Planning Inspectorate

Appeal Decision

Site visit made on 9 June 2026

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2026

Appeal Ref: 6006131
Land Adjacent Pucks Croft Cottage, Horsham Road, Rusper, RH12 4PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by BPH Plant Hire against the decision of Horsham District Council.
- The application Ref is DC/25/1120.
- The development proposed is the erection of 4no. dwellings, extension to existing cottage and improvements to the access and provision of landscaping.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 4no. dwellings, extension to existing cottage and improvements to the access and provision of landscaping at Land Adjacent Pucks Croft Cottage, Horsham Road, Rusper, RH12 4PR in accordance with the terms of the application, Ref is DC/25/1120, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved except for access which is a matter for determination at this stage. I have therefore assessed the proposal on that basis, having regard to the submitted indicative plans and supporting material where relevant.

3. The emerging Horsham District Local Plan (2023-40) (Regulation 19) is currently under examination. As it is not yet adopted, I have attached limited weight to the draft policies.

4. On 31 October 2025, Natural England (NE) notified relevant local planning authorities that its advice has now changed on the basis of new evidence. Consequently, NE has withdrawn its 'Position Statement for Applications within the Sussex North Water Supply Zone Interim Approach September 2021' (PS). In collaboration with the Environment Agency and Southern Water, NE has agreed a package of ecological resilience measures and proposed licence amendments that will address the risk of further decline of the Arun Valley sites as a result of the existing abstraction. These measures are to be implemented by March 2026. In Natural England's view this provides certainty that development in the Sussex North Water Supply Zone (WSZ) will not have a likely significant effect on the Arun Valley sites in line with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

Main Issues

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Character and appearance

6. The appeal site occupies a transitional position on the southern edge of Rusper. It comprises Pucks Croft Cottage and its associated land together with adjoining grassed land extending to the south-east. The existing cottage, access drive and part of the site lie within the defined built-up area boundary, whilst the south-eastern part of the site extends beyond the settlement boundary into the countryside. The existing cottage appears to have been vacant for a number of years. The site also contains a dilapidated traditional timber-framed barn, and established hedgerows and mature trees. Existing residential development adjoins the site to the north and north-west, whereas land to the south is more open and vegetated in character, comprising grassed fields. The eastern boundary of the site is heavily screened by thick shrubbery and mature trees.

7. The West Sussex County Council Landscape Character Assessment 2003 for the Low Weald Hills Landscape Character area notes that Rusper forms a particularly attractive area with a traditional core and some suburban development on village edges. The site reflects the small and medium scale grassland fields edged with woodland shaws, hedgerows and hedgerow trees that are characteristic of the landscape to the south and east of Rusper.

8. The appeal site contributes an attractive rural character and setting to the village, forming part of the transition between the settlement edge and the countryside. Its openness, mature vegetation and relationship with the adjoining fields reinforce the gradual change from the village to the surrounding countryside. Whilst the existing dwelling, barn, and access establish a built presence within the site, it remains mostly open and contributes to the spacious and informal character experienced along the southern edge of the settlement.

9. The proposal would inevitably alter that character. Additional dwellings, access roads, parking areas and residential curtilages would introduce further built form into this countryside-edge location, reduce the extent of open land, and have an urbanising effect. Consequently, the proposal would diminish the transitional qualities of the site and would result in some erosion of its landscape character.

10. The proposal before me differs materially from the earlier appealed scheme[1]. The extent of the site has been substantially reduced. The number of proposed dwellings has been reduced from seven to four and the indicative scheme also shows a reduction in parking provision, smaller dwellings, a greater retention of open areas within the site, new mixed native species hedgerow, and a surface water detention basin. Collectively, these changes materially reduce both the spread and intensity of development across the appeal site.

11. I attach some weight to the previous Inspector's findings regarding the sensitivity of this edge-of-settlement location and the contribution that the site makes to the transition between Rusper and the surrounding countryside. Those characteristics

[1] Appeal Ref APP/Z3825/W/21/3280084

remain evident today. Nevertheless, the proposal now before me is materially different in both its scale and extent. Whilst the previous decision provides valuable context regarding the landscape role of the site, it does not determine the acceptability of a considerably reduced scheme which must be assessed on its own merits.

