

**APPEAL AGAINST THE DECISION OF HORSHAM DISTRICT COUNCIL TO
REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF TWO
DWELLINGS FOLLOWING DEMOLITION OF EXISTING STORAGE
BUILDING WITH ALL MATTERS RESERVED EXCEPT ACCESS**

AT

HELFORD BARN, SINCOX LANE, SHIPLEY, RH13 8PT

APPELLANT'S STATEMENT OF CASE

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1. Introduction

- 1.1 This Grounds of Appeal Statement supports an appeal against the refusal by Horsham District Council to grant outline planning permission for the erection of two dwellings following demolition of existing storage building with all matters reserved except access. A full description of the proposal is set out in section 3 of this report.
- 1.2 The application was refused for a single reason which is as follows:
1. *The development would be located in 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 or a Made Neighbourhood Plan. The development would therefore be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements which would not be essential to its countryside location, and would result in the unjustified loss of a potentially viable employment asset, undermining the sustainable growth and vitality of the local rural economy. There are no material considerations which outweigh this harm, and the proposal therefore represents unsustainable development contrary to Policies 1, 2, 3, 9, and 26 of the Horsham District Planning Framework (2015), Policy HD1 of the Shipley Neighbourhood Plan, and the National Planning Policy Framework (2024).*
- 1.3 This statement addresses the reason for refusal and explains why the proposed development is acceptable when assessed against the development plan, the NPPF and other relevant material considerations.

2. Site Description and review of planning history

- 2.1 The application site measures approximately 0.237 acres in size and is located to the west of Sincox Lane, which until recently formed part of a wider holding known as Nightingale Farm, located approximately 2 miles south of Coolham.
- 2.2 The site consists of a single-storey portal-framed building, which is used for storage, with a gravelled driveway used for access. To the west of the site are a number of commercial equine facilities, including an office building, storage, stabling, sand-school and associated residential dwelling. Externally the frontage of the building consists of a mixture of wooden cladding at low level, with further corrugated iron panelling and roofing. When viewed from Sincox Lane, the building is largely set behind a mature hedgerow, with further trees located on the southern boundary of the site. The access is currently shared between the application site and Helford Barn, which are both under the same ownership.
- 2.3 A Certificate of Lawfulness was granted by the Council in September 2023 (LPA Ref: 23/1194) to confirm that the building had lawfully been in use for storage (B8) purposes for a period in excess of ten years. As such, the current lawful use of the building and associated land is B8 – storage and distribution. National guidance is clear that movement within the same use class does not require planning permission, and as such the building could be used for a range of storage and distribution purposes.
- 2.4 A short distance to the north-east of the application site is the Former Arun Feedmills Site which was granted planning permission in April 2024 for the erection of 8 dwellings (LPA Ref: DC/23/2278). The decision is a relevant material consideration because it concerns residential redevelopment of previously developed land in close proximity to the appeal site. Its weight depends upon the extent to which the locational circumstances, lawful fallback, accessibility and effects are materially comparable.
- 2.5 The Council's Policies Map confirms that the site is not located within a Conservation Area, nor are any statutorily listed buildings located within close proximity to the site. Furthermore, the site is located within Flood Zone 1 – the lowest risk of flooding from the rivers and the sea.

3. Description of development proposed

- 3.1 This application seeks outline planning permission for the erection of two dwellings following the demolition of the existing barn.
- 3.2 The proposal was submitted in outline form, and as such the exact layout, orientation, and design of the proposed dwellings will be addressed at a later reserved matters stage. However, this application is supported by illustrative plans that demonstrate that the site can accommodate two residential dwellings, with the required car parking and private amenity spaces.
- 3.3 The illustrative layouts illustrate that there is sufficient space within the application site to provide two dwellings measuring approximately 80.5sqm in size, with a paved driveway providing off-street parking to the front of the properties. At this stage it is proposed that the new dwellings would be accessed via the existing access to Helford Barn / the existing barns. Boundary treatments, and any relevant landscaping matters can be addressed at a later reserved matters stage, as can any details relating to the external materials of the properties.

