Planning Inspectorate

Appeal Decision

Site visit made 9 September 2026

by Claire Coles MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2026

Appeal Ref: 6012699
Land to the South of Amberley Close Playing Fields, Rowlands Road, Horsham, West Sussex RH12 4LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms Hongwei Ren against the decision of Horsham District Council.
- The application Ref is DC/25/1899.
- The development proposed is erection of 1no single-storey detached self-build / custom-build dwelling with associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address differs from the application form to the decision notice. That above has been taken from the decision notice as it more accurately reflects the location of the site. I am satisfied that the cases of the main parties would not be prejudiced by the use of the address on the decision notice.

3. A revised National Planning Policy Framework (the Framework) was published 17 August 2026. I have sought comments from the main parties on the revisions in respect to this appeal and have taken them into account in making my decision.

Main Issues

4. The main issues in relation to this appeal are:

    - Whether the proposed development would be appropriately located, with regard to Policy 43 of the development plan;
    - the effect of the proposed development on the character and appearance of the area; and
    - the effect of the proposed development on the living conditions of the occupiers of the proposed dwelling.

Reasons

5. The appeal site is located within the built-up area (BUAB) of Horsham on land which forms the edge of an area of open space to the north of Rowlands Road. The site is surrounded on three sides by residential development. The surrounding area

is suburban in character, with a mix of semi-detached two-storey properties and bungalows.

Open Space

6. Policy 43 of the Horsham District Planning Framework (HDPF) states that proposals that would result in the loss of sites and premises currently or last used for the purposes of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby. The appellant would also need to demonstrate that continued use of the site is no longer feasible, that the provision would be surplus or that replacement or enhancement would result.

7. I have not been directed towards a specific definition of what constitutes a community facility or leisure activity in the HDPF, however, the site is currently open space within a built-up area, the purpose of which would have a leisure/recreation use for the community. Open space is defined in the Framework glossary as '*all open space of public value….which offer important opportunities for sport and recreation and can act as a visual amenity.'* Policy HC7 of the Framework states development proposals should not result in the loss of existing open space unless certain criteria are met. It has not been put to me that any of the criteria would be met.

8. I have been directed towards the Planning Practice Guidance for a definition of local green space designation. However, local green space designation is a way to provide special protection against development for green areas of particular importance to local communities but does not define what could be considered as a community or leisure facility in the context of Policy 43 of the HDPF. The lack of local green space designation of the site does not mean the site does not fulfil a recreational use for the local community as open space.

9. The appellant contests the consideration of the site against Policy 43 as the site is not identified as protected open space within the development plan. However, Policy 43 does not identify sites, each site would be assessed against the policy on its own merits. The use of the site as a community facility is a function of how it is perceived and used by the local community and the Framework confirms open space offers important opportunities for sport and recreation and can act as visual amenity. The site clearly has a visual amenity value as open space and would offer the same opportunity for sport and recreation as the adjoining wider open space network.

10. Whilst I acknowledge the site's legal status is as public maintainable highway, this does not prevent it fulfilling the function of a community facility. Whilst there is a mechanism for the statutory stopping-up route under section 247 if planning permission were to be allowed, this does not indicate permission should be granted for the redevelopment of the site.

11. I acknowledge that Horsham does not have a deficit of open space when assessing the amount of open space provided per person against the identified standard, however, this does not diminish the contribution the site makes to the local community open space and recreational provision or the need to comply with Policy 43 of the HDPF regarding the loss of community facilities and the need to demonstrate that continued use of the site is no longer feasible.

12. In conclusion, I have not been provided with substantive evidence the proposed development would be appropriately located with regard to Policy 43 of the HDPF. The proposal would therefore conflict with Policy 43 of the HDPF and the Framework.

Character and appearance

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

14. National decision-making policy DP3 of the Framework states development proposals should respond to their context so they integrate with and enhance their surroundings. Proposals should be refused if, without clear justification, they conflict with Policy DP3 (1) of the Framework.

15. I have not identified harm in relation to the design of the proposal, however, the siting of the proposal would be completely at odds with the existing character of the site and the adjacent open space. The proposed development would introduce built form onto an otherwise undeveloped area of open land which has visual amenity value in its own right. The sense of openness would be lost through the addition of built form and the domestication of the site.

16. The estate was designed with the existing dwellings surrounding the appeal site facing onto the open space, as a focal feature in the group of dwellings. The redevelopment of the site would introduce a visually and physically intrusive form of development into an area characterised as open space.