12. The indicative layout shows a scheme which is more responsive to the characteristics of the site and its setting. Rather than extending development across much of the site, the proposed dwellings are grouped within a relatively compact part of it, enabling more substantial areas of open land and landscaping to remain around the site margins. Although the arrangement departs from the linear pattern of development along Horsham Road, it has some similarities with the courtyard grouping often associated with farmsteads or rural building clusters and would avoid a more dispersed and suburban form of development across the site. The proposed indicative layout would therefore seek to maintain a softer transition between the settlement edge and the adjoining countryside.

13. Whilst the illustrative drawings assist in demonstrating how the proposed development might be accommodated, they do not fix the final layout, scale, appearance or landscaping. I recognise that the quantum of development is a matter capable of assessment at outline stage and that the detailed design cannot overcome an excessive amount of development. Nevertheless, I am not persuaded that four dwellings would inevitably result in the suburban or formalised character suggested by the Council. There remains considerable opportunity through the reserved matters process to refine the disposition of buildings, reduce the visual influence of hardstanding, strengthen boundary planting, retain meaningful landscape buffers and secure a form of development that responds appropriately to the site's transitional character.

14. The appeal site is also relatively well contained. Mature hedgerows, woodland and trees define much of its perimeter and partially filter views into the site. Whilst the proposal would be visible, particularly through the existing access and from the neighbouring property and sections of the adjoining public right of way, it would generally be experienced in the context of the existing buildings on-site, existing and proposed vegetation and against a backdrop of established built form to the north. The visual effects would therefore remain predominantly localised and would not significantly alter the character of the wider landscape.

15. Development on the southern side of Horsham Road generally exhibits a spacious and linear pattern of development, with dwellings occupying relatively generous plots that contribute positively to the transition between the village and the countryside. The proposal would not replicate that established pattern and would result in an increase in the intensity of development at this location. Even so, having regard to the reduced scale of the proposal, the existing built features within the site, the fact that part of the site lies within the built-up area boundary, the contained nature of the site and the opportunities available through the reserved matters process to secure a well-designed landscape-led scheme, I find that the resulting erosion of landscape character would be limited.

16. Accordingly, whilst the proposal would introduce additional built form within a countryside-edge location and would erode the landscape character and transitional qualities of the site, I conclude that the resulting harm would be localised and limited. It would not fundamentally undermine the role of the site in

defining the settlement edge or significantly diminish the character of the wider landscape.

17. Consequently, the proposal would conflict with Policies 25, 32 and 33 of the Horsham District Planning Framework ('HDPF') and Policy RUS3 of the Rusper Neighbourhood Plan, which seek, amongst other things, to conserve landscape character and secure well-designed development that responds positively to its surroundings.

Other Matters

Housing Land Supply

18. It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing sites. The Officer Report states that it stood at approximately 1 year in December 2025. Consequently, the most important policies for determining the application are out of date, including Policies 2, 3, 4 and 15 of the HDPF since the strategy has failed to provide for the minimum number of homes over the plan period.

19. I have had regard to the Council's 'Shaping Development in Horsham' Planning Advice Note ('SDHPAN') which provides guidance on the assessment of proposals in the context of the Council's housing land supply position. Amongst other matters, it advises that development adjoining settlement boundaries should be proportionate to the scale and function of the settlement, meet local housing needs, contained within an existing defensible boundary, and respond positively to landscape character. As set out above, the appeal proposal would adjoin the built-up area, would represent a modest scale of expansion, would address housing needs and also make a small contribution towards supporting local services.

20. However, it would introduce additional built form within a countryside-edge location and would therefore result in some erosion of the site's landscape character and transitional qualities. I therefore find that the proposal would accord with some, but not all, of the considerations identified in the SDHPAN.

Suitability of the Location

21. I note that the Council's Decision Notice did not include the principle of development as a reason for refusal. However, the Officer Report states that the proposed development would not be in accordance with the spatial strategy for development as the site is located outside the built-up boundary of Rusper. It further states that Rusper is categorised as a "smaller village" within the settlement hierarchy and is considered to have limited services and facilities.