4. Summary of relevant planning policies

- 4.1 When considering the merits of development that requires a planning application the Council, in its function as the local planning authority, has a requirement to determine that application in accordance with the policies of its Development Plan unless material considerations indicate otherwise¹.
- 4.2 Therefore, in preparing this planning statement consideration has been had to relevant policies of Horsham District Council's Planning Framework and the Shipley Neighbourhood Plan. The following local and national policies are relevant to this proposed development.
- 4.3 The Council's emerging Local Plan is undergoing a Main Modification consultation. At this stage the extent and nature of unresolved objections are not yet known, and therefore the emerging plan must be afforded limited weight.

Horsham District Planning Framework 2015

- 4.4 The Horsham District Planning Framework (HDPF) was adopted by the Council in November 2015. The Inspector that examined the HDPF stated that the Council must commence an early review of the Local Plan within 3 years of adoption.
- 4.5 **Policy 1 – Strategic Policy: Sustainable Development.** Policy 1 of the Local Plan largely replicates paragraph 11 of the NPPF in that it states that the Council will take a positive approach to determining planning applications that reflects the presumption in favour of sustainable development contained within the NPPF.
- 4.6 **Policy 2 – Strategic Development.** This policy seeks to maintain the rural character of the district whilst ensuring that the needs of the community are met through sustainable growth and sustainable access to services. Part 1 of the Policy seeks to focus development in and around the key settlement of Horsham, and allow growth in the rest of the district in accordance with the identified settlement hierarchy. Of particular relevance to this proposal is part 8 of the policy which seeks to:

¹ Planning and Compulsory Purchase Act 2004, section 38(6).

“Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

- 4.7 **Policy 3 – Strategic Policy: Development Hierarchy.** Policy 3 of the Local Plan identifies the development hierarchy for the area. The site is not located within a defined settlement for the purposes of Policy 3.
- 4.8 **Policy 4 – Strategic Policy: Settlement Expansion.** Policy 4 of the Local Plan states that outside of built-up area boundaries, the expansion of settlements will be supported where:
1. The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.
 2. The level of expansion is appropriate to the scale and function of the settlement type.
 3. The development is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services.
 4. The impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; and
 5. The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 4.9 **Policy 9 – Employment Development.** This policy states that redevelopment of employment sites and premises outside Key Employment Areas, must demonstrate that the site/premises is no longer needed and/or viable for employment uses.
- 4.10 **Policy 10 – Rural Economic Development.** Policy 10 of the Local Plan seeks to encourage and promote new sustainable rural economic development, however it does not restrict the loss of existing commercial uses.
- 4.11 **Policy 26 – Strategic Policy: Countryside Protection.** Outside built-up areas the rural character of the countryside will be protected against inappropriate development. Proposals must be of a scale appropriate to its countryside location.

Shipley Neighbourhood Plan

- 4.12 The Shipley Parish Neighbourhood Plan was adopted on 23rd June 2021 and as such forms part of the development plan for the parish.
- 4.13 **Policy Ship HD1: New Housing Development.** This policy states that applications for housing development within Shipley and Coolham villages and Dragons Green and Brooks Green hamlets will be considered favourably where the proposals:
1. Are infill development, or on previously developed land;
 2. Will not result in the outward extension of villages or hamlets onto greenfield land;
 3. The proposed development delivers new affordable housing;
 4. The proposed development reflects the scale and density of existing development in the village or hamlet;
 5. The proposed development responds positively to Shipley Parish Design Guidance.
- 4.14 **Policy Ship CO2: Employment.** This policy states that proposals that include units for start-up businesses, small scale employment units and other businesses will be supported. The policy does not seek to resist proposals for the loss of current employment sites or buildings.