17. In conclusion, the proposed development would have a harmful effect on the character and appearance of the area and conflict with policies 25, 32 and 33 of the HDPF and Policy DP3 (1) of the Framework. Together, these policies seek to protect the landscape character, including development patterns from inappropriate development, ensure development contributes a sense of place and conserves and enhances the natural and built environment.

Living conditions

18. The appeal site is constrained on three sides by residential development, with the focal point of the existing development being the appeal site. Although it is accepted there would be some degree of mutual overlooking in a surburban setting, the introduction of residential development onto an area that acts as a focal point for existing dwellings would lead to significant overlooking to the proposal and would harm the living conditions of the proposed occupiers.

19. Boundary screening of sufficient height to prevent overlooking and the perception of overlooking from the neighbouring dwellings, particularly to the outdoor amenity space would have a further negative impact on the character and appearance of the area by drawing further attention to the proposal.

20. In conclusion, the nature of the relationship between the site and surrounding development would fail to provide acceptable living conditions for the future occupiers of the dwelling through overlooking from the existing dwellings surrounding the site and would conflict with Policy 33 of the HDPF which seeks to

provide high quality design and avoid unacceptable harm to the amenity of occupiers.

Other Matters

21. The appellant has stated the dwelling would be a self-build dwelling although I have not been provided with a mechanism to secure the dwelling as a self-build. The Council are unconvinced by the evidence that the dwelling would be a self-build dwelling as it is not included on the Council's self-build register. However, this alone does not prevent the dwelling being a self-build dwelling.

22. A condition could be applied securing the dwelling as self-build requiring the first occupation of the dwelling by someone who has had primary input into the design and layout of the dwelling. Such a condition has not been put to me by either party, however, had the scheme been acceptable otherwise I would have sought the parties views on such a condition.

23. Policy HO1 of the Framework supports people wishing to build their own homes and Policy HO7 of the Framework gives substantial weight to the benefits of providing homes which will contribute towards the evidenced needs of the community. The Council acknowledge the need for self-build dwellings in the District and therefore I attach substantial weight to the benefit of a new self-build dwelling.

24. The appellant refers to pre-application discussions with Officers at the Council and points out that the proposal directly responds to the Council's pre-application advice. However, I am mindful that pre-application discussions are informal and not binding on any future decision the Council may make once a proposal has been subject to the formal application process.

25. I have been directed towards planning application DC/19/1382, however, I have not been provided with details of the case and the appellant acknowledges the site context is different. I am therefore unable to draw any direct comparison with the proposal.

26. Land ownership is a civil matter that has no bearing on the planning merits of the case.

27. Whilst I note the Council Landscape Officer has not objected to the proposal, the lack of objection does not equate to an absence of harm. The Landscape Officer comments must also be read with other factors taken into consideration when determining the appeal.

28. I acknowledge that the site has not been included in the Horsham District Council Asset of Community Value Register, however, this does not devalue the role the site plays in providing a community recreational facility and its visual amenity value as open space.

Planning Balance and Conclusion

29. The redevelopment of the appeal site for a single dwelling would result in the unjustified loss of open space used as a recreational facility by the community and would result in harm to the character and appearance of the area and to the living conditions of the future occupiers of the dwelling.

30. Policy S4 of the Framework sets out that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework.

31. Policies DP3 and HC7 of the Framework are two of the national decision-making policies where the benefits of approving development are likely to be substantially outweighed by the adverse effects.

32. The appellant notes the housing land supply within the District equates to 1 year and I have not been provided with evidence to the contrary, therefore for the purposes of the appeal I attach the benefit of additional housing substantial weight. However, given the scale of the proposed development, the benefits would be small, consequently, I attach moderate weight to them. I also acknowledge there would be economic benefits from the proposal through additional spend in the community in the construction phase and upon completion and its location within the BUAB makes it sustainable from a transport perspective. I acknowledge the appellant considers the site to make efficient use of land.

33. Taken together, although I have given substantial weight to the benefits of the provision of housing, the scale of the development tempers the weight I can give to the benefit overall as the proposal would not make a significant difference to the Council housing land supply. I find the benefits of the scheme would be substantially outweighed by its adverse effects when assessed against the national decision-making policies of the Framework. As such, Policy S4 of the Framework does not point to permission being granted in this instance.

34. Material considerations in the proposals favour are not of sufficient weight to suggest the decision should be made other than in accordance with the development plan.

35. For the reasons given above the appeal should be dismissed.

Claire Coles

INSPECTOR