourhood Plan Constrains the Tilted Balance

The Henfield Neighbourhood Plan (HNP) is a made development plan document carrying full weight under section 38(6) of the Planning and Compulsory Purchase Act 2004. As confirmed by the inspector in the very recent appeal decision APP/Z3825/W/25/3376143:

"The HNP was made by the Council on 23 June 2021 and is approaching its fifth anniversary. Since the HNP became part of the development plan less than five years from the date of my decision, the test at Framework paragraph 14(a) is met."

NPPF paragraph 14 provides that where the presumption (at paragraph 11d) applies, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

The HNP addressed Small Dole explicitly. Its spatial strategy (Policy 1) confines housing growth to allocated sites and infill within defined boundaries, consistent with Small Dole's classification as a Smaller Village with limited services. The HNP did not allocate Highdown Nursery. That non-allocation was not an oversight: it was a considered decision, informed by a professional site assessment (Site S, SA505) that identified the access constraints, the settlement's limited cumulative capacity, and the need to assess Highdown Nursery together with Site J (now the consented Wates scheme) and Oxcroft Farm (also now consented) before any further allocation could be justified.

The applicant does not address the relevance of the Henfield Neighbourhood Plan to the tilted balance. This is a material omission. Until the HNP passes its fifth anniversary on 23 June 2026, paragraph 14 protection remains engaged. Even if the timing of determination were to reduce the applicability of paragraph 14, the proposal would still conflict with the spatial strategy of a made neighbourhood plan forming part of the statutory development plan. That conflict remains a significant adverse consideration under section 38(6).

2. The Site Was Formally Assessed and Rejected for Allocation

The applicant presents this site as though it has not previously been evaluated by the planning system. In fact, it has been assessed twice — once by the Council's own evidence base for the emerging Reg 19 Local Plan, and once by the HNP's professional site assessment. This is not a site that was simply omitted from allocation. It is a site that was expressly evaluated through both the neighbourhood-plan process and the emerging local-plan evidence base and was subsequently rejected for allocation on sustainability and cumulative-impact grounds. That planning history materially distinguishes the proposal from speculative housing applications on sites that have never undergone plan-making assessment.

The Reg 19 Local Plan Site Assessment (Appendix 6, SA505)

The Council's Site Assessment Summary, prepared in support of the Reg 19 Horsham District Local Plan (currently under examination), assessed Highdown Nurseries as site SA505. The assessment concluded that allocation was not recommended for two distinct reasons:

First, a site-specific constraint: "The ability to deliver this site is not fully certain due to the need to agree 3rd party agreement to access the site." This is precisely the unresolved access problem that still exists today. The applicant proposes to route all vehicular access through The Beeches, a private driveway serving five existing homes. The Council's own site assessment identified that the deliverability of the site was uncertain due to the need for third-party agreement regarding access arrangements. No material has been submitted with the application demonstrating that this constraint has been resolved.

Second, a settlement-level capacity conclusion: "Small Dole is classified as a small settlement with some limited capacity for development. A number of sites have been identified in the village by Henfield and Upper Beeding Parish Councils in their respective neighbourhood plans which are now made. It is considered that the cumulative impact from a further allocation would adversely impact on local infrastructure capacity, the environment and pressure on social integration is considered to be unsustainable for a small settlement with limited services and facilities."

That conclusion was reached when the Wates scheme (SMD1, 40 homes) had been proposed but not yet consented. It has since been consented at 45 homes. The cumulative burden on Small Dole has therefore already exceeded what the Council's own assessors considered sustainable. To now grant Permission in Principle for a further nine dwellings would compound an unsustainability already identified in the Council's evidence base.

The HNP Professional Site Assessment (Site S, SA505)

The HNP site assessment, prepared by an independent planning consultant for the Reg 15 submission in October 2019, assessed Highdown Nursery as Site S. It found the site's sustainability credentials for Small Dole to be poor: the nearest primary school is 5.16 km away (at Upper Beeding), the nearest secondary school 8.66 km, and the nearest GP surgery 4.16 km. The assessment recorded a likely negative impact on Objective 3 (settlement function) because Small Dole is classified as a Smaller Village with limited services.

Critically, the HNP assessment identified the access problem in identical terms to the Reg 19 assessment: “Proposed access through recently constructed bungalow development to the south and onto the A2037.” It also explicitly called for cumulative assessment: “The cumulative impact of this site together with Site J and Oxcroft Farm in the Upper Beeding part of Small Dole should be assessed through the SA/SEA.” That cumulative assessment was carried out. Its conclusion — that Highdown Nursery should not be allocated — was one of the reasons the HNP did not allocate it.