Horsham DC – Facilitating Appropriate Development

- 4.15 Due to delays in the production of a replacement Local Plan, the Council produced a Facilitating Appropriate Development Document, which does not form part of the development plan. Paragraph 5.7 of the FAD states that the Council will consider positively applications outside of built up area boundaries (BUAB) that:
- Adjoin the existing settlement edge as defined by the BUAB;
 - The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
 - The proposal demonstrates that it meets local housing needs;
 - The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
 - The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

National Planning Policy Framework (NPPF)

- 4.16 The Government's national planning policies are set out in the 'National Planning Policy Framework' (NPPF). The NPPF was revised in August 2026, with a much greater emphasis on the delivery of new housing, particularly in areas of increased demand. The NPPF is a material consideration of vital importance in decision making.
- 4.17 It is noted that the revised NPPF (2026) was published after the Council issued their decision on this application.
- 4.18 Policy S3 of the NPPF (2026) states that decisions on development proposals should apply a presumption in favour of sustainable development. Outside of settlements this means that policy S5 should be applied.
- 4.19 Policy S5 of the NPPF (2026) states that only certain forms of development should be approved outside settlements, as set out in the following list. 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 NPPF. This includes:
- The replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration would not result in a disproportionate increase in size compared to the existing building; or
 - The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential).
- 4.20 In respects of Neighbourhood Plans, Policy S6 of the NPPF states For development proposals involving the provision of housing, the benefits of approving development are likely to be substantially outweighed by the adverse effects where proposal would conflict with a neighbourhood plan, provided the following apply:
- a. The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b. The neighbourhood plan contains allocations to meet its identified housing requirement (see policy HO2).

5 Grounds of Appeal – Appellant's Case

Reason for Refusal 1

5.1 For ease of reference, Reason for Refusal 1 is repeated below.

1. *The development would be located in 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 or a Made Neighbourhood Plan. The development would therefore be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements which would not be essential to its countryside location, and would result in the unjustified loss of a potentially viable employment asset, undermining the sustainable growth and vitality of the local rural economy. There are no material considerations which outweigh this harm, and the proposal therefore represents unsustainable development contrary to Policies 1, 2, 3, 9, and 26 of the Horsham District Planning Framework (2015), Policy HD1 of the Shipley Neighbourhood Plan, and the National Planning Policy Framework (2024).*

5.2 Whilst the application was refused for a single reason, in effect the reason contains two distinct considerations:

- Whether the proposal is in an acceptable location for residential development;
- Whether the loss of an employment building is acceptable.

5.3 These matters are now considered in turn.

5.4 The location of the appeal site outside the Built-Up Area Boundary (BUAB) is acknowledged. However, there are a number of key factors which indicate that in this case, planning permission should be granted.

5.5 The appeal site lies within a defined cluster of development, containing a range of uses and is occupied by an existing storage building that would be demolished. As such, the site would make effective use of land, and result in the positive redevelopment of brownfield land.

- 5.6 The proposal would not result in harm to the character of the area, nor would it negatively impact upon a protected landscape, or erode a settlement gap. The Council have identified no separate landscape or visual reason for refusal. It is therefore considered that the proposal accords with the premise of Policy 26 to protect the countryside against inappropriate development.
- 5.7 The Officer Report relies significantly on the proposal's distance from a defined settlement and likely car use of future residents. However, such an approach is contrary to the Council's decision at Arun Feedmills, just 150 metres to the north of this appeal site, where the Committee Report states that occupants would be "wholly reliant on the car" (paragraph 6.12 of Appendix 1). The Council gave substantial weight to the previously developed (brownfield) nature of the site, a 'fallback' position for B1 commercial use, and the lack of visual harm or harm to the landscape character of the countryside.
- 5.8 The same factors apply in this case, in that the proposal seeks to redevelop an existing brownfield site with a lawful B8 use, and the Council have accepted there would be no harm to the landscape character of the countryside. It is considered that the proposed residential use of the site would generate similar levels of traffic compared to the unrestricted lawful B8 use of the site. As such, the proposal has materially similar characteristics as the proposal at Arun Feedmills, and the Council's decision is contrary to the need for consistency in decision making.
- 5.9 Similar concerns are also raised in respect of the Council's approach to resisting the loss of B8 uses on the site. Under LPA reference DC/20/0757, the LPA granted planning permission for the change of use of a neighbouring industrial unit to residential uses. It is considered that the residential use of the neighbouring barn makes this B8 unit unsuitable for commercial use. A Certificate of Lawfulness was issued confirming that the lawful use of the building is for B8 storage and distribution. Therefore, it contains no restrictions on its operating hours or the number of vehicles which can enter and exit the building on any given day. Whilst there has been no viable interest in using the property, such an intense use would cause harm to the residential amenity of neighbouring properties.
- 5.10 The site is not a strategic or allocated employment site. It comprises a small stand-alone storage building within a mixed rural cluster. The local highway network may be capable of accommodating the limited movements associated with two dwellings, but the site's distance from the strategic road network reduces its attractiveness for a distribution use.
- 5.11 Notwithstanding this, any loss of employment uses would need to be considered in the context of the Council's land supply and age of the Local Plan.