22. The site is partially within the defined built-up area boundary of Rusper, but the indicative layout shows that most of the proposed dwellings would sit outside the boundary and therefore within what is classified as the countryside. It is not allocated for development in the HDPF or in the Rusper Neighbourhood Plan 2021 ('RNP'), and I have not been provided with substantive evidence demonstrating that the development is essential to its countryside location. The proposal would thus not accord with Policies 2, 3, 4 or 26 of the HDPF.

23. I consider that the site's accessibility would be moderate given there is a primary school, local shop, post office and pubs within reasonable walking distance of the appeal site. However, public transport opportunities would be limited, and it is

likely that occupiers would rely on private vehicles for many journeys. Notwithstanding this, I am mindful that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and it is clear that there would be potential to access at least some day-to-day services by means other than private vehicle.

24. I will return to this matter in the planning balance however, as noted above, the housing policies directing new development are out of date. Therefore, this would temper the weight that can be attributed to any conflict with the development plan's spatial strategy and settlement hierarchy.

Highways

25. A number of interested parties have expressed concerns regarding the proposed access onto Horsham Road, referring in particular to the position of the access on a bend, recent road traffic collisions, pedestrian safety and the effect of additional traffic. I have carefully considered those concerns. However, the proposal has been assessed by the Local Highway Authority against current standards. Having reviewed the submitted Transport Statement, including vehicle speed surveys, the Highway Authority is satisfied that appropriate visibility splays can be achieved, that the proposed access would provide safe and suitable access to the site, and that the development would not have an unacceptable impact on highway safety, subject to conditions securing the approved access works and visibility splays. Matters relating to the detailed internal road layout, parking and turning arrangements would be considered at the reserved matters stage. Whilst I have had regard to the concerns raised by local residents and the Parish Council, I have no persuasive technical evidence before me that would justify reaching a different conclusion from the specialist highway authority.

Living Conditions

26. I have had regard to submitted comments regarding privacy, outlook, light and noise. Layout, scale and appearance are reserved matters, and the indicative plans demonstrate that the proposed quantum of development could be accommodated with appropriate separation from neighbouring properties. I am therefore satisfied that the living conditions of neighbouring occupiers could be safeguarded through the detailed design at reserved matters stage.

Trees

27. Concerns have also been raised regarding the potential effect of the proposal on existing trees, including mature off-site trees adjacent to the access and along the site boundaries. I have carefully considered those concerns together with the arboricultural evidence. The Council's Arboricultural Officer identifies shortcomings within the submitted tree survey, including the use of outdated measurements and the need for more accurate root protection area information. However, the application is in outline form, and the Arboricultural Officer does not object to the proposal in principle. Rather, they advise that updated arboricultural information, detailed tree constraints and appropriate protection measures should accompany reserved matters applications and recommend a condition requiring tree protection in accordance with BS5837.

28. The advice also identifies that the detailed siting of development, particularly in relation to the southern boundary oak, may require refinement at the reserved

matters stage. Having regard to that specialist advice, and the flexibility that remains in respect of layout, I am satisfied that the retention and protection of important trees can be appropriately addressed through suitably worded conditions. I therefore find no reason to conclude that the proposal would result in unacceptable arboricultural harm.

Ecology and Protected Species

29. The proposal has been informed by ecological surveys covering the principal habitats and protected species present or likely to be present on the site. I have no persuasive technical evidence that adverse impacts could not be satisfactorily avoided or mitigated. The Council's ecological advisers, together with the relevant specialist consultees, raise no objection subject to conditions securing mitigation, ecological enhancement, sensitive lighting and precautionary working methods. In those circumstances, I am satisfied that the proposal would conserve protected species and biodiversity interests

Infrastructure

30. A number of interested parties are concerned that the proposal would place additional pressure on local infrastructure, including healthcare, education, roads and other community services. I have had regard to those concerns. However, the proposal is of a modest scale and there is no substantive evidence before me that it would result in unacceptable pressure on existing infrastructure or that any identified impacts could not be appropriately accommodated. Moreover, no statutory consultee has objected to the proposal on infrastructure capacity grounds. I therefore attach limited weight to these concerns.