3. Small Dole Has Already Exceeded Its Sustainable Capacity for Development

The Reg 18 Sustainability Appraisal (February 2020, LUC) and the Final SA Report for the Reg 19 Local Plan (July 2021) both assessed the cumulative impact of development at Small Dole. The Final SA was explicit: “The moderate size of site SMD1 means that its delivery could have limited implications for the existing character of the settlement and its setting ... considered cumulatively there is still potential for an increased level of urbanisation to impact the setting of the National Park.” That assessment contemplated only SMD1 (40 homes). It did not anticipate:

- SMD1 being consented at 45 homes (DC/25/1019), not 40;
- The Delta site (DC/25/0849) receiving a PiP resolution to grant for up to 9 single-storey dwellings to the north of this site; or
- This application (DC/26/0638) for a further 9 dwellings immediately to the south of the Delta site.

The cumulative quantum of recently approved and proposed development in Small Dole is therefore approximately 63 dwellings on unallocated and allocated sites combined, on top of the existing settlement.

The Delta PiP, on which the applicant relies as a precedent, does not support this application. The Delta scheme adds to the cumulative burden on Small Dole. It does not establish that the settlement can absorb further development: it is evidence that the settlement’s capacity is being progressively eroded by a series of individually small, uncoordinated permissions, none of which has been tested against the cumulative picture that the Council’s own SA identified as critical.

The infrastructure concerns identified in the Council’s own Sustainability Appraisals are now reinforced by statutory consultee responses. Southern Water has confirmed that insufficient drainage information has been provided and that key foul-water infrastructure arrangements remain unresolved. This lends further support to the conclusion that cumulative development pressure in Small Dole is already exceeding the level anticipated through the plan-led process.

Taken together with the Delta proposal immediately to the north, the application would contribute to a piecemeal urban extension of Small Dole beyond the defined settlement boundary without the infrastructure planning, landscape strategy, or policy scrutiny associated with formal site allocation through the development plan process.

HDPF Policy 4 criterion 4 requires that development must not, “individually or cumulatively, prejudice comprehensive long-term development.” The Reg 19 Local Plan’s Stage 2 examination — dealing with site allocations — is due in autumn 2026. Granting uncoordinated PiP permissions on unallocated sites in Small Dole ahead of that examination risks pre-empting and prejudicing the plan-led process that should determine how Small Dole’s remaining capacity, if any, is allocated.

4. The Location Fails the Tests of HDPF Policy 4 and the Shaping Development Guidance

The applicant relies on the Shaping Development in Horsham (SD) document (endorsed September 2025) and HDPF Policy 4 to argue that the site is a sustainable location for development. CPRH submits that the applicant's analysis is incomplete and in places inaccurate.

The SD document at paragraph 5.12 sets out five criteria that must all be met for the Council to consider positively an unallocated site outside a BUAB. CPRH contests the applicant's assessment of criteria 2, 3 and 5 in particular.

Criterion 2 requires that "the level of expansion is appropriate to the scale and function of the settlement." The applicant asserts this is met because the scheme is "small-scale." But appropriateness must be assessed in cumulative context. A further nine dwellings, added to 45 (Wates) and up to 9 (Delta), represents a materially significant expansion of a small settlement identified in the development hierarchy as having limited services and infrastructure capacity. That is not appropriate for a settlement classified as a Smaller Village with no school, no health facility, and limited bus services (no Sunday service). Henfield village — where most services are located — is 2 miles to the north. The applicant's claim that the site is 350 metres from the village centre with a post office, convenience store and pub is misleading: the solitary Small Dole shop which contains the post office is at least 550m distant and the pub 100m beyond that. There is no street lighting for much of the distance.

Criterion 3 requires the proposal to "demonstrate that it meets local housing needs." No local housing needs evidence specific to Small Dole has been provided. The general district-wide shortfall is not sufficient: HDPF Policy 16 and HNP Policy 2 both require proposals to demonstrate local need at the settlement level.

Importantly, the applicant's own Planning Statement accepts that the site lies outside the Built-Up Area Boundary and that the proposal conflicts with the underlying spatial approach of HDPF Policy 2, relying instead upon the reduced weight attributed to restrictive housing policies in the absence of a five-year housing land supply.

Criterion 5 requires the development to be "contained within a defensible boundary and to maintain or enhance landscape character features." The SA's landscape capacity assessment for this area (SD2) found moderate capacity for small-scale development only. That capacity has been absorbed. A further scheme on this site would extend residential development beyond the remaining defensible field boundary to the west, contrary to the settlement containment objective that criterion 5 requires.

5. The Proposed Access Is Unacceptable in Principle

The scope of a PiP application includes location, and access is an integral component of location. The applicant proposes to route all vehicular access to up to nine new dwellings through The Beeches, a private block-paved driveway serving five existing homes.

The Council's own Reg 19 Site Assessment identified, in 2021, that "the ability to deliver this site is not fully certain due to the need to agree 3rd party agreement to access the site." Nothing has changed: there is no evidence of any right of way over it in favour of the applicant.

The physical unsuitability of The Beeches as a development access road — too narrow for two-way traffic, no footpath, slow-opening gate, no visitor parking, block paving not designed for heavy vehicles — is a matter that compounds the legal access problem and further demonstrates that this location is unacceptable in principle for the proposed use.