- 5.12 The Council's December 2025 Authority Monitoring Report identifies only 1.7-year supply of housing land in the area. Similarly, the Council's Housing Delivery Test result is 62%. As a result, the Council have a poor recent record of both housing delivery and the forward projection of housing land. Thus, it is clear that the Council's land supply position has worsened since the approval of the nearby Arun Feedmills site, and there is a prolonged and significant housing land supply issue in the area.
- 5.13 The Council's land supply position and its implications have been tested at a number of planning appeals recently. In an appeal in Henfield (Appendix 2), an Inspector considered this shortfall to be 'significant' and it is considered that the same conclusion should be reached here. Furthermore, as the Shipley Neighbourhood Plan does not contain allocations meeting an identified housing requirement, it does not benefit from the protection afforded by Policy S6 of the NPPF.
- 5.14 Policy S3 and S5 of the revised NPPF (2026) state that certain forms of development outside of settlements are sustainable, and should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects. One such exception is the redevelopment of previously developed land, with the NPPF also permitting the replacement of existing buildings outside of settlements. The proposal accords with both of these requirements.
- 5.15 The proposal will ensure that land is used in an efficient manner, by replacing the underused storage unit with two residential dwellings in an area of high housing demand. This should be afforded substantial weight. Furthermore, owing to its small size the site can be built out relatively quickly, enabling it to make a contribution to housing supply in the area in the short term.
- 5.16 In respect of securing well-designed places, this application is submitted in an outline form, with all matters reserved except for access. Therefore, the designs of the respective dwellings is deferred to a later reserved matters application. Notwithstanding this, the application is supported by an illustrative site plan setting out how two residential dwelling can be comfortably accommodated within the plot.
- 5.17 The proposal would not cause harm to any designated heritage assets, and complements the character of the area. Similarly, the proposal would not cause harm to the residential amenity of neighbouring properties, would be acceptable from a highways perspective and would not cause harm to local ecology. These matters were accepted by the Council through the Officer's Report.

- 5.18 Having regard to the above, it is considered that any harms of the proposal are minimal, and do not significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal accords with Policies S3 & S5 of the NPPF and should be granted planning permission.

6 Conclusion and Planning Balance

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”. (*emphasis added*).
- 6.2 This report has highlighted that the proposed development, subject to this application for planning permission, is in accordance with the Council’s planning policies. In the Officer’s Report, the Council have already accepted that:
- i. Matters relating to the design and appearance of the proposal would be addressed at a reserved matters stage, and there is a cluster of surrounding development;
 - ii. The proposal can provide internal and external amenity space for future occupants;
 - iii. The proposed access is suitable and would not give rise to a significant material intensification of use in this existing access point.
 - iv. The proposal would not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects.
- 6.3 This Statement has identified that the Council have a significant undersupply of housing land supply, with the Council only being able to demonstrate a land supply of 1.7 years. In such circumstances, the policies of the development plan are considered to be out-of-date.. This requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.4 The Council’s Local Plan was adopted in 2015, and is based on historic and out of date Built Up Area Boundaries. The Council’s policies are also not considered to be consistent with the NPPF, and should therefore be afforded limited weight in the determination of this appeal.
- 6.5 Furthermore the recently revised NPPF places a much greater emphasis on the delivery of housing, and explicitly supports the delivery of housing on brownfield sites outside of settlements. The proposal would provide two residential dwellings and would make an efficient use of previously developed land and would contribute towards the much-needed supply of homes in the area. The proposal would provide a viable use for the building, and could be built relatively quickly. Economic benefits would be provided during construction, as well as providing an increase in footfall for neighbouring properties. These matters are considered to carry substantial weight.

- 6.6 Therefore, it is respectfully requested that this appeal is allowed, and planning permission is granted for this proposed development.