Water Neutrality and Drainage

31. The Parish Council and other interested parties have also raised concerns regarding the proposal's implications for water resources and the integrity of internationally designated habitats. The appeal site lies within the Sussex North Water Resource Zone (WSZ), where increased water abstraction has the potential to affect the Arun Valley Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Ramsar site. However, NE's view is that newly introduced measures provide certainty that development in the Sussex North WSZ will not have a likely significant effect on the Arun Valley sites. Whilst NE has withdrawn its 2021 Position Statement, the Council nevertheless undertook an appropriate assessment as the competent authority because the formal variation to Southern Water's abstraction licence had not taken effect at the time of the application. I have no persuasive technical evidence before me to indicate that this assessment is unsound or that the proposal would adversely affect the integrity of the designated sites, either alone or in combination with other plans or projects. I therefore reach the same conclusion and find no harm with regards to the Habitats Regulations.

32. The technical evidence does not indicate that the development would lead to adverse impacts regarding surface-water drainage, wastewater or adverse effects on nearby watercourses. It indicates that the development would not increase flood or pollution risk, subject to detailed drainage arrangements and appropriate management. I am therefore satisfied that these matters can be satisfactorily addressed.

Planning Balance

33. I have found that the proposal would conflict with the spatial strategy and would erode the landscape character of the area to a limited extent. These issues bring the scheme into conflict with the development plan taken as a whole.

34. However, given the Council's housing land supply position, the most important policies for determining the application are out of date and the presumption in favour of sustainable development set out in paragraph 11d) of the Framework is engaged. I have found no harm to any areas or assets of particular importance, as set out in footnote 7 to paragraph 11 of the Framework. Accordingly, planning permission should therefore be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

35. I have found that the proposal conflicts with Policies 25, 32, and 33 of the HDPF in respect of the character of the area, and with Policies 2, 3, 4, 15 and 26 of the HDPF in respect of settlement strategy and countryside protection. These policies seek, in broad terms, to direct development to sustainable locations according to the settlement hierarchy, protect the character of the countryside, preserve landscape, and ensure good design. Those objectives are consistent with the Framework, including securing sustainable patterns of development, the recognition of the intrinsic character and beauty of the countryside, the desirability of maintaining an area's prevailing character and setting, and the aim to ensure developments are visually attractive as a result of good design and layout.

36. As such, notwithstanding their out-of-date status in the context of housing land supply, the HDPF policies continue to attract some weight according to their consistency with national policy. However, the weight to be attributed to the harm is curbed by the fact that the relevant development plan policies are being applied in the context of an acknowledged shortfall in housing land supply. Moreover, the Framework places significant emphasis on boosting the supply of homes. Whilst the identified harms remain important considerations, these factors reduce the overall weight that can be attributed to the policy conflicts. Taken together, I attribute limited weight to the identified harm arising from the proposal.

37. The proposal would contribute towards housing land supply through the provision of five new residential units. In the context of a severe shortfall in deliverable housing sites, this is a material benefit which attracts significant weight.

38. Furthermore, Paragraph 83 of the Framework recognises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities and that opportunities should be identified for villages to grow and thrive, particularly where this would support local services. The appeal proposal would provide five additional residential units immediately adjacent to the built-up area of Rusper, where occupiers would have access to a reasonable range of day-to-day services and facilities. As such, the proposal would make a modest but positive contribution towards the vitality of the village, to which I attach moderate weight.

39. Drawing these matters together, the proposal would result in limited harm arising from conflict with the development plan. However, the benefits of the scheme, most notably its contribution to housing supply, are considerable and attract significant weight. When assessed against the policies in the Framework taken as a whole, I find that these benefits clearly outweigh the identified harms. Therefore, the adverse impacts would not significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the presumption in favour of sustainable development applies.

Conditions

40. The standard time limit and reserved matters conditions are necessary because the application was submitted in outline form with all matters, except access, reserved for subsequent approval. The condition specifying the approved plans is also necessary in the interests of certainty and to ensure that the development proceeds on the basis assessed within this decision. I have not included the proposed block plan, site layout plan or site section plan as these are indicative and relate to the layout, appearance and scale of the development. These matters are reserved for subsequent approval.

41. Conditions relating to drainage and foul water disposal are reasonable and necessary in the interests of flood risk management. The condition relating to construction management is necessary to safeguard the character of the area and the living conditions of neighbouring occupiers.