The unresolved infrastructure constraints affecting the site are reinforced by Southern Water's consultation response dated 21 May 2026. Southern Water confirms that insufficient

information has been provided regarding foul and surface water drainage arrangements and notes that the nearest public sewer lies approximately 71 metres from the site. The response advises that the applicant may need to investigate alternative means of foul sewage disposal. This further demonstrates that key infrastructure and deliverability constraints remain unresolved at the point the Council is being asked to establish the principle of residential development on the site.

Local residents have also raised consistent concerns regarding surface-water drainage and seasonal flooding affecting the site and surrounding area, including reports of heavy clay soils and existing drainage systems already operating under strain. While detailed drainage design would ordinarily fall within the Technical Details Consent stage, the absence of any demonstrated foul or surface-water drainage strategy at PiP stage reinforces the uncertainty surrounding the site's suitability and deliverability for the amount of development proposed.

6. The Land Use Conflicts with HDPF Policy 2 and HNP Policy 1

The site lies outside the Small Dole BUAB. Residential development outside the BUAB conflicts with HDPF Policy 2, which seeks to manage development at settlement edges to prevent coalescence and protect rural character. The applicant acknowledges this conflict but argues it is outweighed by housing need.

However, the weight to be given to the housing need argument is constrained by the HNP's five-year protection under NPPF paragraph 14 (as set out in Section 1 above) and by the fact that the Council's own evidence base concluded that this specific site should not be allocated because the cumulative impact on Small Dole would be unsustainable.

The proposed change of use from former horticultural land to residential is also constrained by HDPF Policy 26 (Countryside Protection), which resists development that would erode the rural character of the land surrounding small settlements. While the polytunnel gives the site a semi-industrial appearance, the underlying land is former agricultural land in the countryside, and its conversion to residential use with associated access roads, car parking and gardens would represent a permanent and irreversible loss of countryside contrary to Policy 26.

The ancient woodland identified in the HNP site assessment on the opposite side of Shoreham Road forms part of the wider ecological context of the site. The surrounding hedgerows, gardens, and woodland edge are likely to support protected and priority species, with local residents reporting regular presence of bats, owls, and other notable wildlife. The suburbanisation of this remaining countryside parcel would therefore risk incremental ecological harm and habitat fragmentation.

7. The Amount of Development Proposed Is Unacceptable

Nine dwellings on a 0.48-hectare site outside the BUAB of a Smaller Village, where the settlement's cumulative landscape capacity has already been reached, is not an acceptable amount of development at this location.

It is noted that when the Council determined the Delta PiP to the north, it concluded that Plots 6–9 of that scheme — those furthest outside the BUAB — were “unacceptable due to its suburbanising impact and encroachment into the countryside,” and that a maximum of five single-storey dwellings was supportable. The Highdown Nursery site is entirely outside the BUAB. There are no plots within the boundary. The analogy with Delta is therefore not available to the applicant: if anything, the Delta decision confirms that proposals entirely outside the BUAB at Small Dole will have a suburbanising impact that is contrary to policy.

The applicant's claim that the 0.48-hectare site can accommodate nine dwellings with appropriate landscaping and biodiversity enhancement should be treated with caution. The

submitted Proposed Site Layout Plan has been identified by local residents as relying on out-of-date mapping that predates the recent enlargement of the adjacent property (New Orchard), materially misrepresenting the site constraints. The submitted Proposed Site Layout Plan has been identified by local residents as appearing to rely on outdated mapping predating the recent enlargement of the adjacent property (New Orchard), potentially misrepresenting the true spatial constraints affecting the site. This raises concerns regarding the reliability of the indicative layout and the claimed development capacity of the site.

Conclusion

For the reasons set out above, CPRH respectfully requests that Horsham District Council refuse this Permission in Principle application on the following grounds:

- **The proposal conflicts with the Henfield Neighbourhood Plan (2021), a made plan less than five years old, which did not allocate this site and whose spatial strategy for Small Dole is incompatible with the proposed development. The tilted balance is therefore constrained by NPPF paragraph 14.**
- **The site was expressly assessed through both the Council's emerging Local Plan evidence base and the Henfield Neighbourhood Plan process and was found unsuitable for allocation on both site-specific and settlement-wide sustainability grounds that remain unresolved.**
- **Small Dole has already absorbed development that equals or exceeds the cumulative level that the Council's own Sustainability Appraisals concluded the settlement could sustain. A further nine dwellings would compound an unsustainability already identified in the evidence base.**
- **The proposed access arrangements remain subject to unresolved deliverability constraints identified within the Council's own site assessment evidence. The constrained and uncertain access arrangements reinforce the conclusion that the site is unsuitable in principle for the amount of development proposed.**
- **Given that access is uncertain, drainage, foul disposal and sewer connection are uncertain, the site has not been demonstrated to be an appropriate location for residential development in principle.**
- **The location, land use and amount of development fail the tests of HDPF Policies 2, 4, 16 and 26, the HNP spatial strategy, and the Shaping Development in Horsham guidance, in ways that cannot be resolved at the Technical Details Consent stage.**

Campaign to Protect Rural Henfield
26 May 2026