42. In the interest of highway safety, I have imposed conditions 5 and 6 which relate to the access and visibility splays. These are reasonable and necessary to ensure the access is appropriately constructed in accordance with the plans and is safe and secure prior to occupation.

43. I have restricted construction and demolition works to commencing no earlier than 0800 hours on weekdays, this being necessary to protect living conditions of nearby occupiers.

44. Some of the conditions have been imposed as pre-commencement conditions because they relate to matters, including drainage and construction management, which must be properly investigated and addressed before development begins. This is necessary to ensure that the development proceeds in an acceptable manner and to avoid unacceptable impacts that could not be satisfactorily remedied once works have commenced.

45. I have imposed the condition limiting water usage as it is necessary and reasonable to increase water efficiency and improve sustainable outcomes. I have also found it necessary to impose a condition requiring the submission of an updated Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837 in light of the concerns raised by the Arboricultural Officer. Furthermore, Condition 14 has been imposed because it is necessary to ensure that ecological impacts are appropriately mitigated and managed.

46. I have not imposed all of the suggested conditions. In particular, conditions relating to parking provision, electric vehicle charging, cycle parking, refuse and recycling provision, and broadband infrastructure are matters which relate to the layout and detailed design of the development and can be appropriately considered at the reserved matters stage. Similarly, conditions requiring details of materials and

finishes and colours to be used for external walls, windows and roofs relate to matters of appearance and detailed design which are reserved for subsequent approval.

47. The Council suggested a condition removing permitted development rights. However, no substantive evidence has been provided to demonstrate that such restrictions would be necessary to make the development acceptable in planning terms, and national guidance is clear that permitted development rights should not be removed without clear justification. I have therefore not imposed such a condition.

Conclusion

48. For the above reasons, there are material considerations in this case which outweigh the identified harm and conflict with the development plan, particularly those associated with the delivery of housing, when assessed against the key policies of the Framework set out in footnote 9, and the policies of the Framework taken as a whole.

49. For the reasons given above the appeal should be allowed.

Thomas Courtney

INSPECTOR

Schedule of Conditions

1) Details of the appearance, landscaping, layout, and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with drawing nos 7436 - PL-01P1 - Location Plan, PJC.1339.002 Rev C Indicative Soft Landscape Mitigation Layout, and 2007027- 05 Rev. D – ‘Proposed Access Arrangements – Visibility Splays’.

5) The development hereby permitted shall not be occupied until the means of access for vehicles/pedestrians/cyclists has been constructed in accordance with drawing no 2007027- 05 Rev. D – ‘Proposed Access Arrangements – Visibility Splays’. The access shall be retained thereafter.

6) The development hereby permitted shall not be occupied until visibility splays of 2.4 metres by 52.3 metres to the west and 2.4 metres by 50.5 metres to the east have been provided at the proposed site vehicular access onto Horsham Road in accordance with drawing no 2007027- 05 Rev. D. Once provided the splays shall thereafter be retained, maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

    i) the parking of vehicles of site operatives and visitors;

    ii) loading and unloading of plant and materials;

    iii) storage of plant and materials used in constructing the development;

    iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

    v) wheel washing facilities;

    vi) measures to control the emission of dust and dirt during construction;

    vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

    viii) lighting measures

    ix) details of approach route.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

8) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

   The submitted details shall:

   i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

   ii) include a timetable for its implementation; and,

   iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

   The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

9) No building shall be occupied until a Verification Report, pertaining to the surface water drainage system, has been submitted to and approved by the local planning authority. The report shall demonstrate that the drainage system constructed is consistent with that which was approved. The report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as-built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

10) No development shall take place until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by the local planning authority. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

11) Demolition or construction works shall take place only between 0800 - 1800 hours on Monday to Friday, and 0800 - 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays unless in association with an emergency or with the prior written approval of the local planning authority.

12) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

13) No site clearance, preparatory work or development shall take place until an updated Tree Protection Plan and Arboricultural Method Statement, in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: ‘Trees in

Relation to Design, Demolition and Construction – Recommendations' (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

14) The development hereby permitted shall be undertaken in accordance with the ecological mitigation and enhancement measures set out in Ecological Impact Assessment reference LLD3245-ECO-REP-001-01-ECIA revision 01 dated 19 June 2025.